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INTRODUCTION

This **twenty-ninth Annual Report of the Network of Concerned Historians (NCH)** contains news about the domain where history and human rights intersect, in particular about the censorship of history and the persecution of historians, archivists, and archaeologists around the globe, as reported by various human rights organizations and other sources. It mainly covers events and developments of 2022 and 2023.

Disclaimer. The fact that the NCH presents this news does *not* imply that it shares the views and beliefs of the historians and others mentioned in it.

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	2023	2022	2021	2020	2019	2018	2017	2016	2015
2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
2004	2003	2002	2001	2000	1999	1998	1997	1996	1995

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AFGHANISTAN

Previous *Annual Report* entries: 2000–2016, 2018, 2021–2022.

In [July] 2022, the Chinese ambassador in Kabul announced that a copper mine located underneath the Mes Aynak archaeological site, home of, among others, Buddhist monasteries and over four hundred Buddha statues, as well as remains of prior civilizations dating as far back as the third century BCE, would soon be opened. In 2007, the Chinese mining giant Metallurgical Group Corporation (now called the MCC-JCL Aynak Minerals Company [MJAM]) signed a contract to mine ore for a thirty-year period. In 2016, after the project had repeatedly been postponed due to financial disagreement between MJAM and the Afghan government, MJAM agreed for an archaeological excavation to take place. In three years, archaeologists unearthed thousands of objects. However, in 2019 the excavation was stopped due to a lack of funding. The site still contained many of the remains that had been too large or fragile to unearth, including many temples, and more layers of historical artifacts that had not yet been found were expected to lie above the copper.¹

In [August] 2022, UNESCO and heritage experts expressed concern over a Taliban construction project close to the site of the Bamiyan Buddha statues – the two largest standing Buddha statues in the world, that had been destroyed, as part of a wider campaign of destruction of pre-Islamic and Buddhist objects, by Taliban officials in 2001 [See NCH *Annual Report 2001*]. The project, aiming to “rebuild” a historic bazaar by turning it into a tourism complex, was thought to ruin the historic site of the former bazaar (late 19th or early 20th century), the niches in which the sixth-century Buddha statues had stood, and the adjacent fragile cliff of Buddhist monastery caves (sixth to eighth century), including the surviving cave frescos.²

On 20 December 2022, the Taliban banned all women, including students of archaeology, history and archival science, to study in public or private universities throughout Afghanistan.³

See also Australia, India, United Kingdom.

¹ [“Ancient Afghan Buddhist City Threatened by Chinese Copper Mine,”](#) *France 24* (22 June 2022); Aletta André, [“Taliban plannen lucratieve kopermijn, mogelijk ten koste van boeddhistisch erfgoed,”](#) *NOS* (4 August 2022).

² Emma Graham-Harrison, [“Fears over Building Works at Afghan Buddhas of Bamiyan Site,”](#) *Guardian* (2 August 2022).

³ Miriam Berger & Susannah George, [“Taliban Bans Women from All Afghan Universities,”](#) *Washington Post* (21 December 2022).

ALBANIA

Previous *Annual Report* entries: 1996, 2012, 2015–2022.

In [2022], it was revealed how the Communist government (1944–1991), faced with its imminent fall in 1990, decided to destroy immense amounts of archives: some 29,000 files disappeared – generally assumed to detail the crimes committed by the regime and identify their perpetrators. The files were turned into dough with pastry mixers, which could pulp almost a ton of documents each hour. The dough was then loaded on trucks and spilled into rivers or buried underground.⁴

On [1 September] 2022, former President Ilir Meta filed criminal charges against the Information Authority on Former State Security Documents (AIDSSH), after it had released documents showing that Meta had been involved with the Communist-era security police Sigurimi (1944–1991). Meta argued that the release violated the law on politicians' verification procedures [See NCH *Annual Report 2022*].

Also in [September], the ruling Socialist Party submitted two draft laws: one that would install further background checks for people who had worked for the Sigurimi during the Communist regime and aspired public office, and one that would allow authorities to reassess lustration certificates that had been issued in the past [See also NCH *Annual Report 2022*]. On 20 October 2022, the Socialist Party-controlled parliament approved these, but it blocked the proposal by the opposition Democratic Party to declassify all the Sigurimi documents and make them available to scholars and the wider public.⁵

On 17 January 2023, the 555th anniversary of the death of Skanderbeg (1405–1468), a feudal lord and military commander who had led a rebellion against the Ottoman Empire, President Edi Rama ordered school pupils to sing the national anthem every first day of the week. The decision was criticized as a use of nationalism to divert attention from claims of Rama's alleged corruption.⁶

See also Kosovo.

⁴ Naomi Tomky, "[How Albania's Government Kneaded Secret Documents Into Dough](#)," *Atlas Obscura* (24 August 2022); Gjergj Erebara, "[Albanian Ruling Party Blocks Public Access to Communist Files](#)," *Balkan Insight* (21 October 2022).

⁵ "[Ilir Meta Files Criminal Charges Against the Files Authority](#)," *Vox* (1 September 2022); Alice Taylor, "[Albanian Ruling Party Proposes Lustration for Electoral Candidates](#)," *Euroactiv* (6 September 2022); Fjori Sinoruka, "[Albania Moves Towards Declassifying Communist-Era Security Files](#)," *Balkan Insight* (10 October 2022); Gjergj Erebara, "[Albanian Ruling Party Blocks Public Access to Communist Files](#)," *Balkan Insight* (21 October 2022).

⁶ Gjergj Erebara, "[PM's Order to Sing National Anthem in Schools Divides Albanians](#)," *Balkan Insight* (18 January 2023).

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2019, 2021–2022.

Between 25–27 August 2022, the governments of Algeria and France agreed to open up their archives to a mixed commission of French and Algerian historians, to study contentious issues in the colonial period (1830–1962), including the independence war (1954–1962). When Algerian President Abdelmadjid Tebboune appointed five historians on 30 November 2022, it was reported that many relevant Algerian archives were still locked.

In late December 2022, a co-chairman of the commission, French historian from Jewish-Algerian origin Benjamin Stora [See NCH *Annual Reports* 2014, 2021], was attacked in an anti-Semitic article written by Lotfi Nezzar, son of former Defense Minister General Khaled Nezzar (1990–1993) [See NCH *Annual Reports* 2003, 2013, 2018] on the ultranationalist website *Algérie patriotique*. Stora and “his fellows and his ancestors” were accused of trying to impose a “Pax Judaica” on Algeria by pretending to be supporters of memorial reconciliation. Although few reacted to the racist defamation, President Tebboune in the French newspaper *Figaro* drew attention to the friendship between Stora and French President Emmanuel Macron.⁷

On 1 September 2022, authorities closed the headquarters of Santé Sidi El Houari, a group focused on preserving the cultural and historical heritage of the city of Oran. The governor of Oran had filed a complaint against the association in May, alleging “foreign funding without the approval of the competent authorities.” By the end of 2022, the administrative court of Oran had not yet issued a judgment, but the authorities had frozen the group’s activities.⁸

See also France.

⁷ Steven Philip Kramer, “[Macron in Algeria: The Weight of the Past](#),” *Wilson Center* (29 August 2022); Frédéric Bobin, “[Nomination de la partie française de la ‘commission mixte d’historiens franco-algérienne’](#),” *Le Monde* (26 January 2023).

⁸ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 26.

ANGOLA

Previous *Annual Report* entries: 2003, 2009, 2017, 2020.

On 20 August 2022, the corpse of former President José Eduardo dos Santos (1942–2022; in office between 1979–2017) was repatriated from Spain, where he had died, to Luanda. Coming four days before the national elections, the repatriation was criticized by some as a campaigning tool by sitting President João Lourenço (in office since 2017), who had succeeded Dos Santos as president and chairman of the Movimento Popular de Libertação de Angola (People’s Movement for the Liberation of Angola).⁹

In March 2023, it emerged that official excavations of the remains of those killed during the massacre of 27 May 1977 – a massacre of perhaps as many as 90,000 people used by then President Agostinho Neto and his followers to eliminate thousands of Angolan citizens for alleged involvement in a coup attempt that was never proven [See *NCH Annual Report 2016*] – were carried out recklessly. In 2018, children of those killed and disappeared in the massacre had set up an association, M27, demanding the truth about what happened, the recovery of their parents’ remains, and the issuing of death certificates.

In 2019, President João Lourenço had established a commission to investigate acts of political violence since independence in 1975, including the events of 1977 and the war with Unita rebels (1975–2002). On 26 May 2021, he had issued a public apology for the massacre and asked for forgiveness for this “great evil.” After an official investigation allegedly identified the remains, M27 members refused to provide their DNA to help identify the remains, insisting on an independent inquiry. Then, the government claimed that the remains of four key figures in the uprising had been found. However, a separate independent team of forensic anthropologists found that the bodies were in fact not connected to them. M27 said that some of the perpetrators were still alive, a few of them with significant roles in Angolan politics today.¹⁰

On 4 April 2023, during a ceremony for the twenty-first anniversary of the end of the Civil War (1975–2002), President João Lourenço decorated a former officer of the secret service who had been accused in multiple testimonies of crimes against humanity, including extrajudicial killings, during the war. This coincided with the posthumous decoration of one of the prime victims of the massacre of 27 May 1977

⁹ “[Dos Santos’s Body Arrives in Angola amid Tense Election Campaign](#),” *Al Jazeera* (21 August 2022).

¹⁰ Mary Harper, “[Angola’s 1977 Massacre: Tragic Twist for Orphans of Mass Killings](#),” *BBC News* (25 March 2023); Maarten van Munster & Joris van Wijk, “[Mistaken Identities: How Angola’s Reconciliation Process Derailed](#),” *Justiceinfo.net* (18 April 2023).

(see above). Lourenço was widely criticized for mixing victims and alleged perpetrators in the same ceremony.¹¹

ARGENTINA

Previous *Annual Report* entries: 1997–2022.

Twenty-eight years after 85 people died and more than 300 were injured in the 1994 bombing of the Asociación Mutual Israelita Argentina Jewish Center, court battles continued. In 2015, prosecutor Alberto Nisman, who had accused then-President Cristina Fernández de Kirchner of covering up Iran's role in the attack, was found dead. In 2018, a court of appeal said that he appeared to have been murdered. Nobody was convicted in connection with his death. In 2021, a federal court dismissed Nisman's accusation, saying that Fernández de Kirchner's actions did not constitute a crime. In August 2022, President Alberto Ángel Fernández said that Nisman had committed suicide and that he hoped that a prosecutor who charged Vice President Fernández de Kirchner with corruption would not do the same [See also NCH *Annual Reports 2011, 2014, 2016–2021*].¹²

In 2022, Formosa Province authorities denied the pre-colonial existence of the Nivaclé people and thus refused to issue birth certificates and identity cards to its people, especially the elderly. According to civil society organizations, about thirty percent of them remained without identity documents, violating their right to identity and putting them at risk of statelessness.¹³

See also Netherlands, United Kingdom.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010, 2014–2016.

See Türkiye.

¹¹ Maarten van Munster & Joris van Wijk, "[Mistaken Identities: How Angola's Reconciliation Process Derailed](#)," *Justiceinfo.net* (18 April 2023).

¹² Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 37.

¹³ Amnesty International, *Report 2022/2023: The State of the World's Human Rights* (London: AI, 2023), 76.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009, 2014–2016, 2018–2022.

In a ground-breaking decision, the United Nations Human Rights Committee (HRC) on 22 September 2022 found that Australia’s failure to adequately protect indigenous Torres Islanders against adverse impacts of climate change violated their rights to culture and privacy. In their complaint, the Islanders had claimed that climate changes had direct harmful consequences on their livelihood, culture, and traditional way of life. Severe flooding had destroyed family graves and left human remains scattered across their islands. They argued that maintaining ancestral graveyards and visiting and communicating with deceased relatives were at the heart of their cultures. In addition, the most important ceremonies, such as coming-of-age and initiation ceremonies, were only culturally meaningful if performed in the community’s native lands. The Islanders also argued that climate changes had reduced the amount of food available from traditional fishing and farming. The HRC took into account the Islanders’ close spiritual connection with their traditional lands, and the dependence of their cultural integrity on the health of their surrounding ecosystems.¹⁴

In [October] 2022, two expert witnesses in the trial against former military lawyer David McBride were not allowed to give testimony because it would allegedly harm public interest. McBride was under prosecution for having leaked documents to ABC News which subsequently lay at the basis of the Brereton Inquiry into war crimes committed by the Australian Defense Force during the War in Afghanistan (2001–2021), that had been published in November 2020 [See also NCH *Annual Report 2022*]. He faced five charges, including unauthorized disclosure of information and breaching the Defense Act. The McBride trial and the expert witnesses decision were heavily criticized by international lawyers and whistleblower protection organizations.¹⁵

On 27 October 2022, the Court of Appeals ruled that Tim Anderson, a senior lecturer in the Political Economy Department of Sydney University (1998–2019), was unlawfully dismissed in February 2019 for imposing a swastika over an Israeli flag in a slideshow presentation about media coverage of the Palestine conflict. The court found that he was allowed to express even “deeply offensive and insensitive” views under the banner of intellectual freedom as long as they did not harass, vilify, or

¹⁴ United Nations Human Rights Committee, [Daniel Billy et alii versus Australia](#) (UN Doc. CCPR/C/135/D/3624/2019) (22 September 2022); United Nations Human Rights Committee, “[Australia Violated Torres Strait Islanders’ Rights to Enjoy Culture and Family Life, UN Committee Finds](#)” (Press release; 23 September 2022).

¹⁵ Christopher Knaus, “[David McBride Will Face Prosecution after Blowing Whistle on Alleged War Crimes in Afghanistan](#),” *Guardian* (27 October 2022).

intimidate anyone. Backed by the National Tertiary Education Union, Anderson had initially lost his lawsuit against Sydney University in November 2020.¹⁶

In mid-January 2023, President of Timor-Leste and 1996 Nobel Peace Prize laureate José Ramos-Horta called on the Australian government to finally release secret documents relating to the Indonesian invasion and occupation of his country (1975–1999), particularly to the “Balibo Five.” On 16 October 1975, five Australian television reporters were killed while filming an attack of the Indonesian army on the village of Balibo in the run-up to its impending invasion of the former Portuguese colony of East Timor. There was evidence, unearthed in 2007, that they were executed by members of the Indonesian Special Forces (Kopassus). Intelligence reports showed that Australian officials knew about the Indonesian operation in advance, but the bulk of Australian government archival documents in connection with Balibo, the invasion of East Timor and resulting 24-year occupation were inaccessible for national security reasons. The push to declassify intelligence records about Balibo had been led by Clinton Fernandes, a former Australian army intelligence officer working at the University of New South Wales, Sydney [See also NCH *Annual Reports 2001, 2007, 2010–2011, 2014–2015, 2022*].¹⁷

On 1 June 2023, Australia’s most-decorated living soldier Ben Roberts-Smith (1978–) lost a defamation case against journalists Nick McKenzie, Chris Masters and David Wroe from newspapers *The Sydney Morning Herald*, *The Age* and *The Canberra Times* who had accused him in a series of 2018 articles of war crimes in Afghanistan. The outlets were sued over articles alleging he killed unarmed prisoners while serving with Australia’s elite Special Air Service Regiment (SAS) in Afghanistan between 2009 and 2012. The civil trial was the first time a court has assessed accusations of war crimes by Australian forces. Justice Anthony Besanko ruled that four of the six murder allegations – all denied by Roberts-Smith – were substantially true. In the wake of the trial, it became known that Roberts-Smith had invoked a special forces code of silence to intimidate witnesses, and also smeared and threatened others. The case came after the landmark Brereton report in November 2020 (see above) found credible evidence that Australian forces had unlawfully killed 39 civilians and prisoners in Afghanistan from 2007 to 2013 [See also NCH *Annual Report 2022*].¹⁸

¹⁶ [“Sydney University Wrong to Fire Lecturer over Swastika on Israeli Flag, Judge Says,”](#) *SBS News* (28 October 2022).

¹⁷ Chriss Barrett, [“‘Long Overdue’: Ramos-Horta Calls on Australia to Release Balibo Files,”](#) *Sydney Morning Herald* (16 January 2023).

¹⁸ Jamier McKinnell, [“Everything You Wanted to Know about Ben Roberts-Smith’s Defamation Case,”](#) *ABC News* (29 June 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 23–24; Tiffanie Turnbull, [“Ben Roberts-Smith: How War Hero’s Defamation Case Has Rocked Australia,”](#) *BBC News* (31 May 2023); Tiffanie Turnbull, [“Ben Roberts-Smith: Top Australian Soldier Loses War Crimes Defamation Case,”](#) *BBC News* (1 June 2023); Tom Housden & Tiffanie Turnbull, [“Ben Roberts-Smith Case: Will Australia See a War Crimes Reckoning?”](#) *BBC News* (3 June 2023); [“Australia: MEAA Welcomes Defamation Judgement on Alleged War Crimes in Afghanistan,”](#) *Ifex* (4 June 2023); Nicholas Yong, [“Ben Roberts-Smith Threatened Witnesses in Defamation Trial, Judge Says,”](#) *BBC News* (6 June 2023).

See also Iran, Papua New Guinea, United Kingdom, Vietnam.

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009, 2018, 2020.

See Bosnia-Herzegovina.

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2013, 2015–2022.

As of 31 December 2022, more than six years after it started, the case against writer of historical novels Akram Aylisli (1937–; pen name of Akram Najaf oglu Naibov) was still ongoing [See NCH *Annual Reports 2013, 2016, 2019*].¹⁹

¹⁹ International PEN, *Case List 2022* (London: PEN, 2023), 61.

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012, 2015–2017, 2021–2022.

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2019, 2021–2022.

On 15 July 2022, a Hindu temple was vandalized in Narail district, Khulna, after Akash Saha, a Hindu boy who was later arrested, had made a “blasphemous” Facebook post. Five Muslim men were arrested for instigating the violence. The Hindu, Buddhist, Christian Unity Council reported seventy cases of attacks, looting or vandalism of places of worship in 2021.²⁰

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011, 2014–2022.

The dismissal, arrest and detention of historians and history producers, in the context of the protests against President Aliaksandr Lukashenko’s landslide 9 August 2020 re-election, which the opposition and many governments had denounced as fraudulent, continued in 2022 and 2023 [See also NCH *Annual Reports 2021–2022*]:

- On 8 July 2021, Andrej Skurko, former editor of newspaper *Nasha niva* and author of the magazine *Nasha historyja* (Our History), was detained and charged with creating debts and causing mass disturbance. On 15 March 2022, he was sentenced to 2,5 years in a penal colony. Together with Skurko, authorities arrested Andrei Dynko, chief editor of *Nasha historyja*, on charges of violating public order. Dynko was released on 21 July 2021, but remained under travel restrictions. Another author for *Nasha historyja*, Andrej Akuška, was also sentenced to 2,5 years in a penal colony.²¹
- On 17 December 2021, Eduard Palčys, a former history student at Belarusian State University, blogger and founder of the website 1863x.com, where he analyzed historical events and their geopolitical relevance, was sentenced to thirteen years in prison. In March 2022, he was transferred

²⁰ “[Bangladesh Government ‘Failing to Protect Minorities’](#),” *UCA News* (19 July 2022).

²¹ PEN Belarus, [Monitoring Violations of Cultural Rights and Human Rights of Cultural Figures: Belarus, January–September 2022](#) (27 October 2022); “[Andrei Dynko](#),” *Viasna Human Rights Center* ([no date]).

to a high-security “covered prison,” known for its dire conditions, on charges of “disturbing order at the place where the sentence is being served.” As of September 2022, Palčys had spent at least ten days in solitary confinement.²²

- On 15 March 2022, history student Anastasia Voytovich (Vaitovich) [See NCH *Annual Report 2022*] was sentenced to three years’ imprisonment for participation in a “human chain.” She had spent almost four months in pre-trial detention and had been declared a political prisoner on 14 December 2021. Voytovich fled Belarus.²³
- On 10 May 2022, it became known that Dzmitry Niachajeu, a third-year student of the Faculty of History at Belarusian State University, had been detained in Minsk for a post on Instagram.²⁴
- On 9 June 2022, Mikita Śliepianok, moderator of the Telegram channel *Rezystans* (Resistance) for Belarussian history and culture, was sentenced to three years in a high-security penal colony.²⁵
- On 13 September 2022, Evgeny Gurinov, a history Ph.D. student at Belarusian State University, was detained and charged with participation in a protest.²⁶
- On 21 September 2022, fourth-year history student Matsvei Hrankevich (Matvey Grinkevich) [See NCH *Annual Report 2022*] was sentenced to 26 months’ imprisonment in a strict regime colony and put on the “list of terrorists.”²⁷
- On 8 October 2022, Ihar Baranouski, a local historian from the Brest region and editor of the Greek Catholic Church newspaper *Tsarkva*, was sentenced to fifteen days of administrative arrest for posting a video of the Belsat TV channel on Facebook (Belsat was considered an “extremist resource” by the authorities). In 2020, Baranouski had been detained for participating in protests against President Lukashenko’s re-election.²⁸
- On 18 October 2022, Sviatlana Silova, a history Ph.D. candidate and associate professor of Hrodna State University, was detained for several days and fined for “storage and distribution of extremist

²² “Eduard Palchys Is a Political Prisoner: Joint Statement by Human Rights Organizations,” *Human Rights House* (5 October 2016); PEN Belarus, [Monitoring Violations of Cultural Rights and Human Rights of Cultural Figures: Belarus, January – September 2022](#) (27 October 2022).

²³ Belarusian Students’ Association, [The State of Academia in Belarus 2021](#) (Belarusian Students’ Association, February 2022), 13; Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 3* (March 2022), 3; “Anastasiya Vaitovich,” *Viasna Human Rights Centre* ([22] March 2022); Belarusian Students’ Association, *State of Belarusian Academia 2022* (no place: BSA, 2023), 4–5.

²⁴ Belarusian Students’ Association, *State of Belarusian Academia 2022* (no place: BSA, 2023), 6.

²⁵ PEN Belarus, [Monitoring Violations of Cultural Rights and Human Rights of Cultural Figures: Belarus, January–September 2022](#) (27 October 2022).

²⁶ Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 9* (September 2022), 2.

²⁷ Belarusian Students’ Association, [The State of Academia in Belarus 2021](#) (Belarusian Students’ Association, February 2022), 16; Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 9* (September 2022), 1; Belarusian Students’ Association, *State of Belarusian Academia 2022* (no place: BSA, 2023), 7.

²⁸ Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 11* (November 2022), 3.

materials.” Later that month, she was dismissed. The reason remained vague. Silova was the most important researcher of Belarussian confessional history.²⁹

- In October 2022, the State Security Committee of the Republic of Belarus (KGB) added Andrei Petrovsky, a history and social science teacher at the Smorgon gymnasium, to the lists of persons “involved in extremist activities.” In March [2022], Petrovsky had shown 11th-graders a video titled “The Constitution has gone into prostitution.” One of his students then denounced him to the authorities, and he was sentenced to eighteen months in a penal colony for “defamation of the President.”³⁰
- In [November or December] 2022, Siarhei Kozel, a history teacher at secondary school No. 30 in Minsk, was detained. He remained in detention as of January 2023. The reason for his detention was unknown.³¹
- On 30 November 2022, Vitold Yermalionak, a local historian, teacher, and head of the museum association Heritage of the Miory Region, was detained in Miory, Vitebsk, together with his son. The reason for their detention was unknown.³²
- On 14 December 2022, Vitali Mohuchau, a history teacher at Minsk State College of Architecture and Civil Engineering, was detained. The reasons for the detention, as well as Mohuchau’s whereabouts, were unknown.³³
- On 5 and 6 January 2023, two first-year students at the Faculty of History of the Belarussian State University were detained. One of them, Aliaksei Ramanovich, was accused of participating in a strike at Lida Gymnasium in 2020. Both were fined.³⁴
- On 9 January 2023, a history student (name unknown) at the Faculty of History of Belarussian State University, was detained while participating in an exam, and released the same day.³⁵
- On 13 January 2023, a tourist group (about eighty people) and its guides were detained. Among the guides were a history teacher (name unknown), an assistant at the department of economic history of Belarussian State Economic University (name unknown), and Ivan Satsukevich, a specialist in the history of Minsk. All tourists were reportedly released after five hours, the guides were detained for 72 hours. The reason for their detention was unknown.³⁶

²⁹ Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 10* (October 2022), 1. Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 11* (November 2022), 3.

³⁰ Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 10* (October 2022), 1.

³¹ Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 1* (January 2023), 2.

³² Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 12* (December 2022), 5.

³³ Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 12* (December 2022), 5.

³⁴ Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 1* (January 2023), 3.

³⁵ Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 1* (January 2023), 3.

³⁶ Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 1* (January 2023), 2.

- On 3 March 2023, Ales Bialiatski (Alieś Bialiacki) (1962–), human rights activist, scholar of the history of Belarusian literature and winner of the 2022 Nobel Peace Prize alongside Memorial and the Ukrainian Center for Civil Liberties (see below under Russia), was sentenced to ten years in prison for “actions grossly violating public order.” Bialiatski had previously been sentenced to 4,5 years in prison on charges of tax evasion in August 2011 and had been arrested on 14 July 2021 on the same charges together with two colleagues from the Viasna Human Rights Center.³⁷
- On 18 April 2023, two students from the Faculty of History of Belarusian State University, Safia Helman and Daniil Karankevich, were arrested. Helman received ten days of administrative arrest for unknown reasons. After the arrest, security forces released a video of Karankevich in which he allegedly claimed to have participated in a 2020 protest against the re-election of President Lukashenko.³⁸
- On 30 May 2023, journalist and local historian Jaŭhien Mierkis was sentenced to four years of imprisonment in a penal colony for “facilitating” and “participating” in an “extremist organization” for his documentation of the 2020 protests.³⁹

In early December 2021, Larysa Shchyryakova ([1974]–), a historian by education and a freelance journalist working for Belsat TV channel and the human rights website Gomel Spring, was put in pre-trial detention [See NCH *Annual Report 2022*]. Her son was placed in a “social pedagogical center.” Shchyryakova had previously been working on a project to document the testimonies of the families of Soviet-era dissidents, *The Murdered and the Forgotten*.⁴⁰

Throughout 2022, military cemeteries of Polish soldiers were repeatedly vandalized, with no one held to account. In early July 2022, authorities destroyed a memorial for soldiers of the Home Army – Poland’s underground resistance movement that fought the Soviet and Nazi occupiers during World War II in unison with the London-based government-in-exile, and is believed to have consisted of between 200,000 and 600,000 people – in Mikulishki, Grodno, with 22 crosses being removed and the memorial razed to the ground. Furthermore, on 25 August, authorities allegedly demolished a memorial

³⁷ PEN Belarus, [Monitoring Violations of Cultural Rights and Human Rights of Cultural Figures: Belarus, January–September 2022](#) (27 October 2022); “Belarus: Trial against Nobel Peace Prize Laureate Ales Bialiatski a ‘Shameful Pretense’ of Justice,” *Amnesty International* (5 January 2023); Andrew Osborn, “Belarus Jails Nobel Winner Bialiatski for 10 Years; EU, US Protest,” *Reuters* (3 March 2023).

³⁸ Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 4* (April 2023), 4.

³⁹ PEN Belarus, [Monitoring Violations of Cultural Rights and Human Rights of Cultural Figures: Belarus, January–September 2022](#) (27 October 2022); “Яўген Меркіс,” *Viasna Human Rights Center* ([no date]).

⁴⁰ Larysa Shchyryakova & Yauhen Merkis, “Fear and Loathing in Belarus,” *Index on Censorship*, 50 no. 1 (2021), 24–25; *Index on Censorship*, Newsletter (13 January 2022).

site containing graves of Home Army fighters in Surkonty: a day after Polish authorities announced that they would remove a monument to Soviet Red Army soldiers, which did not contain any graves.⁴¹

Throughout 2022, authorities targeted schools, bookshops and publishing houses teaching, selling or publishing in Belarusian (despite its status as an official language), regarding it as language of the political opposition. Belarusian-speaking activists, academics, literary and cultural figures and tour guides faced arbitrary arrest. Between January and September 2022, PEN Belarus found 94 violations against sites of historical and cultural heritage or the Belarusian language. On 3 September 2022, a Commission monitoring the quality of books was created. Its main task was to control bookstores for the “ideological component and artistic quality” of their products. In the third quarter of 2022, six books were added to a list of “extremist materials,” including Anatol Taras’s *A Short Course of the History of Belarus of the IX–XXI Centuries*. On 9 January 2023, the Central District Court of Minsk ruled that twelve books on Belarussian history were “extremist materials.” Most of them were related to the “Great Patriotic War” (1941–1945) [See also NCH *Annual Report 2022*].⁴²

In February 2022, immediately after the Russian invasion of Ukraine, a controversial constitutional referendum took place to introduce into the Basic Law, amongst other provisions, the following: “Article 15: The State shall be responsible for the preservation of the historical, cultural and spiritual heritage and the free development of the cultures of all ethnic communities living in the Republic of Belarus. The State ensures the preservation of historical truth and memory of the heroic feat of the Belarusian people during the Great Patriotic War”; “Article 32: Parents or persons in loco parentis have the ... duty to ... instil culture and respect for the laws, historical and national traditions of Belarus. ... Children may be separated from their family against the will of their parents and other persons in loco parentis only on the basis of a court decision if the parents or other persons in loco parentis fail to fulfil their duties”; and “Article 54: Everyone is obliged to protect the historical, cultural, spiritual heritage and other national values. The manifestation of patriotism, the preservation of the historical memory of the heroic past of the Belarusian people are the duty of every citizen of the Republic of Belarus” [See also NCH *Annual Report 2022*]. The constitutional amendment was clearly inspired by the June 2020 changes in the Russian Constitution [See NCH *Annual Report 2021*].⁴³

⁴¹ Alicja Ptak, “[Poland Lodges Protest over Demolition of WWII Soldiers’ Cemetery in Belarus](#),” *Notes from Poland* (6 July 2022); “[Poland Says WWII Grave Destroyed by Russian Ally Belarus](#),” *Al Jazeera* (25 August 2022); Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 89.

⁴² PEN Belarus, [Monitoring Violations of Cultural Rights and Human Rights of Cultural Figures: Belarus, January–September 2022](#) (27 October 2022); Asveta, *Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 1* (January 2023), 4; Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 91.

⁴³ European Commission for Democracy through Law (“Venice Commission”), *Belarus: Draft Amendments and Additions to the Constitution of the Republic of Belarus* (Opinion No. 1054/2021) (CDL-REF(2022)007)

A September 2022 publication listed the following among recent examples of arbitrary arrest in Belarus: speaking Belarusian on the street; providing a small independent historical city tour free of charge; opening a book shop with Belarusian history books and literature; singing a Ukrainian song in public; or posting pictures with the historical “red-white-red” flag of Belarus. One could be punished with five-to-eight years of imprisonment for stating that the USSR and Germany illegally attacked Poland in 1939, or for denying and trivializing the “genocide of the Belarusian people” during 1941–1945 and up and until December 1951 [See also NCH *Annual Report 2022*]. In November 2022, the Interior Ministry banned the use of the traditional salute “Long Live Belarus,” adding it to the list of “Nazi symbols and paraphernalia.”⁴⁴

On 1 September 2022, President Aliaksandr Lukashenko, who has a history degree, held an open four-hour history lecture for high school students and students at the Palace of Independence. During the lecture, he threatened Denis Znak, a first-year biology student who had asked a critical question related to the 2020 protests.⁴⁵

On 3 September 2022, Belsat camerawoman and graduate from the Faculty of History and Philology of Mahiliou State University, Darya Chultsova was released after having served a full sentence in a women’s penal colony in Homiel for covering a memorial service in November 2020 [See NCH *Annual Report 2022*].⁴⁶

See also Russia.

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012, 2021–2022.

On 31 December 2022, the mandate of the parliamentary Commission spéciale chargée d’examiner l’État Indépendant du Congo et le passé colonial de la Belgique au Congo, au Rwanda et au Burundi (Special Commission on the Colonial Past) on the history of the colonization of Congo (by King Leopold II in the Congo Free State in 1885–1908 and by Belgium in 1908–1960), and Rwanda–Urundi

(Strasbourg: 14 February 2021); Ulad Belavusau, “[The “Year of Historical Memory” and Mnemonic Constitutionalism in Belarus](#),” *Verfassungsblog* (8 September 2022).

⁴⁴ Ulad Belavusau, “[The “Year of Historical Memory” and Mnemonic Constitutionalism in Belarus](#),” *Verfassungsblog* (8 September 2022); Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 91.

⁴⁵ Belarusian Students’ Association, *State of Belarusian Academia 2022* (no place: BSA, 2023), 15–16.

⁴⁶ “[Belsat Journalist Darya Chultsova Released After Two Years in Penal Colony](#),” *Belsat* (4 September 2022).

(as trust and mandate territories, 1922–1962) ended and was not renewed, even though none of its recommendations were accepted. In October 2021, the commission had published its 689-page report, and issued 128 recommendations, including the establishment of a remembrance day, the erection of a monument to the victims of “human zoos,” the declassification of archives and the issuing of an official apology to the victims of colonialism. However, on 19 December 2022, a majority in parliament voted against the issuing of an apology, reportedly out of fear that it could lead to reparation lawsuits. It remained unclear how the government would respond to the commission’s other recommendations [See also NCH *Annual Report 2022*].⁴⁷

On 4 July 2023, in *Hurbain versus Belgium*, the European Court of Human Rights ruled, twelve votes to five, that the order to a newspaper publisher to anonymize the online archived version of a lawful article published twenty years earlier, on grounds of the “right to be forgotten” of the individual responsible for a fatal accident was not a violation of the outlet’s freedom of expression. In 2013 daily newspaper *Le Soir* was ordered in a civil judgment to anonymize, on grounds of the “right to be forgotten,” the electronic archived version of an article originally published in 1994 in the newspaper’s print edition and placed online in 2008. The article mentioned the full name of G., the driver responsible for a fatal road-traffic accident. The applicant appealed, without success. In a judgment of 22 June 2021 [See NCH *Annual Report 2022* under Italy), a Chamber of the Court held, by six votes to one, that there had been no violation of Article 10. On 11 October 2021 the case was referred to the Grand Chamber at *Le Soir*’s request.⁴⁸

See also Bosnia-Herzegovina, Congo (Democratic Republic), Guatemala, Rwanda.

BELIZE

Previous *Annual Report* entries: 2014.

⁴⁷ Gaëlle Ponselet, “[Belgian Colonial Past: Commission Fails on Apology to Victims](#),” *Justiceinfo.net* (19 January 2023); Julia Crawford, “[Colonial Crimes: The Reparations Movement Stalls in Europe](#),” *Justiceinfo.net* (11 April 2023).

⁴⁸ European Court of Human Rights, [Hurbain versus Belgium: Judgment](#) (Application no. 57292/16) (2021); European Court of Human Rights (Grand Chamber), [Hurbain versus Belgium: Judgment](#) (Application no. 57292/16) (2023).

BENIN

Previous *Annual Report* entries: –.

In November 2021, 26 artworks stolen by French colonists from the then Kingdom of Dahomey during the First (1890) and Second Franco-Dahomean Wars (1892–1894) were restituted. The artworks were supposed to be exhibited at a museum in a former Portuguese fort in Ouidah. However, from [January 2023] onward they were stored instead in boxes at the Marina Palace, the official residence of President Patrice Talon. It remained unclear when they would be moved elsewhere. The artworks were scheduled to be permanently housed at the Museum of the Kings and Amazons of Dahomey in Abomey, which was supposed to be ready at the end of 2022, but not expected to open before January 2024.⁴⁹

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2022.

In 2022, the authorities made insufficient efforts to hold accountable officials responsible for human rights violations under authoritarian governments between 1964–1982. Only a handful had been prosecuted. The armed forces generally refused to share information. After camping outside the Justice Ministry for more than a decade, several victims' associations signed an agreement with the government in August 2022, in which the Luis Arce administration (2020–) committed itself to reparation payments to victims or family members of various authoritarian-era abuses.⁵⁰

On 17 October 2022, the Inter-American Court of Human Rights (IACHR) ordered the government to open military archives concerning a case of assassination and forced disappearance. In the judgment *Flores Bedregal versus Bolivia*, the IACHR found Bolivia responsible for the 1980 disappearance of activist Juan Carlos Flores Bedregal and emphasized that it had an obligation to guarantee the right to the truth and the right to access information by releasing military documents. In the case of historical human rights investigations, successive governments had routinely denied access to military and police records to families of the disappeared, official truth commissions, and even State prosecutors.⁵¹

⁴⁹ Kate Brown, "[Twenty-Six Royal Objects Looted from Benin by French Soldiers Are Going on View in Paris – Briefly – before Being Returned](#)," *Art News* (25 October 2021); Rachida Houssou, "[Why Treasures Returned to Benin Are Still in Boxes](#)," *Justiceinfo.net* (7 April 2023).

⁵⁰ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 83.

⁵¹ Inter-American Court of Human Rights, [Caso Flores Bedregal y otras versus Bolivia: sentencia](#) (2022); National Security Archive, "[State of Bolivia Must Guarantee Right to Truth in Forced Disappearance Case](#)" (24 January 2023).

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2022.

On 8 July 2022, a report of the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence assessed the official measures adopted to address the atrocities committed during the 1991–1995 armed conflict. It stressed the inadequacy of reparation measures, memorialization processes and history teaching, and measures aimed at promoting inter-ethnic understanding, combating discrimination and curbing incendiary nationalisms, while warning about the tangible risks that these deficiencies posed to peace in the country [See also NCH *Annual Reports 2021–2022*].⁵²

In [October] 2022, the Institute for Research of Genocide Canada launched a petition to prevent Serbian-Canadian film director Boris Malagurski’s documentary “Republika Srpska: The Struggle for Freedom” to premiere in Germany, Switzerland, Austria, Belgium, and the Netherlands, because it allegedly denied the 1995 Srebrenica genocide and questioned the legitimacy of the International Criminal Tribunal for the former Yugoslavia and the United Nations. Malagurski denied the claims. As of 13 October, the petition had been signed more than 15,000 times, leading to the cancelation of four screenings.⁵³

BOTSWANA

Previous *Annual Report* entries: 2018.

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2022.

On 8 January 2023, when in the aftermath of the October 2022 presidential elections thousands of rioters ransacked the presidential palace in the capital Brasilia, large parts of the historical art collection –

⁵² United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, *Visit to Bosnia and Herzegovina* (UN Doc. A/HRC/51/34/Add.2) (8 July 2022).

⁵³ Azem Kurtic, “[Petition Targets Bosnian Serb History Film for ‘Genocide Denial’](#),” *Balkan Insight* (13 October 2022).

accumulated since the presidency of Juscelino Kubitschek (1956–1961), when the capital was built – suffered irreparable damage. It included paintings and wooden and bronze sculptures.⁵⁴

On 24 May 2023, Google removed a highly controversial game called *Simulador de Escravidão* (slavery simulator) from its app store, after it caused much outrage. The app, launched by Magnus Games on 20 April 2023, allowed players to “exchange, buy and sell slaves” and to inflict various forms of torture on black characters. The game was widely condemned as violent, cruel, criminal, hateful, and racist. The office of the Public Prosecutor opened an investigation into how the game had been allowed to be placed in the app store. More than four million enslaved people were taken to Brazil in the course of its history. In 1822, 1.5 million of the 3.5 million people living in Brazil were enslaved. Slavery was abolished in 1888 only.⁵⁵

See also Lebanon, Ukraine.

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012, 2015–2017, 2019–2020, 2022.

See North Macedonia.

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005, 2013, 2015–2018, 2021–2022.

On [Sunday 23 May] 2021, also known by Christians as Pentecost, extremists destroyed the Parish Saint Paul church in Sandikpenga, Est Region, in an arson attack. On 8 November 2021, the International Missionaries Society reported that 552 evangelical churches had closed in the Est Region. On 12 February 2022, armed men suspected to be Islamist militants severely damaged the St. Kisito de Bougui

⁵⁴ [“Brazil Protests: Artwork Suffers Damage Beyond Repair,”](#) *BBC News* (9 January 2023).

⁵⁵ Matt Murphy, [“Google Removes ‘Slavery Simulator’ Game amid Outrage in Brazil,”](#) *BBC News* (26 May 2023).

seminary in Bougui. On 29 August 2022, a group of 700 imams and Muslim preachers denounced “religious and ethnic intolerance” and urged to “promote national reconciliation.”⁵⁶

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2015, 2017–2021.

Throughout 2022, the Truth and Reconciliation Commission (TRC) continued to exhume the bodies of victims of the 1972 Ikiza (“Catastrophe”) or Ubwicanyi (“killings”) – a series of mass killings, often characterized as a genocide, by the Tutsi dominated armed forces against primarily the Hutu population, leading to the death of between 100,000 and 300,000 people – using contested methods. The TRC had for a long time been accused by local human rights groups and international actors of having a bias toward portraying the Hutu population as the sole victims of the killings, in line with the historical narrative of the governing party Conseil national pour la défense de la démocratie – Forces pour la défense de la démocratie (CNDD–FDD; National Council for the Defense of Democracy – Forces for the Defense of Democracy).

In March 2022, the TRC proposed a genocide denial bill to punish anyone who denied that a genocide against the Hutu people had taken place in 1972. Amnesty International expressed concern that the bill would further restrict the already shrinking civic space and repress the right to freedom of expression.⁵⁷

On 7 September 2022, General Gervais Ndirakobuca, who was under international sanctions and under investigation of the International Criminal Court for his alleged role in the 2015 election violence, was unanimously confirmed as prime minister. During the Civil War (1993–2005), in which approximately 300,000 people were killed, he served as a rebel commander, being nicknamed “Ndakugarika” (“I will kill you”) [See also NCH *Annual Report 2022*].⁵⁸

⁵⁶ United States Department of State, [2021 Report on International Religious Freedom: Burkina Faso](#) (2 June 2022); “[Attack on Minor Seminary in Burkina Faso](#),” *Vatican News* (12 February 2022); “[700 Imams Denounce ‘Religious and Ethnic Intolerance’](#),” *Africa News* (29 August 2022).

⁵⁷ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 107, 109.

⁵⁸ “[President Appoints New PM after Warning of ‘Coup’ Plot](#),” *Africa News* (7 September 2022).

CAMBODIA

Previous *Annual Report* entries: 1999–2018, 2020–2022.

On 22 September 2022, the Extraordinary Chambers in the Court of Cambodia (also known as the Khmer Rouge Tribunal), a hybrid court made up of Cambodian and United Nations judges set up in 2006 to prosecute violations of international criminal law, including crimes against humanity and genocide, committed by the Khmer Rouge regime in Democratic Kampuchea (1975–1979), held its final session. Throughout its existence, the court had been severely hampered by government non-cooperation and interference, and by internal disagreement [See NCH *Annual Reports 2008, 2010, 2012–2014, 2016*], having resulted in only three convictions: Khieu Samphan, former Khmer Rouge chairman; Nuon Chea, chief ideologist and highest Khmer Rouge leader after Pol Pot; and Kaing Guek Eav (also known as Duch), former commandant of the Tuol Sleng prison, where approximately 16,000 people had been tortured and killed. All had been sentenced to life in prison. Ieng Sary (1925–2013), Deputy Prime Minister and former history teacher, died before his trial ended.⁵⁹

CAMEROON

Previous *Annual Report* entries: 2010, 2012–2014, 2016, 2020–2021.

On 26 July 2022, French President Emmanuel Macron announced the creation of a commission of historians to “shed light” on the Guerre du Cameroun (1955–1964; War of Cameroon) and the opening of all related archives (see below). The announcement was criticized by historian Jacob Tatsitsa as politically motivated and as ignoring research that had already been done on several massacres of Cameroonian nationalists during the war. He further noticed the difficulty of accessing French archives for Cameroonian researchers due to the high costs and difficulties in obtaining a visa.⁶⁰

In late February 2023, the Société camerounaise d’histoire (Cameroon Historical Society) criticized the Commission chargée de travailler sur l’action de la France au Cameroun pendant la colonisation et après l’indépendance du pays (Commission to Study France’s Activities in Cameroon during the Colonial Period and after the Independence of the Country; nicknamed the “Commission Mémoire,” Memory

⁵⁹ AP, “[After 16 Years and 3 Convictions, an International Tribunal Closes Down in Cambodia](#),” *NPR* (22 September 2022).

⁶⁰ Séverine Kodjo-Grandvaux, “[Cameroun: ‘La création d’une commission d’historiens est un stratagème pour contourner la reconnaissance des massacres coloniaux’](#),” *Le Monde* (interview with Jacob Tatsitsa; 3 August 2022).

Commission) after French President Emmanuel Macron appointed its two co-presidents, French historian Karine Ramondy for the historical part and Cameroonian singer Blick Bassy for the heritage component. The criticism was directed at the fact that Macron was the sole initiator (while Cameroonian President Paul Biya had been left aside) and that a singer was the co-president of a historical commission. The criticism came after an official initiative to write a large-scale six-volume *L'Histoire générale du Cameroun*, presented by Minister of Arts and Culture Pierre Ismael Bidoung Mpkwat in August 2020, had stalled without explanation and after the official authorization of several history textbooks for use in the secondary schools had dragged on for several years. The Memory Commission was due to complete its work by the end of 2024 and had been promised access to all relevant French archives (taken to France after Cameroon's independence in 1960). Tens of thousands of people died during the war that raged in the period studied by the Memory Commission (1945–1971).⁶¹

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012–2022.

In an April 2023 submission to the United Nations Universal Periodic Review on the Right to Information in Canada, it was reported that the federal Access to Information Act (ATIA) did not apply to the Prime Minister, the Cabinet and affiliated committees, and to non-official information in the archives, National Gallery of Canada, and numerous national museums. The ATIA also excluded “confidences of the Queen’s Privy Council for Canada,” also known as Cabinet confidences.⁶²

See also Bosnia-Herzegovina, Ethiopia, France, Greece, Vatican.

⁶¹ Valentin Zinga, “Cameroun: La ‘Commission mémoire’ sur le rôle de la France relance le débat sur l’enseignement de l’histoire,” *RFI* (28 February 2023); Elise Lambert, “Guerre du Cameroun: L’Ouverture des archives suffira-t-elle à ‘faire la lumière’ sur les responsabilités de la France?” *Franceinfo* (19 March 2023).

⁶² Centre for Law and Democracy and Others, *Submission to Session 44 of the Universal Periodic Review on the Right to Information in Canada* (Halifax: CLD, 2023), §§ 11, 23.

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012, 2014–2022.

On 31 October 2022, the Special Criminal Court (SCC) – a hybrid court set up in 2015 to investigate and prosecute human rights violations, notably genocide, crimes against humanity and war crimes committed since 2003 – found three former members of the 3R (Return, Reclamation and Rehabilitation) armed group guilty of war crimes and crimes against humanity committed in 2019. The verdict, the first by the SCC, was hailed as a landmark in providing justice and accountability for crimes committed in the country.⁶³

CHAD

Previous *Annual Report* entries: 2000–2012, 2015–2016.

On 19 September 2022, the head of the military junta, Mahamat Idriss Déby (1984–), son of the late President Idriss Déby (1952–2021; in power between 1990–2021), announced the allocation of 10 billion CFA francs (€ 15,2 million) to the Compensation Fund for Victims – one of the recommendations of the 2022 National Dialogue – to issue reparations to the victims of human rights violations during the reign of President and war crime convict Hissène Habré (1942–2021; in power between 1982–1990). However, the money, as well as a 5 million dollar allocation by the African Union, amounted to only one sixth of the reparations awarded by a 2016 Extraordinary African Chambers verdict.

Also in September, Clément Abaïfouta, one of the main representatives of the victims and member of the Fund’s board of directors, was threatened by a supporter of President Habré during the National Dialogue.⁶⁴

⁶³ Virginia Pietromarchi, “[CAR: ‘Historic’ Trial Kicks Off, But Not Without Challenges](#),” *Al Jazeera* (25 April 2022); “[CAR War Crimes Trial Postponed for Second Time](#),” *Al Jazeera* (26 April 2022); Vianney Ingasso, “[Central African Republic: Special Criminal Court Hands Down First Judgment](#),” *Justiceinfo.net* (1 November 2022).

⁶⁴ “[Chad Starts ‘National Dialogue’ to Pave Way for Elections](#),” *Al Jazeera* (20 August 2022); Franck Petit, “[Chad’s President Promises to Compensate Habré Victims](#),” *Justiceinfo.net* (14 October 2022).

CHILE

Previous *Annual Report* entries: 1998–2022.

The courts continued to try agents of Augusto Pinochet’s dictatorship (1973–1990) for human rights abuses. In June 2022, former military officer Miguel Krassnoff and two former police officers were convicted in the 1975 homicide of a teacher. It was the eightieth conviction for Krassnoff, who participated in the assault on the presidential house during the September 1973 coup against former President Salvador Allende, and it raised his prison sentence to 900 years for crimes against humanity.⁶⁵

In March 2023, President Gabriel Boric announced the National Search Plan to find and identify the people who “disappeared” during Augusto Pinochet’s dictatorship (1973–1990) and prosecute those responsible. It was the first time that a government backed a permanent search effort. More than 3,000 people were killed and an estimated 40,000 tortured during the dictatorship, with up to 1469 people still missing. As of December 2022, 1482 criminal cases against ex-agents of the dictatorship were going on, but there existed no central body where the information was stored and could be analyzed, causing delays. In February 2023, an investigation found that the Servicio Médico Legal (Legal Medical Service), responsible for forensic testing, had left 89 boxes of dictatorship-era evidence, including unidentified human remains, in a basement where they had been damaged by water and mold.⁶⁶

See also United States.

CHINA

Previous *Annual Report* entries: 1995–2022.

On 11 August 2022, the Ground Up Film Society removed the award-winning film *Losing Side of a Longed Place* – scheduled to be screened on a two-day festival two days later – after its director refused to yield to demands of the Office for Film, Newspaper and Article Administration to remove a scene, lasting less than a second, depicting the 2014 pro-democracy Umbrella Movement in Hong Kong.⁶⁷

⁶⁵ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 147.

⁶⁶ Charis McGowan, “[Chile Takes on ‘Moral Duty’ of Finding the Disappeared of Pinochet Regime](#),” *Guardian* (17 April 2023).

⁶⁷ Hillary Leung, “[Hong Kong Film Dropped from Festival after Censors Object to Umbrella Movement Scene Lasting Under a Second](#),” *Hong Kong Free Press* (12 August 2022); Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 151.

On 27 October 2022, while teaching an undergraduate class, Xu Songyan, a professor at Southwest University in Chongqing and an expert in Greek history, was eavesdropped on by a student who claimed to be an “information officer” and who notified him to prepare a report. The social media post in which Xu reported the incident on 28 October was later deleted [See also *NCH Annual Report 2021* under Shen Zhihua].⁶⁸

On 28 October 2022, Liu Hanbo (?–2022), a history teacher at Xinzheng No. 3 High School in central Henan province, ostensibly suffered a heart attack and died. In the two weeks before her death, a group of hackers calling themselves *baopo lieshou* (“bombers and hunters”) had repeatedly (on 12, 21, and 28 October) targeted her online classes with more than two hundred students to hurl abuse, play loud music, and spam the chat window. On 2 November 2022, the Xinzheng City’s education bureau announced that it would investigate the cyberbullying.⁶⁹

On 20 April 2023, Taiwan-based book publisher Li Yanhe (pen name: Fucha) “disappeared” and was allegedly detained by Chinese authorities after he had traveled to Shanghai to visit relatives. Li was the founder of Gusa Publishing, known for publishing books on politically sensitive topics including the 1989 Tiananmen Square Massacre. On 22 April, more than forty writers, academics and journalists published a statement to support a call by Gusa Publishing and PEN America for his release.⁷⁰

From 26 April 2023, a fragment of a new history textbook for Grade 8 uploaded on online platform Douyin by a [history] teacher sparked massive criticism online for not being truthful enough in depicting the government’s response to the pandemic. The textbook, published by major textbook publisher People’s Education Press, carried a text box entitled “War on Covid,” reading: “Our country ... protected people’s life safety and health to the largest extent ... We achieved major achievements in coordinating the prevention and control of the pandemic.”⁷¹

In May 2023, XiaoGuo Comedy, China’s largest talk show company, was fined 13.35 million yuan (US\$ 1.8 million) because it had hired stand-up comedian Li Haoshi. Li was likely to be charged with intentionally tarnishing the image of the military and violating the 2021 Law on the Protection of the Status and Rights and Interests of Military Personnel of China in one of his performances. On 13 May

⁶⁸ Yojana Sharma, “[New Research Exposes Power of Classroom Informant System](#),” *University World News* (23 March 2023).

⁶⁹ Cao Yin, “[Bullying a Concern as Teacher Dies after Online Class](#),” *Asia News Network* (4 November 2022); “[Cyberbullies, a Teacher’s Death, and a Classroom Seeking Answers](#),” *Beijing Youth Daily* (18 November 2022).

⁷⁰ Helen Davidson & Chi Hui Lin, “[Fears Grow for Taiwan Book Publisher Believed Held in China](#),” *Guardian* (24 April 2023).

⁷¹ Fan Wang, “[China: History Textbook’s ‘Covid War’ Mention Sparks Discussion](#),” *BBC News* (26 April 2023).

2023, in a punchline, Li had compared the People's Liberation Army with stray dogs chasing a squirrel and mocked a political slogan first used by President Xi Jinping in 2013. The punchline alluded to a scene in the 1956 propaganda film *Battle on Shangganling Mountain*, in which People's Volunteer Army soldiers in the Korean War (1950–1953) chased squirrels for fun in between battles. The joke was recorded by an audience member and posted on the Sina Weibo platform, leading to criticism, boycott calls and sanctions despite Li's apologies.⁷²

On 27 May 2023, Hui Muslims clashed with police over the planned demolition of the dome of the thirteenth-century Najiaying mosque in Nagu, Tonghai County, Yunnan (southern China). A 2020 court judgment had ruled that the mosque's restored domed roof as well as some minarets were illegal, ordering them to be removed. Recent actions to carry out the order probably sparked the demonstrations. Dozens were arrested.

In 2018, hundreds of Hui Muslims in the Ningxia region, northern China, had engaged in a protracted standoff with authorities to prevent their mosque from being demolished. Authorities later relented but insisted that its Arabesque features must be altered. Also in 2018, three mosques in Yunnan were shut down for what was deemed to be "illegal religious education" [See also NCH *Annual Report 2020* under Tibet].⁷³

In the lead-up to the 34th anniversary of the 1989 Tiananmen Square massacre on 4 June 2023, authorities restricted the movement and communication of activists and members of the Tiananmen Mothers, a group of relatives of victims of the massacre [See NCH *Annual Reports 2004–2006, 2008–2009, 2017*]. On 27 May 2023, the Tiananmen Mothers released a statement reiterating their call for "truth, compensation and accountability." On the same day, authorities detained activist Chen Siming in Hunan province, because he refused to delete a tweet in which he commemorated the 1989 massacre. In Shandong, police summoned activist Qi Chonghuai and warned him not to participate in any commemorations.

In April 2023, a Hangzhou Court had tried activist and participant in the 1989 pro-democracy movement Xu Guang for "picking quarrels and provoking trouble" after he had gone to a local police station to demand the government to acknowledge the massacre. The verdict had yet to be announced.

In June 2023, searches on internet search engine Baidu for the Sitong Bridge in Beijing returned the message: no related places were found. On 12 October 2022, white banners with large red characters criticizing the Chinese Communist Party had been hung over the bridge by Peng Lifa, who had been

⁷² Qian Gong & Jian Xu, "This Is No Joke," *Index on Censorship*, 52 no. 2 (2023), 20–22; Qian Gong & Jian Xu, "[This Is No Joke](#)," *Index on Censorship* (31 May 2023).

⁷³ Nicholas Yong, "[Yunnan Protest: Mosque Closure Sees Clashes with Security Forces](#)," *BBC News* (30 May 2023).

detained by police and “disappeared” shortly after. The banners at Sitong Bridge were particularly sensitive because the character for “Si” is the same as that for four, one of a combination of numbers forbidden to search for in the lead-up to the 4 June anniversary [See also NCH *Annual Report 2022*]. The anniversary was sometimes known as “internet maintenance day” because of the number of websites taken offline.

A new museum dedicated to the Tiananmen Square massacre opened in New York. Despite its location, there were security fears for the museum’s workers.⁷⁴

Hong Kong

Between 2020 and 2022, fearing threats on religious freedom, the Vatican had transferred half a ton of files from its Hong Kong archive to Rome. The files contained private communications with underground mainland clerics, missionary activity, and details of persecution of Catholics in the mainland.⁷⁵

In late April 2023, an official government report concluded that the Leisure and Cultural Services Department had to increase its efforts to “examin[e] library materials for safeguarding national security” in Hong Kong libraries. In November 2021, research by the Hong Kong Free Press had found that since 2010, public libraries had removed 29 out of 149 books about the 1989 Tiananmen Square massacre from their shelves, and of the other 120 only 26 were displayed and immediately available for borrowing.

As of May 2023, authorities had removed hundreds of other titles from public libraries as well. These included all the books authored by Hui Po-keung, a former associate professor at the Department of Cultural Studies at Lingnan University [See below and NCH *Annual Report 2022*]. Ma Ngok, an associate professor at the Department of Government and Public Administration at the Chinese University in Hong Kong, also had all his books removed. These included “An Oral History of the Democratic Movement of Hong Kong in the 1980s” (2012), consisting of interviews with ten key democrats of the 1980s. Authorities had also removed “The Secret Journal of Zhao Ziyang” (2009), based on a secret recording of former General Secretary of the Communist Party of China (1987–1989), in which he looked back upon the 1989 Tiananmen massacre and his attempts at political reform [See NCH *Annual Reports 1998–1999, 2005, 2007, 2009, 2017, 2019*].⁷⁶

⁷⁴ “[China: Acknowledge Tiananmen Massacre](#),” *Human Rights Watch* (1 June 2023); Amy Hawkins, “[Chinese Censors Remove Protest Site Sitong Bridge from Online Maps](#),” *Guardian* (2 June 2023); Francis Clarke, “[Tiananmen Massacre Anniversary: Don’t Mention It](#),” *Index on Censorship* (7 June 2023).

⁷⁵ Congressional-Executive Commission on China, [Hong Kong’s Civil Society: From an Open City to a City of Fear](#) (3 October 2022), 37–38.

⁷⁶ Selina Cheng, “[Hong Kong Public Libraries Purge 29 Titles about the Tiananmen Massacre from the Shelves](#),” *Hong Kong Free Press* (21 November 2021); Human Rights Watch, *World Report 2023: Events of 2022*

In June 2022, authorities announced new textbooks for secondary students in Hong Kong [See NCH *Annual Report 2022*], in which most mentions of the 1989 Tiananmen Square massacre had been scrapped and nothing was said about the annual vigil to commemorate the massacre at Victoria Park, that had been banned by authorities since 2020 [See NCH *Annual Reports 2020–2022*].⁷⁷

The July 2022 annual Hong Kong Book Fair turned down the application from at least three independent booksellers who had published works by participants of the 2019 pro-democracy protests. Books about the 1989 massacre were completely absent.⁷⁸

On 10 September 2022, five speech therapists in Hong Kong, charged in 2021 under the colonial-era sedition law, were found guilty of publishing a series of “seditious” children’s books, called Yangcun, and given a prison sentence of 19 months (they had already spent more than a year in prison awaiting the verdict). In one of the books, a village of sheep fights back against a group of wolves trying to take over their settlement, in what was seen by some as a reference to the attempt of the Hong Kong’s pro-democracy movement to maintain Hong Kong’s autonomy against the Chinese government. The authors argued that the books chronicled “history from the people’s perspective.” In January 2023, police arrested a student for sedition after he posted a download link of the Yangcun series on Facebook. On 13 March 2023, two persons were arrested for merely possessing the books; they were released on bail but forced to report regularly to the police.⁷⁹

On 19 September 2022, a Hong Kong man of 43 years [name unknown] who went to the British consulate to pay tribute to Queen Elizabeth II, was detained under the colonial-era sedition law for playing several songs on his harmonica, including “Glory to Hong Kong,” the unofficial anthem of protesters during the 2019 pro-democracy protests, as well as the British national anthem. A large crowd, which had gathered to watch an online live broadcast of the Queen’s State funeral in the United Kingdom, was seen singing along to the tune of “Glory.” The song’s lyrics made reference to the “tears on our land,” and also mentioned “democracy and liberty.” In [December] 2022, authorities pressured Google to delete “Glory” from the top results for users searching for Hong Kong’s anthem, and to replace it with the Chinese national anthem. Google reportedly refused.

(Washington: HRW, 2023), 150; Helen Davidson, “[Tiananmen Square Books Removed from Hong Kong Libraries in Run-up to Anniversary](#),” *Guardian* (16 May 2023); Hong Kong Free Press, “[The Books Hong Kong Is Purging from Public Libraries: An Overview of the Disappeared Titles](#),” *Global Voices* (1 June 2023).

⁷⁷ “[New Chinese History Textbooks for Hong Kong Students Remove Details of Tiananmen Square Crackdown, June 4 Commemorative Vigil](#),” *Young Post* (6 June 2022).

⁷⁸ Peter Lee, “[Crowds Still Flock to Hong Kong’s Book Fair but ‘Sensitive’ Topics Are Absent](#),” *Hong Kong Free Press* (22 July 2022).

⁷⁹ Leo Sands, “[Hong Kong Judge Finds Five Guilty over Children’s Books](#),” *BBC News* (8 September 2022); “[Hong Kong: Five Jailed in for ‘Seditious’ Children’s Books](#),” *BBC News* (10 September 2022); “[Hong Kong: Two Men Arrested for Possessing ‘Seditious’ Children’s Books](#),” *BBC News* (17 March 2023).

On 28 July 2023, a Hong Kong court declined a government request to ban *Glory to Hong Kong*. The request had been filed after the song had been played mistakenly at several sport events instead of the Chinese national anthem *March of the Volunteers*. The court referred to the “right to freedom of expression” and noted the potential “chilling effects” if the government’s request were granted. The government had first applied for a total ban in June, after which the song had been taken down from several online music streaming platforms.⁸⁰

On 25 November 2022, Hui Po-keung – an associate professor at the Department of Cultural Studies at Lingan University until 2021 and author of several historical articles – was found guilty together with four others over their failure to register a protester relief fund and forced to pay a HK\$4,000 (approximately € 475) fine [See above and NCH *Annual Report 2022*].⁸¹

On 13 December 2021, Chow Hang-tung, prominent pro-democracy activist and former vice chairperson of the disbanded Hong Kong Alliance in Support of Patriotic Democratic Movements (HKASPDM), was among those sentenced to up to fourteen months in prison for organizing, taking part in, and inciting participation in the banned 2020 vigil for victims of the 1989 Tiananmen Square massacre [See NCH *Annual Report 2022*]. On 14 December 2022, the High Court overturned Chow’s conviction, finding that police had not properly explored the options for how the demonstration could have gone ahead in a COVID-safe manner. Facing two other charges under the national security law, Chow remained in custody. On 11 March 2023, a Hong Kong court sentenced Chow, and two other HKASPDM-members, Tang Ngok-kwan and Tsui Hon-Kwong, to 4,5 months in prison for their roles in organizing the annual vigil for the 1989 Tiananmen Square massacre on 4 June 2022 [See NCH *Annual Report 2022*].⁸²

On 3 June 2023, authorities arrested eight people on charges of “disorderly conduct in a public space,” “doing acts with seditious intent,” and “breaching the peace” for commemorating the 34th anniversary of the 1989 Tiananmen Square massacre.

Performance artist Sanmu Chen was arrested after she had repeatedly chanted “Don’t forget June 4! Hong Kong people, don’t be afraid of them.” Another performance artist, Chan Mei-tung, was also

⁸⁰ Yvette Tan, [“Queen Elizabeth II Funeral: Hong Kong Man Who Attended Tribute Detained,”](#) *BBC News* (20 September 2020); Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 151; [“Hong Kong Pressures Google to Remove Protest Anthem from Searches,”](#) *Guardian* (12 December 2022); [“Hong Kong Court Rejects Gov’t Request to Ban Popular Protest Song,”](#) *Al Jazeera* (28 July 2023).

⁸¹ Peter Lee, [“Hong Kong Court Convicts Cardinal Zen and 5 Others over Failing to Register Protester Relief Fund as Society,”](#) *Hong Kong Free Press* (25 November 2022); Hong Kong Free Press, [“The Books Hong Kong Is Purging from Public Libraries: An Overview of the Disappeared Titles,”](#) *Global Voices* (1 June 2023).

⁸² [“Hong Kong Activist Who Staged Tiananmen Vigil Has Conviction Overturned,”](#) *BBC News* (15 December 2022); [“Hong Kong Court Jails Tiananmen Anniversary Vigil Organizers,”](#) *Guardian* (11 March 2023).

detained for unclear reasons. In 2022, she had been arrested for holding a lighter to a potato in the shape of a candle – before the annual Victoria Park vigil was banned in 2020, thousands of candles had been distributed to participants. Police removed Lau Ka-yee and Kwan Chun-pong from Victoria Park, where they had stood with red tape covering their mouths and holding a sign saying: “In mourning for the deceased and victims of 64 [June 4] in respect for Tiananmen Mothers.” A young couple was arrested dressed in white and holding white chrysanthemums – a flower and color typically signifying loss and mourning. Chiu Yan-loy, member of the former Hong Kong Alliance in Support of Patriotic Democratic Movements (HKASPDM), that had traditionally organized the vigil but was disbanded in 2022, was repeatedly visited by police in the lead-up to 4 June and told not to leave his home that day. Former pro-democracy district councilor Debby Chan was also repeatedly questioned after she had announced on Facebook that she would hand out free candles.

On 4 June 2023, police arrested an additional 23 people suspected of “breaching the peace.” These included pro-democracy activists Alexandra Wong (also known as Grandma Wong), former chair of the Hong Kong Journalists’ Association Mak Yin-ting, and Leo Tang, a former leader of the disbanded Confederation of Trade Unions. Veteran activist and head of the League of Social Democrats, Chan Po-ying, was briefly detained for holding a small LED candle and two flowers at a shopping district near Victoria Park. Former member of the HKASPDM Tsui Hon-kwong was also detained while holding a LED candle. Another woman (name unknown) was arrested while shouting: “Raise candles! Mourn 64!” A young man was detained while carrying a book titled “35th of May” – another way of referring to 4 June. Chow Hang-tung (see above), who was in prison facing two charges under the national security law, went on a 34-hour hunger strike to commemorate the 34th anniversary of the massacre.

Near Victoria Park, hundreds of police conducted stop and search operations and deployed armored vehicles and police vans. Pro-government groups had launched a home fair in the park on 3 June, promoting products from mainland China, that would run until 5 June.⁸³

Tibet

On 11 November 2022, a group of United Nations Special Rapporteurs sent an allegations letter to the Chinese government, warning that around a million children of the Tibetan minority were being affected by Chinese government policies aimed at forcibly assimilating Tibetan people culturally, religiously and linguistically through an expanding mandatory residential school system. In these schools, the educational content and environment was built around the majority Han culture, with textbook content

⁸³ [“Hong Kong Police Detain Eight People on Eve of Tiananmen Anniversary,”](#) *Guardian* (3 June 2023); [“Hong Kong Police Arrest Pro-democracy Figures on Tiananmen Square Anniversary,”](#) *Guardian* (5 June 2023); Martin Yip & Adam Durbin, [“Tiananmen Square: Hong Kong Police Detain Activists on Anniversary of Massacre,”](#) *BBC News* (5 June 2023); Rachel Cheung, [“Torches and T-shirts: Hongkongers Defy Attempts to Forget Tiananmen,”](#) *Guardian* (5 June 2023).

reflecting almost solely the lived experience of Han students. Children of the Tibetan minority were forced to complete a “compulsory education” curriculum in Mandarin Chinese (Putonghua) without access to traditional or culturally relevant learning. The Putonghua language governmental schools did not provide a substantive study of the Tibetan minority’s language, history, and culture. The Special Rapporteurs said that the policies ran contrary to the prohibition of discrimination and the rights to education, linguistic and cultural rights, freedom of religion or belief and other minority rights of the Tibetan people [See also NCH *Annual Report 2021*].⁸⁴

A January 2023 report by the London-based human rights group *Free Tibet* documented the destruction of religious historical sites in the Garzê Tibetan Autonomous Prefecture in Sichuan Province. Among the sites destroyed were three large Buddha statues, including the 99-foot-tall “People’s Buddha,” the Drago Monastery (established ca. 920), 45 prayer wheels, and a statue of Vajrayana Buddhist master Padmasambhāva (ca. 8th–9th century), considered a central figure in the transmission of Buddhism to Tibet.⁸⁵

Xinjiang

On 31 August 2022, the United Nations Office of the High Commissioner of Human Rights expressed deep concern over the destruction of religious sites by authorities in Xinjiang [See NCH *Annual Report 2022*] and over the lack of respect for linguistic rights of ethnic minorities [See NCH *Annual Reports 2020–2021*].⁸⁶

See also Afghanistan, Germany, Greece, Philippines, Vietnam.

⁸⁴ United Nations (UN) Special Rapporteur on Minority Issues, UN Special Rapporteur in the Field of Cultural Rights, UN Special Rapporteur on the Right to Education, and UN Special Rapporteur on Freedom of Religion or Belief, [Allegations Letter](#) (11 November 2022) (UN Doc. AL CHN 6/2022); UN, “[UN Experts Alarmed by Separation of 1 Million Tibetan Children from Families and Forced Assimilation at Residential Schools](#)” (press release; 6 February 2023).

⁸⁵ Free Tibet & Tibet Watch, [Desecration in Drago Country: Destruction of Tibetan Religious Heritage, Arbitrary Detentions and Torture](#) (London: Free Tibet, 2023), 25–29; Roseanne Gerin, “[Report Offers Fresh Examples of Destruction of Religious Sites in Eastern Tibet](#),” *Radio Free Asia* (24 January 2023).

⁸⁶ United Nations Human Rights Office of the High Commissioner, [OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China](#) (31 August 2022), 27–29.

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2022.

On 18 February 2022, a burglary took place in the house of Eduardo Andrés Celis Rodríguez (1993–), a researcher of the Commission for Clarification of the Truth, Coexistence and Non-Repetition (CEV) – established as a result of the 2016 peace accords reached between the government and the largest rebel group, Revolutionary Armed Forces of Colombia (FARC; 1948–2016). Copies of a six-hour interview on 16 February 2022 of Celis and CEV Commissioner Alejandro Valencia Villa with Dairo Antonio Úsuga (alias Otoniel), ex-leader of the drug-trafficking group Clan del Golfo (Gulf Clan), were stolen. Later Celis and his family were harassed; he received at least eleven death threats by telephone. Celis went into hiding and in October 2022 into exile in Europe, where he received at least three further death threats by phone and email. One of the callers identified himself as a member of the paramilitary group Autodefensas Unidas de Colombia (AUC; United Self-defense Forces of Colombia). Before joining the CEV, Celis wrote for the journalistic portal Verdad Abierta (Open Truth), which since 2007 had reported stories of paramilitaries and guerrillas.⁸⁷

On 28 June 2022, the Commission for Clarification of the Truth, Coexistence and Non-Repetition (CEV) launched its report on the causes and consequences of Colombia’s conflict (1948–2016) [See NCH *Annual Report 2022*]. Among its recommendations was the declassification of secret files on defense and security matters related to the conflict with the Revolutionary Armed Forces of Colombia (FARC; 1948–2016). In March 2021, CEV President Francisco de Roux had asked United States (US) President Joe Biden to accelerate the declassification of US federal records related to the conflict. The request remained pending as of August 2022.⁸⁸

On 13 January 2023, Afro-Colombian historian Sergio Antonio Mosquera announced that he was forced to shut down the Fundación Muntú Bantú (Muntú Bantú Foundation, founded 2009), the only museum in Colombia dedicated to the history and culture of Afro-Colombians, and its Centro de Memoria, Documentación y Materialidades Afrodiaspóricas (Center of Memory, Documentation and

⁸⁷ [“Fueron hurtadas las grabadoras de la Comisión de la Verdad con testimonios de alias Otoniel,”](#) *Criterio* (19 February 2022); Juan David Laverde Palma, [“El viacrucis de un investigador de la guerra,”](#) *Noticias Caracol* (8 July 2022); Camila Osorio, [“Andrés Celis, el investigador de la Comisión de la Verdad que tuvo que salir al exilio,”](#) *El País* (12 October 2022); David Riaño Valencia, [“Se intensifican amenazas contra investigador de la CEV que entrevistó a ‘Otoniel,’”](#) *El Espectador* (16 June 2023).

⁸⁸ National Security Archive (Michael Evans), [“‘There is Future if There Is Truth’: Colombia’s Truth Commission Launches Final Report”](#) (28 June 2022); Daniel Ospina Cells, [“Desclasifiquemos los archivos de inteligencia previos a la Constitución de 1991,”](#) *El Espectador* (5 August 2022); Michael Evans, [“A Bloody, Expensive and Prolonged Coercive Effort,”](#) *National Security Archive* (24 August 2022).

Afrodiasporic Materials), located in Chocó Department's capital Quibdó. From December 2022, Mosquera (the museum's founder) and María Fernanda Parra (the museum's director) had received death threats from a local armed group seeking to extort "war taxes" from them. The threats came at a time of growing Afro-Colombian political visibility and representation in public life due to the election of Francia Márquez, the first Afro-Colombian vice president in Colombia's history. The museum's vast archive was hidden.⁸⁹

On 8 June 2023, violent clashes broke out between hooded protesters and the riot police Escuadrón Móvil Antidisturbios (Esmad) on the campus of the National University of Bogotá, leaving a police officer seriously injured. Protesters had gathered to commemorate the Day of the Fallen Student on 8–9 June, a day established in 1973 and recognizing fallen student protesters since the assassination of law student Gonzalo Bravo Pérez on 7 June 1929. A group of hooded individuals associated with the Jaime Bateman Cayón movement, named after the founder and commander of the 19th of April guerrilla movement, reportedly attacked officers with improvised explosive devices.⁹⁰

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2022.

In June 2022, King Philippe of Belgium visited Congo for the first time and reaffirmed his "deepest regrets" for colonial-era abuses but did not offer an apology or raise the issue of reparations. Belgian authorities returned a tooth of the assassinated first Prime Minister Patrice Lumumba (1925–1961) to his family. The relic was taken around Congo ahead of a funeral in Kinshasa.⁹¹

On 30 August 2022, the trial against Belgian filmmaker Thierry Michel, who had been sued by the documentary filmmaking partnership Balufu Brothers for allegedly plagiarizing their 2015 film *The Silence of Forgotten Crimes*, began in Kinshasa. In 2021, Michel had released *The Empire of Silence*, a documentary on impunity for war crimes committed during the Second Congo War (1998–2003), among others. Michel's lawyer claimed that whereas the Balufu Brothers' documentary focused on foreign responsibilities for human rights violations in the Democratic Republic of Congo (DRC),

⁸⁹ "[Solidarity with Historian Sergio Antonio Mosquera and Fundación Muntú Bantú](#)" (petition; s.d. [January 2023]); [NCH campaign](#) (3 February 2023); Erica Hellerstein, "[Afro-Colombian Culture Is Under Siege as Armed Conflict Rages On](#)," *Codastory* (6 March 2023).

⁹⁰ "[Disturbios en la Universidad Nacional dejan hasta el momento un policía herido](#)," *El Espectador* (8 June 2023); [Scholars at Risk Academic Freedom Monitoring Project](#) (no date); Comisión de la Verdad, "[Día del estudiante caído: poniéndole cuerpo al pensamiento](#)" (9 June 2021).

⁹¹ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 184.

particularly from Ugandan and Rwandan forces, Michel documented war crimes of Congolese, including some who currently held prominent positions in the military. An analysis by the Brussels-based Société civile des auteurs multimédia found that only four images were used in both films. Michel faced up to five years in prison.⁹²

See also Uganda.

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012, 2019.

COSTA RICA

Previous *Annual Report* entries: 2010.

CÔTE D’IVOIRE

See Ivory Coast.

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2013, 2015–2022.

On 19 July 2022, a report of the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence assessed the official measures adopted to address the atrocities committed during the 1991–1995 war. It stressed shortcomings in several areas, including full reparation owed to civilian victims, comprehensive memorialization processes and truth-seeking mechanisms, the promotion of cultural diversity and inter-ethnic mutual understanding, the effective combating of national and ethnic hatred, and the rise in the glorification of war crimes and revisionism

⁹² John Thys, “[DRC: Accused of Plagiarism, Director Thierry Michel Before the Kinshasa Court](#),” *Teller Report* (30 August 2022); Philip Andrew Churm, “[Belgian Filmmaker Thierry Michel Accused of Plagiarism by DRC](#),” *Africa News* (24 September 2022).

with regard to convictions by the International Tribunal for the Former Yugoslavia. It noted the impasse in the transitional justice agenda in the last nine years and the risk this posed to the sustainability of the transitional justice process, as well as to peace and reconciliation.⁹³

See also Montenegro, Serbia.

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012, 2015–2016, 2018, 2021–2022.

Throughout 2021, historian, art curator, and anti-censorship activist Carolina Barrero Ferrer (1986–) [See NCH *Annual Report 2022*] was the victim of arbitrary arrest, harassment, censorship, and surveillance. She was placed under house arrest for over 150 days in total. On 28 January 2022, she was detained by State Security agents in El Vedado, Havana. Three days later, she was again detained and also beaten together with activist Daniela Rojo and Camila Rodríguez, the coordinator of the civic platform Justicia 11J, after they had gone to the 10 October Municipal Court in solidarity with the relatives of political prisoners who were on trial. Barrero was released on 1 February 2022. The officers who took her home warned her that she had 48 hours to leave Cuba, or else the mothers of twelve other political prisoners would be prosecuted for public disorder. They escorted her to the airport and forced her into exile.⁹⁴

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011, 2013, 2015–2018, 2021–2022.

⁹³ United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, *Visit to Croatia* (UN Doc. A/HRC/51/34/Add.1) (19 July 2022).

⁹⁴ “[Cuban Activist Arbitrarily Arrested over a Letter Calling for the Resignation of Alpidio Alonso as Minister of Culture](#),” *Democratic Spaces* (4 February 2021); “[The Political Police Threaten Carolina Barrero and ‘Advise’ Her to Leave Cuba](#),” *Translating Cuba* (8 February 2021); “[The Case in Cuba against Carolina Barrero for ‘Clandestine Printed Matter’ Has Been Shelved](#),” *Translating Cuba* (25 March 2021); International PEN, *Case List 2022* (London: PEN, 2023), 30.

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010, 2013–2022.

On 22 June 2022, a pig farm that stood on the site of the Lety concentration camp, in which 327 Romani were killed during World War II, was demolished, after a campaign to construct a memorial that began in the 1970s, but that had faced significant opposition for more than four decades – except for a small memorial that was unveiled near the farm in [1995] by then President Václav Havel (1936–2011). An estimated 90% of the Czech Roma population was killed during the Holocaust. On 2 August 2022, the commemoration day for the 1944 massacre of 4,300 Sinti and Roma in Auschwitz-Birkenau (also known as Roma Genocide Remembrance Day), the Organization for Security and Cooperation in Europe’s Office for Democratic Institutions and Human Rights hailed the government’s decision to demolish the farm, but stressed the importance for all countries in Europe to ensure that school curricula include remembrance of the Roma and Sinti genocide and discuss the dangers of racist ideologies.⁹⁵

In [early 2023], the United Kingdom’s special envoy for post-Holocaust affairs, Lord Pickles, wrote an urgent letter to his Czech counterpart Robert Řehák, urging him to accelerate the adoption of an amendment that would grant a five-year amnesty for Jewish children who had fled to Great Britain in 1939 via so-called *Kindertransporten* (trains that evacuated 669 mainly Jewish children from Prague to London) to apply for Czech citizenship. In 1948, after the Communist Party had seized power in Czechoslovakia (the Czech Republic’s predecessor), a law was passed to strip refugees and any children they would have of citizenship. Unintentionally, the law also barred potentially thousands of children and grandchildren of the children from the *Kindertransporten*. In 1990, a year after the Velvet Revolution, the 1948 law was abolished and citizenship of its victims restored. However, the regulation barring unregistered children remained in effect. In 2013, a new citizenship law granted those born between 1949–1969 a year to apply for citizenship. However, the vast majority of *Kindertransport* descendants had not heard about the new law. In 2021, an amendment to the 2013 law, extending the application period with another five year, had been tabled.⁹⁶

See also Russia.

⁹⁵ [“Czech Roma Reclaim Holocaust Site, but Equality Feels Distant,”](#) *Al Jazeera* (3 August 2022); OSCE Office for Democratic Institutions and Human Rights, [“Remembering the Roma Genocide Goes Beyond Commemoration to Fight Today’s Intolerance, OSCE Human Rights Head Says,”](#) (press release; 2 August 2022).

⁹⁶ Robert Tait, [“Czechs Urged to Repeal Law Denying Rights to Kindertransport Descendants,”](#) *Guardian* (9 February 2023).

DENMARK

Previous *Annual Report* entries: 2006–2007, 2013, 2016–2020, 2022.

On 9 June 2022, Greenland’s Prime Minister Múte Bourup Egede and Danish Prime Minister Mette Frederiksen signed a joint declaration to investigate their mutual historical relations and the impact of colonialism on the Inuit population from World War II to 2022 [See also *NCH Annual Report 2022*].⁹⁷

See also Israel.

DJIBOUTI

Previous *Annual Report* entries: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: 2013.

In September 2022, on the ninth anniversary of a 2013 ruling by the Constitutional Court, which retroactively and arbitrarily deprived thousands of Dominicans of Haitian descent of their nationality, human rights organizations called on the authorities to address the continuing problem of stateless people. Despite a 2014 law that aimed to provide documents for people made stateless by the 2013 ruling, tens of thousands remained without documents, limiting their access to education and healthcare.⁹⁸

⁹⁷ “[Greenland, Denmark Initiate Investigation into Past Relations](#),” *Eye on the Arctic* (9 June 2022).

⁹⁸ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 148.

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2021.

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2022.

On [22] August 2022, archaeologist and former Minister of Antiquities Zahi Hawass launched a campaign for the repatriation of the Rosetta Stone (a stele inscribed with three versions of a decree issued in 196 BCE in Memphis, Egypt, that is currently held by the British Museum in London, after it had been seized by British forces from Alexandria in 1801), the limestone bust of Queen Nefertiti (1370–1310 BCE; believed to have been crafted in 1345 BCE and currently in the Neues Museum, Berlin, after it had been discovered and taken by a German archaeology team led by Ludwigh Borchardt in Amarna in 1912), and the Dendera Zodiac ceiling (50 BCE; discovered by Vivant Denon in 1799 and taken to Paris in 1822, where it is held by the Musée du Louvre). In 2007 and 2019, Hawass had launched a similar campaign to have the three artifacts on display on loan. All three museums had refused his loan request. By November 2022, Hawass’s petition had been signed 100,000 times. In [November] 2022, Monica Hanna, dean of the Arab Academy for Science, Technology and Maritime Transport, set up a petition reiterating Hawass’s call to the British Museum to return the Rosetta Stone.⁹⁹

On [10] January 2023, authorities in Aswan arrested three people for attempting to steal a statue of Pharaoh Ramses II (1303–1213 BCE). Since 2010, authorities had recovered around 29,000 antiquities that had been illegally transferred abroad.¹⁰⁰

In mid-April 2023, a lawyer filed a complaint accusing the Netflix four-part docudrama *African Queens: Queen Cleopatra* of violating media laws and aiming at “erasing the Egyptian identity.” The film depicted Queen Cleopatra VII (69 BCE – 30 BCE) as a black African (played by black British actress Adele James), sparking widespread condemnation among Egyptians, including from archaeologist and former Minister of Antiquities Zahi Hawass and Secretary-General of the Supreme Council of Antiquities of Egypt Mostafa Waziri, accusing the series of falsifying history. In October

⁹⁹ Gareth Harris, “[‘Return Rosetta Stone to Egypt’ Demands Country’s Leading Archaeologist Zahi Hawass](#),” *The Art Newspaper* (22 August 2022); Mustafa Marie, “[Prominent Egyptologist Zahi Hawass Launches Petition To Repatriate Egyptian Artifacts from Major European Museums](#),” *Egypt Today* (23 August 2022); Jack Jeffery, “[Egyptians Call on British Museum to Return Rosetta Stone](#),” *AP News* (30 November 2022).

¹⁰⁰ “[3 Men Arrested over Attempt to Steal 10-Tonne Statue of Egyptian Pharaoh](#),” *Africa News* (11 January 2023).

2020, a similar row had broken out on social media when it became known that Israeli actress Gal Gadot would play Cleopatra in a new movie, with some alleging “cultural whitewashing,” where white actors portray people of color.

On 22 April 2023, the exhibition “Kemet: Egypt in Hip Hop, Jazz, Soul & Funk” in the National Museum of Antiquities in Leiden, the Netherlands – an exhibition showing Egyptian and Nubian culture through the eyes of artists with African roots – was the target of a similar widespread condemnation, including from a Facebook group called “Egyptian history defenders,” accusing the museum of “blackwashing” and “spreading Afrocentric propaganda.” The museum stated that the exhibition did not claim that ancient Egyptians were black, adding that it did not have an Afrocentric perspective on ancient Egypt. On 7 June 2023, the Ministry of Antiquities banned the archaeologists working for the museum from continuing the museum’s excavations at the Sakkara necropolis near Cairo (where it had been active since 1975) on account of its “falsification of history in the Afrocentric exhibition.”¹⁰¹

See also Sudan, United Kingdom.

EL SALVADOR

Previous *Annual Report* entries: 2001–2022.

According to data from the Institute of Legal Medicine, the authorities recovered 207 bodies from mass graves between June 2019 and February 2022. However, documents from the Attorney General Office showed that only 158 bodies had been recovered between January 2019 and February 2022, leaving human rights groups and relatives of the deceased worried about the government’s handling of evidence and human remains. Additionally, the government and police reduced the access to information related to mass graves and disappearances, especially after President Nayib Bukele suspended constitutional rights as part of a state of exception in March 2022, officially to contain gang violence.¹⁰²

¹⁰¹ David Gritten, “[Egyptians Complain over Netflix Depiction of Cleopatra as Black](#),” *BBC News* (19 April 2023); Gwen Nally & Mary Hamil Gilbert, “[Fear of a Black Cleopatra](#),” *New York Times* (10 May 2023); “[A Statement about the Exhibition ‘Kemet’ in the National Museum of Antiquities in Leiden, the Netherlands](#)” (updated 16 May 2023); Bart Funnekotter, “[Hoe een Leids museum werd meegezogen in de aanval op een Netflix-serie over Cleopatra](#),” *NRC Handelsblad* (12 May 2023); Bart Funnekotter, “[Egypte boos om tentoonstelling: Leids museum mag geen opgravingen meer doen in Egyptische necropolis](#),” *NRC Handelsblad* (5 June 2023); “[Gal Gadot’s Cleopatra Film Sparks ‘Whitewashing’ Claims](#),” *BBC News* (13 October 2020); “[Egypt Bans Dutch Archaeologists over Exhibition Linking Beyonce and Rihanna to Queen Nefertiti](#),” *BBC News* (7 June 2023).

¹⁰² Nelson Renteria, “[In El Salvador, Discrepancy over Deaths and Mass Graves Alarms Critics](#),” *Reuters* (3 August 2022).

On 14 October 2022, authorities arrested former Minister of Defense General Guillermo García (in office between 1979–1983), former director of the Treasury Police (a security force associated with enforced disappearances, torture and extrajudicial killings during the Civil War [1979–1992]), Colonel Francisco Antonio Morán, and three others, on charges of murdering four Dutch journalists in Chalatenango on 17 March 1982. García had also been named in the 1981 El Mozote Massacre case [See NCH *Annual Reports* 2008, 2012–2013, 2015, 2017, 2019–2022].¹⁰³

EQUATORIAL GUINEA

Previous *Annual Report* entries: 2019.

ERITREA

Previous *Annual Report* entries: 2008, 2016, 2018.

See Ethiopia.

ESTONIA

Previous *Annual Report* entries: 2007, 2010, 2015, 2017.

On 16 August 2022, the government decided to remove Soviet-era monuments from public places with the purpose of preventing them “from mobilizing more hostility in society and tearing open old wounds” following Russia’s invasion of Ukraine. Among the first removals were a tank in Narva, taken to the Estonian War Museum, and a World War II cemetery, relocated with “a neutral grave marker.” Prime Minister Kaja Kallas said that the government would not “afford Russia the opportunity to use the past to disturb the peace in Estonia.” Foreign Minister Urmas Reinsalu declared that such monuments had been erected to glorify the Russian occupation and had no place in Estonia’s public space. A spokesperson for Russian President Vladimir Putin said that “The war against history, moreover with a

¹⁰³ Gabriela Cáceres, María Luz Nóchez & Carlos Dada, “[Top Former Military Officers Arrested for 1982 Murder of Four Dutch Journalists](#),” *El Faro* (17 October 2022).

common history, and the disposal of monuments for those who saved Europe from fascism, is of course outrageous.”¹⁰⁴

ESWATINI

Previous *Annual Report* entries under Swaziland: 2011, 2013, 2016–2018.

On 13 May 2022, police fired rubber bullets and tear gas at participants of a commemoration march, organized by the Swaziland National Union of Students, for the one-year anniversary of the killing of Thabani Nkomonye, a law student at the University of Eswatini who was found dead at the side of the road on 13 May 2021, sparking nationwide protests alleging that he had been killed by police forces.¹⁰⁵

ETHIOPIA

Previous *Annual Report* entries: 1998–2011, 2015–2022.

During the Tigray War (2020–present), Ethiopian and Eritrean military troops destroyed historical monuments in the Tigray region. At least forty, and allegedly hundreds of, churches and monasteries were damaged. In November 2020, after hundreds of civilians had been massacred by Eritrean soldiers, the Church of Our Lady Mary of Zion in Aksum, originally built in the fourth century and rebuilt in the tenth and sixteenth centuries, was vandalized. In January 2021, more than twenty scholars voiced concern for the sixth-century Debre Damo monastery near Adigrat, which was looted and partially destroyed by gunfire and shelling. In the same month, Eritrean soldiers burned the Feredashum St. Kirkos church.

In Ger’alta, Hawzen – one of the centers of ancient civilization in the Horn of Africa, according to pottery, inscriptions and hagiographic traditions dating as far back as the Aksumite period (early first century–960) – there were many ancient rock-hewn churches and monasteries considered world heritage sites: 31 monasteries and churches were reportedly heavily damaged between November 2020 and March 2022, with many of the church properties looted. Among them were the pre-14th century monastery of Abunä Abraham and the Debre Medhanit Ammanuel Ma’go church in Wuqro. The library of the church and monastery of Maryam Yerefeda was allegedly destroyed.

¹⁰⁴ Denisa Ballova, “[An Empty Tomb in Estonia](#),” *Transitions* (3 August 2022); “[Estonia Removes Soviet-Era Statue Amid Tensions](#),” *Al Jazeera* (16 August 2022); “[Estonia Begins Removing Soviet-Era War Monuments](#),” *BBC News* (16 August 2022).

¹⁰⁵ “[Police Used Tear Gas and Rubber Bullets During Student Protest](#),” *Scholars at Risk* (13 May 2022).

In addition to churches and monasteries, Ethiopian and Eritrean soldiers shelled the al-Nejashi mosque in Negash (believed to be founded by an early follower of the Prophet Mohammed in the seventh century) in late November 2020, with Eritrean soldiers reportedly damaging historic tombs and stealing ancient manuscripts and relics. The Wugro Archaeological Museum, and two other archaeological sites around Wugro and in Aksum, were damaged and looted by Eritrean soldiers. Forces of the Ethiopian National Defense Force (ENDF) reportedly destroyed the Tigray Martyr's Memorial Museum in Mekelle, and toppled the statue of Qeshi Gebru (1962–1982), a woman who fought the Derg regime (1974–1991) in the 1980s, in Humera.

On top of the destruction of historical sites, many historical artifacts were looted. On 1 February 2021, Eritrean soldiers looted the Aksum Archaeological museum. In Mekelle, ENDF forces looted the Emperor Yohannes IV Palace museum and destroyed many of its artifacts. In April 2021, the St. Yared Orthodox Tewahedo Association in Mekelle sent a letter to the Patriarch of the Ethiopian Orthodox Church begging him to halt the “continued looting of our artifacts and our churches.” In February 2022, Hagos Abrha Abay, postdoctoral researcher at the Center for the Study of Manuscript Culture at the University of Hamburg, found that online sales of Ethiopian artifacts had surged since the beginning of the Tigray War. According to Michael Gervers, history professor at the University of Toronto specialized in Tigray culture, the destruction of Tigray's historical sites, manuscripts and relics amounted to “cultural cleansing.”¹⁰⁶

In mid-March 2023, Taye Bogale, an Oromo history teacher and author of a book on the history and politics of Ethiopia, disappeared. His teachings about Ethiopian history had reportedly often been demonized by Oromo radical nationalist groups. On 20 March, Bogale released a picture of himself on social media, showing him visibly bruised in his face and one of his eyes. It was unclear who the perpetrators were. On 28 December 2020, a Facebook post had falsely claimed that Bogale had been shot and killed.¹⁰⁷

See also Sudan, United Kingdom.

¹⁰⁶ [“Heritage Sites Under Siege in Ethiopia's Tigray War,”](#) *Africa News* (30 April 2021); Geoffrey York & Zecharias Zelalem, [“In Tigray's War, Ancient Christian and Muslim Houses of Worship Are Increasingly Under Attack,”](#) *The Globe and Mail* (10 May 2021); Azeb-Tadesse Hahn, [“Civil War to Blame for Surge in Online Sales of Ethiopian Artifacts,”](#) *Der Welt* (10 March 2022); Hagos Abrha Abay, [“First Comprehensive Analysis of the Looting of Tigray's Heritage as Ebay Halts Sale of Ethiopian Treasures,”](#) *Eritrea Hub* (11 February 2022); Hagos Abrha Abay, [“Ethiopia's War in Tigray Risks Wiping Out Centuries of the World's History,”](#) *Jerusalem Post* (30 March 2022); Hagos Abrha Abay, [“Tigray's Ancient Rock-Hewn Churches Are Under Threat: Why It Matters,”](#) *The Conversation* (3 May 2022).

¹⁰⁷ [“False: Ethiopian Historian and Social Media Activist Taye Bogale Has Not Been Killed,”](#) *Pesa Check* (31 December 2020); [“Another Beaten Activist Returns to Family with Severe Beatings from “Deep State” Actors,”](#) *Borkena* (20 March 2023).

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012, 2017, 2020, 2022.

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2014, 2016–2018, 2020–2022.

Throughout 2022, the Musée de l’Homme in Paris held on to its collection of 18,000 skulls, including the skulls of more than 200 Native Americans; the bones of Mamadou Lamine Dramé (ca. 1840–1887), a West African Tijani marabout (Islamic religious leader) who led a rebellion against French colonial troops in 1886–1887; and a family of Canadian Inuit who had been exhibited in a human zoo in Paris in 1881. The collection was kept in cardboard boxes in the museum’s basement. Information about it was published online only in limited form, without mentioning names or biographical details of the skulls in its database – officially because of privacy concerns, uncertainty about some of the identities and fear of controversy. However, this policy was criticized as an attempt to hold off any restitution claims. A confidential museum memo deemed it without a “clear legal basis.” Moreover, it contradicted a 2018 government-commissioned report recommending a simplification of the restitution process. State ownership of the collection was a further obstacle, which could only be overcome if a return was voted into law. Although the Ministry of Culture claimed to work on a new restitution law, the government had rejected a Senate proposal to establish a scientific advisory council on restitutions and had, as of November 2022, not considered a Senate bill removing the need for Parliamentary approval for restitution.¹⁰⁸

On 15 February 2022, Parliament adopted a “reparation” bill for the Harkis, Algerians who enlisted to fight for the French occupying forces during the Algerian War (1954–1962). After Algerian independence, more than 91,000 Harkis found refuge in France, of which around 20,000 were housed, for periods varying from days to years, in barracks or tents in the Rivesaltes camp between 1962–1964.

¹⁰⁸ Constant Méheut, “[A Paris Museum Has 18,000 Skulls: It’s Reluctant to Say Whose](#),” *New York Times* (28 November 2022).

The bill fulfilled a commitment made by President Emmanuel Macron in September 2021. Following the bill, several Harkis called on the government to search for the graves of the babies who died in the Rivesaltes camp (it was estimated that dozens of young children died of cold in the camp) [See also NCH *Annual Report 2003, 2006*].¹⁰⁹

In September 2022, the book *Allons enfants de la Guyane* by historian and journalist H el ene Ferrarini revealed for the first time the decades-long history of residential schools in French Guyana, in which indigenous children were forcibly assimilated. It proposed a Truth and Reconciliation Commission to deal with the system’s legacy.¹¹⁰

In mid-December 2022, after a restoration had darkened the features of a statue of writer Victor Hugo (1802–1885) in his native city of Besan on, two masked men repainted his face in white. The statue had been created by the Senegalese sculptor Ousmane Sow (1935–2016) in 2003. The perpetrators – two students at the local university who were leaders of the far-right student group Cocarde  tudiante – were arrested and faced charges for vandalizing public property with racist motivations. On the photograph they had taken of their work and posted online, they had added a Celtic cross and the words “white power.”¹¹¹

On 17 January 2023, an appeals court in Fort-de-France, capital of the French Caribbean island of Martinique, dismissed a 2005 request from groups seeking slavery reparations. It noted that there was a statute of limitations for the crime of slavery and that a French law already allowed to “bring a memorial contribution to the recognition of slavery and the slave trade.” The court added that it was not for the judiciary to decide whether those measures were sufficient. Slavery was abolished in France in 1848.¹¹²

On 9 March 2023, a court in Bastia, Corsica, ruled that the use of the Corsican language in the island’s local parliament and local laws de facto establishing “the existence of a Corsican people” were unconstitutional. The ruling followed a lawsuit brought by the prefect of Corsica, the highest representative of the French central government on the island. The verdict was heavily criticized by

¹⁰⁹ [“France Approves Reparation Bill for Algeria’s Harkis,”](#) *Asharq Al-Awsat* (16 February 2022); [“The Longing for Closure by Families of the Harkis,”](#) *Africa News* (25 August 2022).

¹¹⁰ Delphine Jung, [“L’Histoire m connue des pensionnats pour Autochtones fran ais,”](#) *Radio-Canada* (12 January 2023).

¹¹¹ Catherine Porter, [“Victor Hugo Statue Takes a Prominent Place in France’s Debate on Race,”](#) *New York Times* (31 December 2022 / 3 January 2023).

¹¹² Rodolphe Lamy, [“Martinique Court Dismisses Slavery Reparations Lawsuit,”](#) *AP News* (19 January 2023).

Corsican politicians. According to UNESCO, the Corsican language was in danger of becoming extinct with only 150,000 native speakers remaining.¹¹³

See also Algeria, Benin, Cameroon, Egypt, Iran, Tunisia, United Nations.

¹¹³ [“Corsican Language Ban Stirs Protest on French Island,”](#) *Guardian* (10 March 2023).

GABON

Previous *Annual Report* entries: 2016, 2018.

GAMBIA

Previous *Annual Report* entries: 2016–2018, 2021–2022.

On 25 May 2022, the government issued a White Paper, indicating how it was going to implement the recommendations of the 2019 Truth, Reconciliation and Reparations Commission (TRRC), which had investigated human rights violations committed during the rule of Yahya Jammeh (in office as chairman of the Armed Forces Provisional Ruling Council in 1994–1996, and as president in 1996–2017) [See NCH *Annual Report 2018, 2021–2022*]. However, since then the government had stalled implementation citing lacking financial resources (even though some required very little or no funding), refrained from banning alleged perpetrators from public office, and stalled progress on the Victims Reparations Bill. Moreover, in April 2022, President Amanda Barrow had elected Fabakary Tombong Jatta as Speaker of the National Assembly, despite his repeated attempts to discredit the TRRC. On 12 May 2023, Barrow released a White Paper implementation plan and announced a € 9 million pledge by the European Union.¹¹⁴

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012, 2014, 2016, 2019, 2022.

On 7 August 2022, members of the Abkhaz Assembly and others launched a campaign calling for the prosecution of the perpetrators of war crimes and ethnic cleansing during the War in Abkhazia (1992–1993) between Georgian government forces and Abkhaz separatists, supported by Russian militants. In the past, two investigations had been opened by the Georgian government, but they stopped after the alleged refusal of Russian officials to cooperate. The number of those killed was 5,738 while more than 200,000 people, mostly ethnic Georgians, were displaced [See also NCH *Annual Report 2011*].¹¹⁵

¹¹⁴ Ali Jaw, "[Victims Center Opposes Nominations of FTJ, Seedy Njie](#)," *The Point* (25 April 2022); Mustapha Darboe, "[Gambia Validates Truth Commission's Work and Promises Justice](#)," *Justiceinfo.net* (26 May 2022); Mariam Sankanu, "[Is the Gambia a Step Closer to Moving on with Trials and Reparations](#)," *Justiceinfo.net* (1 June 2023).

¹¹⁵ Priyanka Shankar, "['Before Bucha in Ukraine, There Was Abkhazia in Georgia'](#)," *Al Jazeera* (5 August 2022).

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2013, 2015–2017, 2019–2022.

In April 2022, the Federal Office for the Protection of the Constitution (Verfassungsschutz) warned of the spread of anti-Semitic ideas to mainstream political discourse. In July 2022, vandals chopped down the trees at the memorial for victims of the Buchenwald concentration camp. Chancellor Olaf Scholz was strongly criticized for failing to immediately condemn a statement by Palestinian President Mahmoud Abbas perceived to equate Israeli actions to the Holocaust.¹¹⁶

In [July] 2022, a collection of Uyghur artwork and historical artefacts in Berlin was amended so that all references to “East Turkestan” on maps were changed to the name preferred by the Chinese Communist Party, “Xinjiang.” In another example of interference, Tibetan artists Tenzing Sonam and Ritu Sarin had arranged with a prominent Berlin-based curator to screen their film exploring the early Tibetan resistance and its betrayal by the American CIA (Central Intelligence Agency). However, the subject material proved too sensitive to their Chinese investors who cut of contact with the artists.¹¹⁷

In April 2023, the senate of what was officially referred to as Westphalian Wilhelm University (founded 1780) decided to delete the name of Emperor Wilhelm II (1859–1941; in power between 1888–1918) and call itself University of Münster. Wilhelm II was reputed to have been an anti-Semite, a staunch advocate of colonialism and an opponent of democracy.¹¹⁸

See also Belarus, Bosnia-Herzegovina, Egypt, Ethiopia, Latvia, Namibia, Poland, Spain, Sudan, Ukraine.

GHANA

Previous *Annual Report* entries: 2002, 2004–2008, 2017, 2019, 2022.

¹¹⁶ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 250.

¹¹⁷ Index on Censorship, [Whom to Serve? How the CCP Censors Art in Europe](#) (London: IOC, November 2022), 10, 12.

¹¹⁸ Michael Gardner, [“University Drops Reference to Emperor, Region in New Name,”](#) *University World News* (28 April 2023).

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011, 2013–2019, 2022.

On 17 November 2022, the City Court in Athens found the Tibetan-American Tsela Zoksang, the Hongkongese-American Joey Siu and a Vietnamese-American activist not guilty of the offense of attempting to “pollute, damage, and distort a historical monument,” a charge punishable by up to five years. On 17 October 2021 they had hung a Tibetan flag and a flag in support of freedom in Hong Kong at the Acropolis, while chanting “Boycott Beijing 2022” and “Free Tibet.” Greek police confiscated their flags and detained them. In the case, the defense had argued, among others, that the arrest and prosecution were contrary to the 2012 judgment of the European Court of Human Rights in *Fáber versus Hungary* (concerning the display of a flag with historical connotations).

In a related case, Tibetan-Canadian activist Chemi Lhamo, joined by American and British human rights activists, protested on 18 October 2021 during the Olympic Torch Lighting Ceremony in Olympia, shouting slogans and holding a banner reading “No Genocide Games” (a reference to the treatment of the Uyghurs in China) as well as a Tibetan flag. The three were detained and held for more than two days in a local prison, before being released pending trial on the same charge.¹¹⁹

On 7 March 2023, Manolis Psarros ([1970]–), an archaeologist working for the Culture Ministry’s Ephorate of Antiquities of Cyclades responsible for the preservation and protection of antiquities, was beaten on the island of Mykonos by an unidentified man with a possible accomplice in Athens, and left unconscious and bleeding in the street. The attack was likely related to commercial pressure to extend tourism development and research into building activities in areas of archaeological interest on the island. Every year the archaeological services, tasked with protecting Greece’s ancient heritage, vetoed approximately twenty proposals for property construction on Mykonos. On 14 March 2023, archaeologists launched a strike outside the Culture Ministry in Athens to protest the assault. The Culture Ministry condemned the attack. On [21 March], the Association of Greek Archaeologists filed a legal complaint after another archaeologist (name unknown) had received threatening text messages.¹²⁰

¹¹⁹ [“Human Rights Activists Face Legal Battle in Greek Courts Following “No Beijing 2022” Protests at Olympic Torch Ceremony,”](#) *Students for a Free Tibet* (20 January 2022); [“Beijing 2021 Olympics Acropolis Protestors’ Trial Set To Take Place on 17 November 2022,”](#) *Justice Abroad* (15 November 2022); [“Huge Win for Beijing 2021 Olympics Acropolis Protestors in Athens Court,”](#) *Justice Abroad* (17 November 2022); European Court of Human Rights, [Fáber versus Hungary](#) (Application no. 40721/08) (24 October 2012).

¹²⁰ Derek Gatopoulos & Petros Giannakouris, [“Assault on Archaeologist Triggers Protests in Greece,”](#) *AP News* (14 March 2023); Tassos Kokkinidis, [“Archaeologist Tasked with Building Permits in Mykonos Brutally Beaten,”](#) *Greek Reporter* (14 March 2023); [“Μύκονος: Απειλήσαν συνάδελφο του αρχαιολόγου με SMS,”](#) *Η Καθημερινή* (21 March 2023); [“Μύκονος: «Θέλουν να ξεμπερδέψουν με την προστασία των αρχαιοτήτων» –](#)

GRENADA

Previous *Annual Report* entries: 2007, 2022.

GUATEMALA

Previous *Annual Report* entries: 1995–2022.

On 14 June 2022, the Brussels criminal court ordered the arrest, under the principle of universal jurisdiction, of eight former high-level government officials, including former Guatemalan President Fernando Romeo Lucas García (in office between 1978–1982), for their responsibility in the death and disappearance of three Belgian missionaries during the Civil War (1960–1996). Fathers Walter Voordeckers (1939–1980), Ward Capiiau (1950–1981) and Serge Berten (1952–[1982]) were killed or disappeared, because of their activism for better working conditions on the sugar cane plantations on the south coast. The crimes had never been investigated in Guatemala. Three of the accused had already died and three were already in prison for other crimes, including forced disappearances, committed during the Civil War.¹²¹

On 8 July 2022, the Inter-American Court of Human Rights (IACHR) ordered Guatemala to adopt urgent measures to protect Miguel Ángel Gálvez, the judge responsible for sending many high-level politicians and military officials, including former President Efraín Ríos Montt (1926–2018; in office between 1982–1983) to trial, and the investigating judge in the case of *José Miguel Gudiel Alvarez and others v. Guatemala* (also known as the Diario Militar case) on the abduction, forcible disappearance and/or execution by State agents of 183 political opponents during the military government of President Oscar Mejía Víctores (1930–2016; in office between 1983–1986). The IACHR highlighted a series of threats and acts of intimidation and surveillance, especially after the indictment of nine retired military and police officials on 6 March 2022 [See NCH *Annual Report 2022*]. It further criticized the request made by and granted to the Anti-Terrorism Foundation for a preliminary hearing of Gálvez. It urged Guatemala to ensure justice in the Diario Militar case and to guarantee the judicial independence of judge Gálvez by adopting measures to protect his life and personal integrity. On 15 November, Gálvez announced his resignation and went into exile.

[Η δήλωση του αρχαιολόγου που δέχθηκε επίθεση](#),” *Η Καθημερινή* (24 March 2023); Helene Smith, “[Violence Hits Mykonos over Efforts to Preserve Ancient Heritage](#),” *Guardian* (26 March 2023).

¹²¹ Sanne Weber, “[Universal Jurisdiction: What Can Belgian Justice Bring for Guatemalan Victims?](#)” *Justiceinfo.net* (8 July 2022).

Following Gálvez's resignation, plaintiffs in the *Diario Militar* case, as well as the families of the deceased expressed concern over the dismantling of the case. A number of newly-appointed magistrates were reportedly closely linked to Zury Ríos, who aimed at getting a constitutional ban on running for President for being Efraín Ríos Montt's daughter overturned in the lead-up to the 2023 elections.¹²²

In the second half of June 2023, the International Council of Archives Section on Archives and Human Rights expressed concern about the fate of the extensive archives of the Grupo de Apoyo Mutuo (Group of Mutual Support) – an NGO established in 1984 and dedicated to helping the families of those missing during the Civil War (1960–1996) – after proceedings against its staff.¹²³

GUINEA

Previous *Annual Report* entries: 2007, 2009–2022.

On 24 August 2022, a “national conference” forum, set up in December 2021 by junta leader Colonel Mamady Doumbouya to “heal the deep wounds” of a “painful past,” recommended, among others, the establishment of a truth and reconciliation commission and the trial of all perpetrators of violence and human rights violations, after hearings collected 4,796 testimonies of human rights violations committed since Guinea's independence from France in 1958. Doumbouya did not commit himself to the forum's recommendations. The hearings were boycotted by many civil society and opposition groups, criticizing what they considered as a tool to justify the September 2021 coup. Critics further pointed out that a Provisional National Commission on Reconciliation had already submitted its recommendations in June 2016 [See *NCH Annual Report 2017*].¹²⁴

On 29 May 2023, lawyers in the 2009 Conakry Stadium massacre trial [See *NCH Annual Reports 2015–2016, 2018–2022*] went on strike, demanding legal aid and improved working conditions. The Guinean Organization for the Defense of Human and Citizens' Rights expressed concern over the strike and called on authorities to find an urgent solution. Already in mid-May, authorities had announced that

¹²² Jo-Marie Burt & Paulo Estrada, “[La CIDH ordena medidas urgentes para proteger el derecho de víctimas y la independencia del juez Gálvez](#),” *WOLA* (21 July 2022); Jo-Marie Burt & Paulo Estrada, “[Clandestine Structures in Guatemala Consummate Witch Hunt against Judge of “Death Squad Dossier” Case](#),” *El Faro* (15 November 2022); Jo-Marie Burt & Paulo Estrada, “[Guatemala's Death Squad Dossier Case Being Dismantled by Corrupt Political-Legal Systems](#),” *WOLA* (4 April 2023); José Luis Sanz, “[With the Death Squad Dossier, I Understood that Guatemala Is Designed for Impunity](#),” *El Faro* (10 April 2023); “[Diario Militar Case](#),” *Open Society Justice Initiative*” ([no date]).

¹²³ International Council on Archives Section on Archives and Human Rights, [Statement of Concern about the Mutual Support Group in Guatemala \(GAM\)](#) (Press release; June 2023).

¹²⁴ “[A Forum Advocates Speeding Up Trials for Political Violence](#),” *Africa News* (25 August 2022).

money for the trial was close to running out. On 28 September 2022, the thirteenth anniversary of the massacre, the trial had begun.¹²⁵

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012, 2015.

GUYANA

Previous *Annual Report* entries: 1997, 2022.

¹²⁵ [“Guinea Trial to Start on Anniversary of 2009 Massacre,”](#) *Africa News* (17 September 2022); Matthias Raynal, [“Conakry’s Groundbreaking Trial Threatened by Financial Issues,”](#) *Justiceinfo.net* (30 May 2023).

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2013–2022.

In June 2022, an armed group from Martissant, a district of the capital Port-au-Prince, occupied the palace of justice of the capital during more than a week, setting fire to the archives of the courts of first instance of Port-au-Prince and nearby Croix-des-Bouquets on 14 June 2022.¹²⁶

See also Dominican Republic.

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2015, 2022.

On 7 November 2022, police and army forces violently evicted 110 Garifuna people from their homes in Punta Gorda, Roatán, after a judge had ruled that their community, founded in 1797, was an “usurpation” of private land. The judge’s ruling allegedly followed a request for removal by the Norman Jones family, who claimed to have owned the land since 1950. The eviction was in violation of the International Labor Organization’s 1989 Indigenous and Tribal People Convention 169, ratified in 1995 and granting the Garifuna, among others, the rights to their ancestral land. In 2015, the Inter-American Court of Human Rights had ordered the state to protect the Garifuna people’s land and to make reparations for dispossession and other types of past violence. As of November 2022, this had not happened. On 8 November 2022, the United Nations High Commissioner for Human Rights condemned the eviction.¹²⁷

See also Nicaragua.

HONG KONG

Previous *Annual Report* entries: 1996. From 1997: *See* China.

¹²⁶ [“Des Bandits détruisent des archives au tribunal de première instance de Port-au-Prince.”](#) *Le Nouvelliste* (15 June 2022).

¹²⁷ Roman Gressier, [“Under Xiomara Castro, Honduran Garifunas Receive JOH-Style Military Eviction.”](#) *El Faro* (16 November 2022).

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2022.

On 2 September 2022, a group of six Holocaust survivors protested at the Parliament in Budapest against the unveiling of a bust of Admiral and Nazi wartime ally Miklós Horthy (1868–1957; in power between 1920–1944) in the office of deputy house speaker and member of the far-right Mi Hazánk party, Dóra Dúró. Following criticism of the decision to unveil the statue, Fidesz house speaker László Kover said that all members of Parliament were allowed to decorate their office freely. Repeated Fidesz governments of Viktor Orbán (2010–present) had pushed a campaign of reappraisal for the Horthy regime, including an overhaul of the history curriculum and support for revisionist historical research [See also NCH *Annual Reports 2020–2022*].¹²⁸

¹²⁸ Judit Presinszky & Andrea Horvath Kawai, "[A Desecration of All of Us](#)," *Transitions* (5 September 2022).

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2022.

On 15 July 2021, over hundred historians from India and abroad endorsed a letter to the Parliamentary Standing Committee on Education expressing concern over proposed changes to National Council of Educational Research and Training (NCERT) history textbooks and objecting to allegations that the books contained “unhistorical facts and distortions.” On 24 June 2022, senior historian Irfan Habib criticized the downscaling of the Muslim/Mughal history from most of the NCERT textbooks.

In early April 2023, the NCERT presented changes in history, political science and sociology textbooks for Classes 6 to 12 that would become effective from the year 2023–2024 (starting in September 2023) in more than 20,000 schools, after it had made a “list of rationalized content” in December 2021–June 2022 with the stated aim to reduce the curriculum load to help students make a “speedy recovery” from learning setbacks suffered during the pandemic of 2020–2022. Among the topics affected were: the caste (varnas) system and the treatment of minorities; historical figures such as Mahmud Ghazni of Afghanistan (971–1030) and Jawaharlal Nehru (1889–1964); the Delhi Sultanate (1206–1526) and Mughal Empire (1526–1857); chapters on protests and popular movements; passages on sedition; Mahatma Gandhi’s assassination (1948) and the temporary ban of the Hindu nationalist Rashtriya Swayamsevak Sangh (RSS; the National Volunteer Corps founded in 1925) afterward [See also NCH *Annual Report 2021*]; the Emergency (1975–1977); and the Gujarat riots (2002; see below). Passages on the theory of evolution in science books were moved to higher grades. This was the third large-scale textbook review since the National Democratic Alliance government led by the Bharatiya Janata Party took charge in 2014 (the first was in 2017, the second in 2019). On 8 June 2023, political scientists Suhas Palshikar and Yogendra Yadav – who were advisers for political science books originally published in 2006 for classes 9 to 12 – wrote to NCERT, asking it to remove their names from the print and digital editions of the books because they did not want to be associated with the new curriculum [See also NCH *Annual Report 2012*].¹²⁹

¹²⁹ [“Historians Write to Parliamentary Panel against Proposed Changes to NCERT History Textbooks,”](#) *The Hindu* (20 July 2021); Irfan Habib, [“Dear NCERT, What History Should India’s Students Read? One That Fetches Votes?”](#) *The Quint* (24 June 2022); Ritika Chopra, [“In NCERT Textbook Prune: Mughal Era, Delhi Sultanate, Emergency Impact and 2002 Riots,”](#) *Indian Express* (5 April 2023); Ritika Chopra, [“Purged from NCERT Textbooks: Hindu Extremists’ Dislike for Gandhi, RSS Ban after Assassination,”](#) *Indian Express* (5 April 2023); Ritika Chopra, [“Express Investigation – Part 1: From Emergency to Gujarat Riots, Lessons of Past Deleted from Textbooks of Future,”](#) *Indian Express* (18 June 2022); Ritika Chopra, [“Express Investigation – Part 2: Key Deletions on Caste, Minorities in Revised School Textbooks,”](#) *Indian Express* (5 June 2022); Ritika Chopra, [“Express Investigation – Part 3: Textbook Revision Slashes Portion in History on Islamic Rulers of India,”](#) *Indian Express* (20 June 2022); Sourav Roy Barman, [“Express Investigation – Part 4: At Table Reworking School Curriculum, 24 with RSS Links,”](#) *Indian Express* (21 June 2022); Hannah Ellis-Petersen, [“Indian Government Accused of Rewriting History after Edits to Schoolbooks,”](#) *Guardian* (6 April 2023); Zoya Mateen, [“India History Debate after Chapter on Mughals Dropped,”](#) *BBC News* (21 April 2023);

On 10 May 2022, Ravi Kant Chandan, a Dalit professor of Hindi at Lucknow University (LU), Lucknow, Uttar Pradesh, was reportedly surrounded, verbally harassed and threatened by students of the right-wing group Akhil Bharatiya Vidyarthi Parishad. The previous day, Chandan had participated in an online debate on the Gyanvapi mosque dispute [See NCH *Annual Report 2022*], during which he repeated an unverified and little supported claim about the origins of the temple – that Mughal Emperor Muhi al-Din Muhammad (also known as Aurangzeb; 1618–1707) ordered the destruction of a temple, and the ensuing construction of the Gyanvapi mosque, due to a rape that had taken place in the temple – put forward by independent activist and former governor of Madhya Pradesh, Pattabhi Sitaramayya (1880–1957) in his book *Feathers and Stones*, explicitly stating that it was not a fact. After the event, an edited clip of Chandan’s words, excluding his qualifying statement, began circulating on social media, with various Hindu groups accusing him of disrespecting Hindu deities.

On 18 May, police charged Chandan under, among others, Indian Penal Code Section 153-A (promoting enmity between different groups on grounds of religion), after a complaint had been submitted by LU student Aman Dubey. The same day, Chandan was reportedly verbally abused with caste-based insults and physically attacked by Karthik Pandey, a LU student leader of the democratic-leaning Samajwadi Chhatra Sabha. Chandan filed complaints for both attacks: Pandey was suspended from LU, while the other complaint had not been registered as of 27 May.¹³⁰

On 31 May 2022, Rajni Bala ([1985/6]–2022), a Hindu history teacher at the Gopalpora school in Kulgam, Jammu and Kashmir, was shot dead by terrorists while entering the school premises. She had worked at the school since 2011. Bala and her family had repeatedly requested authorities to be transferred to another school in a safer district. The request had reportedly been accepted by authorities the night before the attack. On 9 June, all schools in Jammu and Kashmir’s Ramban district observed a two-minute silence.¹³¹

On 2 September 2022, the Supreme Court ordered the release on interim bail of human rights activist Teesta Setalvad [See NCH *Annual Report 2022*].¹³²

Shuriah Niazi, “[Government Faces Trust Deficit over Introduction of IKS](#),” *University World News* (2 May 2023); Zoya Mateen, “[NCERT Textbooks: Why Some Indian Scholars Are Disowning Books They Wrote](#),” *BBC News* (19 June 2023).

¹³⁰ Ram Puniyani, “[Gyanvapi Mosque: Why the Issue Is Being Revived](#),” *Counter Currents* (11 May 2022); “[Dalit Professor Subjected to Harassment, Threats, and Physical Assault](#),” *Scholars at Risk Freedom Monitoring Project* ([no date]).

¹³¹ “[Another Targeted Attack in Kashmir, Teacher from Jammu Shot Dead](#),” *Hindustan Times* (1 June 2022); Avijit Pathak, “[That Which Dies When a Teacher Is Killed](#),” *Indian Express* (4 June 2022); Manjiri Sachin Chitre, “[Watch: J&K Schools Pay Tribute to Late Teacher Rajni Bala, Observe 2-Minute Silence](#),” *Hindustan Times* (9 June 2022); “[Rajni Bala](#),” *Starts Unfolded* ([no date]).

¹³² Human Rights Watch, “[India: Free, Drop Charges Against Teesta Setalvad](#)” (28 June 2022); “[Indian Activist Teesta Setalvad Gets Bail in 2002 Riots Case](#),” *Al Jazeera* (2 September 2022).

On 15 September 2022, the Bharatiya Janata Party government of Manipur issued an order that all books on the State's history, culture, tradition, and geography be approved by a fifteen-member State-appointment committee before publication. The order further explained that "some books published on the history, culture, tradition and geography of the State contain material which may either distort facts or disturb the peaceful coexistence amongst various communities." The order came in the wake of a controversy in which a Ph.D. thesis by retired Brigadier Sushil Kumar Karma (published as *The Complexity Called Manipur: Roots, Perceptions & Reality*; 2019) claimed that the princely State of Manipur was made of only 700 square miles of the valley area at the time of its merger with India, implying that the hill areas, inhabited by Naga, Kuki and other tribes, were never a part of Manipur. Organizations that criticized the book claimed that the total area of Manipur that had been merged with India in 1949 was 8,620 square miles, citing the *White Paper on Indian States* published in 1950 by the Government of India. Many historians criticized the governmental order as disproportional and, therefore, as an attack on academic freedom [See also NCH *Annual Reports 2012–2013, 2015, 2018*].¹³³

In October 2022, a Hindu mob invaded a madrassa (Islamic institution of learning) in Karnataka State and placed a Hindu idol inside, and another mob attacked a mosque in Gurgaon, Haryana. Both events reportedly resulted from a bogus Hindutva historical narrative, pushed by the ruling Bharatiya Janata Party, that Muslim rulers had for centuries persecuted the "ancient Hindu" population and had destroyed and turned into mosques up to 36,000 Hindu temples. This narrative also fueled a wave of court petitions, filed by right-wing Hindu groups, claiming that mosques, such as the seventeenth-century Shahi Eidgah mosque in Uttar Pradesh and the seventeenth-century Gyanvapi mosque in Varanasi [See above and NCH *Annual Report 2022*], were built on the ruins of destroyed Hindu temples. Despite the absence of evidence, and a national law protecting places of worship from being disputed, judges were allowing these cases.¹³⁴

On 12 October 2022, Nripendra Misra, chair of the Nehru museum and library in New Delhi, requested the declassification of the Bucher papers in the museum's possession because of their "importan[ce] for scholarly research." The papers, containing communication between then second commander-in-chief of the army, General Sir Francis Robert Roy Bucher, and India's first Prime Minister Jawaharlal Nehru (1889–1964), believed to include political and military arguments for the special status of the State of Jammu and Kashmir – a status that was revoked by President Narendra Modi in 2019. In 2021, the

¹³³ Snigdhendu Bhattacharya, "[Publishing a Book on Manipur? Now You Need the Govt's Approval](#)," *The Wire* (18 September 2022).

¹³⁴ Hannah Ellis-Petersen, "[Thousands of Mosques Targeted as Hindu Nationalists Try to Rewrite India's History](#)," *Guardian* (30 October 2022).

Information Commissioner ruled that releasing the papers was in the “national interest,” but did not order the declassification of the documents.¹³⁵

In January 2023, protesters in Lucknow, Uttar Pradesh, burned excerpts from the popular sixteenth-century epic *Ramcharitmanas*, a retelling of the *Ramayana* (the story of the victory of Hindu deity Ram over demon King Ravana after the latter kidnapped his wife, Sita) composed by Tulsidas. The protests started when Education Minister Chandrashekhar said in Bihar that the epic was derogatory toward women as well as Dalits and “spread hatred in society.” Hindu nationalist groups, including members from the governing Bharatiya Janata Party (BJP), organized counter-protests, demanding critics of the work be arrested. At least five people, accused of desecrating the epic, were effectively arrested and in February police invoked the National Security Act against two of them. BJP politician Nandkishore Gurjar wrote to the Supreme Court demanding the death penalty for Swami Prasad Maurya, a leader of a socially-disadvantaged community, who shared Chandrashekhar’s criticism. In Uttar Pradesh, protesters burnt effigies of Maurya and lodged a police complaint, demanding his arrest.

In mid-June 2023, the film *Adipurush*, inspired by the *Ramayana*, was attacked by audiences and critics. Protests were held in different parts of India while some Hindu groups and priests demanded a ban, including for what they called the disrespectful portrayal of Ram and Ravana as angry figures. The right-wing group Hindu Mahasabha filed a police complaint over the film’s “wrong” costumes, illustrations, and choice of words. The All Indian Cine Workers’ Association said the film hurt the sentiments of Hindus. Opposition leaders criticized the film while two cities in Nepal banned all Bollywood films until an “objectionable” line was deleted from it. The film’s director Om Raut and writer Manoj Muntashir received death threats and lived under police protection.¹³⁶

On 22 January 2023, using emergency powers available under the information technology law, the government blocked the airing of the two-part BBC documentary *The Modi Question* on YouTube, Facebook and Twitter, as well as barring the sharing of any clips, on the basis that they were “undermining the sovereignty and integrity of India” and “making unsubstantiated allegations.” The documentary used previously uncovered sources to claim that Prime Minister Narendra Modi had actively prevented police forces from intervening in the 2002 Gujarat riots in which more than 1,000 people were killed, most of them Muslims, when he was the State’s chief minister. The Foreign Ministry criticized the documentary as biased and showing a “continuing colonial mindset.” On 14 February, tax department officials raided BBC offices in Delhi and Mumbai to conduct a “survey,” took documents

¹³⁵ Anisha Dutta, “[India Trying to Prevent Declassification of ‘Sensitive’ 1947 Kashmir Papers](#),” *Guardian* (14 February 2023).

¹³⁶ Geeta Pandey, “[Ramcharitmanas: The Hindu Epic Poem Causing a Political Storm in India](#),” *BBC News* (9 February 2023); “[Adipurush: Why Audiences Turned against this Bollywood Epic](#),” *BBC News* (24 June 2023).

and phones of several journalists and sealed the offices. In [May], the Delhi High Court issued a summons to the BBC in a defamation case reportedly filed by a non-profit based in Gujarat. The suit stated that the documentary cast a slur on the reputation of India, its judiciary, and Prime Minister Modi.

Part one of the documentary highlighted a previously unpublished report, obtained by the BBC from the British Foreign Office, claiming that the riots had “all the hallmarks of an ethnic cleansing” and that Modi was “directly responsible” for the “climate of impunity” that enabled them. Modi had long rejected accusations that he had any responsibility for the violence and never apologized for the riots; in 2013, a Supreme Court panel had ruled that there was insufficient evidence to prosecute him [See *NCH Annual Reports 2003, 2005–2012, 2014–2015, 2017, 2022*].

Students who tried to screen the documentary at university campuses were suspended by the university administration, harassed by Hindu organizations, or arrested for a short time by police, including at Jamia Millia Islamia University, New Delhi (arrest, harassment); Jawaharlal Nehru University, New Delhi (harassment); Pondicherry University, Kalapet (harassment); Central University of Rajasthan, Ajmer (suspension, harassment); Tata Institute of Social Sciences, Mumbai (harassment); Delhi University, New Delhi (arrest); Dr Bhimrao Ambedkar University, New Delhi (arrest); and University of Hyderabad, Hyderabad. Meanwhile, the Supreme Court agreed to hear a petition challenging the ban, which was called “illegal, malicious, arbitrary and unconstitutional.”

On 10 March 2023, University of Delhi (DU) officials expelled Lokesh Chugh, a Ph.D. candidate at the Department of Anthropology, and national secretary of the Congress-affiliated National Students’ Union of India (NSUI), for one year, in connection with the screening of the documentary. The NSUI had held a screening of the documentary at the DU Faculty of Arts on 27 January 2023, which the police shut down, detaining 24 students in the process. DU alleged that Chugh was responsible for the situation. Chugh petitioned the Delhi High Court, contending that he was not present at the protest site and did not facilitate, or participate in, the screening. On 27 April 2023, the Court set aside DU’s order and restored Chugh’s admission, holding that the university had failed to afford Chugh the opportunity to respond to its decision.¹³⁷

¹³⁷ [“India Says BBC Film on Modi’s Role in Gujarat Riots ‘Propaganda’,”](#) *Al Jazeera* (19 January 2023); [“India Blocks BBC Documentary on PM Modi from Airing in India,”](#) *Reuters* (22 January 2023); Hannah Ellis-Petersen, [“India Invokes Emergency Laws To Ban BBC Modi Documentary,”](#) *Guardian* (23 January 2023); [“JNU: India Students Angry after Screening of BBC Modi Documentary Blocked,”](#) *BBC News* (25 January 2023); Shuriah Niazi, [“Students Arrested over Banned Modi Documentary Screening,”](#) *University World News* (26 January 2023); Shuriah Niazi, [“Campuses Seething over Government Modi Documentary ‘Ban’,”](#) *University World News* (2 February 2023); Hannah Ellis-Petersen, [“BBC Offices in India Raided by Tax Officials amid Modi Documentary Fallout,”](#) *Guardian* (14 February 2023); Richa Banka, [“Delhi HC Sets Aside DU’s Order to Debar Student over BBC Film,”](#) *Hindustan Times* (27 April 2023); [Scholars at Risk Academic Freedom Monitoring Project](#) (no date); [“Indian Court Issues BBC with Summon over Modi Documentary, Says Reports,”](#) *Guardian* (22 May 2023).

On 4 February 2023, Delhi's Saket Court upheld the right of Sharjeel Imam, a Ph.D. student in modern Indian history at Jawaharlal Nehru University (JNU; New Delhi), and ten others to dissent, and acquitted them in the case involving violence on 13 December 2019 [See NCH *Annual Report 2020*]. Delhi police appealed the ruling. Imam was not released as he faced a probe under the anti-terrorism law known as the Unlawful Activities (Prevention) Act (UAPA) in a conspiracy case related to the February 2020 Northeast Delhi riots. The Delhi High Court was to hear Imam's bail plea on 15 March 2023 in the UAPA case.¹³⁸

On 13 April 2023, the University Grants Commission released draft guidelines for the incorporation of Indian Knowledge Systems (IKS) into undergraduate and postgraduate higher education courses in a move seen as "epistemic decolonization" by some and nationalistic propaganda by others. IKS referred to traditional knowledge which continued to be passed down informally today. Many critics feared that IKS would be defined exclusively from a Hindu nationalist perspective, emphasizing ancient Hindu texts (Vedas and Puranas) only and creating a narrow mindset among students.¹³⁹

In late May 2023, Delhi University's Academic Council passed a motion to remove the chapter "Modern Indian Political Thought" about Pakistan's national poet Muhammad Iqbal (1877–1938; often credited with giving birth to the idea of Pakistan), from the political science syllabus. Vice Chancellor Yogesh Singh stated that "those who laid the foundation to break India should not be in the syllabus." Iqbal also wrote *Saare Jahan se Achha* (Anthem of the People of Hindustan), a 1904 Urdu language patriotic song for children, which quickly became an anthem of opposition to the British Raj (1858–1947; the rule of the British Crown on the Indian subcontinent).¹⁴⁰

Since its release on streaming service Amazon Prime on 21 July 2023, the Bollywood film *Bawaal* was widely criticized for its "insensitive portrayal" and trivialization of the Holocaust, with Jewish human rights organization Simon Wiesenthal Center asking the platform to remove the film. The film was a love story between a history teacher whose aim was to make Instagram reels to teach World War II and his wife who hoped to save their failing marriage. Some scenes and dialogue drew parallels between

¹³⁸ Apoorvanand, "[Sharjeel Imam's Speech Was Wild and Irresponsible, But Was It 'Sedition'?](#)" *The Wire* (27 January 2019); Shuriah Niazi, "[Sedition Charges against JNU Scholar for Citizenship Speech,](#)" *University World News* (30 January 2020); Shuriah Niazi, "[Court Upholds Protesting Students' Rights to Dissent,](#)" *University World News* (10 February 2023).

¹³⁹ Shuriah Niazi, "[Government Faces Trust Deficit over Introduction of IKS,](#)" *University World News* (2 May 2023).

¹⁴⁰ Milan Sharma, "[Poet Muhammad Iqbal, Who Wrote 'Saare Jahan Se Achha,' Dropped from DU Political Science Syllabus,](#)" *India Today* (27 May 2023).

the protagonists' love story and the Holocaust, including a fantasy scene inside a gas chamber and the use of Nazi leader Adolf Hitler and the Auschwitz death camp as metaphors.¹⁴¹

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2013, 2015–2019, 2021–2022.

In November 2022, police forcibly broke up a vigil at Jayapura University of Technology and Science to commemorate the 21st anniversary of the abduction and killing of pro-independence leader Theys Eluay (1937–2001). According to reports, police fired tear gas to disperse the students who had raised the Morning Star flag – a symbol of Papuan independence. Fifteen people were arrested, three of whom were subsequently charged with treason and six with offenses relating to violence against police officers. The three students charged with treason remained in detention at the end of 2022, while the others were released on bail.¹⁴²

On 11 January 2023, President Joko Widodo acknowledged “gross human rights violations” between 1965 and 2003 and expressed regret, citing twelve “regrettable” events, including the 1965–1966 massacres (in which at least half a million suspected leftists were murdered); the abduction of democratic activists during protests against Suharto’s presidency (1967–1998) in early 1998; the 1984 killing of civilians by security forces at Tanjung Priok, Jakarta; human rights violations in the region of Papua (where there has been a long-running separatist movement; see above) and during an insurgency of the liberation movement Gerakan Aceh Merdeka (GAM) in Aceh province. Human rights violations during the occupation of East Timor (1975–2002) were not mentioned. Widodo’s apology came after he received the report from Komnas HAM (National Commission on Human Rights) that he had commissioned in 2021 to investigate past human rights violations. Widodo was the second president to publicly admit the 1965–1966 massacres, after President Abdurrahman Wahid’s public apology in 2000. Critics said that there were more than twelve atrocities and that Widodo’s expression of regret failed to address government accountability [See NCH *Annual Reports 1996, 2001, 2004–2007, 2009–2013, 2015–2018, 2020*].¹⁴³

See also Australia, Timor-Leste.

¹⁴¹ Geeta Pandey & Cherylann Mollan, “[Bawaal: Bollywood Film Accused of Trivialising Holocaust](#),” *BBC News* (27 July 2023).

¹⁴² Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 193–194.

¹⁴³ Kelly Ng, “[Jokowi Acknowledges Indonesia’s Past Human Rights Violations](#),” *BBC News* (12 January 2023); Saskia Konniger, “[Spijtbetuiging voor wreedheden Indonesië ‘te weinig en te laat’](#),” *NRC Handelsblad* (12 January 2023).

IRAN

Previous *Annual Report* entries: 1996–2022.

Throughout 2022, authorities continued to demolish Baha'i cemeteries, as part of a broader pattern of persecution of the Baha'i minority.¹⁴⁴

There was further news in the case of the imprisoned members of the unauthorized Iranian Writers' Association (IWA) [See NCH *Annual Reports 2020–2022*]. On 9 March 2022, Keyvan Bazhan was released from Evin Prison. Reza Khandan-Mahabadi, the editor of a 19-volume encyclopedia of Iranian fiction, and of a multi-volume book of selected Iranian short stories from the past eighty years, fell sick, most likely with COVID-19, in December 2021. After a stay in hospital, he was summoned back to prison in April 2022. He was released in February 2023.¹⁴⁵

From May to October 2022, the authorities erected fresh concrete walls around the Khavaran mass graves outside Tehran where the remains of several hundred political dissidents executed secretly in 1988 (“the 1988 prison massacres”) were buried, sparking concerns that they could more easily destroy or tamper with the mass gravesite. Five security cameras were erected both inside the gravesite and in the street outside to intimidate mourning families and deter members of the public from visiting the site to pay their respects. Since the massacre occurred, the authorities had systematically and deliberately concealed and destroyed key evidence by repeatedly bulldozing over confirmed or suspected mass grave sites and destroying ad hoc grave markings and trees planted by families. No perpetrators (including President Ebrahim Raisi, who was a member of the 1988 death commissions, and other leading officials) were brought to justice for the past and ongoing crimes against humanity linked to the 1988 “prison massacres” [See also NCH *Annual Reports 2008–2009, 2017, 2021–2022*].¹⁴⁶

In July 2022, historian and documentary maker Hossein Dehbashi was sentenced to six months in prison despite the fact that the Culture and Media Prosecutor's Office had disagreed with the prosecution and closed the case. Dehbashi was known for producing a promotional documentary for 2013 presidential candidate Hassan Rouhani (president of Iran from 2013 to 2021). In 2015, he had launched and directed the Iran Oral History Project (featuring interviews with key political figures from the past four decades) in collaboration with the National Library and Documentation Center.

¹⁴⁴ Amnesty International, *Report 2022/2023: The State of the World's Human Rights* (London: AI, 2023), 199.

¹⁴⁵ International PEN, *The PEN International Case List 2022* (London: PEN, 2023), 81–83.

¹⁴⁶ Amnesty International, “[Iran: Walls Erected around Graves of Massacre Victims Show Urgent Need for International Investigation](#)” (13 September 2022); Amnesty International, *Report 2022/2023: The State of the World's Human Rights* (London: AI, 2023), 200.

Dehbashi had a history of harassment. In November 2018, he was summoned to appear before the Culture and Media Court to respond to accusations from the Ministry of Intelligence, but no further explanation was given. In 2019, the Ministry of Health filed a complaint against him for “disturbing public opinion,” for which he was sentenced to four months in prison (upheld on appeal). In 2020, Dehbashi was charged with “spreading falsehood,” “propaganda against the regime,” and “insulting the clergy,” as a result of a complaint brought by the Ministry of Intelligence.¹⁴⁷

On 9 August 2022, a day after Tehran and Washington wound up indirect talks in Vienna to revive a 2015 nuclear pact, Franco-Iranian Fariba Adelkhah (1959–), a social and political anthropologist, specialist in Shia Islam, and director of research at Sciences Po’s Center for International Studies in Paris, was released on furlough for five days, which was not extended. On 11 February 2023, she was released. On 5 June, the fourth anniversary of her detention, the Committee to Support Fariba Adelkhah and Roland Marshall called for the return of her identification documents and her right to travel back to France [See NCH *Annual Reports 2020–2021*].

On 12 August 2022, novelist Salman Rushdie (1947–), a British-American writer of several historical novels and a historian by training, was stabbed several times in a New York theater by a 24-year-old man reportedly sympathetic to the causes of the Islamic Revolutionary Guard Corps in Iran. Rushdie survived the murder attempt. His historical novel *The Satanic Verses* (1988) had been considered blasphemous by many Muslims and in February 1989 Iran’s leader Ayatollah Ruhollah Khomeini had issued a fatwa ordering the killing of the author. From that time onward, Rushdie had received many death threats [See NCH *Annual Reports 1996, 1998–1999, 2013, 2022*].¹⁴⁸

In the context of anti-regime protests following the killing of law student Mahsa Amini (1999–2022) on 16 September 2022, a number of students were arrested:

- On 22 September 2022, Setayesh Daman Afshan, a master student of Ancient Iranian History at Shahid Beheshti University in Tehran, was arrested and imprisoned in Sepidar Prison, Ahvaz.¹⁴⁹
- On 30 October 2022, Milad Rabiei, a history student at the University of Mazandaran, was arrested in Babolsar. He was later released on bail.¹⁵⁰

¹⁴⁷ HRANA (Human Rights Activists News Agency), “[Documentary Maker Hossein Dehbashi Sentenced](#)” (25 July 2022); HRANA, “[Popular Documentary Producer Summoned to Culture and Media Court](#)” (5 November 2018); HRANA, “[A Daily Overview of Human Rights Violations in Iran for January 20, 2019](#)” (20 January 2019).

¹⁴⁸ George Wright & Nomia Iqbal, “[Salman Rushdie Stabbing Suspect Charged with Attempted Murder](#),” *BBC News* (14 August 2022).

¹⁴⁹ “[List of Detainees in Iran since 16/09/2022](#),” *CFPPI* ([ongoing database]).

¹⁵⁰ “[A Comprehensive Report of the First 82 Days of Nationwide Protests in Iran](#),” *HRANA* (8 December 2022); “[List Created by the Volunteer Committee to Follow-Up on the Situation of Detainees](#),” *Human Rights Watch* (last updated 30 October 2022); “[Kashowra](#),” *Telegram* (1 November 2022).

- On 4 January 2023, the Kashan Revolutionary Court sentenced Alireza Ghamgosar, an archaeology student at Kashan University, to two years in prison on the charge of “assembly and collusion against national security.” On [20 or 28] September 2022, police forces had arrested Ghamgosar in Rasht.¹⁵¹

In October 2022, the government barred people from visiting the Pasargadae and Persepolis – ancient sites dating back to the Achaemenid Empire (c. 550–330 BCE) and containing the Tomb of Cyrus II of Persia (also known as Cyrus the Great; c. 600–530 BCE) – between 27 and 29 October (considered by historians as the day of Cyrus’s death) in fear of antigovernment protests. Since 2016, when thousands of people had gathered at the site, chanting antigovernment slogans such as “Iran is our homeland, Cyrus is our father,” measures against commemorations had intensified.¹⁵²

On 18 November 2022, in the context of anti-government protests following the killing of law student Mahsa Amini (1999–2022) on 16 September 2022, protestors set fire to the ancestral home of founder of the Islamic Republic Ayatollah Khomeini (1902–1989) in Khomein, which had been converted into a museum commemorating his life.¹⁵³

On 8 May 2023, Yousef Mehrdad and Sadrollah Fazeli Zare were hanged after they had been convicted of “blasphemy” for “insulting the Prophet Muhammad” and “promoting atheism.” They had been arrested in May 2020 for their involvement in a Telegram channel called Critique of Superstition and Religion, and had spent months in solitary confinement in Arak prison. In August 2022, a group of United Nations human rights experts had voiced concern over the government’s blasphemy laws, urging the government to decriminalize blasphemy and “ensure the right to freedom of religion or belief and freedom of opinion and expression.”¹⁵⁴

See also Argentina.

¹⁵¹ [“Iran Protests: Two Students Sentenced to a Total of Six Years,”](#) *HRANA* (4 January 2023); [“List of Detainees in Iran since 16/09/2022,”](#) *CFPPI* ([ongoing database]).

¹⁵² [“Iran’s Regime Bans Gathering At Pasargadae In Fear Of Protests,”](#) *Iran International* (29 October 2022).

¹⁵³ [“Iranian Protesters Set Fire to Ayatollah Khomeini’s House,”](#) *BBC News* (18 November 2022).

¹⁵⁴ United Nations Office of the High Commission on Human Rights, [“Iran: UN Experts Alarmed by Escalating Religious Persecution,”](#) (press release; 22 August 2022); [“Iran Hangs Two Men for Blasphemy as Executions Rise amid Unrest,”](#) *Guardian* (8 May 2023); Maziar Motamedi, [“Iran Executes Two ‘Quran Burners’ for Blasphemy,”](#) *Al Jazeera* (8 May 2023).

IRAQ

Previous *Annual Report* entries: 1998, 2000–2022.

In April 2022, a Pax for Peace report showed how residents of Hawija, northern Iraq, continued to suffer from the June 2015 Dutch bombing of a munitions factory that killed at least 85 civilians and injured dozens more. Residents demanded an apology, compensation, and a meaningful explanation of what had occurred.¹⁵⁵

On 19 April 2023, the United Nations (UN) Committee on Enforced Disappearances issued its final report on disappearances in Iraq since 1968, estimated at between 250,000 and 1,000,000 cases. The report identified five waves: the Ba’ath era in federal Iraq and the Kurdistan Region (1968–2003); from the 2003 invasion and subsequent occupation to the pre-Da’esh period (2003–2014); the proclamation by Da’esh (Islamic State) of an Islamic caliphate over part of the territory of Iraq and military operations against Da’esh (2014–2017); the anti-government protests (2018–2020), and, finally, ongoing patterns (2020–). The UN Committee urged the government to include enforced disappearances as a separate offense in national legislation (as it could not yet be prosecuted) and to establish a comprehensive search and investigation strategy.¹⁵⁶

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006, 2013, 2015–2016, 2021.

In its 2022 observations on Ireland’s fifth periodic report, the United Nations Human Rights Committee (HRC) raised concern at gaps in the government’s response to past abuse of women and children who resided or were confined in State-funded institutions operated until the late 1990s by religious orders. These institutions included “mother and baby homes” for unmarried women to give birth, “Magdalene laundries” where women and girls were forced to live and work, and institutional homes for children. The HRC criticized deficits in the State redress system offered to survivors. It called for a transitional justice mechanism to establish the truth of what happened in these institutions and to ensure effective remedies, including compensation.¹⁵⁷

¹⁵⁵ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 322.

¹⁵⁶ [“Iraq: Rights Experts Call for New Laws to End ‘Waves of Disappearance’,”](#) *UN News* (4 April 2023).

¹⁵⁷ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 205–206.

In April 2023, Trinity College in Dublin (founded in 1592) decided to de-name the Berkeley Library (opened in 1967) because the renowned philosopher and bishop of Cloyne, George Berkeley (1685–1753), after whom it was named, had been a slave owner on Rhode Island in America in 1730–1731 and a theorist of slavery and racial discrimination.¹⁵⁸

See also United Kingdom.

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2014, 2016–2022.

On 31 July 2022, a group of 120 faculty members at Ben-Gurion University (BGU), Beersheba, signed a letter calling on BGU to withdraw its summoning of Arab student Watan Madi for a disciplinary hearing, after she had quoted an article by Palestinian poet Mahmoud Darwish (1941–2008) that included the word *shahid* – the Arabic for martyr that BGU claimed usually referred to terrorists – during a memorial event to mark 15 May, known by Palestinians as Nakba Day (commemorating the 1948 Declaration of Independence of Israel and the accompanying ethnic cleansing of Palestinians). The summons followed a complaint filed by the BGU chapter of the right-wing group Im Tirtzu [See also NCH *Annual Report 2012*].¹⁵⁹

On 1 August 2022, following the declassification of hundreds of previously classified pages related to the 1956 Kafr Qasem (Kafr Qasim) massacre, Israeli newspaper Haaretz called on the State to “establish an independent committee that will reconsider the State’s policy on publishing historical documents and release information about the country’s past to the public.” The release of the Kafr Qasem records had followed a five-year lawsuit between historian Adam Raz and the research institute Akevot against the State, to force the Israel Defense Forces Archive to release its documents. Haaretz had previously been among the petitioners unsuccessfully seeking the release of classified documents related to the 1948 Deir Yassin massacre [See NCH *Annual Reports 2000, 2010, 2017, 2019–2020*].¹⁶⁰

¹⁵⁸ John Walshe, “[Trinity College Dublin Ponders De-naming Berkeley Library](#),” *University World News* (21 March 2023); John Walshe & Nathan Greenfield, “[Trinity College Dublin Opts to De-name Berkeley Library](#),” *University World News* (28 April 2023).

¹⁵⁹ Nati Yefet, “[120 Israeli Academics Demand Scrapping Complaint Against Student Who Quoted Palestinian Poet](#),” *Haaretz* (31 July 2022).

¹⁶⁰ “[There Are Thousands of Classified Pages Israel Has Yet to Reveal, for the Sake of Healing](#),” *Haaretz* (Editorial; 1 August 2022).

In [January] 2023, Minister of Culture Miki Zohar pledged to “revoke funding that promotes our enemy’s narrative,” to withhold grants from films that “present Israeli soldiers as murderers,” and to require filmmakers to sign a declaration stating that they would not use State funding to create content that “harms the State of Israel or Israel Defense Forces soldiers.” He also said that two producers were required to return their government-funded grants, including Noam Sheizag and Idit Avrahami’s *H2: The Occupation Lab*, a documentary tracking the history of the occupation of Hebron by Israeli forces since the 1967 Six-Day War. Zohar’s comments followed a pressure campaign by far-right activist Shai Glick, who had previously been instrumental in the cancelation of a public screening of the documentary in Pardes Hanna.¹⁶¹

On 1 January 2023, two Jewish extremists desecrated more than thirty graves at the Protestant Cemetery on Mount Zion, close to Jerusalem’s walled Old City. The Anglican Church said the targeting of the crosses clearly suggested that “these criminal acts were motivated by religious bigotry and hatred against Christians.” The same cemetery was vandalized in a similar way nine years ago.¹⁶²

In late May 2023, David Ben Shlomo, an archaeologist at the Department of Land of Israel Studies and Archaeology based at Ariel University in the occupied West Bank, had his lecture at the International Congress on the Archaeology of the Ancient Near East, held in Copenhagen from 22 to 26 May 2023, canceled following pressure from fellow researchers. Ben Shlomo’s affiliation with Ariel University, a settlement university in the occupied territories, had not been mentioned in the congress program. Excavating in occupied territories was considered a violation under international humanitarian and human rights law and Article 2 of 1993 Oslo Accords Annex III because archaeological sites and antiquities were the property of the occupied territory. In addition, the 2014 World Archaeological Congress Dead Sea Accord had “call[ed] on all States and non-State actors ... to refrain from archaeological excavation in occupied territory.” The details of Ben Shlomo’s talk – on findings from the Iron Age in the southern Jordan Valley, located in the occupied West Bank – were removed from the conference website after the cancelation of his presentation.¹⁶³

See also Australia, Egypt, Germany, Palestine, Tunisia.

¹⁶¹ Noa Yachot, “[‘Attack on Freedom’: Israel Moves to Claw Back State Funds from Critical Films](#),” *Guardian* (21 January 2023).

¹⁶² “[Anglican Church and UK Condemn Desecration of Jerusalem Graves](#),” *BBC News* (5 January 2023).

¹⁶³ Oren Ziv, “[After Backlash, Conference Drops Israeli Archeologist for Settlement University Ties](#),” *+972 Magazine* (28 May 2023); World Archaeological Congress, [The WAC Dead Sea Accord: On the Protection of Cultural Property in the Event of Armed Conflict](#) (2014); Ziv Stahl, *Appropriating the Past: Israel’s Archaeological Practices in the Westbank* (s.l.: Emek Shaveh & Yesh Din, 2017).

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012, 2016–2019, 2021–2022.

See United States.

IVORY COAST (Côte d’Ivoire)

Previous *Annual Report* entries: 2004, 2006–2021.

JAMAICA

Previous *Annual Report* entries: 2017–2018.

JAPAN

Previous *Annual Report* entries: 1995–2022.

On 13 August 2022, two days before the 77th anniversary of Japan’s surrender in World War II, Industry Minister Yasutoshi Nishimura visited the controversial Yasukuni Shrine – a memorial for 2,5 million victims of war, including since 1978 fourteen convicted war criminals, which was considered a glorification of a militaristic and colonial past – in Tokyo. South Korea’s foreign minister expressed “deep concern” over the shrine’s glorification of “Japan’s past war of aggression.” On 15 August, the ministers of economic security and disaster reconstruction and the policy head of the ruling Liberal Democratic Party also visited the shrine [See also NCH *Annual Reports 2021–2022*].¹⁶⁴

In early 2023, plans emerged to institutionalize the revised appointment procedure in an amendment to the law on the Science Council of Japan [See NCH *Annual Report 2021*].¹⁶⁵

On 3 March 2023, 1994 Nobel Literature Prize laureate Ōe Kenzaburō (1935–2023) died. In 2005, Ōe and historian Ienaga Saburō (1913–2002) [See NCH *Annual Reports 1998, 2001*] had been accused of defamation in their respective works, *Okinawa Notes* (1970) and *The Pacific War* (1968), claiming that the “group suicides” of civilians on Zamami and Tokashiki islands during the 1945 Battle of Okinawa had in fact been ordered by Japanese military. Ōe and his publisher had been sued by Umezawa Yutaka, a former garrison commander on Zamami island, and Akamatsu Hidekazu, brother of the late former commanding officer on Tokashiki island Akamatsu Yoshitsugu, seeking huge damages and a publication ban on his books. In particular, Ōe had asserted that thousands of people had been coerced into suicide by the Japanese military at the end of World War II, by telling them that advancing American troops would rape, torture, and murder them. However, Ōe had not identified either of the commanding officers by name or said that they had personally ordered the suicides. Ienaga’s book,

¹⁶⁴ [Japanese Minister Visits Yasukuni Shrine for War Dead: Report](#),” *Al Jazeera* (13 August 2022); Justin McCurry, “[Japan Ministers Visit War Shrine as South Korea Calls for End to Historical Tensions](#),” *Guardian* (15 August 2022).

¹⁶⁵ Science Council of Japan, “[Explanation Note on the Statement of the General Assembly \(December 2022\) Calling Upon the Government To Reconsider Its Planned Amendment of the Law Concerning the Science Council of Japan](#)” (Memo; 7 February 2023).

however, mentioned Umezawa, while a passage regarding Akamatsu's suicide order on Tokashiki had reportedly been expunged from his book in 1986. On 28 March 2008, the Osaka District Court had dismissed the defamation suit, recognizing the "deep involvement" of the Japanese army in the mass suicides, but without determining whether the wartime commanders had ordered them. Its verdict came in the wake of the Education Ministry's 2007 decision to delete references to the military from descriptions of "group suicides" in history textbooks [See NCH *Annual Reports 2008–2009*]. The plaintiffs – who received support of the revisionist association Jiyūshugi shikan kenkyūkai (Study Group for a Liberal View of History) [See NCH *Annual Reports 2001–2002, 2020*] – appealed the verdict twice (in October 2008 for the Osaka High Court and in 2011 for the Supreme Court), but both times the suit was decided in Ōe's favor. In the final one, the Supreme Court ruled that "the military was deeply involved in the mass suicides."¹⁶⁶

See also Philippines, United States.

JORDAN

Previous *Annual Report* entries: 2003–2004, 2015, 2018, 2022.

In March 2022, the authorities used the Law of Crime Prevention to arrest at least 150 activists, journalists, teachers and others in an apparent effort to stop them from organizing multiple protests, including one to commemorate youth-led anti-government protests that took place in March 2011. The authorities released all of them shortly after their arrest.¹⁶⁷

¹⁶⁶ "[Nobel Prize-Winning Author Kenzaburo Oe Dies](#)," *BBC News* (13 March 2023); Ōe Kenzaburō, "[Misreading, Espionage and 'Beautiful Martyrdom': On Hearing the Okinawa 'Mass Suicides' Suit Court Verdict](#)," *The Asia-Pacific Journal* (3 October 2008); Steve Rabson, "[Case Dismissed: Osaka Court Upholds Novelist Oe Kenzaburo for Writing that the Japanese Military Ordered 'Group Suicides' in the Battle of Okinawa](#)," *Japan Focus* (1 April 2008).

¹⁶⁷ Amnesty International, *Report 2022/2023: The State of the World's Human Rights* (London: AI, 2023), 215.

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012, 2022.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2018, 2020–2022.

On 26 October 2016, Amani Mohammed Mwafujo, a Kiswahili and history teacher at the Tawheed Secondary School, Kwale County, was arrested on terrorism charges, including membership in the Somalia-based Al-Shabaab military group. By March 2019, only two witnesses had testified and an arrest warrant had been issued against the investigating officer for failing to respond to a court summons. On 17 March 2022, Mwafujo was acquitted of all charges. When his family requested to pick him up from the court, the day of his release was postponed twice. On 22 March, six men stopped the matatu (a shared taxi) with which Mwafujo and his family were going home, and abducted him. On 3 September 2022, he resurfaced. His family refused to disclose details, as they were warned by the abductors not to speak to the media.¹⁶⁸

On 23 August 2022, lawyers of the Kipsigis and Talai peoples forced off their ancestral lands around Kericho, a major tea-growing region in the Rift Valley, by British settlers during colonial rule took their case against the United Kingdom (UK) to the European Court of Human Rights in Strasbourg. In 2021, six United Nations Special Rapporteurs had jointly expressed “serious concern” at the failure of the UK to offer a public apology or acknowledge their share of responsibility for these colonial-era abuses. The lawyers argued that the British army and colonial administrators had used rape, murder, and arson to seize swathes of arable land in Kericho from its traditional owners.¹⁶⁹

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011, 2013–2015, 2017, 2019.

See Korea, South.

¹⁶⁸ Farhiya Hussein, “[Mombasa Man Resurfaces after Five Months in ‘Captivity’](#),” *Nation* (5 September 2022).

¹⁶⁹ AFP, “[Kenyans Taking UK to EU Court over Colonial-Era Abuses](#),” *Capital News* (24 August 2022); United Nations Mandates, [Allegations Letter Regarding Human Rights Violations During the Precolonial and Colonial Period in Western Kenya](#) (UN Doc. AL GBR 5/2021) (31 May 2021).

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012–2013, 2016–2022.

In July 2022, police raided the home of researcher Jeong Dae-il, an expert in the North Korean Juche ideology at the Korea Institute for National Unification (KINU), and confiscated his cellphone, computers, research materials, and a copy of *With the Century*, a memoir by former North Korean President Kim Il-sung (1912–1994), considered controversial in South Korea, on charges of violating the National Security Act (NSA), which prohibits possessing documents associated with anti-State groups. Months earlier, police had raided a publishing house that had printed Kim’s memoir, claiming a violation of the NSA. The police warrant stated that Jeong had possibly been in communication with this publisher regarding the production of the memoir.¹⁷⁰

On 6 July 2022, the National Intelligence Service filed a complaint against two of its former chiefs, Suh Hoon and Park Jie-won, who led the agency during the presidency of Moon Jae-in (in office between 2017–2022), for respectively falsifying evidence and terminating an investigation related to the 2019 deportation of two North Korean fishermen, and destroying intelligence records related to the 2020 shooting of a South Korean fisheries official by North Korean troops.¹⁷¹

On 24 August 2022, a 2020 Truth and Reconciliation Commission (TRC) – set up to investigate, among others, human rights violations committed during the military governments of Park Chung Hee (1917–1979; in office as president between 1962–1979), Chun Doo-hwan (1931–2021; in office as president between 1980–1988) and Roh Tae-woo (1932–2021; in office as president between 1988–1993) – found these regimes responsible for atrocities, including killings, enslavement, and rape committed at Brothers Home (a State-funded facility for thousands of “vagrants,” including homeless and disabled people, as well as children, who were indiscriminately kidnapped, with the aim of “beautifying” the streets) from the 1960s to the 1980s. At least 657 people were killed at Brothers Home according to a preliminary examination of records by the commission. No one had yet been held accountable. Jung Geun-sik, the TRC’s chairperson, urged the government to issue a formal apology and explore ways to ease the suffering of the victims.¹⁷²

¹⁷⁰ Scholars at Risk, [Free to Think 2022](#) (New York: SAR, 2022).

¹⁷¹ “[South Korean Spy Agency Files Complaints against Ex-Chiefs Over N.Korea Cases](#),” *Reuters* (6 July 2022).

¹⁷² “[South Korea Military Gov’ts Blamed for Abuses, Deaths at Facility](#),” *Al Jazeera* (24 August 2022); Republic of Korea’s Truth and Reconciliation Commission, “[About the Commission](#),” ([no date]).

On 31 March 2023, Chun Woo-won, the grandson of South Korea's last military dictator General Chun Doo-hwan (ruled 1980–1988), apologized to relatives of those killed during the 18 May 1980 Gwangju Uprising. Gwangju had been the center of pro-democracy protests against martial law, imposed by Chun after he led a coup, with the crackdown leaving more than two hundred protesters dead or missing, according to official figures [See also NCH *Annual Reports 2012, 2017–2018, 2022*].¹⁷³

See also Japan, Vietnam.

KOSOVO

Previous *Annual Report* entries: 2021–2022. For previous entries: *see* Serbia.

As of July 2022, there existed no central archive for the Kosovo War (1998–1999), forcing human rights groups, amateur archivists and the State Archives to preserve records separately, often under poor preservation circumstances and without the appropriate security mechanisms.

In late July 2022, Baki Svirca, author of a book on the plundering and destruction of Kosovo's archives by Serbian forces before and during the Kosovo War, called on the United Nations (UN) to hand over the archival documents that were created while Kosovo was a UN protectorate (1999–2008).¹⁷⁴

A 30 August 2022 study by the Humanitarian Law Center in Pristina found that the memorialization of the Kosovo War (1998–1999) was characterized by inaccurate data, nationalist language, ethnic hatred, and the exclusion of groups of victims. It expressed concern that a large number of sites “where serious violations of human rights occurred have faded from the collective memory of our society.”¹⁷⁵

On [16] December 2022, the Kosovo Specialist Chambers (KSC) in The Hague sentenced former Kosovo Liberation Army Commander Salih Mustafa to 26 years in prison for war crimes, including torture and arbitrary detention, committed during the Kosovo War (1998–1999). The sentence was hailed as a landmark first verdict by the KSC.¹⁷⁶

¹⁷³ Nadeem Shad, “[S Korea Dictator’s Grandson Sorry for 1980 Gwangju Crackdown](#),” *BBC News* (31 March 2023).

¹⁷⁴ Serbeze Haxhijaj, “[Fractured History: Why Kosovo Has No Proper Wartime Archive](#),” *Balkan Insight* (25 July 2022).

¹⁷⁵ Perparim Isufi, “[Kosovo Urged to Take ‘Inclusive Approach’ to War Memorialization](#),” *Balkan Insight* (30 August 2022).

¹⁷⁶ Xhorxhina Bami, “[Kosovo Ex-Guerrilla Convicted of War Crimes by Hague Court](#),” *Balkan Insight* (16 December 2022).

On 2 May 2023, Serbian President Aleksandar Vučić and Kosovo Prime Minister Albin Kurti reached a co-operation agreement under European Union mediation to locate and identify people still missing from the 1998–1999 war. According to the European Union, 1,621 people remained unaccounted for, mostly Kosovo Albanians. The deal included the use of satellite data and other advanced technology, including laser mapping, to detect mass graves, the sharing of official files (including “all materials, notes, orders, documents, videos, audio recordings, and any other documents including those having classified status”) and the establishment of a Joint Commission on missing people.¹⁷⁷

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005, 2018, 2021.

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2013, 2016–2017, 2021–2022.

¹⁷⁷ [“Declaration of President Aleksandar Vučić and Prime Minister Albin Kurti on Missing Persons”](#) (press release; 2 May 2023); Kathryn Armstrong, [“Kosovo and Serbia Agree to Help Find War’s Missing,”](#) *BBC News* (2 May 2023).

LAOS

Previous *Annual Report* entries: –.

As 15 December 2022 marked the tenth anniversary of the disappearance of civil society leader Sombath Somphone (1952–), civil society organizations and individuals around the world called on Lao authorities to determine his fate and whereabouts and deliver justice, truth, and reparation to his family members.¹⁷⁸

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008, 2015–2016, 2019, 2022.

On 26 August 2022, the United Nations (UN) Human Rights Committee requested the government to stop the demolition of the Monument to the Liberators of Soviet Latvia and Riga from the German Fascist Invaders in Pārdaugava, and to preserve the already demolished parts, after it had received a complaint that the demolition constituted a violation of the 1966 UN International Pact on Civil and Political Rights. However, the final element of the monument, an obelisk, had already been destroyed the previous day. In June 2022, parliament had approved a law that allowed municipalities to remove up to three hundred Soviet statues, monuments, and memorials.¹⁷⁹

See also Russia.

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2022.

In 2022, Human Rights Watch found multiple failures, gross negligence, and procedural violations in the case of assassinated critic and archivist Lokman Slim (1962–2021) [See also NCH *Annual Reports 2021–2022*].¹⁸⁰

¹⁷⁸ Amnesty International, *Report 2022/2023: The State of the World's Human Rights* (London: AI, 2023), 228.

¹⁷⁹ Samira Ataei, “‘Een tank is een moordwapen, geen monument’” (interview with Marek Tamm), *De Standaard* (19 August 2022), 12; “[UN Committee Belatedly Requests To Stop Soviet Victory Monument’s Demolition in Pārdaugava](#),” *Baltic News Network* (30 August 2022).

¹⁸⁰ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 378.

On 4 August 2022, the second anniversary of the Beirut port explosion in which 2,750 tons of ammonium nitrate ignited in a port warehouse killing more than two hundred people and injuring more than seven thousand, survivors, family members and several human rights organizations including Human Rights Watch and Amnesty International, called on the United Nations Human Rights Council to set up an independent fact-finding mission. A Lebanese investigation had been stymied by political interference, including more than 25 requests by politicians to dismiss leading judge Fadi Sawan, who was dismissed in February 2021, and his successor Tarek Bitar, who had his investigation suspended in December 2021.

On 23 February 2023, the High Court of Justice in London ruled that the London-registered chemical trading firm Savaro Ltd. was liable for the blast, because of their suspected chartering of the shipment of ammonium nitrate in 2013 that ended up in the Beirut warehouse.¹⁸¹

On 25 January 2023, UNESCO added the Rachid Karamah International Fair in Tripoli, designed in 1962 by Brazilian architect Oscar Niemeyer, to the list of World Heritage Sites in danger, due to a lack of financial resources allocated to its maintenance and the risk of development projects violating the integrity of the 70-hectare complex.¹⁸²

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2015, 2018, 2021.

See France.

LIBYA

Previous *Annual Report* entries: 2003, 2005–2021.

In [March] 2023, requests were made to the Antiquities Department and the government to protect the UNESCO World Heritage Site Sabratha, a Phoenician trading post (potentially dating back to the fifth century BCE) that was rebuilt in the second and third century as one of the most important cities of the

¹⁸¹ Tessa Fox, "[Two Years after Beirut Blast, Lawsuits Raise Hopes for Justice](#)," *Al Jazeera* (4 August 2022); Kareem Chehayeb, "[UK Ruling Delivers Rare Victory for Beirut Blast Victims](#)," *AP News* (23 February 2023).

¹⁸² Dominic Dudley, "[UN Raises Alarm Over World Heritage Sites In Yemen and Lebanon](#)," *Forbes* (25 January 2023).

Roman “Regio Tripolitana.” In July 2016, Sabratha and four other Libyan heritage sites were included in the List of World Heritage in Danger, due to the damage and continuing threat of damage caused by the Civil War (2014–), and to the repeated targeting by vandals.¹⁸³

LITHUANIA

Previous *Annual Report* entries: 2005, 2009, 2015, 2018, 2021–2022.

¹⁸³ [“Calls to Protect Libyan Heritage Site Spoilt by Vandals,”](#) *Africa News* (6 March 2023).

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2015, 2017–2018. See North Macedonia.

MADAGASCAR

Previous *Annual Report* entries: 2018.

MALAWI

Previous *Annual Report* entries: 2011–2012, 2019, 2021.

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011, 2016–2017, 2019–2022.

In July 2022, the play *A Notional History* [sic] (2019), produced by the Kuala Lumpur-based Five Arts Center, debuted. With the help of history textbooks, inherited memories, official narratives, and video interviews, it aimed at providing a multi-perspective view on the Malayan Emergency (1948–1960; also known as the Anti-British National Liberation War), a guerilla war in which Communist pro-independence fighters of the Malayan National Liberation Army fought forces of the British Empire and Commonwealth, leading to the death of at least 13,500 people [See also NCH *Annual Reports 2012–2013*].

The play contained scenes from *Revolusi '48* (2008), a never-released documentary by political graphic designer and illustrator Fahmi Reza in which exiled Communist guerrillas tell their story on the war and the independence of the Federation of Malaya in 1957. Ever since the documentary was made, Fahmi had been the subject of verbal and non-verbal threats. The play also showed footage of a 2018 public forum in Kuala Lumpur called “Should We Rewrite Our History Textbooks,” in which Fahmi had been publicly attacked by right-wing groups, triggering a social media campaign against her.¹⁸⁴

¹⁸⁴ Nabila Azlan, “[‘A Notional History’ Looks Back in Order To Inch Forward](#),” *Bandar Aktiviti Seni* (15 July 2022); Marco Ferrarese, “[‘Grief and Memory’: Challenging Malaysia’s Historical Narratives](#),” *Al Jazeera* (1 September 2022).

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010, 2013, 2020–2021.

MALI

Previous *Annual Report* entries: 2011, 2013–2021.

On 5 February 2023, the junta expelled the head of the human rights division of the United Nations (UN) Multidimensional Integrated Stabilization Mission in Mali, Guillaume Ngefa Atonodok Andali, after he had criticized the regime at a UN Security Council briefing on 27 January. Throughout 2022, there had been no progress in ensuring accountability for large-scale atrocities implicating ethnic militias and government soldiers, and no efforts had been made to implement the recommendations of the UN International Commission of Inquiry into war crimes committed by security forces and crimes against humanity committed by Islamist armed groups and ethnic militias between 2012 and 2018.¹⁸⁵

See also France.

MALTA

Previous *Annual Report* entries: 2012, 2021.

MARSHALL ISLANDS

Previous *Annual Report* entries: 2013, 2015.

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011, 2017, 2019–2020.

¹⁸⁵ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 408; “[Mali Junta Expels UN Mission’s Human Rights Chief](#),” *Africa News* (6 February 2023).

MAURITIUS

Previous *Annual Report* entries: 2012.

See United Kingdom.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2022.

On 12 August 2022, poet, historian and political scientist Enrique Márquez Jaramillo (1950–), former Executive Director of Cultural Diplomacy at the Ministry of Foreign Affairs, received two threats to his personal phone after criticizing the government’s so-called “Fourth Transformation” in his columns in the newspaper *El Universal*. He decided to suspend the publication of his next article due to appear the next day. Márquez had been part of the peace negotiation commission with the EZLN (Zapatista Army of National Liberation – See NCH *Annual Reports 1997, 1999*) in 1994 and published 32 books on law, political science and history, and literature. He was awarded the National Prize for Science and Cultural Dissemination Journalism in 2010. The “Fourth Transformation” referred to President Andrés Manuel López Obrador’s campaign against “privileged abuses” ((including ending corruption and expanding social programs) allegedly comparable to three previous transformations: the War of Independence (1810–1821), the Reform War (1858–1861), and the Mexican Revolution (1910–1917)).¹⁸⁶

On 18 August 2022, the Comisión para la Verdad y Acceso a la Justicia del caso Ayotzinapa (Commission for Truth and Access to Justice in the Ayotzinapa case) published a redacted report about the 2014 Ayotzinapa case of 43 disappeared and murdered students [See NCH *Annual Reports 2015, 2021–2022*]. Its chairman, Alejandro Encinas, said that the official involvement in the disappearances constituted a “State crime,” that high-level officials of the administration of then President Enrique Peña Nieto (in office between 2012–2018) orchestrated a cover-up, and that military personnel bore responsibility either directly or through negligence. The report refuted the so-called “historical truth” – the official version that the students were killed by gang members and burned in a dump on the outskirts of Iguala – and criticized the Secretaría de la Defensa Nacional (SENEDA; Secretariat of National Defense) and the Fiscalía General de la República (Attorney General’s Office) for delays in handing

¹⁸⁶ International PEN, *Case List 2022* (London: PEN, 2023), 33.

over information. Already on 28 March 2022, the Grupo Interdisciplinario de Expertos Independientes (GIEI; Interdisciplinary Group of Independent Experts), created by the Inter-American Commission on Human Rights (IACHR) in 2014, had released a report revealing that the armed forces had intentionally destroyed, falsified, and hidden information during and following the 2014 kidnapping.

In September 2022, Futuro Investigates obtained an unredacted copy of the Commission's report from a confidential source in the government, suggesting that the Mexican army was an accomplice in covering up the crimes. The journalist who on 24 September 2022 reported about this unredacted version, Peniley Ramírez, was seriously harassed. On 27 September 2022, special prosecutor and head of the investigation Omar Gómez Trejo resigned, according to President Andrés Manuel López Obrador because he "disagreed with the procedures that were followed." His resignation came after two dozen arrest warrants were canceled. On 15 November, the IACHR published a report saying that there remained "persistent structures within the State apparatus that sought to cover up the crime," and that the government had a duty to the families of the disappeared to clarify the role of the armed forces in the disappearances.¹⁸⁷

On 30 September 2022, in the run-up to the 54th anniversary of the 1968 Tlatelolco massacre, in which troops fired on and killed hundreds of student protesters, the National Security Archive published a previously classified report by the United States Central Information Agency (CIA) concluding that then Secretary of the Interior Luis Echeverría Álvarez (1922–2022) "share[d] heavily in the blame." In March 2009, despite ample documentation for his involvement, a federal court had cleared Echeverría from the charge of genocide for the massacre [See NCH *Annual Reports 2001–2004, 2006–2010, 2015, 2019*].¹⁸⁸

See also United States.

¹⁸⁷ "[Mexico Missing Students: Parents Angry at Military's Obstruction](#)," *BBC News* (30 March 2022); Kate Doyle & Claire Dorfman, "[Mexican Military Archives Produce New Revelations in the Ayotzinapa Case](#)," *National Security Archive* (1 April 2022); "[Ayotzinapa Investigations Special Exhibit Page Launch](#)," *National Security Archive* (26 April 2022); [Informe de la Presidencia de la Comisión para la Verdad y Acceso a la Justicia del Caso Ayotzinapa](#) (Mexico, 18 August 2022) – full report [here](#); "[Truth Commission Faults Mexico Military over 43 Missing Students](#)," *Al Jazeera* (19 August 2022); "[Mexico Arrests Former Top Prosecutor over Missing Students Case](#)," *Al Jazeera* (20 August 2022); "[Six of 43 Missing Mexico Students Were Given to Army: Official](#)," *Al Jazeera* (27 August 2022); Stephanie Brewer, "[Ayotzinapa Case: Key Points to Understand the Mexican Government's New Actions](#)," *WOLA* (31 August 2022); "[Mexico Arrests Military Officials over 2014 Missing Students Case](#)," *Al Jazeera* (15 September 2022); Peniley Ramírez, "[Unredacted Report Suggests Mexican Army Helped Cover Up Missing Students](#)," *Latino Rebels* (26 September 2022); "[Mexico: Prosecutor Investigating Missing Students Case Resigns](#)," *Al Jazeera* (27 September 2022); "[Americas Rights Body Turns Up Heat on Mexico over Missing Students](#)," *Reuters* (16 November 2022); Kate Doyle & Claire Dorfman, "[Guacamaya Leaks and the Ayotzinapa Case](#)," *National Security Archive* (10 March 2023).

¹⁸⁸ Claire Dorfman, "[Echeverría's Legacy of 'Co-opt and Control](#)," *National Security Archive* (30 September 2022).

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010, 2022.

On 19 April 2022, President Maia Sandu signed into law a prohibition on the use of symbols associated with Russia's military activities abroad. These included the ribbon of St. George and the letters "Z" and "V." Their use by pro-Russian political groups was expected at a traditional demonstration held on 9 May 2022 to mark Victory Day in World War II. While the event was allowed to proceed uninterrupted, people displaying the banned symbols were fined.¹⁸⁹

MONGOLIA

Previous *Annual Report* entries: 2007, 2013.

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2013, 2015–2017, 2021–2022.

On 18 October 2022, the Directorate of Inspection Affairs ordered that a memorial plaque for the former inmates of Morinj detention camp be removed, because it had been installed without permission of the local authorities. During the siege of Dubrovnik by the Yugoslav People's Army (1991–1992), which included a large number of Montenegrin soldiers, 270 Croatian war prisoners and civilians were sent to the camp. The Montenegrin State had so far paid € 1,4 million in compensation to 145 former detainees.¹⁹⁰

On 11 April 2023, it was announced that the Supreme State Prosecution would ask for revision of a 2006 agreement with the Croatian Supreme State Prosecutors that effectively barred the prosecution of Croatian citizens suspected of war crimes committed in the Lora Military Prison in Split during the Yugoslav Wars of Independence (1991–1995). Croatian soldiers were accused of torturing and killing at least 14 Montenegrin soldiers at the Lora prison in 1992.¹⁹¹

¹⁸⁹ Amnesty International, *Report 2022/2023: The State of the World's Human Rights* (London: AI, 2023), 255.

¹⁹⁰ Samir Kajosevic, "[Montenegro Authorities Order Removal of Detention Camp Memorial](#)," *Balkan Insight* (18 October 2022).

¹⁹¹ Samir Kajosevic, "[Montenegro Seeks to Indict Croatians for Prison Camp Crimes](#)," *Balkan Insight* (11 April 2023).

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2013, 2015–2018, 2020–2022.

On 15 August 2022, the court of first instance in Oued Zem sentenced Fatima Karim to two years in prison for “electronically attacking religion,” related to Facebook posts in which she had satirically commented on verses of the Koran and hadiths of the Prophet Muhammad. During the trial, she had publicly apologized to “anyone who felt offended,” but asserted that her right to freedom of expression was guaranteed by the Constitution. On 13 September, the Court of Appeal of Khouribga confirmed the sentence.¹⁹²

On 1 March 2023, historian Maâti Monjib (1962–) [See NCH *Annual Reports 2016, 2020–2022*] received an official letter from the Ministry of Higher Education and Research informing him that he had been suspended from his duties as professor of history at Mohammed V University, Rabat, with cessation of payment of his salary. The measure was accompanied by a new defamation campaign against him, suggesting that the suspension resulted from his alleged “absenteeism” from his place of work, even though the official letter noted that it stemmed from his sentencing in January 2021 to a year-long prison term.¹⁹³

Western Sahara

Among the Saharawi activists serving a life sentence in various camps and prisons was Brahim Ismaili, president of Center for Preservation of the Collective Saharawi Memory. On 9 November 2010, Ismaili was arrested and taken to Gdeim Izik camp outside El Aaiún. On 13 May 2011, he was released together with other Saharawis, but just outside of the prison’s gates, arrested again and put in Salé prison, 1,200 km up north. In 2020, he was imprisoned in Ait Melloul prison, close to Agadir. In 1987 he had already been abducted and kept in a secret detention center for months.¹⁹⁴

¹⁹² “[Morocco: Jail Upheld on Appeal for Blogger Accused of “Undermining Islam” – Lawyer](#),” *Africa News* (14 September 2022).

¹⁹³ Middle East Studies Association Committee on Academic Freedom, [Letter Protesting Ongoing Mistreatment of Moroccan Scholar, Prof. Maati Monjib](#) (17 May 2023).

¹⁹⁴ Tone Sørfoonn Moe, *Imprisoned Students: Personal Stories of a Group of Saharawi Students Held in Moroccan Jails* (Oslo: Norsk Studentorganisasjon, 2020), 85.

MOZAMBIQUE

Previous *Annual Report* entries: 2018, 2020.

A 2023 study reported that some academics felt restricted when intending to disseminate sensitive research findings. Among the historians interviewed, some voiced concerns about having suffered censorship by university leaders when intending to organize conferences for the dissemination of their research findings and publications on topics related to the main opposition party Renamo and the Civil War (1977–1992), among others.¹⁹⁵

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2022.

On 14 September 2021, Ye Lin Oo ([1997–]), an archaeology student at Dagon University, Yangon, until the February 2021 coup, and a member of the central executive committee of Dagon University Students' Union was arrested along with five other students' union members in Kyauktada township, Yangon. The six were accused of participating in anti-junta activities. On 10 March 2022, he received a three-year prison term for incitement against the military. On 15 December 2022, a court in Yangon's Insein prison sentenced him to an additional seven-year prison term under the Counter-Terrorism Law.¹⁹⁶

On 13 March 2022, Tun Tun, a staff member at the crematorium of the Aye Nyein Yar Cemetery in Pyay, Bago, was arrested for laying a wreath in commemoration of the anniversary of the death of two youngsters fallen during the crackdown in 2021.¹⁹⁷

On 23 October 2022, the military carried out an airstrike on a music concert in Hpakant, Kachin State, organized by the opposition Kachin Independence Organization (KIO) to commemorate the ethnic organization's 62nd anniversary, in an apparent violation of the laws of war. The attack killed at least

¹⁹⁵ Nelson Casimiro Zavale, "Academic Freedom in Mozambique," in Kirsten Roberts Lyer, Ilyas Saliba & Janika Spannagel, eds., *University Autonomy Decline: Causes, Responses, and Implications for Academic Freedom* (London: Routledge, 2023), 106.

¹⁹⁶ "[Dagon University Student Sentenced to Another 7 Years in Prison](#)," *Radio Free Asia* (16 December 2022).

¹⁹⁷ [List of Arrested](#) ([no date]; link unstable).

eighty people and injured over hundred. Junta forces subsequently blocked access to medical care for those harmed.¹⁹⁸

On 30 November 2022, seven students from Dagon University, Yangon, were sentenced to death by Yangon Insein Prison martial court after a closed trial on the spurious accusation of having shot dead Saw Moe Win, a retired lieutenant colonel who managed a branch of the State-owned Global Treasure Bank on 18 April 2022. Among the students was archaeology student (Ko) Hein Htet. The latter's father, U Thein Shwe, declared that his son left home and went to his friends in Sanchaung Township to play video games in April and that he was later abducted by the military forces, adding that he would file a petition and appeal to reduce the sentences. The guerrilla groups Anti-Fascist Armed Forces and the Yangon Liberation Force, both formed after the coup, had claimed responsibility for the killing.¹⁹⁹

¹⁹⁸ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 434.

¹⁹⁹ Naw Say Phaw Waa, "[Shock as Seven Student Protesters Sentenced to Death](#)," *University World News* (6 December 2022).

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011, 2016–2018.

On 13 September 2022, the main opposition party People’s Democratic Movement requested a renegotiation of an agreement with Germany over the crimes committed against Herero and Nama peoples between 1904–1908 (considered by many historians as genocide), on the grounds that it did not provide reparations and that negotiations had not sufficiently involved descendants of the indigenous groups. In May 2021, Germany had announced that it recognized to have committed “genocide” and promised development aid on a “voluntary basis” [See also *NCH Annual Report 2021*]. In the end, the agreement was not signed due to the rejection by a number of Herero and Nama associations.

In January 2023, lawyers submitted a claim on behalf of the Herero and Nama people urging a Namibian court to declare the agreement invalid, as it allegedly violated the Constitution. In February, a group of United Nations Special Rapporteurs criticized the German government for violating the rights of the Herero and Nama people by not including them in talks over reparations. They criticized the government for failing to include reparation measures and the necessary means for reconciliation and expressed concern that development aid as a form of reparation risked “perpetuating rather than rectifying colonial dynamics.” They further urged the government to pay reparations directly to the Herero and Nama people rather than to the government. It was estimated that at least 60,000 Herero and around 10,000 Nama were killed between 1904–1908.²⁰⁰

NEPAL

Previous *Annual Report* entries: 2007–2021.

See India.

²⁰⁰ [“Namibia Genocide – Opposition Demands Renegotiation with Germany,”](#) *Africa News* (14 September 2022); United Nations Mandates, Allegations letters to [Germany](#) and [Namibia](#) on the lack of participation of Herero and Nama in talks about reparations for the 1904–1908 genocide (23 February 2023); Kate Connolly, [“UN Representatives Criticize Germany over Reparations for Colonial Crimes in Namibia,”](#) *Guardian* (28 April 2023); Almaz Teffera, [“Germany, Namibia Need a Rights-Respecting Reparations Process: UN Experts Urge Affected Communities’ Participation in Negotiations”](#) (press release; Human Rights Watch, 7 June 2023).

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2022.

On 5 October 2022, Minister of Justice Dilan Yesilgöz refused complete access by the Lower House (“Second Chamber”) of Parliament to the archive of the so-called Machielse Commission, citing privacy reasons. In 2019–2021, the commission had investigated the government’s conduct in the case of the Argentine-Dutch Julio Poch, a pilot who was charged with having carried out “death flights” under the Argentinian military dictatorship (1976–1983) but who was acquitted in 2017 after eight years on remand.²⁰¹

In late January 2023, after an investigation started in May 2021, the public prosecutor concluded that the sticker actions by Vizier op Links, however intimidating, did not equal harassment in the sense of the Criminal Code and dropped the charges [See *NCH Annual Report 2021*].²⁰²

On 31 January 2023, a demonstrator interrupted a lecture in Aruba attended by King Willem Alexander (educated as a historian), Queen Maxima and Crown princess Amalia as part of their tour through the Caribbean part of the Netherlands. During the lecture on the characteristics of Caribbean law at the University of Aruba, Giselle Sint Jago, a politician for the party Pueblo Rome and a master’s student in law, stood up, held up a flag, and sang the gospel song *Oh freedom*, which is about slavery. She was escorted from the hall and the lecture continued. She later declared that she planned to hand a manifesto to the king calling on him to apologize for the Dutch slavery past as his government had done in December 2022. She also asked for reparations for the descendants of enslaved people and for the Netherlands to enshrine slavery in law as a crime against humanity.²⁰³

When in February 2023 the newspaper NRC Handelsblad searched the recently released archives of the Binnenlandse Veiligheidsdienst (BVD; Internal Security Service – renamed Algemene Inlichtingen- en Veiligheidsdienst, AIVD, General Intelligence and Security Service, in 2002), it discovered that files containing potentially incriminating facts concerning Prince Bernhard (1911–2004), husband of Queen Juliana (1909–2004; in office 1948–1980), had disappeared. The files concerned his alleged prewar

²⁰¹ Marcel Haenen, “[Minister Yesilgöz \(Justitie\) weigert Tweede Kamer onderzoeksarchief in zaak Julio Poch](#),” *NRC Handelsblad* (5 October 2022).

²⁰² Marcel Haenen, “[OM: na 2 jaar onderzoek geen vervolging wegens ‘bedreiging’ van stickeractie Vizier op Links](#),” *NRC Handelsblad* (27 January 2023).

²⁰³ “[Demonstrator Interrupts Lecture Attended by Royals on Aruba with Freedom Protest](#),” *NL Times* (1 February 2023).

espionage for the Nazis, his alleged 1942 letter to Adolf Hitler, and the 1976 Lockheed corruption scandal, among others [See also NCH *Annual Reports 2007, 2010–2011*].²⁰⁴

On 1 July 2023, at an event marking the 160th anniversary of the 1863 abolition of slavery in the Netherlands, King Willem-Alexander apologized for the roles of the Netherlands and of the Dutch monarchy and the House of Orange in the slave trade and in the slavery in its former colonies. Dutch slave traders trafficked an estimated 600,000 people. Shortly after the ceremony, slavery memorials in Vlissingen and Rotterdam were defiled with racist slogans.²⁰⁵

See also Bosnia-Herzegovina, Egypt, El Salvador, Iraq, Sudan.

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007, 2017, 2019–2021.

See Papua New Guinea.

NICARAGUA

Previous *Annual Report* entries: 1998, 2020–2022.

On 2 April 2022, musician Josué Monroy, member of the alternative rock-pop band Monroy & Surmenage, gave a concert for the fifteenth anniversary of the band's founding. During the event, they sang the song *En el ojo del huracán* (In the eye of the hurricane), in which they paid tribute to the April 2018 protests against President Daniel Ortega with phrases such as “We will not be silent” and “April is not forgotten.” Ten days later, Monroy was arrested with three of his colleagues and interrogated and tortured for 48 hours. Later, his identity papers were taken from his house. On 14 April, he was driven to the Honduran border where he was forced to sign a document forbidding him to return to Nicaragua.²⁰⁶

²⁰⁴ Bart Funnekotter & Joep Dohmen, “[BVD-dossier over oorlogsverleden prins Bernhard zoek](#),” *NRC Handelsblad* (9 February 2023).

²⁰⁵ Matt Murphy, “[Dutch King Willem-Alexander Apologises for Country's Role in Slavery](#),” *BBC News* (2 July 2023); Veerle Schyns, “[Na excuses van de koning drie slavernijmonumenten beklad of vernield – één per ongeluk](#),” *NRC Handelsblad* (4 July 2023).

²⁰⁶ International PEN, *Case List 2022* (London: PEN, 2023), 35.

On 4 May 2022, the National Assembly (75 in favor, 16 abstentions) suspended the legal status of fifty NGO's, including the Jesuit research center of investigative journalism Instituto Histórico Centroamericano (IHCA; Central-American Historical Institute, established in Managua in 1981), on the grounds that they violated Law No. 147 on nonprofit legal entities and Law 977 against money laundering, financing of terrorism, and financing of the proliferation of weapons of mass destruction. In July 2022, the Museo Arqueológico de Solentiname (Archaeological Museum of Solentiname) on the San Fernando island, with its pre-Colombian exhibitions, also lost its legal status. Between the 2018 nation-wide protests against President Daniel Ortega and the end of August 2022, the legal status of 1.468 NGOs had been suspended. Sandinista member of parliament Filiberto Rodríguez, the leading force behind the suspensions, alleged without giving proof that the NGOs had used donations to undermine the government during the protests.²⁰⁷

On 22 November 2022, hooded police officers arrested Oscar René Vargas Escobar ([1946]–), a sociologist, economist and author of a three-volume *Historia del siglo XX* (2001; History of the 20th century) about Nicaragua in 1893–1909, 1910–1925, and 1926–1939, in Managua and took him to a prison facility known as Nuevo Chipote. On 23 November, the prosecutor's office charged him with “conspiracy to undermine national integrity” and “propagation of false news through information and communication technologies.” Vargas had been a co-founder and adviser to the national leadership of the Sandinista National Liberation Front in the 1960s, but became a strong critic of Daniel Ortega's government, especially after the April 2018 rebellion (see above). In the last article before his arrest, published on 20 November 2022, he had put forward a strategy for the release of all political prisoners. On 26 December 2022, the Inter-American Commission on Human Rights granted him precautionary measures (urging the State to protect detainees who were in a serious and urgent situation from suffering irreparable harm) for health reasons. In February 2023, the authorities released Vargas, together with more than 200 other political prisoners and forced him into exile.²⁰⁸

NIGER

Previous *Annual Report* entries: 2009, 2013, 2021.

²⁰⁷ “[Cancelan en Nicaragua a 50 ONGs, diputado dice que así evitan que sigan ‘engañando’](#),” *100% Noticias* (4 May 2022); “[Cancelan personería jurídica a Expica, Museo Archipiélago de Solentiname y otras 8 ONG](#),” *100% Noticias* (18 July 2022); “[Régimen en Nicaragua cancela 100 ONG más, suman 1500 desde que estalló la crisis](#),” *100% Noticias* (24 August 2022).

²⁰⁸ International PEN, *Case List 2022* (London: PEN, 2023), 33–34; “[IACHR Grants Precautionary Measures in Favor of Oscar René Vargas Escobar in Nicaragua](#)” (press release; 28 December 2022); Website of Oscar-René Vargas Escobar: <https://oscarenevargas.com>.

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2013, 2016–2022.

On 14 May 2022, following the arrest of two Muslim men reportedly involved in the killing of the Christian college student Deborah Emmanuel Yakubu for allegedly “blasphemous” statements [See *NCH Annual Report 2022*], protesters attacked and looted the Holy Family Catholic Cathedral, the St. Kevin’s Catholic Church, and the Evangelical Church Winning All in Sokoto.²⁰⁹

On 20 October 2022, police used tear gas against protesters during the two-year commemoration of the #EndSARS protest at Lekki toll gate [See *NCH Annual Report 2022*]. At least four people were arrested and detained.²¹⁰

On 28 January 2023, Bose Onifade, the mother of history student Pelumi Onifade, who had been killed by police officials on 24 October 2020, pleaded to Lagos Governor Babajide Sanwo-Olu to have the corpse of her son returned to the family. The corpse had presumably been kept in government custody ever since Onifade’s death [See *NCH Annual Report 2022*].²¹¹

In mid-May 2023, the Media Foundation for West Africa and the International Senior Lawyers Project submitted an amicus curiae petition to the Supreme Court in support of Muslim gospel musician Yahaya Sharif-Aminu ([1998]–), who was sentenced to death by hanging by an Upper Sharia court in Kano on 10 August 2020 [See *NCH Annual Report 2022*]. The reason for the sentence was a song he had composed as a eulogy to the founder of the Tijaniya Muslim sect, Sheikh Ibrahim Niasse (1900–1975). The song, circulating on Whatsapp, was denounced as blasphemous by critics who said it projected the Senegal-born cleric above the Prophet Muhammed. In March 2020, a mob had burnt down Sharif-Aminu’s family home and demanded the Islamic police, Hisbah, to arrest and prosecute the singer, leading to his conviction.²¹²

²⁰⁹ [“Three Churches Attacked and Looted in Northern Nigeria,”](#) *Persecution.org* (17 May 2022).

²¹⁰ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 277.

²¹¹ Vincent Ufuoma, [“Two Years after He Was Killed, Pelumi’s Family Says Corpse yet to Be Released,”](#) *International Centre for Investigative Reporting* (28 January 2023).

²¹² [“MFWA Offers Insight in Nigerian Death Penalty Appeal,”](#) *Ifex* (17 May 2023); Supreme Court of Nigeria, [Yahaya Sharif-Aminu versus Attorney General: Amicus Curiae Brief](#) (May 2023).

NORTH MACEDONIA

Previous *Annual Report* entries: 2021–2022. For previous entries: *see* Macedonia.

On 4 February 2022, during the lead-up to the 151-year anniversary of the birth of Georgi Delchev (a.k.a. Gotse Delchev, Goce Delčev; 1872–1903), an Ottoman-era revolutionary considered a national hero both by North Macedonians and Bulgarians, the government ordered heightened security measures amid mounting tensions between the two countries. The order followed a statement by Bulgarian member of European Parliament Angel Dzhambazki, who had said that “Macedonia was and will be Bulgarian” and called on Bulgarians to attend the celebration in Skopje en masse.²¹³

On 5 September 2022, the main opposition party Internal Macedonian Revolutionary Organization–Democratic Party for Macedonian National Unity launched a campaign for a referendum on the 2017 Law on Ratification of the Treaty of Friendship, Good Neighborliness and Cooperation with Bulgaria, that had set demands on, among other things, the representation of historical figures and events in North Macedonia’s history textbooks, so as to reflect Bulgarian views. In late 2020, despite the friendship agreement, Bulgaria began vetoing North Macedonia’s European Union (EU) accession talks, demanding further changes to, among others, the textbook portrayal of the Kingdom of Bulgaria (1908–1946) [See NCH *Annual Reports 2021–2022*]. In the summer of 2022, an agreement was reached that would allow for the EU accession talks to begin, with one of the conditions being that North Macedonia adopted a Constitutional preamble that named Bulgarians among the founding peoples of the State.²¹⁴

NORWAY

Previous *Annual Report* entries: 2009, 2012, 2016–2017, 2022.

On 1 June 2023, a truth and reconciliation commission, set up in 2018 to examine the historical policy of the authorities related to the Sámi, Kvens and other Indigenous groups, published its final report. The commission found that assimilation policies of “Norwegianization” had led to the endangerment of minority languages and caused cultural, social and mental health consequences for individuals and

²¹³ Sinisa Jakov Marusic, “[Hero’s Memorial Day Further Inflames North Macedonia-Bulgaria Relations](#),” *Balkan Insight* (25 January 2022).

²¹⁴ Sinisa Jakov Marusic, “[North Macedonia Opposition Seeks Referendum against Bulgaria Deal](#),” *Balkan Insight* (6 September 2022); Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 282.

Indigenous groups as a whole. The commission proposed the creation of a “center for knowledge, research, dissemination and reconciliation.”²¹⁵

²¹⁵ [“Commission Exposes Injustices against Norway’s Indigenous People,”](#) *Guardian* (1 June 2023).

OMAN

Previous *Annual Report* entries: 2010, 2017, 2019, 2021.

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012, 2014, 2016, 2018–2019, 2021.

On 13 August 2022, the Balochistan cabinet approved the formation of a parliamentary committee to investigate disappearances. The committee was criticized for not involving families of the disappeared [See also NCH *Annual Reports 2009, 2011*].²¹⁶

On 7 September 2022, Abdul Fatah Shaikh, director of the archaeological site and museum of Mohenjo Daro, Sindh province, one of the largest settlements of the Harappan civilization (3300–1300 BC) built around 2500 BC and a UNESCO World Heritage site, warned that the August heavy rains, caused by climate change and the unwillingness of high-emitting countries to reduce their emissions, damaged the protective outer covering on the historic structures.²¹⁷

In January 2023, the blasphemy laws, which already stipulated the death sentence for those deemed to have insulted Islam or the Prophet Muhammad, were broadened with a provision to punish anyone convicted of insulting his wives, companions or close relatives. Critics feared further abuse of the laws against political opponents and religious minorities and sects. A report by the Human Rights Commission of Pakistan found that in 2021 at least 585 cases had been registered under the blasphemy laws.²¹⁸

On 14 July 2023, police in Kala Gujran, Jhelum district, Punjab province, demolished a minaret of the Ahmadiyya Muslim community and interrogated some of its members for several hours. The police denied its role and some expressed fears that they had acted at the behest of the Tehreek-e-Labbaik Pakistan (TLP), a far-right Islamic political party. The local TLP leader openly declared that Articles 298 B and C of the Pakistan Penal Code, also known as the blasphemy law, prohibited Ahmadis to call themselves Muslims or to propagate their faith, and therefore provided him the license to demolish Ahmadi minarets because they allegedly insulted Islam.²¹⁹

See also India.

²¹⁶ [“Balochistan Cabinet Approves Commission on Missing Persons,”](#) *Balochistan Post* (17 August 2022).

²¹⁷ Abid Hussain, [“Record Rains in Pakistan Damage Mohenjo Daro Archaeological Site,”](#) *Al Jazeera* (8 September 2022).

²¹⁸ Salman Masood, [“Pakistan Strengthens Already Harsh Laws against Blasphemy,”](#) *New York Times* (21 January 2023); Human Rights Commission of Pakistan, [A Breach of Faith: Freedom of Religion or Belief in 2021/2022](#) (7 February 2023), 10.

²¹⁹ Zofeen Ebrahim, [“Pakistan’s Political Vandals,”](#) *Index on Censorship* (20 July 2023).

PALESTINE

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2013–2015, 2018, 2021–2022.

On 19 September 2022, hundreds of schools in Occupied East Jerusalem remained closed as part of a general strike in protest against attempts by the Jerusalem municipality to introduce an Israeli curriculum on topics such as Arabic, religion and history.²²⁰

On 26 April 2023, Israel's Independence Day, the head of the European Commission Ursula von der Leyen sent a congratulatory video message to Israel's President Isaac Herzog. The Palestinian foreign ministry criticized her remark that Israel had “made the desert bloom,” calling it an “anti-Palestinian racist trope” that falsified and erased Palestinian history by suggesting that the land was previously uninhabited or untended, and by denying the Nakba (the term used by Palestinians to describe the 1948 expulsion of 700,000 Palestinians).²²¹

On 15 May 2023, for the first time in its history, the United Nations (UN) commemorated the mass displacement (“Nakba” or “Catastrophe”) of Palestinians from land that was to become Israel on 15 May 1948, that turned 700,000 Palestinians into refugees. In November 2022, the UN General Assembly had adopted a resolution for this commemorative day and requested the dissemination of archives and testimonies about the Nakba. It also urged “the achievement without delay of an end to the Israeli occupation that began in 1967 and of the two-State solution on the basis of the pre-1967 borders, with an independent, sovereign and viable State of Palestine, living side by side, in peace and security, with Israel.” An estimated 5.9 million Palestinians were currently registered as refugees.²²²

See also Australia, Germany, Israel, United Kingdom.

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2013, 2015–2017.

²²⁰ Zena Al Tahhan, “[Palestinian Schools in Jerusalem Strike over Israel-Imposed Books](#),” *Al Jazeera* (19 September 2022).

²²¹ Yolande Knell, “[Palestinians Condemn EU's von der Leyen for 'Racist Trope'](#),” *BBC News* (27 April 2023).

²²² [United Nations General Assembly Resolution 77/23](#) (30 November 2022); “[UN Marks 75 years since Displacement of 700,000 Palestinians](#),” *UN News* (15 May 2023).

PAPUA NEW GUINEA

Previous *Annual Report* entries: 2014.

On or around 16 February 2023, New Zealand archaeologist Bryce Barker, working at the University of Southern Queensland, Australia, and Papuan archaeologist Cathy Alex, National Museum officer Jemina Haro, and Ph.D. student Teppsy Beni were abducted and taken hostage by a gang of twenty armed criminals near Mount Bosavi in the highlands. On 25 February 2023, they were released after a ransom was paid during a complex security operation. The archaeologists conducted research in the Great Papuan Plateau to determine the earliest human migration from Papua New Guinea into Australia.²²³

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012, 2015, 2020, 2022.

PERU

Previous *Annual Report* entries: 2001–2022.

Authorities made slow progress in prosecuting abuses by government forces during the armed conflict (1980–2000). As of September 2022, courts had issued 50 convictions in 92 cases. In February 2022, the Constitutional Court upheld a 2013 decision that the 1986 killing, by Navy officers, of 113 detainees was not a crime against humanity. The ruling allowed the statute of limitations to apply to the officers, which could lead to closing ongoing trials [See also NCH *Annual Reports 2009–2021*].²²⁴

In April 2023, the Lugar de la Memoria, la Tolerancia y la Inclusión Social (LUM; Place of Memory, Tolerance and Social Inclusion), a museum set up in Lima in 2015 to commemorate the almost 70,000 people killed between 1980–2000 by Shining Path militants and the government's armed forces, was forced to close, officially because of its failure to meet municipal safety regulations. Rafael López

²²³ Natalie Whiting, Theckla Gunga & Belinda Kora, "[Inside the Complex Rescue Mission for an Australian Professor Taken Hostage by Armed Bandits in the PNG Jungle](#)," *ABC News* (26 February 2023); Kathryn Armstrong, "[Papua New Guinea Kidnap: Archaeologist Bryce Barker and Colleagues Freed](#)," *BBC News* (26 February 2023).

²²⁴ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 480–481.

Aliaga, the mayor of Lima and founder of the far-right Renovación Popular party, had repeatedly criticized the museum for presenting a “false narrative.” In January, he had called the museum an “offense to the nation,” saying that it “should be put under the control of the armed forces” and that it was time to “take control of the narrative” (by which a denialist version of the events was reportedly meant).²²⁵

PHILIPPINES

Previous *Annual Report* entries: 2011–2015, 2019–2022.

On 4 July 2022, online trolls harassed public historian Ambeth Ocampo of the Ateneo de Manila University for confronting historical revisionism that glorified the Ferdinand Marcos dictatorship (1965–1986). Ocampo had responded to actress Ella Cruz’s statement that likened history to “chismis” (gossip). Cruz played Irene Marcos in the upcoming film “Maid in Malacañang,” a retelling of the Marcos family’s last 72 hours in the presidential palace before fleeing for Hawaii during the 1986 People Power Revolution (also known as EDSA Revolution). In a Facebook post, Ocampo had said, “Don’t confuse history and chismis. History may have bias but it is based on fact, not opinion. Real history is about truth, not lies, not fiction.” Following his reaction, online individuals – supposedly supporters of the Marcoses – attacked Ocampo, calling him “yellow historian,” “paid historian,” and “stupid.”²²⁶

On 9 August 2022, the official Komisyon sa Wikang Filipino (KWF; Commission on Filipino Languages) labeled five books as “subversive” after a talk show in far-right outlet Sonshine Media Network International (SMNI) accused the books of “subversion” and red-tagged the authors as “Communists.” A KWF memorandum banned the books, but on 21 September 2022, three KWF members withdrew their signatures from the memorandum after Congress had debated it. The order was rescinded after a strong pushback by the Filipino literary and academic community. The books were:

- “Teatro Politikal Dos” [Political Theater Two] by Malou Jacob. The disputed passages described the EDSA Revolution that overthrew dictator Ferdinand Marcos Sr. in February 1986 as “the best thing that happened after fifteen years of Martial Law.”

²²⁵ Dan Collins, “[Mayor Closes Museum of Memories in Battle over Story of Peru’s Violent Past](#),” *Guardian* (7 April 2023).

²²⁶ Raffy Cabristante, “[‘Hindi Chismis’: Historian Says History Is ‘Evidence-Based’](#),” *ABS-CBN* (4 July 2022); Jaehwa Bernardo, “[Academics Defend Historian Ambeth Ocampo vs ‘Smear Campaign’](#),” *ABS-CBN* (11 July 2022); Scholars at Risk, [Free to Think 2022](#) (New York: SAR, 2022).

- “Kalatas: Mga Kwentong Bayan at Kwentong Buhay” [Letters: People’s Narratives and Life Stories] by Rommel Rodriguez. The disputed passages were descriptions of Filipinos organizing armed revolution against the government.
- “Tawid-diwa sa Pananagisag ni Bienvenido Lumbera: Ang Bayan, ang Manunulat, at ang Magasing Sagisag sa Imahinatibong Yugtong Batas Militar 1975–1979” [Imparting the Meaning of Bienvenido Lumbera’s Writings: The People, the Writer, and the Magazine Sagisag in the Imaginative Stage of Martial Law 1975–1979] by Dexter Cayanes. The disputed passages were citations of works by Communist rebel leaders José María Sison (1939–2022) and Julieta de Lima, of Marxist art critic Alice Guillermo and works such as John Frow’s *Marxism and Literary History*.
- “May Hadlang ang Umaga” [The Morning is Hindered] by Don Pagusara, based on the author’s experiences as an activist and political prisoner during the martial law era (1972–1986).
- “Labas: Mga Palabas sa Labas ng Sentro” [Outside: Performances from Beyond the Center] by Reuel Aguila. The disputed passages described the arrests of activists, hunger, violence, and poverty during the martial law era (1972–1986).²²⁷

On 3 March 2023, the United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW) found that the Philippines had violated the rights of victims of sexual slavery perpetrated by the Imperial Japanese Army during World War II by failing to provide reparation, social support and recognition commensurate with the harm suffered. The Committee further noted that Philippine war veterans, mostly men, “[we]re entitled to special and esteemed treatment from the Government, such as educational benefits, healthcare benefits, old age, disability and death pensions.” The complaint had been filed in 2019 by 24 Filipina nationals, members of the Malaya Lolos (“Free Grandmothers”) established to provide support to sexual slavery survivors (“comfort women”). They asserted that they had consistently raised their claims at the domestic level, requesting that the State espouse their claims against Japan. Their repeated efforts, however, were dismissed, with their last action turned down by the Supreme Court in 2014. Noting that the Philippines had waived its right to compensation by signing the 1956 Peace Treaty with Japan, CEDAW underlined that this was a case of continuous discrimination, with which the Philippines had breached its duties under the UN Convention on the Elimination of All Forms of Discrimination against Women.²²⁸

²²⁷ Karlo Mongaya, [“Filipino Writers and Academics Push Back against Book Censorship,”](#) *Global Voices* (30 September 2022).

²²⁸ United Nations Committee on the Elimination of Discrimination against Women, Alonzo et al. *versus* Philippines: Views Adopted by the Committee Concerning Communication No. 155/2020 (UN Doc. CEDAW/C/84/D/155/2020) (3 March 2023); United Nations High Commissioner for Human Rights, [“Philippines Failed to Redress Continuous Discrimination and Suffering of Sexual Slavery Victims Perpetrated by Imperial Japanese Army, UN Committee Finds”](#) (Press release: 8 March 2023); Elmer Domingo, [“Philippines Urged to Compensate Women Survivors of Wartime Rape by Japanese Soldiers,”](#) *UN News* (8 March 2023); Joel Guinto & Virma Simonette, [“Comfort Women: Last of Japan’s WW2 Sex Slaves Sing ‘Forget Us Not’,”](#) *BBC News* (14 July 2023).

In early July 2023, the Movie and Television Review and Classification Board decided to allow the fantasy movie *Barbie*, due for release on 19 July 2023, to be screened on condition that it blur a 1947 Chinese map depicting contested territorial claims in the South China Sea (the so-called nine-dash line map).²²⁹

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011, 2014–2022.

On 28 December 2021, Minister of Education and Science Przemysław Czarnek introduced a new subject, “History and the Present,” for the 2022–2023 high school and technical school curricula [See NCH *Annual Report 2022*]. The accompanying high school textbook *History and the Present* was criticized, among others by academics from the Warsaw University history department, for not being balanced, instead giving a view of Polish history after World War II that fitted a right-wing, government-endorsed ideology.²³⁰

In March 2022, several non-governmental organizations, including Civicus, criticized the continued practice by the government and its supporters of using so-called “cyclical assemblies,” defined as assemblies regularly organized by the same organizer, at the same location or on the same route, to impede lawful and peaceful “non-cyclical” counter-protests being held at the same place and time. In October 2022, a “cyclical assembly” was used by members of the ruling Law and Justice party to prevent counterprotests during a monthly commemoration in Kraków of the 2010 Smolensk plane crash which killed former President Lech Kaczyński.²³¹

In July 2022, the Ministry of Education and Science published the results of its evaluation of higher education institutions. The evaluation compared the quality of specific institutions and academic journals in order to reassign funding based on the results. It was criticized for using unclear criteria and for being driven by the government’s partisan politics with the aim of giving “scientists and faculties close to the government a high enough assessment.” An analysis by AtMatic, an analytical company

²²⁹ Antoinette Radford, “[South China Sea: Philippines to Allow Barbie Movie but Wants Map Blurred](#),” *BBC News* (12 July 2023).

²³⁰ “[Przemysław Czarnek on a New Subject – History and Present: Students Will Learn about the Circumstances of the Round Table and ‘Partial Betrayal’](#),” *Polish News* (28 December 2021); Wojciech Kosci, “[Academics Say University Evaluation Was Driven by Politics](#),” *University World News* (27 August 2022).

²³¹ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 300.

measuring scholarly output, found that the ministry had inflated selected journals in the fields of history, culture, and religion.²³²

In October 2022, four monuments commemorating the Red Army's "liberation" of Nazi-occupied towns after World War II were demolished in Glubczyce, Byczyna, Bobolice, and Staszow. The actions, based on a 2016 law prohibiting the promotion of totalitarian regimes, were live streamed online and took place simultaneously.²³³

On 27 January 2023, no Russian delegation was invited to the ceremony marking the 1945 liberation of the former Auschwitz-Birkenau Nazi death camp. Russia had always been represented at the event as the camp in Nazi-occupied Poland was liberated by the Soviet Army. But following Russia's 2022 invasion of Ukraine, the Auschwitz-Birkenau museum declined to invite Russian officials and its director, Piotr Cywinski, likened the Ukraine war to the horrors of the Holocaust. In response, Russia accused the museum of attempting to "rewrite history."²³⁴

On 19 April 2023, historian Barbara Engelking, head of the Centrum Badań nad Zagładą Żydów (Polish Center for Holocaust Research) at the Institute of Philosophy and Sociology, Polish Academy of Sciences, was attacked by politicians and media after she had been interviewed on news channel TVN24 about her research. During the interview – part of a series of commemorations of the eightieth anniversary of the Warsaw Ghetto uprising of 19 April–16 May 1943 – she stated that Polish Jews had received little support from their fellow citizens during World War II [See also NCH *Annual Reports 2020–2022*]. Following the interview, Education and Science Minister Przemysław Czarnek decided to withhold approximately € 180,000 of funding from the Institute of Philosophy and Sociology on the grounds that the government would not fund "people who slander Poles." Following the government's decision, more than 2,700 people on 26 April signed a letter saying that Czarnek's attempt threatened academic freedom.²³⁵

See also Belarus, Benin, Russia.

²³² Wojciech Kosc, "[Academics Say University Evaluation Was Driven by Politics](#)," *University World News* (27 August 2022).

²³³ "[Poland Demolishes Soviet-Era Monuments](#)," *BBC News* (27 October 2022).

²³⁴ "[Ukraine War: Auschwitz Anniversary Marked without Russia](#)," *BBC News* (27 January 2023).

²³⁵ [Protest w sprawie ataku na Prof. Barbarę Engelking](#) (petition signed by 2766 persons; 26 April 2023); Open letter by more than 200 scholars of the Holocaust Era, the Second World War, and Modern and Jewish History (11 May 2023); Anna Rzhevkina, "[Academics in Poland Raise the Alarm over Latest Threat to Academic Freedom](#)," *Science/Business* (7 June 2023).

PORTUGAL

Previous *Annual Report* entries: 2017, 2021.

See Australia, Russia.

QATAR

Previous *Annual Report* entries: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010, 2019, 2021–2022.

In [August] 2022, military prosecutors resent a corrected file about Ion Iliescu (1930–), the country’s leader after the December 1989 Romanian Revolution which overthrew Communist dictator Nicolae Ceaușescu, to the court so that he could face trial. Iliescu, then president of the National Salvation Front Committee (CFSN); Gelu Voican Voiculescu, former Deputy Prime Minister; Iosif Rus, former commander of the Military Aviation; and Emil (Cico) Dumitrescu, a former CFSN member, were accused of crimes against humanity. The prosecutors claimed that about 12,600,000 cartridges were fired between 22–30 December 1989, intentionally creating a feeling of terror and causing 862 deaths, 2,150 injuries, severe loss of freedom for hundreds of people and psychological injuries. In April 2019, prosecutors had already sent the file to the court, but the Supreme Court excluded several pieces of evidence submitted by the Military Prosecutor’s Office, including reports drawn up in the 1990s by the Intelligence Service and the Parliamentary Commission of Inquiry into the Revolution.²³⁶

On 1 March 2023, Dorin Cioabă, a Romani representative at the Conference of European Roma, expressed his intention to file an international lawsuit against the Romanian Orthodox Church for not recognizing its involvement in the enslavement of Roma in the Romanian Principalities between the 15th and 19th century. He further called on the church to publicly apologize and provide access to their archives. A church spokesman claimed that Roma and Romanians had suffered from slavery together and that the church should not be singled out for exclusive responsibility.²³⁷

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2022.

In 2020, film critic Anton Dolin (1976–) was dismissed as a regular critic on the popular talk show *Evening Purgant* aired on State television because he had criticized Andrei Kravchuk’s *Union of Salvation*, a 2019 film about Tsarist officers and intellectuals who rebelled against the new Tsar Nicholas I in 1825, arguing that the rebels, who demanded a constitutional monarchy, were wrongly

²³⁶ Madalin Necsutu, “[Romania Ex-President Faces Fresh Trial for 1989 Revolution Crimes](#),” *Balkan Insight* (4 August 2022).

²³⁷ Madalin Necsutu, “[Romanian Roma Threaten Church With Lawsuit over Role in Slavery](#),” *Balkan Insight* (2 March 2023).

portrayed negatively. In 2021 Dolin started his own highly successful film channel on YouTube, Radio Dolin. After the invasion of Ukraine, he went into exile in Riga, Latvia. In late 2022, he was declared a “foreign agent.”

There were other cases of film censorship. In 2022, after a screening by secret service FSB, the 2021 film *Captain Volkonogov Escaped*, was banned and removed from programming, posters and film ladders. The story regarded an executioner of Stalin’s secret police during the Great Terror of 1938, Fyodor Volkonogov. When in danger of falling prey to the terror himself, he asked his victims’ forgiveness and fled. The same happened to *Tchaikovsky’s Wife*, Kirill Serebrennikov’s 2022 film about the taboo of Tchaikovsky’s homosexuality. After a legal case, allegedly for embezzling money for his theater in Moscow, Serebrennikov defected to Europe, his theater was closed and his films were banned.²³⁸

In February 2022, longstanding Memorial member Bakhrom Khamroev was remanded under spurious charges of “public justification of terrorism.” In October 2022, charges of “organizing the activities of a terrorist organization” were added to his case.²³⁹

Among those who left Russia after the Russian invasion of Ukraine was one of the leading historians of the NGO Memorial, Irina Scherbakova (1949–). Since the 1970s, Scherbakova had secretly taped interviews with victims of the Stalinist repression. In 1987, she had become co-founder of Memorial.²⁴⁰

On 31 August 2022, the Ministry of Foreign Affairs accused the Baltic States, the Czech Republic and Poland of, among others, “idealizing Nazism” and “spreading neo-Nazism,” in relation to their support to Ukraine since the 24 February 2022 invasion by Russian forces and the removal of some Soviet-era memorials. The bogus claim of “denazification” had been the justification for the invasion of Ukraine [See NCH *Annual Report 2022*].²⁴¹

On 9 September 2022, the Ministry of Justice added Tamara Eidelman – a former history teacher at Moscow School No. 67 living in exile in Lisbon, a producer of history lectures on YouTube, and EuroClio Ambassador in Russia – to the list of “foreign agents.” In July, President Vladimir Putin had

²³⁸ Michel Krielaars, “[Verbannen Russische filmcriticus Anton Dolin: ‘Gelukkig snapt Poetin niks van cultuur’](#),” *NRC Handelsblad* (22 February 2023).

²³⁹ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 310.

²⁴⁰ Irina Scherbakova, *Bruits et couleurs du temps: Une famille dans le siècle soviétique* (originally Russian and German; Brussels: Académie royale de Belgique, 2022), 239–241.

²⁴¹ “[Russia Accuses the Czech Republic of Disseminating Neo-Nazism, Racism and Xenophobia – No Word on Whether There Is a Plan to “De-Nazify” the Country As They Claim to Do in Ukraine](#),” *Romea.cz* (1 September 2022).

expanded the foreign agents law to not only include individuals and organization that received funding from abroad, but also those who stood under “foreign influence” and “engaged in political activities.”²⁴²

On 7 October 2022, Memorial [See NCH *Annual Reports 2001, 2005–2006, 2009–2022*], founded in 1987, was awarded the Nobel Peace Prize, together with two civil society organizations from Belarus and Ukraine. The motivation for the prize stated that “The Peace Prize laureates represent civil society in their home countries. They have for many years promoted the right to criticize power and protect the fundamental rights of citizens. They have made an outstanding effort to document war crimes, human right abuses and the abuse of power. Together they demonstrate the significance of civil society for peace and democracy.” Memorial had already been nominated for the prize at least six times (in 2010–2013, 2015, 2018). In 2004, Memorial was awarded the Right Livelihood Award and in 2009 the Sakharov Prize. Another 2022 Nobel Peace Prize winner, Belarusian pro-democracy activist Ales Bialiatski (1962–), had worked as a junior researcher at the Museum of the History of Belarusian Literature in 1989. On 10 December 2022, Yan Rachinsky, head of Memorial, revealed that Kremlin authorities had told him not to accept the Nobel prize because the two co-laureates were deemed “inappropriate.” Rachinsky reported threats to his safety.²⁴³

On 20 October 2022, Denis Skopin, associate professor at the Faculty of Liberal Arts and Sciences of Saint Petersburg State University, was dismissed for “an immoral act incompatible with educational functions” because he had participated in an unauthorized rally – a 21 September 2022 street protest against the Kremlin’s decision to draft Russians to fight in Ukraine – after which he spent ten days in prison. Skopin was the author of an English-language book about how people in the Stalinist USSR were forced to remove from group photographs those who had been declared “enemy of the people.” They did this with scissors and with ink.²⁴⁴

On 29 October 2022, Memorial – a history NGO liquidated in late 2021 [See above and NCH *Annual Report 2022*] – was forced to downsize its ceremony of “returning the names.” Since 2007, this annual tribute consisted in a day-long reading of the names, ages, professions, and dates of death of those killed under Stalin at the Solovetsky Stone on Lubyanka Square in Moscow, typically attracting thousands of

²⁴² “[В России появилась династия иноагентов](#),” *Secretmag.ru* (10 September 2022); Andreas Holtberget (EuroClio), personal communication (12 September 2022).

²⁴³ “[Memorial](#),” Nobelprize.org (7 October 2022); Network of Concerned Historians, “[Historians and the Nobel Peace Prize \(1901–Present\)](#)”; Paul Kirby, “[Why Memorial?](#)” *BBC News* (7 October 2022); [Nobel Peace Prize 2022: PRIO Director’s Shortlist](#); Charlie Haynes & Lucy Pawle, “[Nobel Peace Prize: Russian Laureate ‘Told to Turn down Award’](#),” *BBC News* (10 December 2022).

²⁴⁴ Steve Rosenberg, “[Ukraine War: Russia’s Uncertain Future a Product of Its Past](#),” *BBC News* (2 November 2022).

attendees. After the authorities banned it, citing public safety rules related to the coronavirus pandemic as it did in 2020–2021, Memorial was forced to break it into small gatherings across Russia.²⁴⁵

Following the introduction of weekly “patriotic lessons,” known as “Conversations about important things,” alongside the mandatory raising of the Russian flag and the singing of the national anthem into schools across Russia earlier in 2022 [See NCH *Annual Report 2022*], students at Russian universities would be required to attend mandatory lectures on State ideology from 2023 onward. The lecture content was developed under the close supervision of the Kremlin’s first deputy chief of staff, Sergei Kiriyyenko. The ideology course would consist of sections on Russian history, Russian culture, Russian foreign policy, and Russia’s “future image.” Students of history and political science would be required to attend the ideology classes throughout their studies, while those studying other disciplines from the social sciences and humanities would take the course for at least a couple of years. All other students would be expected to attend one year of ideology studies.²⁴⁶

Among the 200 Americans banned in November 2022 from visiting Russia was Timothy Snyder, a historian at Yale University and author of *Bloodlands: Europe between Hitler and Stalin* (2010), probably because he had made a lecture course for Yale undergraduates, “The Making of Modern Ukraine,” available on the platform YouTube. The series had more than 4.6 million views from nearly seventy countries, with more than 921,000 people having watched the first lecture.²⁴⁷

In January 2023, the Sakharov Center, a museum and cultural venue in Moscow named after Soviet dissident Andrei Sakharov (1921–1989), was forced to close before the end of April 2023. A December 2022 law had barred the city of Moscow, the center’s landlord, from supporting entities designated as “foreign agents.” According to chairman Vyacheslav Bachmann and the exiled director Sergei Lukashevsky, the fate of the museum’s exhibition focusing on the repression of the Soviet Gulag and its archives with Sakharov’s records was uncertain.²⁴⁸

On 21 March 2023, after the Investigative Committee opened a criminal investigation against Memorial for alleged “rehabilitation of Nazism,” punishable by up to five years in prison, nine of its leaders – including co-chairs Yan Rachinsky and Oleg Orlov, and Galina Jordanovskaya, Alena Kozlova, Irina

²⁴⁵ Valery Hopkins, “[In Russia, Nobel-Winning Rights Group Is Forced to Downsize Its Tribute](#),” *New York Times* (29 October 2022).

²⁴⁶ Kirill Zykov, “[Russian Universities to Introduce Mandatory Ideology Lectures](#),” *Moscow Times* (26 October 2022).

²⁴⁷ Jennifer Rankin, “[‘Russia Wins by Losing’: Timothy Snyder on Raising Funds for Ukrainian Drone Defence](#),” *Guardian* (28 November 2022).

²⁴⁸ “[Sakharov Center Forced to Close as Wartime Russia Purges Human Rights Groups](#),” *Agile Tribune* (2 March 2023).

Ostrovskaya, and Alexandra Polivanova – were targeted in raids on their homes. Allegations of “rehabilitation of Nazism” dated back to 2021 when Memorial’s staff were accused of having three men on its database – of more than three million victims – who authorities took issue with, including two sentenced for treason and another convicted of working for a Nazi police unit [See NCH *Annual Report 2022*].²⁴⁹

On 21 March 2023, criminal investigators interrogated co-chair of Memorial Oleg Orlov (1953–) in a separate case for repeated acts of “discrediting the use of the Russian armed forces for protecting the interests of the Russian Federation and its citizens, and preserving international peace and security,” based on his single-person anti-war pickets and his social media posts containing criticism of the war and of the government’s slide toward totalitarianism and fascism. The poster he had held on Moscow’s Red Square on 6 March 2022, for example, had contained a slogan with a historical analogy: “USSR 1945 – the country that defeated fascism; Russia 2022 – the country of victorious fascism” [See NCH *Annual Report 2022*]. On 29 April 2023, the prosecutor’s office formally indicted him under a law introduced days after the February 2022 invasion of Ukraine. On 8 June 2023, Orlov appeared in court. He faced up to three years in prison.²⁵⁰

On 17 April 2023, Russian-British opposition activist, journalist and historian Vladimir Kara-Murza (1981–) was found guilty of treason, spreading “false” information about the conduct of the Russian army, and being affiliated with an “undesirable organization” before a closed court and sentenced to 25 years in maximum security prison. He would serve his time in a “strict regime correctional colony” and be fined 400,000 rubles (\$ 4,900; £ 4,000). A week before the verdict, he had said to the closed court that his trial reminded him of a Stalin-era show trial of the 1930s. A former adviser to prominent opposition leader Boris Nemtsov (shot dead in 2015), Kara-Murza allegedly survived two poisonings (2015, 2017) by Russian authorities. He was instrumental in persuading Western governments to adopt the so-called Magnitsky Act (a key piece of legislation that helped secure the adoption of sanctions against human rights abusers in Russia). He was arrested in 2022 in Moscow, initially for disobeying a police officer. Later charges, however, were based partly on a speech to politicians in the United States in 2022 (in which he had said that Russia was committing war crimes in Ukraine with cluster bombs in

²⁴⁹ [“Russia Targets Nobel Peace Prize Rights Group with Raids,”](#) *Newsmax* (21 March 2023); Paul Kirby, [“Memorial Raids: Russia Targets Leaders of Banned Nobel Prize-Winning Group,”](#) *BBC News* (22 March 2023); Human Rights Watch, [“Russia: Memorial Co-chair Indicted for ‘Discrediting’ the Military,”](#) *Ifex* (2 May 2023).

²⁵⁰ Paul Kirby, [“Memorial Raids: Russia Targets Leaders of Banned Nobel Prize-Winning Group,”](#) *BBC News* (22 March 2023); [“Russia Targets Nobel Peace Prize Rights Group with Raids,”](#) *Newsmax* (13 April 2024); Human Rights Watch, [“Russia: Memorial Co-chair Indicted for “Discrediting” the Military,”](#) *Ifex* (2 May 2023); Steve Rosenberg, [“Ukraine war: Oleg Orlov Faces Jail Time for Criticising Putin’s War,”](#) *BBC News* (9 June 2023).

residential areas and the bombing of maternity hospitals and schools), and partly on an event for political prisoners (at which he had referred to what investigators called Russia's "supposedly repressive policies"). Kara-Murza's father, Vladimir Sr (1959–2019), had also been a dissident historian and Kremlin critic; Kara-Murza's uncle Sergei Kara-Murza (1939–) was a historian and Kremlin supporter.²⁵¹

In May 2023, Mikhail Belousov, a history lecturer at Saint Petersburg University, was dismissed for criticizing Russia's war against Ukraine. During a meeting with students, he had reportedly stated that "There is some evidence that some topics related to World War II are distorted; however, it is forbidden to discuss the matter as it is punishable by law." On 26 June 2023, the Regional Branch of the Investigative Committee of Russia initiated a criminal investigation against him for "rehabilitating Nazism."²⁵²

In late May 2023, a case was initiated against a local resident of the Orenburg region for allegedly spreading false information about the USSR's activities during World War II. The accused had allegedly reposted information on social media claiming that the USSR was co-responsible with Nazi Germany for the outbreak of World War II due to their partition of Poland in September 1939. A resident of Krasnoyarsk was charged with spreading false information about the Russian army and exonerating Nazism. He or she had allegedly posted on social media that "Stalin was as much of an aggressor as Hitler" and that the Russian armed forces were killing civilians and destroying cities in Ukraine (while referring to the bombing of the theater in besieged Mariupol in April 2022).²⁵³

Occupied Crimea

Since 2016, Russian authorities had allegedly repeatedly damaged the Khan's Palace in Bakhchysarai, a political, religious and cultural center of the Crimean Tatar community dating from the Crimean Khanate period (1441–1783) that was placed on UNESCO's World Heritage Tentative List in 2003. The authorities had barred a UNESCO fact-finding mission from inspecting the site.²⁵⁴

²⁵¹ Steve Rosenberg & Kathryn Armstrong, "[Vladimir Kara-Murza: Russian Opposition Figure Jailed for 25 Years](#)," *BBC News* (17 April 2023); "[Vladimir Kara-Murza Tailed by Members of FSB Squad Prior to Suspected Poisonings](#)," *Bellingcat* (11 February 2021).

²⁵² Andrii Nekoliak & Elizaveta Klochkova, "[Weaponizing Russia's Memory Law: On Russia's Mnemonic Dissidents](#)," *Verfassungsblog* (11 July 2023).

²⁵³ Andrii Nekoliak & Elizaveta Klochkova, "[Weaponizing Russia's Memory Law: On Russia's Mnemonic Dissidents](#)," *Verfassungsblog* (11 July 2023).

²⁵⁴ Halya Coynash, "[Russia Causes Irreparable Damage to 16th-Century Crimean Tatar Khan's Palace in Occupied Crimea](#)," *Kharkiv Human Rights Protection Group* (9 February 2022).

In [early October] 2022, the Russian authorities in Crimea (annexed from Ukraine in 2014) fined Olga Valeyeva, a Crimea beauty queen, after a video showed her singing *Red Viburnum*, a nineteenth-century military march popular among Ukrainian nationalists. She was accused of discrediting Russia's military and promoting extremist symbols. A second woman who had sung the song along with her was given ten days in prison. Valeyeva said she had been unaware of the song's associations.²⁵⁵

In early January 2023, Duma members proposed an amendment to the anti-extremism legislation to the effect that maps disputing Russia's "territorial integrity" would be classified as punishable extremist materials. The amendment came after maps were distributed in Russia which questioned the "territorial affiliation" of the Crimean Peninsula and the Kuril Islands.²⁵⁶

See also Belarus, Estonia, Georgia, Latvia, Moldova, Poland, Ukraine, United States.

RWANDA

Previous *Annual Report* entries: 1998, 2000–2017, 2019–2022.

In May 2022, genocide fugitives Pheneas Munyarugarama and Protais Mpiranya, wanted by the International Residual Mechanism for Criminal Tribunals (IRMCT), were confirmed to have died in 2002 and 2006, respectively. Munyarugarama was accused of mass killings, attacks, and sexual violence against Tutsi civilians. Mpiranya, former head of the presidential guard, was accused of ordering the killing of then Prime Minister Agathe Uwilingiyimana, and ten Belgian peacekeepers. In September 2022, the trial against Félicien Kabuga, allegedly the chief financier of the 1994 genocide against the Tutsi, began before the IRMCT in The Hague.²⁵⁷

In June 2023, Emmanuel Nkundiye [pseudonym], a history lecturer at the University of Rwanda's College of Arts and Social Sciences, reported about the problems for teaching history related to the 1994 genocide against Tutsis and moderate Hutus. First, there were overbroad and harsh laws on "genocide ideology" that not only prohibited genocide denial but also critical views of the events. In 2022, at least 44 persons had been prosecuted on this charge. Second, Rwanda no longer used "Hutu" and "Tutsi" as epithets to identify people, as it has been blamed for inciting hatred, causing divisions

²⁵⁵ "[Ukraine War: Crimea Beauty Queen Fined over Song](#)," *BBC News* (4 October 2022).

²⁵⁶ "[Russia Backs Banning of Maps Disputing Official 'Territorial Integrity'](#)," *Reuters* (9 January 2023).

²⁵⁷ Amnesty International, *Report 2022/2023: The State of the World's Human Rights* (London: AI, 2023), 314–315(

and discrimination. However, it was problematic to teach the genocide without using these ethnic markers. Third, teachers felt anxiety because their students came from families who were either victims or perpetrators.²⁵⁸

See also Congo (Democratic Republic).

²⁵⁸ Jean d'Amour Mbonyinshuti, "[Genocide: Lecturers Struggle to Teach about 1994 History.](#)" *University World News* (8 June 2023).

SAINT VINCENT

Previous *Annual Report* entries: 2014.

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011, 2013, 2017–2021.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009, 2013, 2017–2018, 2020.

On 1 June 2023, in the context of civil unrest over the sentencing of opposition leader Ousmane Sonko for “corrupting youth,” a group of young people used Molotov cocktails to burn down part of the archives of the Cheikh Anta Diop University in Dakar. According to archivist Abdourakhmane Kounta, an estimated 20,000 records spanning from 1957 to 2010 were destroyed. Several cars from history department staff were also torched.²⁵⁹

See also France.

SERBIA

Previous *Annual Report* entries: 2021–2022. For previous entries, *see* Serbia / Kosovo; Serbia / Montenegro.

In July 2022, after urging the government to officially commemorate the 1995 Srebrenica genocide, the Belgrade office of the NGO Women in Black was daubed with red paint.²⁶⁰

²⁵⁹ Théa Ollivier & Coumba Kane, “[Au Sénégal, neuf morts dans des affrontements avec la police après la condamnation d’Ousmane Sonko](#),” *Le Monde* (1 June 2023); Moussa Ngom, “[Au Sénégal, l’université de Dakar, symbole d’une journée de chaos après la condamnation d’Ousmane Sonko](#),” *Le Monde* (3 June 2023); “[Senegal: Invaluable Archives Destroyed During Unrest at Dakar’s Main University](#),” *Africa News* (10 June 2023); James Tasamba, “[Vital Archives at Senegalese University Destroyed in Protests](#),” *AA* (11 June 2023); “[UCAD Calm after the Riots, but Damage Keeps It Closed](#),” *University World News* (22 June 2023).

²⁶⁰ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 320.

In early September 2022, politician and founder of the right-wing Dveri party, Boško Obradović, sent a tweet calling on parents to tear out a page of an eight-grade history textbook, because it contained information about the LGBTQ+-movement, as part of a discussion of social movements and human rights activists. The textbook, written by Aleksandar Todosijević, historian and president of Udruženje za društvenu istoriju–EuroClio (UDI; Association for Social History–EuroClio), and historian Sanja Petrović Todosijević, in use for merely a year, had been the subject of multiple public attacks from right-wing political circles. Between 27–29 August 2021, UDI had been the subject of a slander campaign, falsely accusing its members of manipulating history [See NCH *Annual Report 2022*].²⁶¹

On 15 September 2022, during his visit in Belgrade, the Director for Eastern European Affairs of the USA-based Simon Wiesenthal Center, Efraim Zuroff, succeeded to achieve the cancelation of a historical conference on the subject of the Croatian concentration camp Jasenovac, to which revisionist historians had been invited to participate. In an interview on Serbian television, he called for the cancelation because it would seriously damage Serbia's reputation [See also NCH *Annual Reports 1996, 2017, 2020*].²⁶²

See also Bosnia-Herzegovina, Kosovo.

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2020. For previous entries, *see* Serbia.

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007. For previous entries, *see* Montenegro and Serbia; *see* Montenegro.

SEYCHELLES

Previous *Annual Report* entries: 2019, 2022.

²⁶¹ “[Lekcije iz istorije poslaniku Obradoviću](#),” Mašina (6 September 2022).

²⁶² Simon Wiesenthal Center, “[Simon Wiesenthal Center Succeeds in Cancelling Conference on Jasenovac Concentration Camp with Participation of Revisionist Historians](#)” (Press release; 17 September 2022).

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012, 2016, 2021.

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011, 2015–2016, 2018–2022.

See Sri Lanka.

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011, 2013–2015, 2017, 2022.

Despite an official apology by the government in 2021 for the illegal sterilization of thousands of Roma women between 1966 and 2004, no effective compensation mechanism was in place by the end of 2022. In June 2022, the government apologized for a police raid on Roma communities in Moldava nad Bodvou in 2013 and committed to paying financial compensation for “injustice and suffering, to the victims and their families for their long-term search for the truth.”²⁶³

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2013, 2015–2018, 2021.

In 2022, President Borut Pahor issued a formal apology to over 25,000 people who had been unconstitutionally removed from the official registry of permanent residents thirty years ago, effectively leaving them without Slovenian citizenship. Despite this apology, more than half of the so-called “Erased” did not have their status restored or receive compensation from the State [See NCH *Annual Reports 2007–2009, 2011–2013, 2015–2018*].²⁶⁴

²⁶³ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 325.

²⁶⁴ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 327.

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012–2014, 2019, 2022.

See Kenya.

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012–2021.

On the tenth anniversary of the 16 August 2012 Marikana massacre, in which 34 people were killed and 78 injured when police fired at mine workers demanding better wages and housing, protesters demanded compensation for the victims, prosecution of those responsible. and the creation of a memorial [See also NCH *Annual Report 2021*].²⁶⁵

On [26 or 27] November 2022, the Chris Hani Memorial Site in Ekurhuleni, commemorating the former leader of the South African Communist Party and anti-Apartheid hero (1942–1993), was vandalized. The desecration followed a Constitutional Court decision to release Hani’s killer, Janusz Walus, who had been sentenced to life in prison, on parole.²⁶⁶

See also United Nations.

SOUTH SUDAN

Previous *Annual Report* entries: 2013, 2015–2021.

²⁶⁵ “[South Africans Rally to Mark Marikana Massacre 10th Anniversary](#),” *Al Jazeera* (16 August 2022).

²⁶⁶ “[Anti-Apartheid Hero’s Tomb Vandalized after Killer Granted Parole](#),” *Al Jazeera* (29 November 2022).

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2022.

On 27 June 2022, the Twenty-First Investigating Court of Barcelona admitted a complaint by Òmnium Cultural (OC) – a Catalan association promoting the Catalan language and culture and supporting the right to self-determination of the Catalan people – to investigate the use of Pegasus espionage software against some of its members, including historian and vice-president Marcel Mauri. An April 2022 research by Citizen Lab had found that Mauri’s phone had been infected by Pegasus three times, including on 24 October 2019, ten days after he had become OC’s vice president.²⁶⁷

In August 2022, more than twenty associations of archivists and librarians, including the Federación Española de Sociedades de Archivística, Biblioteconomía, Documentación y Museística (FESABID; Spanish Federation of Archival, Library, Documentation, and Museum Societies), commented on the draft Law on Classified Information which would replace the 1968 Law of Official Secrets (a law adopted during the Franco dictatorship, 1939–1975). They asked not to classify information concerning human rights violations and complained that the law did not refer to article 20 of the Constitution about the right to information. Furthermore, they objected to the huge penalties for disclosing classified records, the long terms of classification (up to 65 years), and the lack of retroactive declassification which blocked research into the Franquist and transition periods. Throughout 2022, the 1968 Law had remained an obstacle to access to justice.²⁶⁸

In [October] 2022, the memorial stone for Friedrich Windemuth, a German fighter pilot of the Condor Legion – a Nazi German air force unit, sent to fight during the Civil war (1936–1939) to develop methods of strategic bombing that would later be used during World War II, and notorious for the 1937 Guernica bombing – was smashed in half. The vandalism was condemned by the Asociación de Aviadores de la República (Association of Republican Aviators), a group commemorating the Republican pilots who fought against Francisco Franco’s nationalists, because it attacked the “historical memory and dignity of combatants.”²⁶⁹

²⁶⁷ [“CatalanGate: Extensive Mercenary Spyware Operation against Catalans Using Pegasus and Candiru,”](#) *Citizen Lab* (18 April 2022); Mayte Piulachs, [“Judge Will Investigate Espionage against Omnimium, but Discards Parts of Complaint,”](#) *El Nacional* (27 June 2022).

²⁶⁸ Miguel González, [“Petición para que no se puedan declarar secretas violaciones de los derechos humanos,”](#) *El País* (12 August 2022); Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 342.

²⁶⁹ Sam Jones, [“Anger in Spain at Vandalism of Memorial to German Fighter Pilot,”](#) *Guardian* (14 October 2022).

In October 2022, the Democratic Memory Act entered into force, replacing the 2007 Historical Memory Law. Under the new law, the search for victims of enforced disappearance during the Civil War (1936–1939) and dictatorship (1939–1975) was a responsibility of the State and judgments passed by military, civil, and special courts on political grounds were annulled. However, the act did not allow for crimes under international law committed during the same period to be pursued.

Among the act's measures were the renaming of the “Valley of the Fallen” mausoleum – considered a glorification of the Franco dictatorship – to its original name, the Valley of Cuelgamuros, and the exhumation of the remains of supporters of the dictatorship from the mausoleum. On 24 April 2023, in order to pre-empt State exhumation, family members removed the remains of Falange founder José Antonio Primo de Rivera (1903–1936) from the mausoleum, to rebury them at Madrid's San Isidro Cemetery [See also NCH *Annual Report 2022*].²⁷⁰

See also Angola.

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2022.

On 21 July 2022, President Ranil Wickremesinghe took office pledging to uphold the rights of the Tamil and Muslim communities, but refused to join efforts of the United Nations (UN) Human Rights Council to advance accountability for crimes committed during and after the Civil War (1983–2009) between the government and the separatist Liberation Tigers of Tamil Eelam (LTTE) [See also NCH *Annual Reports 2021–2022*]. The UN High Commissioner for Human Rights Michelle Bachelet, in her September 2022 report, found that the government “had still not presented a credible new roadmap on transitional justice ... Instead, accountability processes for past crimes were obstructed, perpetrators granted Presidential pardon and the Office on Missing Persons and the Office for Reparations ... ha[d] failed to achieve the tangible results expected by victims and other stakeholders.” On 6 October 2022, the UN Human Rights Council adopted a resolution extending the mandate of a UN project to collect and analyze evidence of conflict-era violations for use in future prosecutions, and mandating enhanced UN monitoring of the human rights situation.

Domestic transitional justice bodies, including the Office on Missing Persons and the Office for Reparations, lost the confidence of victims' families further after being undermined by the appointment

²⁷⁰ Amnesty International, *Report 2022/2023: The State of the World's Human Rights* (London: AI, 2023), 342; Sam Jones, “[Body of Spain's Fascist Party Founder to Be Removed from Basilica](#),” *Guardian* (23 April 2023); “[Primo de Rivera: Spain to Exhume Fascist Falange Leader](#),” *BBC News* (24 April 2023).

of members not deemed independent. Families complained of being surveilled, intimidated, and restricted from holding peaceful protests and memorialization initiatives, while being pressured to accept financial compensation and death certificates in lieu of certificates of absence until the fate of those forcibly disappeared could be ascertained. In August 2022, Mothers of the Disappeared, a group campaigning to know the fate of missing loved ones, had marked 2,000 days of continuous activism.

On 24 July 2022, the International Truth and Justice Project filed a criminal complaint against former President Gotabaya Rajapaksa (in office between 2019–2022) with the attorney general in Singapore, where Rajapaksa lived in self-exile, for alleged war crimes and crimes against humanity against the LTTE during the Civil War when he was defense secretary [See also NCH *Annual Report 2022*].²⁷¹

On 18 January 2023, the Office of the United Nations High Commissioner for Human Rights urged the government to fully compensate victims of the 2019 Easter Sunday terrorist attacks and establish mechanisms to ensure truth and justice. The statement followed an early-January ruling by the Supreme Court that had found then President Maithripala Sirisena, his former defense secretary, and two former security and intelligence officials guilty of violating the rights of the victims by failing to prevent the attack. On 21 April 2019, a series of suicide bombings by Islamic State affiliates killed more than 260 people, injuring more than 500.²⁷²

On 27 May 2023, stand-up comedian Nathasha Edirisooriya was arrested at the Bandaranaike International Airport, because she had made “derogatory remarks” about Lord Buddha (Siddhartha Gautama; [sixth or fifth century BCE] – fifth century BCE) in her comedy show Modabhimanya. On 31 May, YouTube-host Bruno Divakara was also arrested for his alleged role in broadcasting Edirisooriya’s video.²⁷³

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2022.

Throughout 2022, there had been no meaningful domestic steps toward accountability for abuses committed against protesters since the 25 October 2021 military coup, or for prior abuses including the

²⁷¹ Hannah Ellis-Petersen & Rubatheesan Sandran, “[‘A Moment of Opportunity’: Fall of Sri Lankan President Raises Victims’ Hopes](#),” *Guardian* (30 July 2022); Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 561–562; Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 345.

²⁷² Office of the United Nations High Commissioner for Human Rights, “[Sri Lanka Must Ensure Compensation for Victims of 2019 Terrorist Attacks](#),” *UN News* (18 January 2023).

²⁷³ “[Sri Lanka: Comedian and YouTube Content Creator Arrested over Buddhism Satire](#),” *Ifex* (8 June 2023).

3 June 2019 massacre, or decades of war crimes and crimes against humanity committed against civilians in Darfur, Blue Nile, and South Kordofan. On 23 August 2022, chief prosecutor of the International Criminal Court Karim Khan urged the United Nations (UN) Security Council to help deliver justice and ensure accountability for the victims of human rights violations during the War in Darfur (2003–2020). On [25] August, Khan stated that the government of General Abdel Fattah al-Burhan had promised its full cooperation [See also NCH *Annual Reports 2020–2022*]. On 2 February 2023, UN Human Rights Expert for Sudan Radhouane Nouicer urged authorities to ensure accountability for crimes committed since the 2021 military coup, including torture, sexual violence and arbitrary arrests and detentions. More than 120 people had allegedly been killed since the coup.²⁷⁴

On 3 June 2022, security forces used excessive force, killing one, against protesters commemorating the third anniversary of the 3 June 2019 military crackdown [See NCH *Annual Report 2022*]. In the crackdown protesters had demanded the resignation of dictator Omar al-Bashir (ruled 1989–2019); 128 people were killed. On 30 June 2022, large demonstrations took place nationwide, this time to protest against the 2021 military takeover. The protests were organized to coincide with the anniversary of the 1989 military coup, which overthrew the democratically elected government of President Ahmad Al-Mirghani (in power between 1986–1989) and put al-Bashir in power. Security forces again used excessive force to disperse the demonstrators, resulting in the deaths of nine protesters and injuries to more than six hundred others. Several sit-ins were organized in the capital, Khartoum, in the aftermath of the violence to denounce the use of excessive force by the security forces.²⁷⁵

During the armed conflict that broke out on 15 April 2023 between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF), both sides destroyed cultural artifacts and inflicted damage to cultural heritage sites. On 16 May 2023, a library containing thousands of documents, historical works and doctoral theses was destroyed in a fire set by looters at the Muhammad Omar Bashir Centre for Sudanese Studies located at Omdurman Ahlia University, Omdurman.

On 2 June 2023, RSF fighters entered the bioarcheology lab of the National Museum in Khartoum and opened storage containers with mummies and other remains. The director of the museum, Ghalia Gharelnabi – who had been forced to flee to the Netherlands after her house had been hit by an artillery shell – warned that the museum’s collection of more than 100,000 items – including embalmed mummies dating back to 2,500 BCE, and historical artifacts from the stone age, the Kingdom of Kush

²⁷⁴ “[ICC Prosecutor Calls for Justice in Darfur](#),” *Africa News* (24 August 2022); “[ICC Says Sudan Army Chief Vows Cooperation in Darfur Probe](#),” *Africa News* (25 August 2022); Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 572; “[UN Rights Expert in Sudan Urges Security Reforms, Accountability](#),” *Africa News* (3 February 2023).

²⁷⁵ “[UN Expert Demands Accelerated Probe Into Sudan Post-Coup Killings](#),” *Al Jazeera* (4 June 2022); Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 346.

(1070 BCE – 550 AD), ancient Egypt and the Christian and Islamic eras – was at risk of becoming one of the centers of armed clashes. Reports in [late May] indicated that the ancient Egyptian temple of Buhen, that had been rebuilt in the courtyard of the National Museum in Khartoum, was damaged. There were similar concerns for the collections of the Natural History Museum in Khartoum.

RSF forces also occupied the building housing the tomb of the Nubian Mahdi (religious leader) Muhammad Ahmad (1844–1885) – who had led a successful war against Ottoman–Egyptian military rule in 1881, and later achieved a victory over the British colonizing army at the Siege of Khartoum in 1884–1885 – as well as a museum in the former home of Ahmad’s successor Khalifa Abdullahi ibn Muhammad (1846–1899), using it as military basis. Fighting between the SAF and RSF was also reported in and around the historical site of Merowe, housing the archaeological heritage of the former capital of the Kingdom of Kush, Meroë.²⁷⁶

In [May] 2023, Ahmed Hussein Abdelrahman Adam, associate professor of archaeology at the University of Khartoum, head of its archaeology department and director of its museums, went into temporary exile in Switzerland, where he worked at the Università della Svizzera Italiana in Lugano. In December 2018, Adam had chaired a meeting of University of Khartoum staff which had condemned the violence against civil protesters against the rising bread prices, and called for a peaceful transfer of power. As a result, he had been threatened by telephone and harassed until he had gone into exile for the first time in Germany and Ethiopia (April–June 2019). After the October 2021 coup, the situation worsened, eventually deteriorating into an armed conflict in April 2023. Archaeological sites were occupied by the military, making them inaccessible and causing Adam’s second exile.²⁷⁷

On 15 June 2023, the International Council on Archives expressed its concern about the burning of the Institute of the Industrial Research Institute, a United Nations Industrial Development Organization (UNIDO) affiliate which held rare collections of research materials and reports on Sudan, as well as the dangerous fighting in areas adjacent to the National Museum, National Record Office, Sudan National Library, Sudan Radio & TV, and the Sudan Section of the Library of the University of Khartoum.²⁷⁸

²⁷⁶ Wagdy Sawahel, “[Reports of Sexual Violence Emerge as Fighting Continues](#),” *University World News* (23 May 2023); Zeinab Mohammed Salih & Jason Burke, “[Sudan Officials Fear for Historical Artefacts Threatened by Fighting](#),” *Guardian* (5 June 2023); Wagdy Sawahel, “[Lawyers Call for War Crime Charges as Destruction Continues](#),” *University World News* (6 June 2023).

²⁷⁷ “[From Sudan to USI with the Scholars at Risk Programme](#),” *Università della Svizzera Italiana* (15 May 2023).

²⁷⁸ “[The International Council on Archives Statement of Concern on Danger to and Destruction of Records during the Civil War in Sudan](#)” (press release, 15 June 2023).

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012–2013, 2015–2016, 2018.

SWAZILAND

Previous *Annual Report* entries: 2011, 2013, 2016–2018.

SWEDEN

Previous *Annual Report* entries: 1998, 2017–2018, 2020, 2022.

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009, 2014, 2016–2018, 2022.

See also Bosnia-Herzegovina, Sudan.

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2022.

In its eleventh Annual Report on Enforced Disappearances published on 30 August 2022, the Syrian Network for Human Rights called on the United Nations Security Council to “establish methods and mechanisms to prevent the Syrian regime from ... tampering with ... the dead.”²⁷⁹

On 29 June 2023, the United Nations (UN) General Assembly approved a resolution (83–11 with 62 abstentions) establishing an Independent Institution of Missing Persons in the Syrian Arab Republic to determine what happened to more than 130,000 people missing as a result of the conflict in Syria (2011–

²⁷⁹ Syrian Network for Human Rights, [The 11th Annual Report on Enforced Disappearance in Syria on the International Day of the Victims of Enforced Disappearances; the Number of Victims Is Rising](#) (30 August 2022), 52.

present). During the conflict, nearly a half million people were killed and half of the prewar population of 23 million was displaced. In the run-up to the vote, over a hundred civil society organizations and 23 UN human rights experts had urged the General Assembly to establish such an institution to support the families' right to truth.²⁸⁰

²⁸⁰ Edith Lederer, "[UN Votes to Establish Independent Body to Clarify Fate of over 130,000 Syrians Missing in Conflict](#)," *AP* (29 June 2023).

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012, 2016–2020, 2022.

See China.

TAJIKISTAN

Previous *Annual Report* entries: 2017–2018, 2020.

In 2022 a broad assault took place on the cultural heritage of the Pamiris – a small, unrecognized ethnic minority belonging to the Shia Islam Ismaili community. Following anti-government protests in May 2022 in the Gorno-Badakhshan autonomous region – in which according to a May 2022 report by the United Nations Special Rapporteur on Minority Issues as many as forty peaceful protesters were killed – the authorities shut down and confiscated the property of multiple local organizations linked to the Aga Khan Development Network working in the fields of education, economic development and religious instruction.²⁸¹

TANZANIA

Previous *Annual Report* entries: 2010, 2016–2017.

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2022.

²⁸¹ United Nations Office of the High Commissioner on Human Rights, “[Tajikistan: UN Expert Fears Crackdown against Pamiri Minority Could Spiral Out of Control](#),” (press release; 20 May 2022); “[Tajikistan: Stop Abusing Autonomous Region Protesters](#),” *Human Rights Watch* (26 May 2022); Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 356–357.

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2013, 2015–2018.

On 20 August 2022, President José Ramos-Horta awarded a medal to retired Indonesian army general Abdullah Mahmud Hendropriyono for his “significant contributions to national peace and stability.” The decision was widely criticized, as Hendropriyono was implicated in human rights violations, including abuse, torture and killings, during the Indonesian invasion of East Timor (1975–1976), as military chief in Jakarta against East Timorese students (1991–1993), and as the head of the State Intelligence Agency at the time of the murder of human rights activist Munir Said Thalib [See NCH *Annual Reports 2015, 2018–2019*].²⁸²

See also Australia.

TOGO

Previous *Annual Report* entries: 2002, 2008–2013, 2017–2018, 2021.

TRINIDAD and TOBAGO

Previous *Annual Report* entries: 2018.

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2022.

Security forces periodically prevented demonstrations by blocking access to certain locations and used excessive force to disperse demonstrators, including on 14 January 2022 – during the anniversary of the 2011 Revolution – when authorities banned public gatherings on health grounds.²⁸³

²⁸² “[Timorese Slam Award for ‘Rights Abuser’ Ex-General](#),” *Union of Catholic Asian News* (22 August 2022).

²⁸³ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 603.

In March 2023, Adel Maizi, archivist and chair of the memory committee of the Instance Vérité et Dignité (IVD; Truth and Dignity Commission; 2014–2019), and other archivists criticized the transfer in 2019–2020 of IVD archives to the National Archives (for documentary materials) and the Prime Minister’s office (for audiovisual materials containing the testimony of victims made behind closed doors) rather than to a dedicated institution for the preservation of memory. They blamed the lack of a solid legislative framework for this transfer [See also NCH *Annual Reports 2015–2020*].²⁸⁴

On 2 March 2023, Sihem Bensedrine, former President of the Instance Vérité et Dignité (IVD; Truth and Dignity Commission), was summoned on charges of corruption and barred from leaving Tunisia. She was one among seven former IVD members investigated since March 2019. On 31 December 2018, the IVD had sent its final seven-volume, 3,000-page report to then President Beji Caied Essebsi (in power between 2014–2019). Since then, nothing had been done with its recommendations. On 8 February 2021, four United Nations special rapporteurs had sent a letter alerting the government to the risks of using alleged instances of corruption as a pretext to obstruct the transitional justice process, and urged it to “ensure that criminal investigations are not used as a reprisal for the facts contained in the work or reports of the IVD” [See also NCH *Annual Reports 2015–2021*].²⁸⁵

On 11 April 2023, the University of Manouba in Tunis said it would withdraw the title of emeritus professor from historian Habib Kazdaghli, a former dean of its Faculty of Letters, Arts and Humanities, over his participation in an international academic symposium on the legal and religious status of Jews during the French protectorate in Tunisia (1881–1956), organized by the Tunisian Jewish History Society in Paris alongside Israeli academics, including historian Haïm Saadoun. The university presidency and the scientific committee of the faculty had “denounced” Kazdaghli for his participation, accusing him of using his title for a “dangerous” and “nefarious” purpose, namely the normalization of relations with Israel. Tunisia did not recognize Israel diplomatically. Kazdaghli appealed the decision to the Ministry of Higher Education and Scientific Research. He stated his opposition to the “Israeli settler project,” but at the same time denounced extremist Tunisian political positions that propagated anti-Semitism and repressed Israeli voices. [See also NCH *Annual Reports 2013–2014*].²⁸⁶

²⁸⁴ Olfa Behassine, “[Tunisia: Battle over Truth Commission Archives](#),” *JusticeInfo.Net* (16 January 2020); Olfa Behassine, “[Adel Maizi: ‘Remembrance Isn’t Just about the Past, It Helps Build the Future’](#),” *JusticeInfo.Net* (9 March 2023).

²⁸⁵ Olfa Behassine, “[In Tunisia, the ‘Falsified’ Report that Threatens Transitional Justice](#),” *JusticeInfo.Net* (23 March 2023).

²⁸⁶ Simona Gonzalez, “[Historian Vilified over Symposium with Israeli Academics](#),” *University World News* (4 May 2023); Kennedy McCutchen, “[Tunisian Professor Stripped of Title for Participating in Symposium Alongside Israeli Academic](#),” *Endangered Scholars Worldwide* (16 May 2023).

TÜRKIYE

Previous *Annual Report* entries: 1995–1998, 2000–2022.

On 21 July 2021, the Council of Higher Education established a new research institute named “International Institute of Genocide and Crimes Against Humanity.” Its aim was defined as investigating the “baseless genocide allegations about Armenians, but also crimes against humanity wherever they committed in the world, from America to Africa, from Asia to Europe.” However, historians had achieved near-consensus that the 1915 Armenian massacres had constituted a genocide.²⁸⁷

In October 2021, Caner Perit Özen, a history student, and Ersin Berke Gök, a physics student, both at Boğaziçi University, were imprisoned after they had protested against the appointment of Naci İnci as rector of the university by President Recep Tayyip Erdoğan. They reportedly spent much of their time in solitary confinement, and with no access to university exam papers, letters by friends and family members, or medication. On 7 January 2022, the Istanbul Twenty-Second Criminal Court of First Instance ordered their release. On 3 February 2023, an Istanbul court sentenced Özen to one year’s imprisonment, Gök to 18 months, and twelve other students to between 12 and 14 months.²⁸⁸

In 2022, the authorities continued to deprive a group dubbed the Saturday Mothers of their right to freedom of peaceful assembly in Galatasaray Square, where they had been gathering regularly to demand accountability for the enforced disappearances during the 1980s and 1990s. In June 2022, riot police prevented the group’s nine-hundredth peaceful vigil, detaining several people. In August 2022, police prevented a peaceful protest by the group to mark the International Day of the Victims of Enforced Disappearances at the Altınşehir cemetery and detained 14 people. In the meantime, the prosecution on bogus charges of 46 participants in the seven-hundredth gathering in August 2018 continued. In September 2022, police prevented the Saturday Mothers from making a statement to the press in front of the Çağlayan Courthouse before their fifth hearing and detained 16 people.²⁸⁹

²⁸⁷ Olga Selin Hünler, “Academic Freedom in Turkey,” in Kirsten Roberts Lyer, Ilyas Saliba & Janika Spannagel, eds., *University Autonomy Decline: Causes, Responses, and Implications for Academic Freedom* (London: Routledge, 2023), 157.

²⁸⁸ “[Turkey: Immediately Release Ersin Berke Gök and Caner Perit Özen](#),” *International Federation for Human Rights* (6 January 2022); “[Turkish Court Approves Release of Two Jailed Bogazici Students](#),” *Al-Monitor* (7 January 2022); “[Turkey: Criminalisation & Ill-Treatment of Ersin Berke Gök & Caner Perit Özen](#),” *United Nations Human Rights Special Procedures* (Joint Communication; 3 May 2022); Hamdi Firat Buyuk, “[Turkish Court Jails 14 University Students over Massive 2021 Protests](#),” *Balkan Insight* (3 February 2023).

²⁸⁹ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 370.

On [22] February 2022, the Diyarbakır 13th High Criminal Court acquitted nine members of the Diyarbakır Bar Association who stood trial for charges of insulting the Turkish nation and inciting hatred and hostility among the people. The charges were based on reports released between 2016 and 2018 in which the association used the term “genocide” when referring to the 1915 mass killings of Armenians and condemned the suspension of a member of parliament for using the word “Kurdistan” during a speech in parliament.

On 22 April 2022, Garo Paylan, an Armenian member of Parliament for the pro-Kurdish Peoples’ Democratic Party (HDP), said that he faced an unprecedented level of backlash due to a motion (submitted by him annually for seven years) to recognize the 1915 mass killings of Armenians as a genocide and to remove the names of the perpetrators from public venues. The motion was rejected by the Parliament Speaker on the grounds that it was against the parliamentary bylaws. Most of the criticism came from ruling Justice and Development Party (AKP) politicians.

On 25 April 2022, the Ankara Chief Public Prosecutor’s Office launched an investigation into Republican People’s Party (CHP) deputy Sezgin Tanrikulu for sharing a post on Twitter on 24 April (Armenian Remembrance Day) in which he wrote that “107 years ago on April 24, 1915, hundreds of Armenians were detained and exiled. Many died or were lost in the process.” He was charged with “public denigration of Turkishness, the Republic or the Grand National Assembly of Turkey” (Article 301 of the Turkish Penal Code, TCK).²⁹⁰

On 14 July 2022, thirty-six tombstones were vandalized and destroyed in the 600-year-old Jewish Hasköy Cemetery in Istanbul.²⁹¹

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012, 2015–2019.

In 2022, the authorities continued to discriminate against women and girls and LGBTQ+ people, arbitrarily restricting their rights, freedoms and bodily autonomy in the name of cultural traditions and Turkmeniçilik (Turkmen national identity).²⁹²

²⁹⁰ Stockholm Center for Freedom, “[Court Acquits Diyarbakır Lawyers Tried for Armenian Genocide, Kurdistan Remarks](#)” (22 February 2022); Stockholm Center for Freedom, “[Armenian MP Faces ‘Unprecedented’ Backlash over Motion Seeking Genocide Recognition](#)” (25 April 2022); Stockholm Center for Freedom, “[Turkish Authorities Launch Investigation into CHP Lawmaker for Commemorating Armenian Remembrance Day](#)” (25 April 2022).

²⁹¹ Zvika Klein, “[600-Year-Old Jewish Cemetery in Turkey Vandalized, Graves Destroyed](#),” *Jerusalem Post* (15 July 2022).

²⁹² Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 374.

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2013, 2015–2017, 2019–2021.

On 8 February 2022, the International Court of Justice (ICJ) ordered Uganda to pay US\$ 325 million to the Democratic Republic of Congo (DRC) for “wrongful international acts,” including the occupation of parts of eastern DRC and the support of armed groups during the Second Congo War (1998–2003), leading to the deaths of 10,000 to 15,000 people. The ICJ further ruled that there was “insufficient evidence” for the DRC claim that Uganda was responsible for 180,000 civilian deaths. The landmark ruling ended a legal dispute begun in 2005 when the ICJ ruled that Uganda had to pay reparations without settling an amount. In 2008, it was estimated that the war and its after-effects, such as malnutrition and diseases among displaced people, had caused the death of 5.4 million people.²⁹³

On 3 February 2023, authorities terminated the mandate of the United Nations (UN) High Commissioner for Human Rights Office in Uganda, established in 2005, from the end of 2023 onward, on the grounds that Uganda’s human rights record had improved and “dynamic internal institutions” had been developed. The decision was criticized by the opposition. In November 2022, an expert member of the UN Committee against Torture had found that torture and ill-treatment continued to be widespread, while Human Rights Watch concluded that accountability for serious human rights abuses committed by security forces had remained elusive throughout 2022. Accountability for crimes committed during the conflict between government forces and the Lord’s Resistance Army (1987–present), including abuses by the government’s armed forces, remained limited. The army claimed that soldiers who committed abuses had been prosecuted and convicted but did not provide any details of such cases.²⁹⁴

See also Congo (Democratic Republic).

²⁹³ Joe Bavier, “[Congo War-Driven Crisis Kills 45,000 a Month: Study](#),” *Reuters* (22 January 2008); “[Mixed Reactions Follow ICJ Ruling Asking Uganda to Pay \\$325m in Reparation to DRC](#),” *Africa News* (10 February 2022); “[Uganda Pays First Installment of \\$325m War Reparations to DRC](#),” *Al Jazeera* (12 September 2022).

²⁹⁴ Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 628; “[Uganda to Terminate Mandate of UN Rights Office](#),” *Africa News* (8 February 2023).

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011, 2014–2022.

Following the 24 February 2021 invasion by Russian forces, hundreds of streets, squares and other locations named after Russian historical figures were renamed and memorial plaques removed. Additionally, many statues were (scheduled to be) demolished, books written by Russian nationals could no longer be published, and Russian movies were banned.²⁹⁵

In March 2022, a 70-year-old woman was fined 35,000 rubles (\$ 544) after she brought flowers and a handmade “No to war” sign on a blue and yellow paperboard to the monument for writer Taras Shevchenko (1814–1861) in Simferopol to commemorate the anniversary of his birth on 9 March. The judge dismissed the woman’s argument that she supported peace and highlighted that the use of colors of an “unfriendly country” contributed to the offense. The fine presented a significant financial burden for her as the amount corresponded to the double of her monthly pension.²⁹⁶

On 10 March 2022, Leyla Ibragimova [Leila Ibrahimova], deputy of the Zaporizhzhya Regional Council and Director of the Melitopol History Museum, was kidnapped by seven Russian soldiers who raided her home in Melitopol [See NCH *Annual Report 2022*]. After an interrogation and the confiscation of her family’s phones and computers, she was released. The next morning, however, she was picked up again for another interrogation. Ibragimova, an ethnic Crimean Tatar, was an advocate for her local constituency, including around 12,000 Crimean Tatars. During the interrogation, she was asked about Azad, a local Crimean Tatar organization, and pressed to give the names and addresses of activists and opinion leaders in the area, which she refused.

Subsequently, Russian forces took the museum’s curator, Halyna Kucher ([1962]–), at gunpoint to the museum and asked to show a Russian “expert” where the museum’s Scythian gold was. She refused to cooperate. On 30 April 2022, she was abducted from her home and her whereabouts remained unknown. Russian soldiers oversaw the removal of at least 198 rare gold artifacts from the museum. The gold objects dated back to the fourth century BCE and the Scythian empire.

The kidnappings were seen as an extension of Russian policies in Crimea. Since 2014, when Russian forces illegally annexed Crimea, a Russification policy discouraged schools from teaching Crimean Tatar and Ukrainian (two of the official languages, next to Russian), almost all independent Crimean

²⁹⁵ Mansur Mirovalev, “[How Ukrainians ‘De-Russify’ Themselves](#),” *Al Jazeera* (15 September 2022).

²⁹⁶ Office of the UN High Commissioner of Human Rights, *Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation: 24 February – 15 May 2022* (Geneva: OHCHR, 29 June 2022), paragraph 119.

Tatar media outlets were closed, activists' homes were being searched, and at least twenty people "disappeared."²⁹⁷

Russian forces continued to destroy cultural heritage sites in Ukraine [See also NCH *Annual Report 2022*]:

- In late February or early March 2022, the Izyum Local Lore Museum, Kharkiv region, was struck by missiles. The museum was established in 1920 to "preserve the historical and cultural heritage and spread knowledge" through a collection of books, paintings, and works of art relevant to the history of the region.²⁹⁸
- In early March 2022, Russian missiles damaged a number of V.N. Karazin Kharkiv National University buildings, exploding in the university's Rare Book Library, which housed 60,000 of the university's 3,350,000 books and manuscripts.²⁹⁹
- During the occupation of Kherson by Russian forces, between 2 March and 11 November 2022, Russian soldiers and State agents looted at least two museums (the Kherson Regional Art Museum and the Kherson Regional Museum), the St. Catherine's Cathedral, and the Kherson Regional Archives. At least some of the items were taken to Occupied Crimea. In [late-October] 2022, pro-Russian officials removed the bones of eighteenth-century Commander Grigory Potemkin (1739–1791) from the cathedral and moved them, together with his statue, further into Russian-occupied territory. As Potemkin had played a central role in the annexation of Crimea after a peace agreement with the Ottoman Empire in 1783, he was a central figure in President Vladimir Putin's justification of the 2014 invasion of Crimea, and had been mentioned in a number of his speeches since the 24 February 2022 invasion. Reportedly from June 2022 onward, and especially between 30 October and 4 November, soldiers began looting the Kherson Regional Archives, taking almost all of the eighteenth- and nineteenth-century records, including collections of regional maps, a large collection of pre-war newspapers, almost everything related to the pre-revolutionary period, a rare "Code of Laws of the Russian Empire" and a collection of the Kherson zemstvo (a local government system

²⁹⁷ Agnieszka Pikulicka-Wilczewska, "[Russia's Crackdown on Crimean Tatars Foreshadows Wider Repression](#)," *AlJazeera* (12 March 2022); "[Andrei Kurkov on Russia's War against Ukrainian Culture](#)," *Index on Censorship* (29 March 2022); Andrey Kurkov, "Culture in the Cross Hairs," *Index on Censorship*, 51 no. 2 (July 2022), 64; PEN America, [Ukrainian Culture Under Attack: Erasure of Ukrainian Culture in Russia's War Against Ukraine](#) (New York: PEN America, 2022); "[A Second Worker at the Melitopol Museum of Local History in Ukraine Has Reportedly Been Abducted by Russian Soldiers](#)," *Artnet* (5 May 2022); Jeffrey Gettleman & Oleksandr Chubko, "[Ukraine Says Russia Looted Ancient Gold Artifacts from a Museum](#)," *New York Times* (30 April 2022).

²⁹⁸ PEN America, [Ukrainian Culture Under Attack: Erasure of Ukrainian Culture in Russia's War Against Ukraine](#) (New York: PEN America, 2022).

²⁹⁹ Nathan Greenfield, "[Crimes against the World – Russia's Attacks on Universities](#)," *University World News* (14 August 2022).

- instituted by the Russian Empire during the nineteenth century).³⁰⁰
- On 28 April 2022, Russian forces stole valuable paintings, religious relics and other items from the Mariupol Museum of Local Lore and History, the Museum of Folk Life, and the Kuindzhi Art Museum, all in Mariupol.³⁰¹
 - On 30 April 2022, Russian soldiers looted the Museum of Local History in Melitopol, taking, among other things, rare Scythian gold artifacts [see above under Ibragimova].³⁰²
 - On 6 July 2022, a Russian missile strike destroyed the university museum and library of the H. S. Skovoroda Kharkiv National Pedagogical University in Kharkiv.³⁰³
 - As of 5 October 2022, UNESCO had verified damage to 199 sites since 24 February 2022 – 84 religious sites, 13 museums, 74 buildings of historical and/or artistic interest, 18 monuments, and 10 libraries. As of 22 February 2023, almost one year after the Russian invasion, UNESCO had verified damage to 241 sites – 106 religious sites, 18 museums, 86 buildings of historical and/or artistic interest, 19 monuments, and 12 libraries.³⁰⁴
 - On 17 November 2022, the Ministry of Culture and Information Policy said that 529 cultural heritage and cultural institutions had been damaged or destroyed since the Russian invasion on 24 February 2022. A report of PEN America, published on 2 December 2022, argued that deliberate attacks on cultural heritage had both been a central motive and tactic of Russia’s campaign of aggression and Russification in Crimea and Ukraine since 2014 (thereby continuing a centuries-old trend of Imperial Russian and Soviet efforts to deny, assimilate, and eliminate Ukrainian culture and language). The report distinguished damage to local “houses of culture”; the removal of Ukrainian textbooks and other books from school libraries; threats and violence to museum and other cultural workers; damage to and destruction of (at least 49) libraries and archives; the seizure and destruction of Ukrainian literature and Ukrainian-language books from public libraries in the occupied territories; and the killing of writers, artists, and cultural workers.³⁰⁵
 - On 24 November 2022, Russian forces looted the History Museum in Nova Kakhovka, Khersonska region.³⁰⁶

³⁰⁰ Anna Chernova & Rob Picheta, “[Russia Removes Bones of 18th-Century Commander Revered by Putin from Occupied Ukrainian City](#),” *CNN* (28 October 2022); “[Ukraine: Russians Pillage Kherson Cultural Institutions](#),” *Human Rights Watch* (20 December 2022).

³⁰¹ “[Ukraine: Russians Pillage Kherson Cultural Institutions](#),” *Human Rights Watch* (20 December 2022).

³⁰² “[Ukraine: Russians Pillage Kherson Cultural Institutions](#),” *Human Rights Watch* (20 December 2022).

³⁰³ “[Missile Strike Kills a Security Guard and Damages University Facilities](#),” *Scholars at Risk* ([no date]).

³⁰⁴ UNESCO, “[Damaged Cultural Sites in Ukraine Verified by UNESCO](#)” (6 October 2022); UNESCO, “[Damaged Cultural Sites in Ukraine Verified by UNESCO](#)” (22 February 2023); Yasmine Salam & Dan De Luce, “[‘Just the Way the Nazis Did’: Evidence Suggests Russians Are Stealing Art from Ukraine on a World War II Scale](#),” *NBC News* (6 April 2023).

³⁰⁵ PEN America, *Ukrainian Culture Under Attack: Erasure of Ukrainian Culture in Russia’s War Against Ukraine* (New York: PEN America, 2022); PEN America, “[Report Exposes Putin’s War on Ukrainian Culture](#),” *Ifex* (5 December 2022); Jason Farago, “[When Cultural Heritage Becomes a Battlefield](#),” *New York Times* (27 December 2022).

³⁰⁶ “[Ukraine: Russians Pillage Kherson Cultural Institutions](#),” *Human Rights Watch* (20 December 2022).

- On 23 July 2023, Russian missiles hit the historic center of Odessa (UNESCO World Heritage), badly damaging the Transfiguration Cathedral, Odessa's largest Orthodox church. The church had already been demolished by the Soviet Union in 1939, but it had been rebuilt in 2003. Russia had stepped up attacks on Odessa, a port city, after it had withdrawn from the United Nations-backed grain deal on 17 July 2023.³⁰⁷

In September 2022, when the Ukrainian forces liberated communities that had been under Russian control for six months, it transpired that there had been a systematic attempt to eliminate the Ukrainian curriculum, in particular of history, literature, and language, and replace it with a Russian one [See also *NCH Annual Report 2022*]. This included the destruction of school textbooks, Ukrainian flags, and children's work. Several teachers had resisted: head teacher Lidiya Tilna was detained for 19 days and beaten for refusing to teach the Russian curriculum; head teacher Liliya Sirous hid 2,200 books after being told to destroy them. Deputy director at Balakliya Five school Inna Mandryka refused to cooperate and was dismissed, but after her dismissal she launched an underground online school from her basement and created a syllabus of online lessons and distributed it to teachers scattered all over Ukraine and Europe.³⁰⁸

Among those killed at the frontline in the war against Russia were:

- On or around 5 October 2022: historian and archaeologist Viacheslav Zaitsev (?–2022). He was the head of the information and publishing department of the Khortytsia National Reserve and a deputy of the Zaporizhzhya City Council.
- On 18 October 2022: historian Yurii Kostyk (?–2022). An alumnus of the Ivan Franko National University of Lviv, he successively worked at the Danylo Halytsky Lviv National Medical University, taught the history of Ukraine in English to foreign students, and was a researcher in the Lviv National Scientific Library of Ukraine.
- On or around 17 November 2022: Serhiy Myronov (?–2022), a Kyiv tour guide, activist, author of the blog *Vanishing Kyiv*. At his own expense, he restored historical doors and windows in old Kyiv houses. He died of wounds in the hospital.
- On or around 29 November 2022: Vadym Stetsyuk (1982–2022), a historian and teacher of the Kamianets-Podilskyi Ivan Ohienko National University. A history teacher and researcher at the Kamianets-Podilskyi State Historical Museum, he was the author of more than 120 scientific

³⁰⁷ James Waterhouse & George Wright, "[Ukraine War: Russian Strikes on Odesa Damage Orthodox Cathedral](#)," *BBC News* (23 July 2023).

³⁰⁸ Zhanna Bezpiatchuk & Sofia Bettiza, "[Ukraine War: Tortured for Refusing to Teach in Russian](#)," *BBC News* (1 October 2022).

publications.

- On 6 January 2023, librarian Vitalii Pyvovarov (?–2023) was killed near Bakhmut. He had graduated from the history faculty of Zhytomyr Ivan Franko State University, and was pursuing a postgraduate degree. He worked in the State Archive of the Zhytomyr Region and Zhytomyr State Administration, and later at the Oleh Olzhych Regional Scientific Library. He volunteered to join the ranks of the Armed Forces.
- On 16 January 2023, after four months of being in a coma as a result of a severe battle wound, Kharkiv historian and antiquarian Valerii Romanovskyi passed away (?–2023). He was an associate professor at the Department of Cultural Studies of the Kharkiv State Academy of Culture and a member of the Kharkiv Historical and Philological Society. He taught the history of Ukrainian and world culture, worked on the memoirs of Pavlo Zholtovskyi, and wrote a commentary on the memoirs of Yuri Shevelyov.
- On 2 February 2023, archaeologist Andrii Fylypchuk (?–2023) was killed during a combat mission in the East of Ukraine. He had graduated from Lviv Ivan Franko National University. In 2011–2014, he did postgraduate studies at the archaeology department. Together with his father, archaeologist Mykhailo Fylypchuk, he had explored the Slavic sites of Ciscarpathia. Since 2015, he had worked as the deputy director for scientific work of the Old Plisnesk Historical and Cultural Reserve.
- On 14 March 2023, historian, archaeologist, ethnographer, and musician Yuri Kovalenko (?–2023) was killed in battle in the Luhansk region. He had taken part in numerous archaeological expeditions and, since 1999, headed the scientific research department at the Hlukhiv National Reserve. In 2014 he joined the Black Tulip mission as a volunteer and engaged in repatriating more than 150 deceased Ukrainian defenders' bodies back from the occupied territories of the Donetsk and Luhansk regions. He had enlisted in the Armed Forces of Ukraine in 2020, meanwhile defending his Ph.D. in 2021.

In addition:

- On 24 March 2022, historian, translator, and publicist Serhiy Zaikovsky (?–2022) was killed during an assault on the Lukyanivska village, near Kyiv. A graduate of Kharkiv National University, he specialized in the history of the ancient world and the Middle Ages.
- On 21 April 2022, historian and writer Serhiy Burov ([1938]–2022) died in besieged Mariupol. He devoted his life to researching the history of the city, and was its honorary citizen. He wrote *Mariupol: The Past* (2003) and *Mariupol and Its People* (2011).
- On April 25, Russia shelled the Kupyansk local history museum with missiles. The museum director Iryna Osadcha and worker Olena Vodopianova were killed in the workplace.

In addition:

- On 5 March 2022, Russian occupiers shot dead Church Slavonic and Greek language teacher, historian, and translator Oleksandr Kisliuk (–2022) in Bucha, near Kyiv. He worked as a teacher of ancient languages, translated classical texts and published about the history of the Cossacks based on Latin sources.³⁰⁹

On 15 December 2022, in a resolution adopted by 507 votes in favor, 12 against with 17 abstentions, the European Parliament recognized “the Holodomor, the artificial famine of 1932–1933 in Ukraine caused by a deliberate policy of the Soviet regime, as a genocide against the Ukrainian people, as it was committed with the intent to destroy a group of people by deliberately inflicting conditions of life calculated to bring about its physical destruction.” While condemning “the current Russian regime’s manipulation of historical memory for the purpose of regime survival,” the European Parliament called “on the Russian Federation, as the primary successor of the Soviet Union, to officially recognize the Holodomor and to apologize for these crimes.”³¹⁰

Among those (temporarily) emigrated or exiled since the Russian invasion of February 2022 were:

- Linguist Yurii Kovbasko, who moved from Vasyl Stefanyk Precarpathian National University in Ivano-Frankivsk to Guarapuava, Paraná State, Brazil, with a two-year fellowship. He worked on a *Diachronic Corpus of the Ukrainian Language of the Diaspora* in the nineteenth- and early twentieth-century;
- Sociologist Olena Strelnyk, who was employed on a two-year emergency fellowship at the Technical University of Munich funded by the university and DFG, the German Research Foundation. She collected oral histories of the war in Ukraine and in exile.³¹¹

According to a February 2023 report from the Yale University Conflict Observatory, an initiative supported by the United States State Department, Russia had placed at least 6,000 Ukrainian children at 43 camps and institutions in Russian-occupied regions in Ukraine or in Russia, or with new families, as part of its “systematic ... approach to the relocation, re-education and, in some cases, adoption and

³⁰⁹ Rodina Iryna, “[People of Culture Taken Away by the War: 2022](#)” (PEN Ukraine; 4 February 2023); Rodina Iryna, “[People of Culture Taken Away by the War: 2023](#)” (PEN Ukraine; 19 July 2023).

³¹⁰ “[European Parliament Resolution of 15 December 2022 on 90 Years after the Holodomor: Recognising the Mass Killing through Starvation as Genocide](#)” (Strasbourg: EP, 15 December 2022). European Parliament, “[Holodomor: Parliament Recognises Soviet Starvation of Ukrainians as Genocide](#)” (press release; Strasbourg: EP, 15 December 2022).

³¹¹ Nathan Greenfield, “[Will Ukraine’s Brains Return? And What If They Don’t?](#),” *University World News* (20 May 2023).

forced adoption of Ukrainian children. The report defined “re-education” as “the promotion of cultural, historical, societal, and patriotic messages or ideas that serve the political interests of Russia.” It included the inculcation of the official Russian vision of national culture and history. It took many forms, including the school curriculum, field trips to cultural or patriotic sites throughout Russia, lectures from Russia’s veterans and historians, and military activities.³¹²

On 20 July 2023, Culture and Information Policy Minister Olexander Tkachenko tendered his resignation after President Volodymyr Zelenskiy had told Prime Minister Denys Shmyhal to find alternative funding for cultural projects, among others, because “[m]useums, cultural centers, symbols, television series are important, but we have other priorities.” Tkachenko wrote on Telegram: “Culture in wartime is important as this war is not just about territory but also people – our memory, history, language and creativity despite the war ... Private and State funding for culture in wartime is no less important than for drones. Culture is the shield for our identity and our borders.” Earlier that day, Tkachenko had defended, among others, the allocation of the equivalent of \$ 13.5 million to complete a museum devoted to Ukraine’s man-made 1930s famine Holodomor.³¹³

See also Estonia, Poland, Russia.

UNITED ARAB EMIRATES

Previous *Annual Report* entries: 2013, 2016.

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2022.

In 2013, the Royal Military Police (RMP) launched an investigation into alleged murder raids by Special Air Service (SAS) operatives in Afghanistan, during the War in Afghanistan (2001–2021), specifically the operation of one SAS squadron in Helmand in 2010–2011 that was reportedly responsible for 54 unlawful killings in a six-month period. RMP investigators were obstructed in their efforts to gather

³¹² *Russia’s Systematic Program for the Re-Education & Adoption of Ukraine’s Children: A Conflict Observatory Report* (New Haven: Yale School of Public Health Humanitarian Research Lab) (14 February 2023), 5–6, 14, 18; Missy Ryan, “[Russian ‘Re-Education Camps’ Hold Thousands of Ukrainian Kids, per Report.](#)” *Washington Post* (14 February 2023).

³¹³ “[Ukraine’s Zelenskiy Calls for Spending Restraint, Minister Offers to Resign.](#)” *Reuters* (21 July 2023).

evidence by the British military and their findings were misinterpreted by the Ministry of Defense after they had closed their investigation in 2019.

In August 2022, an investigation by the BBC (British Broadcasting Company) found evidence suggesting that General Sir Mark Carleton-Smith, the former head of Special Forces, was briefed about the alleged unlawful killings in Helmand, but kept the records away from the RMP investigators. Likewise, it found that high-level officers of Special Forces were aware of concerns over unlawful killings, but failed to report to the RMP, despite a legal obligation to do so. Instead, concerns had been put in a classified file with access restricted to a handful senior Special Forces officers.³¹⁴

In the autumn of 2021, historian Nicolas Bell-Romero submitted a 50-page draft report about the past links of Gonville and Caius College, Cambridge University, with transatlantic slavery within the framework of larger research on the university's legacies of enslavement undertaken by him and historian Sabine Cadeau. Finding that financial benefits from enslavement outweighed the College's contribution to abolition, the report caused a rift among college faculty – with some pushing to prevent its publication. A long response to the criticisms did not change the situation and Bell-Romero refused to redraft his report in collaboration with a life fellow in history. In the summer of 2022 the newspaper *The Telegraph* picked up the case, quoting at length the anonymous critics but identifying Bell-Romero by name as a “woke activist.” When in July 2022 another newspaper submitted a freedom of information request to access the report, the College eventually published it online in August.³¹⁵

After freedom of information requests were issued to 140 British universities by the newspaper *The Times*, it was revealed that some universities removed books from reading lists or made them optional to protect students from “challenging” content, including depictions of slavery. The investigation also found 1,081 examples of trigger warnings across undergraduate courses.³¹⁶

On 28 September 2022, the Court of Appeal ruled that due to the “high value” of the Colston statue [See *NCH Annual Reports 2020, 2022*] and the violent way it was brought down, defendants in similar cases in the future would not be able to use human rights defenses. The judgment was seen by human rights activists as a blow to the right to protest.³¹⁷

³¹⁴ Hannah O'Grady & Joel Gunter, “[SAS Unit Repeatedly Killed Afghan Detainees, BBC Finds](#),” *BBC News* (12 July 2022).

³¹⁵ Samira Shackle, “[The Backlash: How Slavery Research Came under Fire](#),” *Guardian* (1 June 2023).

³¹⁶ “[Universities Admit Purge of ‘Challenging’ Books to Protect Students](#),” *Telegraph* (9 August 2022).

³¹⁷ Katy Watts, “[Colston 4 Judgment: ‘The Government Is Tearing Up Our Protest Rights’](#),” *The Bristol Cable* (28 September 2022).

In October 2022, Munib al-Masri (1934–), a Palestinian business owner and former politician, brought a petition to the government asking for a formal acknowledgement and apology for war crimes committed by British forces against Palestinians during the British rule of Palestine (1917–1948). The petition came with a 300–page dossier of evidence of British atrocities, including during the Arab Rebellion of 1936–1939. In a statement the Ministry of Defense said it was aware of historical allegations against armed forces personnel during the period and any evidence provided would be “reviewed thoroughly.”³¹⁸

In the autumn of 2022, the journal *Index on Censorship* organized a survey among 28 historians and journalists who worked with archives related to the Royal family. Ten responded, the majority of which wanted to remain anonymous. Eight respondents said that their research into the royal family had been affected by the refusal of the royal archives to grant access to key materials and deplored the excessive secrecy. One of them was historian Andrew Lownie (1961–) who gained access in 2022 to the diaries and personal correspondence (preserved at Southampton University) of Lord Louis Mountbatten and Lady Mountbatten, part of the British Royal Family’s inner circle, after a protracted and expensive legal battle (See also below).

Since 2010, there had been a blanket exemption to the Freedom of Information Act for all official correspondence relating to the monarch and to the heir and second-in-line to the throne. The exemption was introduced during the decade-long battle by *Guardian* journalist Rob Evans to gain access to the so-called “black spider memos” (letters and memorandums written by Prince Charles, now King Charles III, to certain government departments), arguing that they constituted lobbying and should be released in the public interest.

Rory Cormac, working at the University of Nottingham and co-author of *The Secret Royals*, pointed to three specific areas where more openness would contribute to a greater understanding of contemporary history: the 1956 Suez crisis, Northern Ireland, and the role played by the monarchy in the final phase of the British Empire. The personal archives of past prime ministers (Anthony Eden at the University of Birmingham and Harold Macmillan at Oxford University) were subject to restrictions on royal material. There were also files which had been reclassified after historians found information that proved uncomfortable to the Royal Family [See also NCH *Annual Report 2020*, Jenny Hocking case under Australia].³¹⁹

³¹⁸ Tom Bateman, “[UK Apology Sought for British War Crimes in Palestine](#),” *BBC News* (7 October 2022).

³¹⁹ “Special Report [on royal secrecy],” *Index on Censorship*, 51 no. 4 (December 2022), 1, 49–64 (survey results on p. 56; Lownie on pp. 57–58; Hocking on pp. 59–61); Information Commissioner’s Office: Freedom of Information Act 2000, [Decision Notice](#) (18 December 2019), [Information Notice](#) (19 December 2019) [on the Mountbatten archives]; Andrew Lownie, “Monitoring Terrorists, Gangs – and Historians,” *Index on Censorship*, 52 no. 2 (2023), 82–83.

In 2023 historian Andrew Lownie (1961–) revealed that his freedom of information requests over the past years demonstrated that his social media accounts, speaking engagements, newspaper articles and crowdfunding activities had been monitored by the Cabinet Office and the Foreign Office since at least 2018 and that his past, including an employment tribunal and defamation cases in which he was the defendant, was being investigated. These operations were likely mounted because Lownie had found huge gaps in the archival record (called "dry cleaning the records") during research for his 2016 biography of spy Guy Burgess (1911–1963), his 2019 biography of Lord Louis Mountbatten (1900–1979) and Lady Mountbatten (1901–1960) (see above), and his 2021 biography of the Duke of Windsor (who was King Edward VIII in 1936; 1894–1972). The gaps showed that the British government failed to adhere to the Public Record Act and the Freedom of Information Act. Lownie found similar gaps in Irish archives.³²⁰

On 15 February 2023, Human Rights Watch (HRW) published a report on the deportation by the United Kingdom (UK) and the United States (US) of the entire population of the Chagos islands in the Indian Ocean so the US could build a military base on Diego Garcia, the largest island. The boat carrying the final Chagossians to be expelled from the islands arrived in Mauritius in June 1973. HRW detailed the ongoing "colonial crimes against humanity" committed by the UK in the Chagos Islands, explaining why UK authorities should prosecute these crimes, pay full compensation, and issue a meaningful apology for losses experienced as a result of these crimes [See also NCH *Annual Reports 2012–2013, 2021*].³²¹

On 26 April 2023, Prime Minister Rishi Sunak dismissed a call for the government to apologize and pay reparations for the United Kingdom's prominent historical role in the slave trade and in slavery. He said: "What I think our focus should now be is, of course, understanding our history and all its parts, not running away from it, but right now making sure we have a society that's inclusive and tolerant of people from all backgrounds ... But trying to unpick our history is not the right way forward and is not something we'll focus our energies on." In 2006, then Prime Minister Tony Blair had expressed "deep sorrow" for Britain's role in slavery.³²²

In May 2023, Buckingham Palace declined a request by the Ethiopian government to return the remains of Prince Alemayehu (1861–1879) on the grounds that it would "disturb [...] the resting place of a

³²⁰ Andrew Lownie, "Monitoring Terrorists, Gangs – and Historians," *Index on Censorship*, 52 no. 2 (2023), 82–83.

³²¹ Human Rights Watch, *"That's When the Nightmare Started": UK and US Forced Displacement of the Chagossians and Ongoing Colonial Crimes* (New York: HRW, 2023).

³²² Joshua Nevett, "[Slavery: Rishi Sunak Rejects Call to Apologise and Pay Reparations](#)," *BBC News* (26 April 2023); Mohamed Madi & Celestina Olulode, "[King Charles III as Head of State in St Vincent and the Grenadines 'Absurd'](#)," *BBC News* (8 May 2023).

substantial number of others” who were buried in the catacombs of St. George’s Chapel in Windsor Castle. A previous request to then Queen Elizabeth II in 2006 was declined because of the alleged difficulty of identifying the prince’s remains. Prince Alemayehu had been taken to England by British soldiers looting his father’s imperial citadel after the 1868 Battle of Magdala.³²³

In [early May] 2023, the eyewitness statement of Captain Robin Green given for a 1982 board of inquiry related to the attempted June 1982 landing on the Falkland Islands / Islas Malvinas, was released after a freedom of information request by Crispin Black, a retired colonel and one of the survivors of the landing, prompting calls for the full release of the inquiry’s files. On 8 June 1982, the landing ships Sir Tristram and Sir Galahad were attacked by Argentinian Skyhawk planes, as part of the Falkland / Islas Malvinas War (April–June 1982), killing dozens of service personnel and injuring more than 150. In September 1982, a board of inquiry had collected witness statements of the attempted landing, which remained secret. The files were due to remain sealed until 2065, despite several declassification attempts.³²⁴

On 20 May 2023, a man climbed a scaffold at the front of the BBC headquarters in London and hit the Prospero and Ariel statue (sculpted by Eric Gill [1882–1940] in 1933) with a hammer in an apparent protest. There had been calls for the statue to be removed because, according to a 1989 biography, Gill had recorded sexually abusing his daughters in his diaries. In January 2022, another protester had damaged the statue as well.³²⁵

Northern Ireland

Despite a commitment from the Northern Irish government in November 2021, an independent public inquiry was not established into “mother and baby homes,” “Magdalene laundries,” and “workhouses.” Between 1922 and 1990, many women and girls who had become pregnant outside marriage, had been sent to these institutions, where they had suffered arbitrary detention, forced labor, ill-treatment, and the forced adoption of their babies [See also above, under Ireland, and NCH *Annual Report 2016*, under Ireland].³²⁶

³²³ Jamie Grierson, “[Buckingham Palace Declines to Return Remains of ‘Stolen’ Ethiopian Prince, Say Reports](#),” *Guardian* (23 May 2023); Jibat Tamirat & Cecilia Macaulay, “[Ethiopia’s Prince Alemayehu: Buckingham Palace Rejects Calls to Return Royal’s Body](#),” *BBC News* (23 May 2023).

³²⁴ Daniel Boffey, “[UK Ministers Urged to Unseal Files on Falklands Attack that Killed 56](#),” *Guardian* (5 May 2023).

³²⁵ “[Man Climbs BBC HQ Scaffolding and Hammers at Statue](#),” *BBC News* (20 May 2023).

³²⁶ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 386.

On 4 August 2022, the journal *Index on Censorship* (IoC) expressed concern over two lawsuits filed by Sinn Féin politician Gerry Kelly against journalist Malachi O’Doherty and columnist Ruth Dudley Edwards, claiming aggravated damages for the latter’s comments on Kelly’s role in the 25 September 1983 Maze Prison escape, in which 38 Irish Republican Army prisoners had escaped the maximum security prison HMP Maze. IoC condemned both suits as SLAPPs (Strategic Lawsuits against Political Participation) and sent a media freedom alert, the seventh on the United Kingdom since January 2022, to the Council of Europe.³²⁷

On 20 and 21 August 2022, 325 African men, women and children were ceremonially reburied on Saint Helena. In 2008, archaeological digs during the construction of the island’s airport had uncovered their remains, which had then been stored in boxes in a stock room of an old prison. The reburial followed a remembrance ceremony on 21 May 2021.

Decades after Britain’s 1807 ban on the slave trade, the Royal Navy began patrolling the Atlantic, intercepting slave ships that violated the ban and taking the captives to Saint Helena (1840–1872). Of these more than 25,000 formerly enslaved, “liberated” Africans, some were shipped further to the Caribbean islands to work on the plantations but most died in quarantine camps on Saint Helena. At least 8,000 men, women and children were buried anonymously on the island (the largest burial ground of enslaved Africans in the world). The 325 reburied persons formed part of this larger group.³²⁸

On 15 December 2022, several United Nations experts warned that the proposed Northern Ireland Troubles (Legacy and Reconciliation) Bill before the United Kingdom (UK) Parliament failed to comply with the UK’s obligation to investigate serious human rights violations committed during the “Troubles” (1969–1998) and denied truth and remedy for victims. They expressed concern that the Bill replaced Troubles-related criminal investigations with reviews to be undertaken by a planned Independent Commission for Reconciliation and Information Recovery, whose truth-seeking mandate was so severely limited that it would be tantamount to a de facto amnesty scheme [See also NCH *Annual Reports 2021–2022*].³²⁹

³²⁷ [“Index on Censorship Files Media Freedom Alert after Sinn Féin MLA Legal Action,”](#) *Index on Censorship* (4 August 2022).

³²⁸ St. Eustatius Afrikan Burial Ground Alliance, [“St. Helena to Honor 325 ‘Liberated’ Afrikans with Ceremonial Reburial”](#) (press release; 30 August 2022); Equality & Human Rights Commission, [“CEO Speech at St Helena’s Day: Memorial Ceremony for the Formerly Enslaved”](#) (12 August 2021).

³²⁹ United Nations (UN) Experts, [“UK: UN Experts Voice Concern at Proposed Blanket Impunity to Address Legacy of ‘The Troubles’ in Northern Ireland”](#) (Press release; 10 August 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 706; UN Experts, [“UK: Flawed Northern Ireland ‘Troubles’ Bill Flagrantly Contravenes Rights Obligations, Say UN Experts”](#) (Press release; 15 December 2022); UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, *Follow-up on the Visits to Burundi, the United Kingdom of Great Britain and Northern Ireland and Sri Lanka* (UN Doc. A/HRC/48/60/Add.2) (5 August 2021), 9–16; Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 387.

See also China (Hongkong), Czech Republic, Egypt, Greece, India, Iran, Kenya, Lebanon, Malaysia, Russia, Sudan, United States.

UNITED NATIONS

Previous *Annual Report* entries: 2022.

On 15 September 2022, an International Roundtable on Roma and Memorialization (“Advancing Recognition and Remedy for the Dark Chapters of the Romani Past and their Impact on the Present”) under United Nations auspices stated that Romani history included periods of slavery, the Holocaust and other episodes of persecution, evictions and expulsion, and coercive sterilization of Romani women, adding that the dark chapters of Romani history had yet to be properly acknowledged and memorialized. As a result, legacies of anti-gypsyism continued to be a powerful force in societies throughout the world. It recommended action at the level of history textbooks, sites of memory, historical museums, and oral history, among others.³³⁰

On 29 March 2023, the delegations of France and South Africa at the 52nd Session of the United Nations Human Rights Council delivered a Joint Statement on Behalf of a Group of Seventy Countries on Academic Freedom, arguing, among others, that academic freedom was “key to human rights education but also essential for technical and scientific progress,” and noting that attacks on academic freedom were on the rise. It also affirmed that “[w]ithout academic freedom, there is no safeguard against the manipulation of information or against the distortion of history.”³³¹

UNITED STATES

Previous *Annual Report* entries: 1995–2022.

In June 2021, Republican Governor of Texas Greg Abbott signed House Bill 2497, creating the “1836 Project,” a committee set up to promote “patriotic education,” mainly through pamphlets given to people receiving their driver’s licenses and by advising State agencies on how to teach history at

³³⁰ *Roma and Memorialization: Advancing Recognition and Remedy for the Dark Chapters of the Romani Past and their Impact on the Present* (Outcome Document of the International Roundtable; Geneva, 15 September 2022).

³³¹ [“Joint Statement on Behalf of a Group of 70 Countries on Academic Freedom at the 52nd Session of the Human Rights Council”](#) (29 March 2023).

monuments, landmarks, and other public history places [See also NCH *Annual Report 2021*]. The bill – an allusion to the “1619 Project,” a project founded in August 2019 by historian and journalist Nikole Hannah-Jones and named after the year that slavery began in the colonies that would become the United States (US), and exploring the impact of slavery on US history and modern life [See NCH *Annual Report 2020–2022*] – was criticized for being part of a Republicans’ push in Texas and nationwide to limit the discussion of “critical race theory” [See also NCH *Annual Reports 2021–2022*] in schools, for promoting the State’s “Christian heritage,” and for excluding enslaved people and indigenous groups from a historical narrative that had Texas’s independence begin in 1836, when it broke free from Mexico (even though its 1836 constitution legalized slavery).

In August 2022, the committee approved a 15-page pamphlet containing the “patriotic” telling of Texas history, that would be distributed alongside new driver’s licenses. The pamphlet was criticized for failing to hold institutions accountable for slavery and other forms of oppression of indigenous Texans, Tejanos, Blacks, and women, and for reinforcing the “Texas creation myth” – a narrative, refuted by historical research, that portrayed the 1836 battle at the Alamo as a liberation struggle, omitting that Texans specifically opposed Mexican laws that would free enslaved workers needed to farm their cotton [See also NCH *Annual Report 2021*].³³²

In 2022, despite unprecedented support in Congress and significant movement on reparations initiatives at State and local levels, the federal government failed to create a commission to study the legacy of enslavement and develop reparations proposals. In light of Congress’s inaction, racial justice advocates urged the Joe Biden administration to create such a commission by executive order on Juneteenth [19 June] 2022. In August 2022, the United Nations Committee on the Elimination of Racial Discrimination concluded that the State had failed to implement international anti-racism legal standards, and urged it, for the first time, to establish a commission to study and develop reparations proposals.

As of July 2022, some 870,000 Native American artifacts, including nearly 110,000 human remains, that should have been returned to Native American tribes under the 1990 Native American Graves Protection and Repatriation Act (NAGPRA), remained in the possession of colleges, museums and other State institutions across the country. The number excluded an unknown amount of items held by private institutions not covered by the NAGPRA. Furthermore, many tribes objected to the NAGPRA requirement to explain the cultural significance, including its usage in tribal ceremonies, of items sought for repatriation, as this information had historically been kept secret from non-tribal members. In

³³² Heidi Pérez-Moreno, [“Texas’ 1836 Project Aims to Promote “Patriotic Education,” But Critics Worry It Will Gloss over State’s History of Racism,”](#) *Texas Tribune* (9 June 2021); Sneha Dey, [“1836 Project’s Pamphlet to Promote a ‘Patriotic’ Version of Texas History,”](#) *Kera News* (26 September 2022).

January 2023, a research by ProPublica found that almost half of the artifacts were held by ten institutions, including the Interior Department.³³³

On 24 January 2022, Republican Governor of Virginia Glenn Youngkin – who won the governorship in 2021 partly by promising to root out “critical race theory” and other “inherently divisive” subjects from public education – created a tipline shortly after taking office. He announced that parents should report teachers who discussed “divisive” concepts in the classroom by emailing a @governor.virginia.gov email address. Youngkin denied media outlets’ formal requests for copies of the tipline submissions under the Freedom of Information Act (FOIA) on the grounds that they constituted the governor’s “working papers and correspondence” exempted from the FOIA.

On 13 April 2022, The Washington Post, Associated Press, NPR and other media outlets sued Youngkin in the Richmond Circuit Court, seeking copies of submissions arguing that exemptions for working papers and correspondence did not apply to the tipline submissions – in part because the submissions were reportedly shared with individuals outside of the governor’s office, including the American Enterprise Institute, a right-leaning think tank. On 8 August 2022, nonprofit ethics watchdog group American Oversight and law firm Ballard Spahr filed a second suit in Arlington County Circuit Court, seeking documents that showed how Youngkin and his staff used the tipline, including how they responded to tips submitted.³³⁴

In April 2022, PEN America started collating an Index of School Book Bans to document decisions to ban books in school libraries and classrooms in the United States from 1 July 2021 to 31 March 2022. Among the 1,145 banned books in the Index, 16% were history books (123 titles) or biographies covering historical topics or figures (61 titles). Of the total, 111 featured individuals or narratives centered on protagonists of color (10%). This included 42 children’s picture books, including biographies of Rosa Parks, Martin Luther King Jr., Duke Ellington, Sonia Sotomayor, Nelson Mandela, and Malala Yousafzai.

Between July and December 2022, book bans increased to 1,477. Among the banned books were Ibram X. Kendi’s *Stamped from the Beginning: The Definitive History of Racist Ideas in America*; The Nib’s *Be Gay, Do Comics: Queer History, Memoir, and Satire*; Deborah Willis’s *Reflections in Black*:

³³³ Philip Marcelo, “[Wounded Knee Artifacts Highlight Slow Pace of Repatriations](#),” *AP News* (29 July 2022); Logan Jaffe, Mary Hudetz & Ash Ngu, “[America’s Biggest Museums Fail to Return Native American Human Remains](#),” *Pro Publica* (11 January 2023); Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 661, 663.

³³⁴ Laura Vozzella, “[Media Outlets File Suit over Va. Gov. Youngkin’s Teacher Tip Line](#),” *Washington Post* (13 April 2022); Hannah Natanson, “[Va. Gov. Youngkin Faces Second Suit over Teacher Tip Line](#),” *Washington Post* (8 August 2022).

A History of Black Photographers, 1840 to the Present; and Don Nardo's *Life in a Nazi Concentration Camp*.³³⁵

In May 2022, a Tulsa, Oklahoma, county judge denied in part a “motion to dismiss” made by the city of Tulsa and other defendants as part of a lawsuit brought on behalf of survivors and descendants of the 1921 Tulsa race massacre for damages and continuing harm stemming from it. The denial constituted the first time a case for reparations for the massacre had made it past the “motion to dismiss” stage and would enable the last three known survivors of the massacre, all over hundred years old, to have the merits of their case heard in court [See also NCH *Annual Reports 2021–2022*].³³⁶

On 28 July 2022, climate change-caused rising floodwaters of the Troublesome Creek breached the Hindman Settlement School's archive in Knott County, Kentucky destroying many of its archival records.³³⁷

Research of PEN America found that up and until August 2022, the amount of proposed educational gag orders – State level bills introduced with the intent to restrict teaching and discussion of race, racism, gender and United States (US) history in K-12 schools (schools from Kindergarten to twelfth grade), higher education, and State agencies and institutions – had increased 250 percent compared to 2021, with 36 different States having introduced 137 gag order bills. Most of the bills continued to target teaching about race, however an increasing number also targeted the teaching of LGBTQ+-history. The bills, 136 of which were introduced solely by Republican legislators, were more specifically targeted at higher education (37%), put forward more severe punishment ranging from loss of State funding for institutions to criminal charges for teachers, and were more frequently accompanied by lawsuits of conservative groups and education officials asking courts to interpret the gag orders as broadly as possible. PEN America had previously concluded that the bills had chilling effects on the teaching of the history of slavery, the emancipation of women, and the treatment of Native Americans, leading to the effective banning of a wide swath of historical and other educational materials and resulting in the effective self-censoring of educators and educational institutions on these topics, leading to the erosion of academic freedom [See also NCH *Annual Report 2022*].

On 2 August 2022, the Critical Race Theory Forward Tracking Project, set up by the Law School of the University of California at Los Angeles, found that 495 attempts, varying from State-level to school-

³³⁵ PEN America, [Banned in the USA: Rising School Book Bans Threaten Free Expression and Students' First Amendment Rights](#) (April 2022); [PEN America's Index of School Book Bans \(July 1, 2021–June 30, 2022\)](#); [Pen America Index of School Book Bans – Fall 2022](#).

³³⁶ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 663.

³³⁷ Tina Irvine, [“Climate Change Just Erased the Past in Kentucky: Where Will It Happen Next?”](#) *History News Network* (7 August 2022).

board level efforts, had been made to limit the teaching of critical race theory (CRT) since September 2020 (the month that a Pennsylvania local school district's anti-CRT policy began), spread over all States except Delaware. Especially in Virginia, Florida, Missouri, and in Congress, anti-CRT proposals had been most frequent. Of the 495 attempts, 94% targeted schools and colleges, of which around one hundred were official attempts to limit or eliminate CRT from college classrooms.

On 1 May 2023, PEN America reported that the number of gag order bills introduced since 2021 had risen to 306 in 45 States, of which 22 had become law in 16 States. Two additional States had enacted educational gag orders via executive orders or policies. It noted a trend shift from classroom censorship to curricular control, from bills that banned lists of so-called "divisive concepts" in classroom instruction toward bills that restricted curricular content, and from focusing on academic speech to focusing on academic structure, proposing to close academic departments and prohibit certain majors and minors and academic programs rather than targeting individual professors' teaching [See also NCH *Annual Reports 2021–2022*].³³⁸

On 1 August 2022, Airbnb promised to remove from its website rental apartments that once housed enslaved people, after outrage had erupted over the listing of the Panther Burn Cottage at the Belmont Plantation in Greenville, Mississippi, that had housed enslaved people in the 1830s.³³⁹

On 8 August 2022, agents of the Federal Bureau of Investigation (FBI) executed a search warrant at the Florida resort related to Trump's handling of presidential records in violation of the Presidential Records Act [See NCH *Annual Report 2022*]. They were looking into potential violations of the Espionage Act, which made it illegal to keep or transmit potentially dangerous national security information. They removed twenty boxes of material, including eleven sets of classified files from the property. Some of the documents reportedly required special clearance beyond top secret clearance, while another document described a foreign government's military defense, including its nuclear capabilities.

On 26 August 2022, the FBI's search-warrant affidavit revealed that a preliminary review of the fifteen boxes of documents that had been retrieved by the National Archives and Records Administration from Trump's Florida resort in mid-January 2022, fourteen contained documents with

³³⁸ Sylvia Goodman, "[Researchers Did a Deep Dive Into Efforts to Restrict Critical Race Theory: Here's What They Found](#)," *Chronicle of Higher Education* (3 August 2022); Jeremy Young & Jonathan Friedman, "[America's Censored Classrooms](#)," *PEN America* (17 August 2022); "[Florida Educators and Students File Lawsuit Challenging 'Stop W.O.K.E.' Law](#)," *ACLU* (18 August 2022); PEN America, *PEN America Index of Educational Gag Orders* (ongoing database); "[CRT Forward Tracking Project](#)," *UCLA* (ongoing database); Eddie Cole, "[Limiting Academics' Freedom to Tell the Truth about Racism Is Not New](#)," *Washington Post* (3 October 2022); Jeffrey Sachs, Jeremy Young, Jonathan Friedman, "[From Classroom Censorship to Curricular Control](#)," *PEN America* (1 May 2023).

³³⁹ Marlene Lenthag, "[Airbnb Removes Mississippi 'Slave Cabin' From Listings After Viral TikTok Video](#)," *NBC News* (2 August 2022).

classification markings, including 67 marked as confidential, 92 marked as secret, and 25 marked as top secret. On 30 August, the Department of Justice said it had evidence that classified documents had deliberately been concealed from federal investigators, when they had searched and received 38 classified documents from the resort in June, in an attempt to “obstruct the government’s investigation.”

On 9 June 2023, the District Court of Florida released a 37-count indictment, including allegations that Trump had twice illegally disclosed national security information, attempted to hide classified documents after they had been subpoenaed by the Department of Justice, and hoarded materials of the highest sensitivity after he left the White House. According to the indictment, the documents included details of United States (US) nuclear weapons programs, the potential vulnerabilities of the US and its allies, and US plans for retaliatory military attacks. Of the 37 counts, 31 were for “willful retention of national defense information,” meaning that prosecutors believed Trump knew that what he was doing was unlawful, and that they had recordings of him apparently speaking about that and the testimony of witnesses.³⁴⁰

On 20 August 2022, the American Historical Association (AHA) restricted public access to its Twitter account because “[a] conversation about history has been invaded by trolls uninterested in civil discourse in last 12 hrs. ... Therefore conversation is temporarily limited to our community. AHA condemns all harassment of members of our community & others who replied in good faith.” The move followed a controversy over a column by AHA President James Sweet on 17 August 2022, in which he had complained about presentist tendencies in the historical profession, especially when the past was read through the prism of contemporary social justice. After a wave of criticism, Sweet on 19 August 2022 had published an apology, with some finding this unnecessary, others insufficient. The “trolls” included white nationalist and neo-Nazi Richard Spencer, who on 20 August 2022 had tweeted: “I just read this man’s offending column; it was reasonable in the extreme. Apparently, being a Rankean historian causes ‘harm’ and ‘pain.’ It’s ridiculous.” On 21 August 2022, AHA executive director James

³⁴⁰ Martin Pengelly, “[Trump Tore Up Records Turned Over to House Capitol Attack Committee](#),” *Guardian* (1 February 2022); Jacqueline Alemany, Josh Dawsey, Tom Hamburger & Ashley Parker, “[National Archives Had to Retrieve Trump White House Records from Mar-a-Lago](#),” *Washington Post* (7 February 2022); “[US National Archives Requests Legal Probe of Trump over Handling of Documents](#),” *BBC News* (10 February 2022); Hugh Lowell, “[US House to Investigate whether Trump Broke Law in Handling of Documents](#),” *Guardian* (10 December 2022); Martin Belam, “[FBI Seizes Documents at Donald Trump’s Mar-a-Lago Home – Live Reaction](#),” *Guardian* (9 August 2022); “[Donald Trump Says FBI Agents Raided His Mar-a-Lago Florida Home](#),” *BBC News* (9 August 2022); “[Trump Search Warrant: FBI Took Top Secret Files from Mar-a-Lago](#),” *BBC News* (13 August 2022); Gareth Evans, “What We Do and Don’t Know about the FBI Search of Trump’s Home,” *BBC News* (15 August 2022); “[Classified Records: 700 Pages Retrieved at Trump Home in January](#),” *Al Jazeera* (23 Augusts 2022); Maya Yang, Martin Pengelly & Chris Stein, “[Trump Search Affidavit Reveals Potential for ‘Evidence of Obstruction’ at Mar-a-Lago – As It Happened](#),” *Guardian* (26 August 2022); “[FBI Says Trump Does Likely Moved in Effort to Obstruct Probe](#),” *Al Jazeera* (31 August 2022); “[Seized Trump Documents Showed Foreign Nation’s Nuclear Capability](#),” *Al Jazeera* (7 September 2022); Hugo Lowell & Léonie Chao-Fong, “[Indictment Charging Trump with Mishandling Classified Documents Unsealed](#),” *Guardian* (9 June 2023); Anthony Zurcher, “[How Trump, Biden and Clinton Secret Files Cases Compare](#),” *BBC News* (12 June 2023).

Grossman said: "... Our priority is to make sure that our followers are not harassed by trolls, while encouraging comments from the historical community and the public ..."³⁴¹

On [11 September] 2022, the 49th anniversary of the United States-backed military overthrow of Chilean democratically-elected President Salvador Allende (1908–1973), the National Security Archive called on President Joe Biden to release former President Richard Nixon's President's Daily Briefs of 8 September 1973, believed to contain initial reporting on specific coup preparations by the Chilean military, and of 11 September 1973, containing the Central Intelligence Agency's report on the actual invasion.³⁴²

In the Fall of 2022, a number of school boards in Missouri banned *Maus* – a 1972 Pulitzer prize-winning graphic novel by Art Spiegelman narrating how his parents survived the Holocaust – in line with a Summer 2022 State law that made the provision of "explicit sexual material" to a student a Class A misdemeanor. In June 2023, the board in Nixa, Springfield, Missouri, also began debating the novel [See also NCH *Annual Report 2022*].³⁴³

On 4 October 2022, District Judge James Boasberg ruled against the National Security Archive in support of a claim from the Central Intelligence Agency that the so-called Perroots memo be classified even though it had already been published in the State Department's *Foreign Relations of the United States* (FRUS) series in a 2021 volume concerning United States (US)–Soviet Union relations from January 1983 through March 1985. The retrospective memo from Lieutenant General Leonard Perroots, who served as assistant chief of staff for intelligence of the US Air Forces Europe during a 1983 NATO nuclear weapons command exercise, and as director of the Defense Intelligence Agency (1985–1989), recorded his disquiet over the nuclear weapons command exercise and the Soviet reactions to it. The entire FRUS volume was taken offline by the State Department's Office of the Historian.³⁴⁴

On 11 November 2022, Hamline University in Saint Paul, Minnesota, refused to renew the contract of adjunct professor and art historian Erika López Prater, because on 6 October 2022 she showed an online class in global art history images of a fourteenth-century painting depicting the Archangel Gabriel

³⁴¹ Coleen Flaherty, "[Presentism, Race and Trolls](#)," *Inside HigherEd* (22 August 2022); James Sweet, "[Is History History? Identity Politics and Teleologies of the Present](#)," *Perspectives on History* (17 August 2022), preceded by an "[Author's Note](#)" (19 August 2022).

³⁴² Peter Kornbluh, "[The Coup in Chile: What Did Nixon Know and When Did He Know It?](#)," *National Security Archive* (12 September 2022).

³⁴³ Greg Sargent, "[As More Schools Target 'Maus,' Art Spiegelman's Fears Are Deepening](#)," *Washington Post* (14 June 2023).

³⁴⁴ US District Court for the District of Columbia, [National Security Archive versus Central Intelligence Agency](#) (4 October 2022); Editorial Board, "[An Official U.S. History Revealed a Cold War Nuclear Scare: Now Back to the Vault](#)," *Washington Post* (16 October 2022).

delivering to the Prophet Muhammad his first Quranic revelation. She had provided students with a content warning about two minutes prior to displaying the art, allowing students to turn off their video feeds in advance if they chose. A senior in the class, who was also president of the Muslim Student Association at Hamline, later complained that the pictorial depictions of Muhammad had offended her.

On 7 November 2022, Hamline University described the lecture as “undeniably inconsiderate, disrespectful and Islamophobic” and said that “respect for the observant Muslim students in that classroom should have superseded academic freedom.” Mark Berkson, chair of Hamline’s religion department, defended López Prater in a letter to the student paper *The Oracle*, which was removed from the website two days later. PEN America and several academics called the affair “one of the most egregious violations of academic freedom in recent memory.” López Prater sued Hamline’s Board of Trustees for defamation before the District Court of Minnesota. The university admitted that its use of the term “Islamophobic” was flawed.³⁴⁵

On 22 November 2022, Daily Dot – an outlet analyzing internet culture – reported that while the Wikileaks website had allegedly leaked ten million documents in the last decade, less than 3,000 remained accessible in the website archive. Wikileaks did not give an explanation. None of the tools to submit documents was working.³⁴⁶

In early January 2023, a new app, called Historical Figures, developed by Amazon software engineer Sidhant Chadda, became available in Apple’s app store. It allowed users to chat with any of 20,000 notable people from history, reanimated by artificial intelligence GPT-3 technology in an attempt to simulate their perspective. The historical people included dictators such as Adolf Hitler and other Nazi leaders, Pol Pot and other dictators from the past. It appeared that these historical figures sometimes invented answers or justified, downplayed or exonerated themselves for the atrocities committed under their responsibility. Some critics feared that the app would be used to spread hate online. Others denounced the app’s confusing categorization as, for example, Simon Wiesenthal was put in the same lineup as the people he helped to track down and prosecute. Still others criticized the fact that it cost

³⁴⁵ “[PEN America Cites ‘Egregious Violation’ of Academic Freedom by Hamline University](#)” (Press release; Washington: PEN America, 23 December 2022); Amna Khalid, “[Most of All, Hamline’s Decision Offends Me as a Muslim](#),” *History News Network* (29 December 2022); Scott Jaschik, “[Academic Freedom vs. Rights of Muslim Students](#),” *Inside HigherEd* (3 January 2023); Vimal Patel, “[A Lecturer Showed a Painting of the Prophet Muhammad; She Lost Her Job](#),” *New York Times* (8 January 2023); “[US Professor Sues University over Prophet Muhammad Image Row](#),” *Al Jazeera* (18 January 2023); Ryan Quinn, “[Report: Adjunct Who Showed Images of Prophet Was ‘Vilified’](#),” *Inside HigherEd* (22 May 2023).

³⁴⁶ Mikael Thalen, “[WikiLeaks Website Is Struggling to Stay Online—as Millions of Documents Disappear](#),” *Daily Dot* (22 November 2022).

money to ask a question, with the app charging extra to get access to high-profile historical figures such as dictators.³⁴⁷

On 3 March 2023, entrepreneur Bert Ellis, a member of the Board of Visitors (supervisory board) of the University of Virginia (UVA), apologized after his text messages to some other board members were disclosed through a freedom of information request. In the messages, sent over the summer of 2022, he had disparaged administrators and certain student groups. In one message, Ellis pointed out the webpage of UVA Vice Provost for Academic Outreach and architectural historian Louis Nelson, writing: “Check out this numnut who works for [UVA Provost Ian] Baucom and has nothing to do but highlight slavery at UVA.” Together with Maurie McInnis, Nelson had edited the collection *Educated in Tyranny: Slavery at Thomas Jefferson’s University* (University of Virginia Press, 2019).³⁴⁸

On 12 April 2023, Scholastic editors offered author Maggie Tokuda-Hall to license her book, “Love in the Library” (Candlewick Press, 2022), aimed at six- to nine-year-olds, for use in the classroom on the condition that she remove a description of past and present instances of racism in the United States in the author’s note on the cover. The book narrated how Tokuda-Hall’s grandparents met and fell in love at an incarceration camp in Idaho that held Japanese Americans during World War II. After widespread protest among librarians and educators and from inside the company, Scholastic editors, one of the largest distributors of books and resources in American schools, apologized to the author and the illustrator, Yas Imamura, and offered to publish the book with the original author’s note, but Tokuda-Hall declined the offer.³⁴⁹

On 13 April 2023, Bakersfield College, California, dismissed Matthew Garrett, a historian and co-founder of the conservative campus free speech group Renegade Institute for Liberty, for what it said were “immoral” and “unprofessional” conduct, “dishonesty,” and “unsatisfactory performance.” Allegations against Garrett included holding an in-person event in violation of COVID-19 protocols; cursing at a colleague; sending a potentially threatening email to a trustee; but also penning an op-ed; distributing a flier; posting on social media; and other “hostile comments” since 2019. PEN America criticized the dismissal for mixing job-related conduct that may merit investigation with spurious

³⁴⁷ David Ingram, “[A Chatbot that Lets You Talk with Jesus and Hitler Is the Latest Controversy in the AI Gold Rush](#),” *NBC News* (20 January 2023).

³⁴⁸ Nick Anderson, “[U-Va. Board Member Apologizes for Disparaging Text Messages](#),” *Washington Post* (3 March 2023).

³⁴⁹ PEN America, “[Suppressing Words and History Harms the Rising Generation](#)” (Press release; 14 April 2023); Patricia Alter & Elizabeth Harris, “[Asked to Delete References to Racism from Her Book, an Author Refused](#),” *New York Times* (6 May 2023; updated 11 May 2023).

speech-related charges, which complicated an assessment of whether the dismissal was fair. Garrett appealed the decision.³⁵⁰

On 13 April 2023, the Tennessee General Assembly passed Senate Bill 817, which encouraged students and employees to report professors teaching “divisive concepts” in public colleges and universities. The bill was criticized for limiting the teaching of racism, gender and sexuality issues in United States history and for its chilling effect on academic freedom [See also NCH *Annual Report 2022*].³⁵¹

In May 2023, the Bob Graham Education Center in Miami Lakes moved the poem, *The Hill We Climb*, by Amanda Gorman (1998–), from the elementary library section to the middle school section (from 11 years), after on 29 March 2023 a parent had asked the school to remove the poem entirely, claiming it contained indirect “hate messages.” Gorman, who had recited the poem at President Joe Biden’s inauguration in January 2021, said she had written this poem about the history of slavery and racial hatred “so that all young people could see themselves in a historical moment.” The parent had also asked the removal of *ABCs of Black History*, a book for six-to-eight-olds, alleging that it indoctrinated the critical race theory: it was moved as well.³⁵²

On 1 May 2023, the 10th District Court in Galveston, Texas, granted a request by retired oilman, philanthropist and executive director of the Texas State Historical Association (TSHA), J. P. Bryan, against TSHA President Nancy Baker Jones, in order to prevent a TSHA board meeting at which he expected to be dismissed. Bryan argued that the makeup of the board – allegedly composed of 12 academics and 8 non-academics – was not balanced, thereby violating TSHA bylaws. He feared that the academics wanted to “demean the Anglo efforts in settling the western part of the United States for the purpose of spreading freedoms for all.” TSHA member and former State land commissioner Jerry Patterson made a plea to withhold \$ 480,000 from the budget of the TSHA if it did not restore the balance, thereby putting its non-profit status at risk. Several TSHA members who attended the board meeting did not want to share their names or university affiliation with the press for fear of retaliation. In recent years, controversies had arisen over the Alamo narrative and Texas colonists’ fight for

³⁵⁰ [“Notice of Decision to Terminate,”](#) *Fire* (14 April 2023); Sara Weissman, [“A Free Speech Violation or Overdue Discipline?”](#) *Inside HigherEd* (28 April 2023); PEN America, [“Firing of Tenured Professor at Bakersfield College ‘Blurred Lines’ Between Protected Speech and Conduct that May Merit Investigation, Says PEN America”](#) (Press release; 2 May 2023); District Court for the Eastern District of California, [Garrett & Miller versus Kern Community College District, Complaint: Demand for Jury Trial](#) (2021).

³⁵¹ Ryan Quinn, [“Tennessee Again Targets ‘Divisive Concepts’,”](#) *Inside Higher Education* (18 April 2023).

³⁵² [“Amanda Gorman’s Inauguration Poem Moved by School after Parent’s Complaint,”](#) *BBC News* (24 May 2023).

independence from Mexico, which some argued was primarily to preserve slavery [See also NCH *Annual Report 2021*].³⁵³

On 5 May 2023, the United Nations International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement called on the government to boost efforts to promote accountability for past and future violations by police. It noted that slavery had left a deep and long-lasting entrenched legacy on the United States, which could be perceived through generational trauma.³⁵⁴

In early June 2023, the Davis School District north of Salt Lake City, Utah, removed the King James Bible from elementary and middle schools following a December 2022 complaint from a parent that it contained “vulgarity and violence” within the meaning of a 2022 law banning “pornographic or indecent” books from schools. The bible had also been removed from libraries in a Texas school district in 2022. In May 2023, students in Kansas requested to have the bible removed from their school library.³⁵⁵

On 28 July 2023, Judge Raag Singhal of the District Court Southern District of Florida threw out a \$ 475m (£ 369m) defamation lawsuit brought by Donald Trump against news channel Cable News Network (CNN). CNN had described Trump’s unsubstantiated claim that the 2020 presidential election had been stolen from him as a “Big Lie” and Trump had argued that the phrase referred to a Nazi-era propaganda campaign used to justify the persecution of Jews and created a “false and incendiary association” between him and Hitler. The judge said that CNN’s comments constituted statements of opinion and not false statements of fact, and that therefore it was not defamation.³⁵⁶

Florida

On 15 December 2021, Ron DeSantis, governor of Florida, announced his “Stop the Wrongs to Our Kids and Employees Act” (Stop W.O.K.E Act, later redubbed Individual Freedom Act, IFA) which would give parents the power to sue local school districts that teach lessons, including history lessons, rooted in critical race theory (already banned in Florida public schools since June 2021). Critics feared that this initiative would create a witch-hunt atmosphere complete with financial incentives for nuisance

³⁵³ [“Wealthy Texas Activist Sues President of State’s Historical Association,”](#) *Galveston Daily News* (3 May 2023); Josephine Lee, [“Those Who Don’t Know the Past ...,”](#) *Texas Observer* (15 May 2023).

³⁵⁴ [“USA: Slavery Has Left a Deep and Long-Lasting Legacy on the Country, UN Experts Say,”](#) *UN News* (5 May 2023).

³⁵⁵ Max Matza, [“Utah Primary Schools Ban Bible for ‘Vulgarity and Violence’,”](#) *BBC News* (3 June 2023).

³⁵⁶ District Court Southern District of Florida, [Donald Trump versus CNN](#) (28 July 2023); Alys Davies, [“Judge Dismisses Donald Trump’s ‘Big Lie’ Lawsuit against CNN,”](#) *BBC News* (30 July 2023).

lawsuits. The act went into effect on 1 July 2022. A lawsuit against the act argued that it violated constitutional rights and would have a dangerous chilling effect on academic freedom. Robert Cassanello, an associate professor and president of the United Faculty of Florida at the University of Central Florida, requested a judge to block the law. Cassanello, who taught classes in Reconstruction (1865–1877), Jim Crow America (1865–1965) and civil rights movements, and argued that the law “restrict[ed] his ability to accurately and fully teach these subjects” [See NCH *Annual Report 2022*]. On 17 November 2022, federal judge Mark Walker issued an injunction against the act, rejecting the argument that because university professors are public employees, the State has an unfettered authority to limit what they may say in class. He also criticized the lack of precision in the definition of actions that were forbidden in the act. The State would appeal the decision.

On 29 December 2022, the University of North Florida was asked to report its “expenditure of State resources” on programs and courses related to critical race theory and to diversity, equity, and inclusion, at the behest of DeSantis.³⁵⁷

On 8 March 2022, the Republican-dominated senate in Florida passed the Parental Rights in Education bill, also known as the “Don’t Say Gay” bill, which critics said would “erase” LGBTQ+ history [See also NCH *Annual Report 2021*].³⁵⁸

On 12 January 2023, the Florida Department of Education rejected a draft Advanced Placement (AP) interdisciplinary course on African American Studies that would be launched as a pilot in sixty high schools nationwide in 2024–2025, on the grounds that it violated Florida State law (because it discussed critical race theory) and would serve as “a vehicle for a political agenda” and as “woke indoctrination.” The rejection included readings from African American historians, including Robin D. G. Kelley and Nell Irvin Painter, and sections including “the Movement for Black Lives,” “Black Struggle in the 21st Century,” and “the Reparations Movement.” AP courses gave students the chance to take college-level courses before graduation. The revised curriculum was published by the US College Board on 1 February 2023, the first day of Black History Month. On the same day, the Organization of American

³⁵⁷ Ed Kilgore, “[DeSantis Enlists Litigious Parents for Anti-Woke Crusade](#),” *Intelligencer* (15 December 2021); Susan Svrluga & Lori Rozsa, “[In Florida, DeSantis’s Plans for Colleges Rattle Some Academics](#),” *Washington Post* (1 July 2022); United States District Court Northern District of Florida (Tallahassee Division), *Pernell and Others versus Florida Board of Governors of the State University System* (1) [Defendant’s Response in Opposition to Plaintiffs’ Motion for a Preliminary Injunction](#); (2) [Order Granting in Part and Denying in Part Motions for Preliminary Injunction](#) (2022); Nathan Greenfield, “[Judge Strikes Down Florida’s ‘Anti-Woke’ Law for Universities](#),” *University World News* (25 November 2022); Emma Pettit, “[A Florida University Is Assembling List of ‘CRT’ Courses on DeSantis Request](#),” *Chronicle of Higher Education* (3 January 2023).

³⁵⁸ Maya Yang, “[Florida: Republican Panel Advances Bill to Ban LGBTQ+ Discussion in Schools](#),” *Guardian* (24 January 2022); “[‘Don’t Say Gay’ Bill: Florida Senate Passes Law Marginalizing LGBTQ+ People](#),” *Guardian* (8 March 2022).

Historians criticized the Florida Department of Education's decision [See also NCH *Annual Report 2015*].³⁵⁹

On 31 January 2023, in his budget speech, Florida Governor Ron DeSantis announced his plan to stop State universities and colleges from offering diversity, equity and inclusion (DEI) programs as well as any teaching related to critical race theory (CRT) and “to prohibit them from using any funding, regardless of source, to support DEI, CRT and other discriminatory initiatives.” Earlier, Florida College System presidents representing 28 State colleges had signed a statement endorsing this policy. DeSantis also announced that Florida would require all students in its colleges and universities to take a “Western Civilization” course.³⁶⁰

In March 2023, textbook publisher Studies Weekly faced criticism after it revised an elementary school social studies textbook for the first grade in Florida so that the story of Rosa Parks (1913–2005), a civil rights activist who refused bus segregation in 1955, no longer included references to segregation or race. The New York Times compared three versions of the Rosa Parks story in the textbook: a lesson used in March 2023, an initial version created for the State textbook review, and a second updated version. In the first, the Parks story was clearly explained; in the second, race was mentioned indirectly; in the third, race was not mentioned at all. Studies Weekly made similar changes to a fourth-grade lesson about segregation laws that arose after the Civil War (1860–1865).³⁶¹

On 3 March 2023, the American Historical Association (AHA) published a statement calling the HB 999 Bill on Postsecondary Educational Institutions filed by the Florida House of Representatives “a hostile takeover of a State's system of higher education” and a “frontal attack on principles of academic freedom and shared governance.” In highlighting the consequences for history education, the AHA emphasized that “HB 999 allow[ed] political appointees unprecedented oversight of day-to-day

³⁵⁹ Abené Clayton, “[Ron DeSantis Bans African American Studies Class from Florida High Schools](#),” *Guardian* (20 January 2023); Bethany Bell, “[Florida's Rejection of an AP Course Is the Latest Salvo in a Very Old War](#),” *Washington Post* (26 January 2023); Roderick Ferguson, “[Fear of a Black Studies Planet](#),” *History News Network* (30 January 2023); African American Studies Faculty in Higher Ed, “[Open Letter In Defense of AP African American Studies](#)” (31 January 2023); Organization of American Historians, “[OAH Statement on AP African American Studies](#),” (1 February 2023); Olivia Waxman, “[The Real Reason Florida Wants to Ban AP African-American Studies, According to an Architect of the Course](#),” *Time* (1 February 2023); “[The Black Scholars Ron DeSantis Doesn't Want Students to Read](#),” *Boston Review* (1 February 2023); “[US Black History Syllabus Changed after Florida 'Woke' Claims](#),” *BBC News* (2 February 2023).

³⁶⁰ Sara Weissman, “[A Subtle Subterfuge, an Outrage or Both?](#)” *Inside HigherEd* (3 February 2023); Erica Hellerstein, “[Why Florida's New University Restrictions Are 'Straight Out of the Global Authoritarian Playbook'](#),” *Coda Story* (7 February 2023); Nathan Greenfield, “[DeSantis Ignites Ideological War against Universities](#),” *University World News* (7 February 2023); Marybeth Gasman, “[Let's Take Back the HE Narrative from People like DeSantis](#),” *University World News* (11 February 2023).

³⁶¹ Sarah Mervosh, “[Florida Scoured Math Textbooks for 'Prohibited Topics' – Next Up: Social Studies](#),” *New York Times* (16 March 2023; updated 20 March 2023).

educational decisions” and pointed to the unreasonableness of “unelected partisan actors decid[ing] that any ‘general education core courses’ somehow ‘suppress or distort significant historical events.’” As of 22 March, eighty organizations had signed onto the statement.³⁶²

On [25] March 2023, Principal Hope Carrasaquilla of Tallahassee Classical School, Florida, was forced to resign after a parent complained that showing Michelangelo’s seventeenth-century nude marble statue of the biblical David during a sixth-grade Renaissance art class was an exposure to pornography. The lesson also included references to Michelangelo’s “Creation of Adam” painting and Botticelli’s “Birth of Venus.” The forced resignation came after on 23 March Governor Ron DeSantis had moved to expand a law that banned public schools from teaching sexual education and gender identity.

On 18 May 2023, a similar incident occurred in the United Kingdom. A poster for an Italian restaurant with Michelangelo’s David statue was barred from Glasgow subway, with the firm managing the advertising space requesting for the poster to be edited to hide the statue’s nudity.³⁶³

On 26 April 2023, in an unprecedented decision, the Board of Trustees at New College in Sarasota (the only liberal arts college in Florida’s public education system) denied tenure to five professors who had already been approved by committees made up of their colleagues, chairs and faculties. Among them was Nassima Neggaz who taught the history of religion (with a focus on Islam). The 6–4 vote against each professor was carried by the six new Board members whom Governor Ron DeSantis had appointed after dismissing six trustees in January 2023. No reason was given for the decision, which according to critics violated the collective bargaining agreement.³⁶⁴

In May 2023, Marvin Dunn, a black professor emeritus of history at Florida International University, and the non-profit Miami Center for Racial Justice launched a banned book project to ensure students learn about African American history at a time when Florida’s 2022 Stop WOKE Act (see above) was restricting the teaching of systemic racism in schools. He hoped to directly connect with parent–teacher organizations to provide banned titles and books that teach topics restricted under the law at no cost.³⁶⁵

³⁶² American Historical Association, “[AHA Statement Opposing Florida House Bill 999](#)” (3 March 2023).

³⁶³ Antoinette Radford, “[Principal Fired after Florida Students Shown Michelangelo Statue](#),” *BBC News* (25 March 2023); Davide Ghiglione, “[Italian Art Experts Astonished by David Statue Uproar in Florida](#),” *BBC News* (27 March 2023); Carol Duncan, “[Glasgow Subway Poster Blocked over Michelangelo Statue Nudity](#),” *BBC News* (18 May 2023).

³⁶⁴ “[Five New College Professors Denied Tenure](#),” *ABC News* (26 April 2023); Nathan Greenfield, “[Professors Are Victims as DeSantis’ Culture War Hots Up](#),” *University World News* (6 May 2023).

³⁶⁵ Naomi Feinstein, “[‘Getting the Truth to Our Students’: Black Historian Marvin Dunn to Distribute Banned Books](#),” *Miami New Times* (4 May 2023).

On 16 May 2023, the American Historical Association (AHA) condemned a recent ruling by the Florida Department of Education (FLDOE) that “would eliminate almost entirely the history of LGBTQ+ people from the Florida social studies curriculum.” The AHA asked “that the FLDOE reconsider its vague and destructive policy of censorship, and instead encourage the teaching of accurate and inclusive histories of the United States and the world.”³⁶⁶

On 19 July 2023, Florida’s Board of Education approved the 2023 Social Studies curriculum. In its African-American studies section, taught to students in sixth through eighth grades, it would include lessons on how “slaves developed skills” that could be used for “personal benefit.” On 21 July 2023, in a forceful condemnation of the curriculum, Vice President Kamala Harris tweeted about “extremists in Florida who want to erase our full history and censor our truths.” Governor Ron DeSantis dismissed the criticism.³⁶⁷

See also France, Germany, Greece, Iran, Japan, Mexico, Russia, Serbia, Ukraine, United Kingdom.

URUGUAY

Previous *Annual Report* entries: 2001–2013, 2015–2018, 2021.

UZBEKISTAN

Previous *Annual Report* entries: 2005–2014, 2016, 2020.

³⁶⁶ American Historical Association, “[AHA Statement Opposing Exclusion of LGBTQ+ History in Florida](#)” (May 2023).

³⁶⁷ Kerry Breen, “[Florida’s New Black History Curriculum Says ‘Slaves Developed Skills’ that Could Be Used for ‘Personal Benefit’](#),” *CBS News* (21 July 2023).

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011, 2015, 2019–2020, 2022.

On 25 July 2022, Pope Francis apologized for the “evils committed by so many Christians” in the residential school system in Canada [See NCH *Annual Report 2021–2022*]. He was criticized for failing to denounce the “Doctrine of Discovery” – a colonial-era justification to seize lands inhabited by non-Christian, indigenous nations – shifting the blame from the institutional effort of forcibly removing Indigenous children to individuals, and for not acknowledging the Church’s instigating role in committing “cultural genocide.” The criticism joined calls for the repatriation of land, artifacts, records and human remains that were taken from Indigenous nations by the Church.³⁶⁸

See also China (Hongkong).

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012, 2014, 2017–2021.

In June 2022, six activists were arbitrarily detained in Caracas at a vigil in memory of Neomar Lander, a teenager killed during a protest in 2017.³⁶⁹

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2013, 2016–2017, 2019–2020, 2022.

A decree issued on 31 August 2022 restricted international nongovernmental organizations from doing anything against “national traditions, identity or great national unity” of Vietnam. No definitions of these terms were provided in the decree, but groups deemed to violate these provisions would be shut down.³⁷⁰

³⁶⁸ Anya Zoledziowski, “[The Pope’s Apology to Canadian Residential School Survivors ‘Left a Deep Hole.’](#)” *VICE* (27 July 2022).

³⁶⁹ Amnesty International, *Report 2022/2023: The State of the World’s Human Rights* (London: AI, 2023), 397.

³⁷⁰ Human Rights Watch, *World Report 2023: Events of 2022* (Washington: HRW, 2023), 693.

In early May 2023, the government strongly protested against a coin issued by Australia on the occasion of the fiftieth anniversary of its withdrawal from the Vietnam War (1954–1975), that included an image of the controversial yellow flag of South Vietnam. The flag was flown by so-called boat people who fled the country (1975–early 1990s) after the Vietnam War (1954–1975) and unification of the country. In July 2018, a court had sentenced three women to four years in prison on charges of spreading anti-State propaganda after they held up yellow flags in public. In January 2022, national television station aired a football match between Vietnam and Australia with a ten-minute delay as some Australian fans had brought yellow-striped flags to the stadium.³⁷¹

On [3] July 2023, the Department of Cinema banned the film *Barbie*, due for release on 21 July 2023, over a scene featuring a 1947 Chinese map depicting contested territorial claims in the South China Sea (the so-called nine-dash line map), which was called offensive and a violation of national laws. Since 2019, the films *Abominable*, *Pine Gap* and *Uncharted* had been pulled for the same reason. On [7] July 2023, the organizers of a concert of South Korean pop group Blackpink in Vietnam apologized for their website displaying the same map. In 2016, the Permanent Court of Arbitration in The Hague had ruled against Chinese claims in the South China Sea, but Beijing had not recognized the judgment.³⁷²

See also Greece.

³⁷¹ Joel Guinto & Bui Thu, "[Vietnam Objects to Australian Coin with War-Era Yellow Flag](#)," *BBC News* (5 May 2023).

³⁷² Nicholas Yong, "[Barbie Movie Gets Vietnam Ban over South China Sea Map](#)," *BBC News* (3 July 2023); Joel Guinto, "[South China Sea: Blackpink Vietnam Concert in Trouble over China Map](#)," *BBC News* (7 July 2023).

WESTERN SAHARA

See Morocco / Western Sahara

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010, 2013–2016, 2018–2022.

On 25 January 2023, UNESCO added seven archaeological sites in Marib, containing landmarks of the ancient Kingdom of Saba (1200 BCE–275 CE), to the list of World Heritage Sites in danger. Since the Civil War had begun in September 2014, many cultural heritage sites in Yemen had been damaged, including the Old City of Sana’a, the twelfth-century Taiz Citadel (also known as Al-Qahira Castle), and the Dhamar Museum which used to host a collection of 12,500 artifacts that was completely destroyed in May 2015. The World Heritage Sites in danger list further included the Old Walled City of Shibam, the Old City of Sana’a and the Historic Town of Zabid [See also NCH *Annual Reports 2003, 2019–2020*].³⁷³

³⁷³ Dominic Dudley, “[UN Raises Alarm over World Heritage Sites in Yemen and Lebanon](#),” *Forbes* (25 January 2023); UNESCO, “[Gallery: Heritage at Risk in Yemen](#),” ([no date]).

ZAMBIA

Previous *Annual Report* entries: 2009, 2015, 2021.

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2015, 2018, 2021.

Network of Concerned Historians	NCH
<i>Annual Report 2022</i>	http://www.concernedhistorians.org

INTRODUCTION

This **twenty-eighth *Annual Report of the Network of Concerned Historians (NCH)*** contains news about the domain where history and human rights intersect, in particular about the censorship of history and the persecution of historians, archivists, and archaeologists around the globe, as reported by various human rights organizations and other sources. It mainly covers events and developments of 2021 and 2022.

Disclaimer. The fact that the NCH presents this news does *not* imply that it shares the views and beliefs of the historians and others mentioned in it.

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		2022	2021	2020	2019	2018	2017	2016	2015
2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
2004	2003	2002	2001	2000	1999	1998	1997	1996	1995

This year's report was compiled and edited by [Antoon De Baets](#) and [Ruben Zeeman](#).

Please send any comments to antoondebaets@concernedhistorians.org.

AFGHANISTAN

Previous *Annual Report* entries: 2000–2016, 2018, 2021.

On 4 August 2021, historian and poet Abdullah Atefi (?–2021) was tortured and killed in the Chora district, Uruzgan province. During the night of 3 and 4 August, Taliban forces allegedly took him out of his home and shot him on the street. A member of the Afghan branch of PEN International since 2008, Atefi established himself as a writer of the history of Pashto literature and culture after having graduated with master's degrees in economics and engineering. Despite featuring regularly in regional publications, several of his works remained unpublished due to financial difficulties and he had made a living by cultivating land and working as a literature teacher at a local secondary school. The Taliban denied any involvement in the murder.¹

During the presidency of Hamid Karzai (2004–2009), M. N., a history professor and author of a number of books on Afghan history, was threatened multiple times by members of the Taliban, after he had repeatedly denied their requests. Then, in 2018, his son was allegedly killed by the Taliban. After the Taliban took over Afghanistan on 16 August 2021, M. N.'s life was supposed to be in danger.²

On 18 August 2021, three people were killed in Jalalabad, when Taliban fighters fired at protesters waving the national flag. On 19 August, the 102nd anniversary of Afghanistan's independence on 19 August 1919, Taliban fighters surrounded protesters in Kabul showing the national flag and shouting "our flag, our identity." In demonstrations on the same day in Asadabad, two people were reportedly killed during a demonstration in which the white flags of the Taliban were torn down.³

After the Taliban took over power on 16 August 2021, they damaged and destroyed a number of historical sites. On [18] August, members of the Taliban damaged the statue of Abdul Ali Mazari (1946–1995), the political leader of the Hazara-dominated Hezb-e Wahdat (Unity Party), in Bamiyan, Central Afghanistan. In November, a replica of the Koran was put on the pedestal and the central Mazari square was renamed. Mazari had played a prominent role in the anti-Soviet resistance during the Soviet-Afghan War (1979–1989) and against the Taliban in the Civil War (1992–1996), during which he was abducted,

¹ "[Afghanistan: PEN International and PEN Norway Condemn the Murder of Afghan PEN Member](#)," *PEN International* (5 August 2021); "[Afghan Poet, Historian Killed By Taliban, Says Official](#)," *Gandhara-RFE/RL* (5 August 2021); "[Afghanistan: Outrage at Second Murder of Afghanistan PEN Member by Taliban](#)," *PEN International* (9 August 2021).

² Ben Kieman, personal communication (14 September 2021).

³ Hannah Ellis-Petersen & Dan Sabbagh, "[Several Reported Killed as Taliban Shoot at Crowds Waving Afghan Flag](#)," *Guardian* (19 August 2021).

tortured, and killed. In 2016, he was proclaimed a “Martyr of National Unity” by then-President Ashraf Ghani.

In [September], members of the Taliban painted over a mural commemorating Tetsu Nakamura ([1956/7]–2019), a Japanese doctor and aid worker, who had worked in Peshawar and Nangarhar since 1984. The memorial was replaced by a slogan congratulating the nation for their “victory.”

On 16 September, members of the Taliban destroyed a historic fort in the town of Girishk, Helmand province, allegedly to make room for a religious school.⁴

On 29 August 2021, Abdul Baqi Haqqani, the Taliban-appointed higher education minister, announced a review of the curricula along the lines of “Islamic, national and historical values.” In September 2021, Taliban authorities also imposed a society-wide prohibition on “insulting national figures.” Many female history and archaeology students were unable to pursue their studies, as most educational institutions for girls and women closed after the Taliban took power.⁵

See also Australia, United Kingdom.

ALBANIA

Previous *Annual Report* entries: 1996, 2012, 2015–2021.

In March 2021, the construction of the Bypass Road in Gjirokastër, a UNESCO World Heritage site, began. The construction work was in violation of national regulations and would destroy the archaeological remains of the Old Varosh neighborhood and the Zerzebili bridges, among others.⁶

On 19 October 2021, the European Commission concluded that no investigations had been conducted into cases of persons who went missing during the Communist regime (1946–1991) [See NCH *Annual Report 2017, 2020–2021*]. On 3 February 2022, the Authority for Information on Former State Security

⁴ Peter Beaumont, “[Japanese Aid Chief among Six Dead in Afghanistan Attack](#),” *Guardian* (4 December 2019); “[Taliban Blow Up Hazara Leader Abdul Ali Mazari’s Statue in Bamiyan](#),” *India Today* (18 August 2021); Akhtar Mohammad Makoi, “[‘The Soul of Kabul’: Taliban Paint Over Murals with Victory Slogans](#),” *Guardian* (7 September 2021); “[Taliban vernielen historische vesting in Afghanistan met bulldozers](#),” *Nu.nl* (17 September 2021); Aletta André, “[Hazara vrezen voor erfgoed en veiligheid onder Taliban](#),” *NOS* (6 December 2021).

⁵ Shadi Khan Saif, “[Taliban Takes Over Higher Education, Rule Threatens Women’s Education](#),” *University World News* (2 September 2021); Scholars at Risk, *Free to Think 2021* (New York: SAR, 2021), 44; Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 22; “[Taliban Decide Against Opening Schools to Girls in Afghanistan Beyond Age of 11](#),” *Guardian* (23 March 2022).

⁶ World Heritage Watch, *Report 2021*, (Berlin: WHW, 2021), 65–69.

Documents and the State Police signed an agreement to work together to revive stalled efforts to find the remains of people who disappeared.⁷

After the publication of *Free* on 28 October 2021 – a memoir about coming of age during and after Enver Hoxha’s Communist regime (1941–1985) – Lea Ypi, professor of political theory at the London School of Economics, received “offensive, accusatory and defamatory” messages, including sexist comments and personal attacks.⁸

On 27 July 2022, the Autoriteti për Informimin mbi Dokumentet e Ish-Sigurimit të Shtetit (AIDSSH; Information Authority on Former State Security Documents) sent to parliament documents confirming that five public and elected officials, including former President Ilir Meta (in office between 2017–2022), had been involved with the Sigurimi, the secret police service of the People’s Socialist Republic of Albania (1944–1991). According to the files, Meta had voluntarily spied on a friend who had tried to illegally cross the then closed-off border. In addition to the information, the AIDSSH reiterated its request to parliament to update the law on politicians’ verification procedures. Following the dissolution of the People’s Republic, two commissions were established to run background checks on politicians’ ties to the Communist regime. The current law did not allow the AIDSSH to override the decisions of these commissions.⁹

See also Azerbaijan.

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2019, 2021.

On 22 April 2021, Said Djabelkhir, a professor specialized in Sufi Islam, was convicted by the Sidi M’hamed Court of First Instance for “offending the Prophet of Islam” and “denigrating the dogma or precepts of Islam” and sentenced to three years in prison and a fine of 50,000 Algerian dinars. On Facebook, Djabelkhir had published three posts, in which he described certain hadiths (reports of

⁷ Gjergj Erebara, “[Albanian Prosecutor Declines to Probe Communist-Era Disappearances](#),” *Balkan Insight* (22 October 2021); “[Albania Reluctant To Find Its 6,000 Missing Communism Victims – Analysis](#),” *Eurasia Review* (26 October 2021); Fjori Sinoruka, “[Albanian Officials Agree to Cooperate to Find Communist-Era Missing](#),” *Balkan Insight* (3 February 2022).

⁸ Matthew Weaver, “[Author Says Memoir of Communist Albania Met With ‘Vicious’ Abuse](#),” *Guardian* (3 January 2022).

⁹ “[Startling Revelation: Ilir Meta’s Name Found in Former-State Intelligence Files](#),” *Euronews* (27 July 2022); “[Former President Ilir Meta’s Name Appears in Communist Intelligence Files](#),” *Exit News* (27 July 2022).

statements by the Prophet Muhammad) as “apocryphal,” called some stories in the Quran “myths,” and made comparisons between the Islamic holiday Eid al-Adha and the Berber new year celebration. During his trial, he defended the posts as “academic reflections.”¹⁰

On 26 June 2021, authorities arrested former Member of Parliament Nordine Ait Hamouda and remanded him in custody in Algiers pending investigation for “insulting symbols of the state,” and “attacking a former President of the Republic.” The charges referred to his comments on the privately-owned local Al Hayat TV channel a few days earlier calling historic figures including Emir Abdelkader (1808–1883), a religious and military leader who fought against French colonial forces, and Houari Boumédiène (1932–1978), the chairman of the Revolutionary Council (1965–1976) and second president of Algeria (1976–1978), “traitors.” On 23 June 2021, the Ministry of Communication had also ordered a one-week suspension of Al Hayat TV. Ait Hamouda was granted provisional release on 23 August after two months in prison.¹¹

See also France.

ANTIGUA & BARBUDA

See Grenada.

ANGOLA

Previous *Annual Report* entries: 2003, 2009, 2017, 2020.

ARGENTINA

Previous *Annual Report* entries: 1997–2021.

On 24 February 2022, in a so-called truth trial, judge Zunilda Niremperger opened an investigation into the 1924 Massacre of Napalpí in the court of Resistencia, Chaco Province. On 19 July 1924, some 130 police and ranchers with guns descended on protesting residents of the Napalpí indigenous reservation

¹⁰ Scholars at Risk, *Free to Think 2021* (New York: SAR, 2021), 20.

¹¹ Human Rights Watch, *World Report 2022: Events of 2021* (New York: Human Rights Watch, 2022), 30.

where Qom and Moqoit people lived in conditions of semi-slavery, forced to work on the cotton fields. Responding to then-governor Fernando Centeno, the attackers killed between 300 and 500 people.

Niremperger would hear evidence about this crime against humanity from one 114-year-old survivor, from three other deceased survivors with whom taped interviews had been held, from relatives of other deceased survivors who received information according to indigenous oral traditions, from the Instituto del Aborigen Chaqueño (IDACH; Institute of the Indigenous Chaqueño) and from several historians, including Pedro Solans and Qom historian Juan Chico (?–2021). It was the first time in the history of Argentina that an act of genocide against indigenous peoples was brought to trial. Chaco Governor Jorge Capitanich, acting as the plaintiff in the case, said that even though they were no longer alive, the perpetrators “must and deserve to be convicted in the collective memory of the indigenous peoples.” In 2008, Capitanich had apologized on behalf of the government to the Napalpí victims.

On 19 May 2022, the court found the state guilty of the Napalpí massacre and ordered reparations to be awarded, including the massacre being added to Argentina’s school syllabus and continuing forensic efforts to find the victims’ remains. No financial reparations were sought.¹²

See also United Kingdom.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010, 2014–2016.

See Azerbaijan, Greece.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009, 2014–2016, 2018–2021.

In 2018, Benjamin Roberts-Smith, a former Special Air Service (SAS) corporal, filed a defamation suit against Fairfax Media and journalists Nick McKenzie, Chris Masters, and former journalist David Wroe, claiming that articles published in The Sydney Morning Herald, The Age, and The Canberra

¹² [“Resistencia: Este jueves realizarán una audiencia preliminar al juicio por la verdad para la Masacre de Napalpí,”](#) *Fiscales.gob.ar* (22 February 2022); [“Landmark Napalpí Massacre Trial Begins in Argentina, 98 Years after Indigenous Killings,”](#) *Buenos Aires Times* (20 April 2022); [“Argentina Found Guilty of Massacre of Qom and Moqoit People,”](#) *BBC News* (20 May 2022).

Times about unlawful killings allegedly committed by or implicating Robert-Smith during the War in Afghanistan (2001–2021), had damaged his reputation. The respondents were relying on a defense of truth. The trial was ongoing in 2022.¹³

On 14 May 2021, the Yoo-rook Justice Commission, the first independent truth-telling body in Australia, was established in the state of Victoria. Its mandate was to create an official record of the impact of colonization on First Peoples in Victoria using First Peoples' stories and make detailed recommendations about practical actions and reforms needed in Victoria.¹⁴

In June 2021, during federal parliamentary inquiry sessions into Rio Tinto's destruction of Juukan Gorge [See below and see NCH *Annual Reports* 2020–2021], the Eastern Guruma – Aboriginal owners of the Marandoo mine in Western Australia – told that they had been kept in the dark for decades over the destruction by Rio Tinto of hundreds of cultural artefacts from ancestral burial sites between 1995–1997. On 2 February 1992, the Western Australian government had granted consent under the Aboriginal Heritage Act – the same legislation which allowed Rio Tinto to blow up the Juukan Gorge in May 2020 – to Rio Tinto's application for a large mine at Marandoo on the condition that it would avoid a significant rock art complex, protect the Thoongari burial sites, and salvage important materials of the sites that would be destroyed. Three days later, the government had passed an additional law, the Marandoo Act, which effectively prevented any legal challenges from Aboriginal people. Rio Tinto's CEO Simon Trott said the company was “not proud of its history” at the Marandoo Mine and was engaging with traditional owners to right “historical wrongs.” The company continued to operate under the 1992 Marandoo Act.¹⁵

In 1990, investigative journalists Brian Toohey and William Pinwill published *Oyster: The Story of the Australian Secret Intelligence Service*, a history of the role played by the Australian Secret Intelligence Service (ASIS) in CIA operations in Chile in the 1970s. The book was censored by the government before publication to keep details of ASIS's operations secret. Over thirty years later, during a closed hearing at the Administrative Appeals Tribunal (AAT) in June 2021, government officials provided Clinton Fernandes, a former army intelligence analyst and professor of international and political studies at the University of New South Wales, Canberra, with several hundred records related to the

¹³ Jamier McKinnell, “[Everything You Wanted to Know about Ben Roberts-Smith's Defamation Case](#),” *ABC News* (29 June 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 23–24.

¹⁴ “[Yoo-rook Justice Commission](#),” *First Peoples' Assembly of Victoria* (14 May 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: Human Rights Watch, 2022), 53; First Peoples – State Relations Group, “[Truth and Justice in Victoria](#),” *Victoria State Government* (5 October 2021).

¹⁵ Lorena Allam, “[Rio Tinto Accused of Allowing Irreplaceable Indigenous Artefacts To Be Dumped in Rubbish Tip](#),” *Guardian* (25 June 2021).

opening, administration, and closing of the ASIS Office in Santiago, Chile, between 1970 and 1973. However, the documents handed over to Fernandes, who had previously pressed the government to declassify historical national security files on ASIS operations in Indonesia and Cambodia [See NCH *Annual Reports 2014–2015*], were heavily redacted reports that contained little information about its actual operations or its liaison relations with the CIA in Chile. On 2 June, a government executive at the AAT hearing had contended that any release of documents, fifty years later, would “harm” Australia’s ability to conduct international relations. In the aftermath of the case, the AAT deliberated whether to compel the government to re-release the heavily censored historical records with fewer redactions.¹⁶

In October 2021, the Joint Standing Committee on Northern Australia, a parliamentary commission, published its report on the destruction of indigenous heritage sites at Juukan Gorge [See NCH *Annual Reports 2020–2021*] and recommended, among others, that the Australian parliament amend the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 to make the Minister for Indigenous Australians responsible for all Aboriginal and Torres Strait Islander Cultural Heritage matters and to adopt minimum standards which include “a record of past destruction of cultural heritage sites (with adequate safeguards to protect secret information and ensure traditional owner control of their information on any database).”¹⁷

Throughout 2021, military historians from the official Australian War Memorial (AWM) history unit, set up in 2016 to investigate Australia’s combat operations in Iraq (2003–2011) and Afghanistan (2001–2014), and peacekeeping operations in East Timor (1999–2012) and led by historian Craig Stockings, were denied access by the Defense Department to the unredacted final report of the Brereton Inquiry, an inquiry into war crimes committed by the Australian Defense Force during the War in Afghanistan (2001–2021), that had been published in November 2020. The reason stated was that disclosure could

¹⁶ [Australia rechaza revelar su rol en el golpe de Estado en Chile](#),” *Der Welt* (2 June 2021); Peter Kornbluh, “[Australian Spies Aided and Abetted CIA in Chile](#),” *National Security Archive* (10 September 2021).

¹⁷ “[Mining Firm Rio Tinto Sorry for Destroying Aboriginal caves](#),” *BBC News* (31 May 2020); “[Mining Firm Desecrated Australia Aboriginal site](#),” *BBC News* (2 August 2013); Tiffanie Turnbull, “[Destruction of Ancient Aboriginal Site Sparks Calls for Reform in Australia](#),” *Thomson Reuters Foundation News* (29 May 2020); Deanna Kemp, Andrew Hopkins & John Owen, “[How Rio Tinto Can Ensure Its Aboriginal Heritage Review Is Transparent and Independent](#),” *The Conversation* (22 June 2020); “[Rio Tinto Chief Jean-Sébastien Jacques to Quit over Aboriginal Cave Destruction](#),” *BBC News* (11 September 2020); Nick Toscano & Hamish Hastie, “[Rio Tinto CEO, Top Executives Resign amid Cave Blast Crisis](#),” *Sydney Morning Herald* (11 September 2020); Melanie Burton, “[Rio Tinto Should Pay Restitution for Sacred Aboriginal Caves Blast – Inquiry](#),” *Reuters* (9 December 2020); “[Rio Tinto Chief to Step Down over Cave Destruction](#),” *BBC News* (3 March 2021); Joint Standing Committee on Northern Australia, [A Way Forward: Final Report into the Destruction of Indigenous Heritage Sites at Juukan Gorge](#) (Canberra: Parliament of the Commonwealth of Australia, 15 October 2021), xxv–xxvi; Scarlett Evans, “Dreams of Saving Sacred Land Dies in the Dust,” *Index on Censorship*, 50 no. 4, 30–33.

inadvertently tip off suspects and prejudice ongoing court trials. According to the AWM, “official historians are granted unrestricted access to closed period and security classified government records.”¹⁸

In February 2022, independent senator Rex Patrick asked the Administrative Appeals Tribunal (AAT) to order “the release of previously secret cabinet documents about Australia’s dealing with Timor-Leste following its 1999 independence vote.” At the time, Timor-Leste was governed by the United Nations Transitional Administration in East Timor (UNTAET). Former Australian foreign affairs department officer Philip Dorling had filed an affidavit with the AAT recalling a 2000 private conversation with the Australian foreign minister Alexander Downer in which the latter made remarks that Dorling interpreted as confirming that East-Timorese leaders, including Xanana Gusmão, José Ramos-Horta and Joao Carrascalao, had been the subject of an extensive electronic surveillance campaign mounted by Australia. Patrick had already secured the release of parts of the documents which showed that the Australian cabinet in 2000 was preoccupied with the interests of big oil and gas corporations, fearing that the independence of Timor-Leste could disrupt access to the vast underwater reserves in the Timor Sea [See NCH *Annual Reports 2014–2015, 2021*].¹⁹

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009, 2018, 2020.

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2013, 2015–2021.

On 31 January 2022, Fakhraddin Hasanzade, producer of the history program “Secrets of a Hundred Years” at the state-run broadcaster AzTV, filed his resignation, after AzTV had canceled the screening on his program of a film about Mammad Amin Rasulzade (1884–1955), who was the President of the Azerbaijani National Council when it proclaimed the Azerbaijan Democratic Republic (1918–1920). AzTV did not give an explanation for the cancelation of the film, which had repeatedly been announced by Hadanzade on social media, but it was allegedly related to two lines – “Rasulzade is the founder of

¹⁸ Chris Masters & Nick McKenzie, “[War Memorial Historians Denied Access to Afghanistan War Crimes Report](#),” *The Age* (23 November 2021).

¹⁹ Christopher Knaus, “[Alexander Downer Called Timor-Leste an ‘Open Book’ for Australia in 2000, Tribunal Hears](#),” *Guardian* (8 February 2022).

Azerbaijan” and “Rasulzade is the sincerest love of the Azerbaijani nation” – in the movie. Rasulzade was part of an ongoing controversy between the ruling Yeni Azərbaycan Partiyası (YAP; New Azerbaijan Party) and the liberal-nationalist opposition party Müsavat: the government had repeatedly downplayed the legacy of Rasulzade and the Democratic Republic, allegedly because the latter’s democratic credentials were more impressive than YAP’s autocratic rule and to discredit Müsavat, founded by Rasulzade in 1911.²⁰

On 3 February 2022, Minister of Culture Anar Karimov announced the formation of a working group tasked with removing “fictitious traces written by Armenians” on churches in territories reclaimed during the 2020 Nagorno-Karabakh war. This referred to a theory that gained prominence, but was dismissed by historians, that Armenian inscriptions in churches on now-Azerbaijani territory were later additions to churches built when the region was known as Caucasian Albania (2nd–8th centuries). After widespread criticism, the ministry published a statement on 7 February, reaffirming the working group but not mentioning any future removal, and stating that “Azerbaijan has always been respectful of its historical and cultural heritage” [See NCH *Annual Report 2021*].²¹

²⁰ Ulkar Natiqzizi, “[Cancellation of Azerbaijani Historical Biopic Sparks Controversy](#),” *Eurasianet* (31 January 2022).

²¹ “[Azerbaijan Walks Back Plans to Erase Armenian Traces from Churches](#),” *The Moscow Times* (8 February 2022).

BAHAMAS

See Grenada.

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012, 2015–2017, 2021.

In April and November 2020, police in Hamad Town interrogated Jameel J., then 15, about his participation in the ninth anniversary of the 2011 Arab Spring uprising (a series of anti-government protests in which at least almost hundred people were killed and more than 3000 wounded). On 11 February 2021, three days before the tenth anniversary of the uprising, three other children, ages 16 to 17, were also arrested for their participation in 2020, and all were taken to the Criminal Investigation Directorate (CID) in Manama. At the CID, police reportedly beat them and threatened them with rape and electric shocks. Prosecutors and judges refused to allow the children’s parents or lawyers to be present during their interrogations and enabled the abuses. On 11 March 2021, the Fourth Criminal Court in Manama convicted them all on a six-month suspended sentence, after heavy international coverage of children abuse in Bahrain.²²

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2019, 2021.

On 1 June 2021, alleged members of the Bangladesh Chhatra League, the student wing of the ruling Awami League, attacked members of the Jatiyatabadi Chhatra Dal, the student wing of the Bangladesh Nationalist Party (BNP), while they were commemorating the anniversary of the death of Ziaur Rahman (1936–1981), Bangladesh’s seventh president (1977–1981) and founder of the BNP (established in 1978). At least twenty students were injured.²³

²² [“Bahrain: Stop Denying Abuse of Detained Children,”](#) *Human Rights Watch* (7 June 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 70.

²³ Scholars at Risk, *Free to Think 2021* (New York: SAR, 2021), 47–48.

On 13 April 2022, a Dhaka court sentenced four people to death for the murder of Humayun Azad (1947–2004), leading writer and professor of German literature at Dhaka University [See NCH *Annual Reports 2004–2005*].²⁴

BARBADOS

See Grenada.

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011, 2014–2021.

Amid widespread anger over President Alexander Lukashenko’s landslide 9 August 2020 re-election, which the opposition and many governments denounced as fraudulent, a number of historians and history producers were dismissed, arrested and detained [See also a previous list in NCH *Annual Report 2021*]:

- On 19 November 2020, historian Jaŭhen Malikaŭ ([1979/1980]–) was dismissed from the Belarusian State University of Transport in Gomel after he had been arrested and sentenced to five days in prison for participating in a protest against Lukashenko’s re-election. Following his dismissal, he was drafted into the army, despite the age limit of conscription being 27.²⁵
- In November 2020, poet and regional historian Aleś Harbul was briefly detained.²⁶
- On 22 November 2020, Vital Byl, a Ph.D. candidate at the History Institute of the University of Greifswald, Germany, was briefly detained during a rally in Minsk.²⁷

²⁴ Faisal Mahmud, “[Bangladesh Sentences Four to Death for Prominent Writer’s Murder](#),” *Al Jazeera* (13 April 2022); Amnesty International, *Public Statement* (ASA 13/002/2004; 4 March 2004); *Index on Censorship*, 2004, no. 3, 99–100; International PEN Writers in Prison Committee, *Rapid Action Network 7/04* (London: PEN, 8 March & 28 July 2004); International PEN Writers in Prison Committee, *Half-Yearly Caselist to 31 December 2004* (London: PEN, 2005): 32.

²⁵ “[More Solidarity than Arrests: What Belarusian Culture Experienced Over the Week](#),” *PEN Belarus* (1 December 2020); PEN International, *PEN International Case List 2020* (London: PEN, 2021), 119.

²⁶ PEN International, *PEN International Case List 2020* (London: PEN, 2021), 119.

²⁷ “[More Solidarity than Arrests: What Belarusian Culture Experienced Over the Week](#),” *PEN Belarus* (1 December 2020); PEN International, *PEN International Case List 2020* (London: PEN, 2021), 118.

- In [late 2020], Ihar Baranoŭski, a local historian from Brest, was detained for thirty days for participation in protest rallies.²⁸
- In September 2021, Viktor Yakubov, associate professor in history at Polack State University (PSU) in Novopolotsk, Vitebsk Oblast, was formally dismissed because of “absenteeism” between 2 and 15 September, when he was serving “administrative arrest” for having reposted “extremist materials.” At the time of his dismissal, he was serving his fourth administrative arrest. In 2007, Yakubov had finished his Ph.D. in history at PSU.²⁹
- In [September] 2021, Vladimir Alexandrovich Lobach, doctor of historical sciences at Polack State University, left the university by “consent of both parties.” Lobach ran a blog in which he expressed his views on Lukashenka’s re-election and the ensuing protests.³⁰
- On 27 September 2021, Andrey Kalas, local historian and teacher of Belarusian history and culture in Vaukavysk, was detained for ten days. Officially, he was arrested for owning an unchecked hunting rifle, but many teachers at his school cited the ongoing pressure on those teaching on Belarusian culture and language.³¹
- On 10 November 2021, Matvey Grinkevich, a fourth-year student of the Faculty of History at the Belarusian State Pedagogical University, was detained and had a criminal case against him initiated on accusations that he had participated in an “unauthorized mass event.”³²
- On 24 November 2021, Anastasia Voytovich (Vaitovich), student at the Faculty of History of the Belarusian State University, was detained on the accusation of having participated in one of the 2020 protests. In 2020, she had been expelled from Minsk State Linguistic University for “political reasons.” In mid-March 2022, she was sentenced to three years in restricted freedom in an open penal facility.³³
- Between December 2021 and January 2022, two people [names unknown] from the history faculty were among 55 people dismissed for political reasons at the Belarusian State University.³⁴

²⁸ [“More Solidarity than Arrests: What Belarusian Culture Experienced Over the Week,”](#) *PEN Belarus* (1 December 2020).

²⁹ [“Пока сидел, поставили прогул. Уволили доцента Полоцкого университета после 14 лет работы,”](#) *Nasha Niva* (28 September 2021); Belarusian Students’ Association, [The State of Academia in Belarus 2021](#) (Belarusian Students’ Association, February 2022), 21.

³⁰ Belarusian Students’ Association, [The State of Academia in Belarus 2021](#) (Belarusian Students’ Association, February 2022), 21.

³¹ [“Vaukavysk: Prominent Local Historian and Teacher Arrested for 10 Days over Video Posted in 2018,”](#) *Belsat* (1 October 2021).

³² Belarusian Students’ Association, [The State of Academia in Belarus 2021](#) (Belarusian Students’ Association, February 2022), 16.

³³ Belarusian Students’ Association, [The State of Academia in Belarus 2021](#) (Belarusian Students’ Association, February 2022), 13; Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 3](#) (March 2022), 3; [“Anastasiya Vaitovich,”](#) *Viasna Human Rights Centre* ([22 March] 2022).

³⁴ Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 1](#) (January 2022), 1.

- In February 2022, security forces searched the home of Aliaksandr Aheeu, Ph.D. candidate in historical sciences and former faculty member of Mahilou State Arkadz Kuliashou University. Aheeu had previously been dismissed because of his political position.³⁵
- In February 2022, Roza Turarbekova, associate professor of history at the Faculty of International Relations at the Belarusian State University, was dismissed.³⁶
- On 23 March 2022, Albina Semianchuk, Ph.D. candidate of historical sciences and associate professor of the Belarusian culture department at Hrodna State University, had her contract not renewed for political reasons.³⁷
- In May 2022, Andrei Darakhovich, a history teacher at Minsk Language and Humanities College, was detained and accused of having signed up to a Telegram channel organizing demonstrations against Lukashenko. On 14 July 2020, he had been detained at a protest rally.³⁸
- On 10 May 2022, Dzmitry Niachayau, a third-year student at the Faculty of History of the Belarusian State University, was detained in Minsk.³⁹
- On 13 June 2022, Aliena Zubrova, a history teacher in Navapolatsk, was sentenced to fifteen days in prison for “distribution of extremist materials,” related to a social media post she had shared.⁴⁰
- On 1 July 2022, historian Aliaksandr Hrusha was dismissed as director of the Central Scientific Library of the National Academy of Sciences, despite having signed a new contract in January.⁴¹

On 6 January 2022, during a meeting to discuss official history politics, President Alexander Lukashenko stressed that the “correct interpretation of history” was key to state security. He argued that the mass protests that followed his re-election in August 2020, denounced by many as fraudulent, had been caused by a view of Belarusian history as part of Europe’s historical heritage that was “excessively promoted in school curricula and museums.” Already on 1 January, Lukashenko had signed a decree that proclaimed 2022 the “year of historical memory” with the goal to “propagate an objective attitude to the past among citizens” and “to sustain and to consolidate the unity of the Belarusian nation.”

In February 2022, the Republican Council for Historical Policy was created. The permanent body under supervision of the Presidential Administration would give “recommendations on preventing and suppressing violations in the field of preserving historical memory.” In [March] 2022, the government announced that as of 1 September all universities and colleges would have to introduce three new compulsory courses: History of Belarusian Statehood, Modern Political Economy, and Philosophy.

³⁵ Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 2](#) (February 2022), 1–2.

³⁶ Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 5](#) (May 2022), 7.

³⁷ Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 3](#) (March 2022), 3.

³⁸ Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 5](#) (May 2022), 2.

³⁹ Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 5](#) (May 2022), 2.

⁴⁰ Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 6](#) (June 2022), 3.

⁴¹ Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 6](#) (June 2022), 3.

Minister of Education Andrei Ivanets commented that the courses would allow first-year students to “be able to view the well-known historical facts in the context of social and political developments.”

Changes to the history curriculum reportedly mainly affected how World War II and contemporary history were taught. Mentions of Nobel prize winner and oral historian Svetlana Alexievich [See NCH *Annual Reports 2016, 2021*] had been stripped from the textbooks.⁴²

On 21 February 2022, the house of Larysa Shchyrakova, a historian by education and a freelance journalist working for Belsat TV channel and the human rights website Gomel Spring, was searched for the fourth time in a year: her phone, camera and computer were confiscated, and she was taken in for questioning [See NCH *Annual Report 2021*].⁴³

On 31 March 2022, the court of Babruysk sentenced history teacher Larysa Sekiarzhytskaya to paying a fine of 2,240 Belarusian rubles (€ 631,56) because of her “political and social attitude to the events in the Ukraine.” On 4 March, she had worn a yellow-blue ribbon in her hair to school to express support for the Ukrainian people after the 24 February invasion by Russian forces.⁴⁴

In April 2022, Dzmitry Yatsevich, who had been director of the National Historical Archives of Belarus for ten years and was a major specialist in Belarusian history, had his contract not extended. He was replaced by Major General Aleh Voinau, who had until recently been an assistant to the Minister of Defense.⁴⁵

On 13 July 2022, the Gomel District Court sentenced Belsat journalist Katsyaryna (Katerina) Bakhlova (pen name: Katsyaryna Andreyeva) to eight years in prison on undisclosed charges in a trial behind closed doors. On 15 November 2020, Andreyeva and her camerawoman Darya Chultsova, a graduate from the Faculty of History and Philology of Mahiliou State University, Mogilev, had been detained for covering a violently dispersed memorial service for Roman Bandarenka, who had reportedly been beaten to death by security forces four days prior at Peremen Square (also known as Square of Changes), one of the centers of the August 2020 protests against President Aleksandr Lukashenko’s re-election [See above and NCH *Annual Report 2021*]. On 18 February 2021, Andreyeva and Chultsova were

⁴² Kamil Kłysiński, “[The Anti-Western Narrative in Belarus’s Historical Policy Becomes Harsher](#),” *Centre for Eastern Studies* (14 January 2022); Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 2](#) (February 2022), 4; Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 3](#) (March 2022), 4; Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 5](#) (May 2022), 7.

⁴³ Veera Nikkanen, “[Belarus: Belsat TV Journalists Mark One Year in Penal Colony](#),” *International Press Institute* (27 February 2022).

⁴⁴ Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 3](#) (March 2022), 2.

⁴⁵ Asveta, [Digest of Sviatlana Tsikhanouskaya’s Office on Education and Science: Issue 4](#) (April 2022), 2.

sentenced to two years in the Penal Colony No. 4 in Homiel, where they were labeled as people “prone to extremism and other destructive activities” and further restricted in their freedom. Chultsova was scheduled for release on 5 September 2022.⁴⁶

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012, 2021.

On 26 October 2021, the parliamentary Commission spéciale chargée d’examiner l’État Indépendant du Congo et le passé colonial de la Belgique au Congo, au Rwanda et au Burundi (Special Commission on the Colonial Past) published a 689–page report (commissioned from ten experts) on the history of the colonization of Congo (by King Leopold II in the Congo Free State, 1885–1908, and by Belgium in 1885–1960), and Rwanda–Urundi (as trust and mandate territories, 1922–1962). The experts’ report concluded that exploitation, violence and racism were systemic features of the colonization and recommended, among others, the restitution of stolen objects, archives, and human remains, and reparations (including financial reparations) for its “colonial debt in light of Belgium’s moral responsibility.” The experts further stressed the “paramount importance” of declassifying the archives.

On 19 January 2022, while participating in a debate entitled “After colonization: seeking truth and reparation,” historians Anne Wetsi Mpoma and Gillian Mathys, who were both members of the expert group, expressed concern over the partial and conditional access to the colonial archives, highlighting that “Belgian researchers can obtain an exemption to have access to classified documents, but not Congolese, Rwandan or Burundian researchers.”⁴⁷

See also Italy, Latvia.

⁴⁶ “[Belsat Journalist Sentenced to 8 Years for ‘High Treason’](#),” *Belsat.eu* (13 July 2022); “[Belarus Journalist Given Extra 8 Years for ‘State Treason’](#),” *Moscow Times* (13 July 2022); “[Darya Chultsova](#),” *International Women’s Media Foundation* ([no date]).

⁴⁷ Chambre des Représentants de Belgique / Belgische Kamer van Volksvertegenwoordigers, [Commission spéciale chargée d’examiner l’État Indépendant du Congo et le passé colonial de la Belgique au Congo, au Rwanda et au Burundi, ses conséquences et les suites qu’il convient d’y réserver: rapport des experts](#) (doc. 55, 1462/002; 26 October 2021); Nick Amies, “[Experts Deliver Report to the Special Committee on Belgium’s Colonial Past](#),” *The Bulletin* (28 October 2021); Gaëlle Ponselet, “[Colonial Crimes: Experts Recommend that Belgium Compensate](#),” *Justiceinfo.net* (2 November 2021); Colette Braeckman, “[La Belgique se confronte à son histoire coloniale](#),” *Histoire coloniale et postcoloniale* (4 November 2021); Jennifer Rankin, “[New Evidence of Belgian Complicity in 1961 Killing of Burundian PM](#),” *Guardian* (5 January 2022); Gaëlle Ponselet, “[Belgium’s Colonial Past Commission Stalls](#),” *Justiceinfo.net* (31 January 2022).

BELIZE

Previous *Annual Report* entries: 2014.

See Grenada.

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2021.

In March 2021, the Truth Commission, set up in 2017 to investigate serious human rights violations committed by successive military dictatorships between 1964 and 1982 [See NCH *Annual Reports 2017–2021*], presented its final report to President Luis Arce Catacora. However, the eleven-volume report, documenting killings, forced disappearances and torture by state agents, was only made public in the form of an executive summary. The report was not published online and the government did not act on it.⁴⁸

In August 2021, a report by the Grupo Interdisciplinario de Expertos Independientes (Interdisciplinary Group of Independent Experts) exposed failures by the Attorney General’s Office to ensure accountability for crimes committed under the governments of Evo Morales (2006–2017) and Jeanine Áñez Chávez (2019–2020). It also criticized a February 2021 amnesty, issued by current-President Luis Arce Catacora, for crimes related to the 2019 political crisis during which at least 33 people died and 715 were injured. Following the report, Arce revoked the amnesty.⁴⁹

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2021.

On 8 April 2021, Serb and Croat lawmakers in the House of Peoples (the Bosnian parliament) voted seven against six with one abstention against changes to the criminal code to prohibit the denial of facts about the July 1995 Srebrenica genocide. It was the latest in a series of failed attempts over more than

⁴⁸ Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 91; Thomas Graham, “[Bolivian Victims of Dictatorships Still Waiting for Justice: ‘We Are Forgotten’](#),” *Guardian* (30 March 2022).

⁴⁹ Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2021), 89.

a decade to adopt a new law to outlaw denial of the 1995 genocide [See NCH *Annual Report 2021*]. In June 2021, the United Nations Special Advisor on Prevention of Genocide warned against the increasing glorification of convicted war criminals. On [28] July 2021, the United Nations High Representative Valentin Inzko amended the criminal code, sanctioning the glorification of war criminals convicted by final and binding judgments and the denial of genocide, crimes against humanity and war crimes, making them punishable with a maximum prison sentence of five years. On 30 July, the parliament of the Serb-run Republika Srpska passed a law on non-implementation of the criminal code and another providing for penalties of up to fifteen years in prison for “violating the reputation of the Republika Srpska.” The law took effect on 8 October 2021.⁵⁰

On 10 August 2021, the Organization for Security and Co-operation in Europe Mission to Bosnia and Herzegovina reported a sharp decline in the number of completed war crimes cases and in the number of new indictments. On 19 October, the European Commission published a report stating that judicial cooperation with other countries in the region on the prosecution of war crimes committed during the Yugoslav wars of succession (1991–1995) remained ineffective [See NCH *Annual Report 2021*].⁵¹

On 28 September 2021, the twenty-eighth anniversary of the closure of the Detelj detention camp in 1993, it remained impossible for survivors to hold a memorial event. After the Wars of Yugoslav Succession (1991–1995), the site of the camp was privatized under the ownership of the Hercegovacka Bank. After the bank’s liquidation in 2012, the site remained shut. In the spring and summer of 1992, the camp had been used by Bosnian Croats to detain Serb prisoners. After conflicts erupted between Bosnian Croat and Bosniak forces, Dretelj became a detention camp for Bosniaks. The Association of Detainees of Bosnia and Herzegovina estimated that around 3,000 Serb and Bosniak detainees had been subjected to torture, beating, rape, and murder during the war.⁵²

⁵⁰ Office of the High Representative, “[High Representative Valentin Inzko Introduced Today Amendment to the BH Criminal Code](#)” (Press release; 23 July 2021); Nejra Dzaferagic, “[Bosnia Under Pressure to Adopt Srebrenica Genocide Denial Law](#),” *Balkan Insight* (16 April 2021); Guy Delauney, “[Bosnian Serbs Defy Top UN Official Inzko over Genocide Denial](#),” *BBC News* (28 July 2021); “[Bosnian Serbs Reject Imposed Ban on Genocide Denial](#),” *Al Jazeera* (30 July 2021); “[Srebrenica: Bosnia’s Peace Envoy Outlaws Genocide Denial](#),” *Deutsche Welle* (24 July 2021); “[Bosnian Serbs Reject Imposed Ban on Srebrenica Genocide Denial](#),” *TRT World* (30 July 2021); “[Bosnian Serb Entity’s President Reverses International Overseer’s Ban On Genocide Denial](#),” *RFE/RL* (13 October 2021); Julian Borger & Daniel Boffey, “[EU Working to Amend Genocide Denial Law that Is Blamed for Bosnia Crisis](#),” *Guardian* (22 December 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2021), 96.

⁵¹ Lamija Grebo, “[Bosnia Completing Fewer War Crimes Cases, OSCE Warns](#),” *Balkan Insight* (11 August 2021); Milica Stojanovic, Samir Kajosevic, Xhorxhina Bami & Semir Mujkic, “[European Commission Raps Serbia’s ‘Weak’ War Crimes Case Record](#),” *Balkan Insight* (19 October 2021).

⁵² Teo Zoric, “[Bosnian War Prisoners Unable to Commemorate Detention Camp Closure](#),” *Balkan Insight* (28 September 2021).

In the run-up to 31 May 2022, Bosnian Serb authorities banned White Armband Day (named after a May 1992 decree by Bosnian Serb authorities forcing all non-Serbs to mark their houses with white flags and wear white armbands when going outside), an annual event commemorating the Bosnian Serb-led ethnic cleansing of Bosnian Muslims and Bosnian Croat populations in the Prijedor area, and celebrated by the survivors of the ethnic cleansing on 31 May 2022, because of “a serious danger of violence” due to threats from Samopostovanje (Self-Respect) and Princip (Principle), two far-right Bosnian Serb nationalist groups. In Prijedor, 3,173 people were killed during the 1992–1995 war, with almost 31,000 detained in prison camps and 53,000 forced to flee, totaling 94% of the Bosnian Muslim and Bosnian Croat population from the Prijedor municipality.⁵³

On 15 June 2022, vandals destroyed the Yugoslav Partisans’ Necropolis in Mostar, one of the largest monuments commemorating anti-Fascist fighters who died in World War II. All 700 gravestones of the memorial cemetery, which for years had been the target of right-wing vandals who had previously defaced the stones with graffiti, were destroyed.⁵⁴

See also Croatia, Serbia.

BOTSWANA

Previous *Annual Report* entries: 2018.

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2021.

On 11 June 2021, the Fundação Palmares (Palmares Foundation; established 1988) published an electronic report *Retrato do acervo: três décadas de dominação marxista na Fundação Cultural Palmares* (Portrait of the Collection: Three Decades of Marxist Domination in the Palmares Cultural Foundation). The Associação Nacional de História (ANPUH; National Historical Association) and other critics feared that the report was the first step in systematically destroying or excluding Marxist publications which were part of its collections. ANPUH argued that these publications were necessary

⁵³ Enes Hodzic, “[How Right-Wingers Thwarted a War Crime Commemoration in Bosnia](#),” *Balkan Insight* (4 July 2022); “[White Armband Day](#),” *Remembering Srebrenica* ([no date]).

⁵⁴ “[Vandals Attack Yugoslav Partisans’ Necropolis in Bosnia](#),” *Al Jazeera* (16 June 2022).

to understand not only the history of the foundation but more broadly the history of racism and emancipation in Brazil. On 23 June 2021, the Federal Court in Rio de Janeiro imposed an injunction on the foundation.⁵⁵

On 24 July 2021, activists of Revolução Periférica (Peripheral Revolution) set fire to the statue of Manuel de Borba Gato (1649–1718). They saw him as a symbol of the “bandeirantes,” a group of explorers who colonized Brazil and were involved in massacring and enslaving indigenous peoples and in recapturing fugitive slaves. The statue had been targeted several times by protesters in the past. Three activists were arrested, charged with “arson,” “criminal association,” and “license plate tampering” but released on 10 August 2021, although the charges were not withdrawn.⁵⁶

On 23 August 2021, the Bahia Section of the Associação Nacional de História (ANPUH; National Association of History) denounced the fact that the previous week Carlos Zacarias Figueiró de Sena Júnior, a historian working at the Universidade Federal da Bahia (UFBA; Federal University of Bahia), was attacked by a producer of denialist historical content (that is, content denying the crimes of the past) after Figueiró de Sena had criticized it on his Facebook page following the nomination of one of the producer’s videos by the Secretaria Estadual de Educação da Bahia (State Department of Education of Bahia).⁵⁷

In [November] 2021, the film *Marighella* by director Wagner Moura, about the life of Marxist-Leninist Communist, politician, writer and guerrilla fighter Carlos Marighella (1911–1969), was released after it had been delayed for almost two years by the Agência Nacional do Cinema (Ancine; National Cinema Agency). Ancina withheld funding for its distribution, alleging a problem in the accounts for another production by O2 Filmes, the film’s producer. Most believed that the film was informally censored because it was “not aligned with the government.” The Special Secretary of Culture, former actor Mário Frias, allegedly tweeted the following in response to statements by Moura: “Did you think I was going to get public funds for this pamphlet garbage?” Since its release without the benefit of government funding, *Marighella* became the most watched Brazilian production of the last two years, with 100,000 spectators in 300 theaters across Brazil.⁵⁸

⁵⁵ ANPUH, [Nota de repúdio da Associação Nacional de História \(ANPUH\) à decisão da direção da Fundação Palmares de censurar e extirpar parte de seu patrimônio bibliográfico](#) (press release; 28 June 2021).

⁵⁶ “[Arrest of Activists Involved in Protest Action](#),” *Civicus Monitor* (19 August 2021); ANPUH, “[Libertação imediata de Galo, Géssica E Bui](#)” (Press release; 30 July 2021); ANPUH, “[Nota sobre o incêndio da estátua de Borba Gato](#)” (Press release; 2 August 2021).

⁵⁷ Diretoria da ANPUH, Seção Bahia, [Press release](#) (Ilhéus, 23 August 2021); ANPUH, “[O comércio da mentira e os ataques à história profissional](#)” (Press release; 23 August 2021).

⁵⁸ Luiz Gustavo Vilela, “[Marighella’s Delayed Release Shows Censorship Is Alive and Well in Brazil](#),” *Index on Censorship* (19 November 2021).

In the run-up to the Exame Nacional do Ensino Médio (Enem; National High School Exam) on 21 November 2021, critics denounced the fact that President Jair Bolsonaro had reportedly asked his Minister of Education Milton Ribeiro in the first half of 2021 that Enem change the wording referring to the 1964 military coup (which led to a military dictatorship between 1964–1985) into the term “Revolution,” thus endorsing a far-right version of history. In addition, a director of the Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira (Inep; National Institute for Educational Studies and Research “Anísio Teixeira”; the agency responsible for Enem) apparently demanded the exclusion of more than twenty exam questions, many of which dealt with Brazil’s recent history. Other forms of interference and intimidation were also reported. In early November 2021, 37 Inep members resigned in protest against the censorship attempt. Since 2018 Bolsonaro had frequently criticized Enem and the usual question about the 1964 coup had reportedly disappeared from the 2020 exam. On 15 November 2021, Bolsonaro commented that the Enem would now start “looking more like the government,” saying that nobody should worry about “those absurd issues from the past.”⁵⁹

On 19 November 2021, President Jair Bolsonaro nominated Ricardo Braga (Ricardo Borda D’Água de Almeida Braga) as the Director of the Brazilian National Archive. The owner of a private security company, Braga lacked the necessary expertise for the job. Many critics, including the Fórum Nacional das Associações de Arquivologia do Brasil (National Forum of Associations of Archivists of Brazil) and the Brazilian Historians in the United States, condemned the nomination, expressing fears that it would lead to the rewriting of the history of the Brazilian dictatorship (1964–1985) and perhaps to a destruction of records. Bolsonaro, a member of the armed forces during the dictatorship, had repeatedly publicly alluded to the dictatorship as a positive period in Brazilian history and said that the dictatorship made a mistake by torturing people when it should have killed them. In 2009, he hung a poster on his office door in Congress that said, “whoever looks for bones is a dog,” in reference to the search for the remains of suspected members of the Araguaia guerrilla group who were forcibly disappeared.⁶⁰

On 26 November 2021, the Inter-American Commission on Human Rights filed an application before the Inter-American Court of Human Rights against Brazil, claiming that it had, among others, failed to

⁵⁹ Beatriz Jucá, “[Censura e “pressão ideológica” no Enem para que ele tenha “a cara do Governo.”](#)” *El País* (15 November 2021); Clement Verite, “[Bolsonaro Tried to Revisit Brazil History in High School Exam.](#)” *Newsdip* (19 November 2021).

⁶⁰ Fórum Nacional das Associações de Arquivologia do Brasil, [Nota em defesa do arquivo nacional](#) (November 2021); Brazilian Historians in the United States, [Open Letter on Mr. Ricardo Braga’s Nomination as Director of the Brazilian National Archive](#) (29 November 2021); Human Rights Watch, “[Brazil: Bolsonaro Celebrates Brutal Dictatorship](#)” (press release; 27 March 2019) (quotes).

preserve crucial evidence for the investigation of the 1997 murder of Manoel Luiz da Silva, a rural laborer and member of the peasant movement Movimento Sem Terra.⁶¹

On 10 February 2022, the Fórum Nacional de Ensino e Pesquisa em Arquivologia (FEPARQ; National Forum for Teaching and Research in Archival Science), the Fórum Nacional das Associações de Arquivologia do Brasil (FNARq; National Forum of Brazilian Associations of Archival Science), and the Associação Nacional de História (ANPUH; National Historical Association) complained to Ricardo Borda D'Água de Almeida Braga [See above], the Director-General of the Arquivo Nacional (National Archives) about Federal Court decisions ordering the anonymization of the name of former colonel of the Pernambuco Military Police Olinto de Sousa Ferraz in six pages of the final report of the Comissão Nacional da Verdade (CNV; National Truth Commission) – which in 2011–2014 investigated human rights violations committed in 1964–1988 – and the censorship of passages about former governor of Paraná Ney Braga in the report of the Truth Commission of Paraná. The CNV report was held by the National Archives. The court decision regarding Sousa Ferraz was the result of a lawsuit filed by his relatives in late 2019. They referred to the 1991 Law of Archives and the 2011 Access to Information Law. In Art. 31, V, § 4, however, the latter stated that “[t]he restriction of access to information relating to a person’s private life, honor, and image may not be invoked with the intention of hindering the process of verification of irregularities in which the holder of the information is involved, as well as actions aimed at the recovery of historical facts of greater relevance.”⁶²

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012, 2015–2017, 2019–2020.

On 6 October 2021, President Rumen Radev stated that Bulgaria would lift its veto for European Union accession talks with North Macedonia if its government would, among others, recognize the “historical truth.” He referred, for instance, to the term “Bulgarian Fascist Occupying Forces” used in history textbooks in North Macedonia to describe the occupation by the then Kingdom of Bulgaria during World War II, after it had joined the Axis powers in 1941, and insisted that it be changed into “Bulgarian

⁶¹ [“IACHR Takes to Inter-American Court of Human Rights Case Concerning Brazil’s Lack of Due Diligence to Investigate Murder of Rural Laborer.”](#) *Organization of American States* (10 January 2022).

⁶² [“Justiça determina “anonimização” de partes do relatório da Comissão Nacional da Verdade,”](#) *Giro da Arquivo* (3 February 2022); [“Denúncia sobre a ‘anonimização’ de documentos do arquivo nacional!”](#) (Statement; 10 February 2022).

administration” [See NCH *Annual Report 2021*]. In December, newly-elected Prime Minister Kiril Petkov reiterated that North Macedonia should amend its history textbooks.⁶³

See also North Macedonia.

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005, 2013, 2015–2018, 2021.

On 6 April 2022, a military tribunal sentenced former President Blaise Compaoré in absentia to life imprisonment after being found guilty of complicity in the 1987 murder of former President Thomas Sankara (1949–1987) [See NCH *Annual Reports 2001, 2016–2018, 2021*]. Compaoré was living in exile in Ivory Coast.⁶⁴

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2015, 2017–2021.

⁶³ [“Bulgaria Tells North Macedonia to Stop ‘Erasing’ Bulgarians,”](#) *Balkan Insight* (6 October 2021); Sinisa Jakov Marusic, [“Bulgaria Again Blocks North Macedonia, Albania, EU Accession Talks,”](#) *Balkan Insight* (15 December 2021).

⁶⁴ Emmanuel Akinwotu, [“Burkina Faso’s Ex-President Guilty of Complicity in Murder of Predecessor,”](#) *Guardian* (6 April 2022).

CAMBODIA

Previous *Annual Report* entries: 1999–2018, 2020–2021.

On 16 February 2021, Prime Minister Hun Sen signed into law the Sub-Decree on the Establishment of a National Internet Gateway which allowed, among others, for network connections “that affect safety, national revenue, social order, dignity, culture, tradition and customs” to be blocked or disconnected.⁶⁵

In August 2021, a Phnom Penh court convicted nine activists and former opposition members of incitement and sentenced them to between twelve and twenty months in prison. They had peacefully protested near the Chinese Embassy in Phnom Penh as part of a 2020 campaign to commemorate the anniversary of the 1991 Paris Peace Accords (concluded among various Cambodian parties that had officially ended the Cambodian–Vietnamese War [1978–1989] and the Third Indochina War [1975–1991]).⁶⁶

On 30 December 2021, a French court issued indictments against Huy Piseth and Hing Bun Heang, the then chief and deputy chief of the bodyguard unit of Prime Minister Hun Sen (in office since 1985), for ordering and carrying out an attack on opposition party leader Sam Rainsy on 30 March 1997. The court also summoned Hun Sen for his role in the attack, but the summons was blocked by the French government citing head of state immunity. It was the first time in almost twenty-five years that a step was made toward accountability for the attack that killed sixteen and injured more than 150.⁶⁷

See also Australia.

CAMEROON

Previous *Annual Report* entries: 2010, 2012–2014, 2016, 2020–2021.

⁶⁵ Amnesty International, *Report 2021/22: The State of the World's Human Rights* (London: AI, 2022), 111.

⁶⁶ Human Rights Watch, *World Report 2022: Events of 2021* (New York: Human Rights Watch, 2022), 121.

⁶⁷ Brad Adams, “[At Long Last, Signs of Justice for 1997 Cambodia Massacre](#),” *Human Rights Watch* (30 March 2022).

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012–2021.

In October 2021, the National Center for Truth and Reconciliation (NCTR) criticized the government for withholding records about the residential school system (between the 1870s and 1996 the government removed about 150,000 indigenous children from their homes and sent them to church-run “residential schools,” in what the 2015 Truth and Reconciliation Commission [TRC] had described as a “culture of genocide” targeting indigenous people [See NCH *Annual Report 2021*]).

In November 2021, historians and archivists expressed concern that some of these records were destroyed or hidden away. Brenda Macdougall, a professor of the history of Métis and First Nations at the University of Ottawa, and a colleague historian found in 2021 that a series of significant records on early residential school history had been transferred to the Vatican without leaving any transcripts in Canada. Following Macdougall’s findings, renewed calls were made to the Vatican to release historical documents on the residential school system. In previous years, access to the relevant archives had been obstructed at least twice: in 2011, after a few months of archival research, TRC researchers had been denied access to the archives in Ottawa. In 2014, a group of Ph.D. students from the University of Ottawa had found records dumped in a bin outside the Deschâtelets Archives.

In December 2021, Crown-Indigenous Relations Minister Marc Miller said that some of the records would be handed over to the NCTR within thirty days, with others being reviewed. On 7 December, a joint statement by the NCTR and Missionary Oblates of Mary Immaculate, which operated 48 residential schools in Canada, said that the Oblates’ archives in Rome were to be opened to the NCTR and that it would grant full access to critical residential school records.⁶⁸

In November 2021, a committee led by retired Canadian Supreme Court justice Michel Bastarache delivered its report on the case of art historian Verushka Lieutenant-Duval, who had used the N-word for educational purposes in class at the University of Ottawa and had been suspended for three days [See NCH *Annual Report 2021*]. The committee ruled that Lieutenant-Duval was protected by academic freedom: the racial epithet was not directed toward any individual, nor was it gratuitous, adding that “[t]here is no right not to feel offended since academic freedom protects controversial and hurtful statements.”⁶⁹

⁶⁸ Julie Ireton, “[Residential School Records Once Held in Canada Now in Rome, Researchers Say](#),” *CBC* (15 November 2021); Stephanie Taylor, “[Federal Government Will Soon Hand Over More Residential School Records: Miller](#),” *CBC* (6 December 2021); “[Catholic Order Says It Will Open Up Residential School Records in Rome - but Survivor Remains Skeptical](#),” *CBC* (8 December 2021).

⁶⁹ Amanda Pfeffer, “[Ottawa Professor Apologizes for Using N-word, Regrets Growing Controversy](#),” *CBC* (21 October 2020); Nathan Greenfield, “[Bastarache Report – Academic Freedom and University of Ottawa](#),” *University World News* (11 November 2021).

On 29 January 2022 and the following days onward, people protesting against COVID-19 measures desecrated the National War Memorial, the Tomb of the Unknown Soldier, and the statue of athlete and cancer activist Terry Fox (1958–1981) in Ottawa.⁷⁰

In late March 2022, two University of Montreal students launched a petition against history professor Michael Carley over comments he made on social media that supported Russia’s invasion of Ukraine. Carley’s Twitter and Facebook accounts had since been deleted. A university spokesperson declared on 27 March that “Carley [was] expressing his opinions in his personal capacity, not in the exercise of his duties as a professor.” However, one of the petitioners said that his social-media accounts listed him as a University of Montreal professor, giving his tweets more credibility.⁷¹

On 26 April 2022, Ryerson University was renamed Toronto Metropolitan University in response to the debate about Egerton Ryerson (1803–1882), deemed one of the architects of Canada’s residential school system that was labeled “cultural genocide” by the Truth and Reconciliation Commission in 2015 [See above and *NCH Annual Report 2021*].⁷²

See also United States.

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012, 2014–2021.

In early July 2021, the eleven commissioners of the Truth, Justice, Reconciliation and Reparation Commission (CVJRR) were sworn in. The CVJRR would investigate serious crimes committed since 1959 – the year that David Dacko (1930–2003) took over the leadership of the Mouvement pour l’évolution sociale de l’Afrique noire, the first ruling party after independence from France in 1960.⁷³

Following allegations of human rights violations by the United Nations in relation to the Civil War (2012–present) – especially since the 2020 offensive by the oppositional Coalition des patriotes pour le changement (CPC; Coalition of Patriots for Change) led by former President François Bozizé – a

⁷⁰ “[Trudeau: Canadians Disgusted by Anti-Vaxxers Who Desecrated Monuments](#),” *Guardian* (31 January 2022).

⁷¹ Emerald Bensadoun, “[Students Launch Petition against University of Montreal Professor over Comments Supporting Russia’s Invasion of Ukraine](#),” *Globe and Mail* (27 March 2022).

⁷² Joe Friesen, “[Ryerson Will Be Called Toronto Metropolitan University after Board Approves Name Change](#),” *Globe and Mail* (26 April 2022).

⁷³ “[Central African Republic: Creation of the Truth, Justice, Reconciliation and Reparation Commission](#),” *Teller Report* (17 July 2021).

Commission of Inquiry was set up. In October 2021, the Minister of Justice presented the results of the commission report, acknowledging some of the allegations against the national forces and their allies. However, it was not made public and no further steps were taken.⁷⁴

CHAD

Previous *Annual Report* entries: 2000–2012, 2015–2016.

CHILE

Previous *Annual Report* entries: 1998–2021.

On 4 January 2021, a court in Valparaíso dismissed all charges against historian Paula Cometa Stange and the other members of the feminist collective LASTESIS. In May and June 2020, police complaints had been filed and a criminal investigation was approved after the collective had denounced acts of police violence against women in the context of confinement due to COVID-19.⁷⁵

See also Australia.

CHINA

Previous *Annual Report* entries: 1995–2021.

On 19 April 2020, Beijing police detained Chen Mei and Cai Wei for archiving censored news articles, interviews, and personal accounts related to the outbreak of the COVID-19 epidemic in Wuhan [See *NCH Annual Report 2021*]. They remained out of contact with their families. In August 2021, a Beijing court sentenced them to fifteen months in prison after convicting them of “picking quarrels and provoking trouble.”⁷⁶

⁷⁴ “[CAR Says Ex-President Attempting ‘Coup’ as Rebels Form Coalition](#),” *Al Jazeera* (19 December 2020); Amnesty International, *Report 2021/22: The State of the World’s Human Rights* (London: AI, 2022), 120.

⁷⁵ PEN International, [PEN International Case List 2020](#) (London: PEN International, 2021), 40.

⁷⁶ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 167; Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 122; Human Rights Watch, *World Report 2022: Events of 2021* (New York: Human Rights Watch, 2022), 165.

On 1 March 2021, an amendment to the 2018 Heroes and Martyrs' Protection Law came into force, allowing for people who "insulted, slandered, or infringed upon" the memory of China's national heroes and martyrs to be sentenced to up to three years in prison [See NCH *Annual Reports 2018, 2021*]. By October 2021, the amendment had reportedly been used at least fifteen times to punish people for insulting the history of the Chinese Communist Party (CCP).

In April 2021, a man in Beijing ([1958]–) was charged for mocking Navy fighter pilot Wang Wei who crashed in the South China Sea after colliding with an American surveillance aircraft in 2001. In October 2021, the authorities arrested a man in Nanchang after he posted an irreverent comment about the events surrounding the death of Mao Zedong's son in 1950. Former journalist Luo Changping responding to the movie blockbuster that depicted a major Chinese attack during the Korean War (1950–1953) known as "The Battle at Lake Changjin," was detained in Hainan after he wrote a blog questioning the rationale for China's intervention in that war and the catastrophic cost for those "volunteers" sent to fight and die in it. A woman named Xu ([1994]–) was sentenced to seven months in prison for mocking imitators of Dong Cunrui (1929–1948), a soldier in the People's Liberation Army who blew himself up during the Chinese Civil War (1927–1949) to destroy a bunker and who is seen by the CCP as a war hero.⁷⁷

On May 9, 2021, after roughly two years in state custody, Yuan Keqin, a Chinese professor of East Asian political history at Hokkaido University of Education (HUE), Japan, was allowed to meet with his legal counsel for the first time [See NCH *Annual Report 2021*].⁷⁸

On 31 May 2021, political commentator and former journalist Qiu Ziming ([1983]–), who had questioned the Chinese regime's transparency regarding a violent border clash between Chinese and Indian soldiers in June 2020, was sentenced to eight months in prison on the charge of "defaming heroes and martyrs" [See above].⁷⁹

On 1 August 2021, Yu Ying-shih (1930–2021) died. Yu, a student in the history department of Yenching University, Beijing, went to Hong Kong in 1950 for a reunion with his father, historian Yu Hsieh-chung and stayed there in exile. Yu studied under historian of ideas Qian Mu (1895–1990) at the newly founded New Asia College which he would head himself in 1973–1975. Yu became a professor of East Asian Studies and History at Princeton University (1987–2001). In 2006 he received the John Kluge

⁷⁷ Cate Cadell, "[China Launches Hotline for Netizens to Report 'Illegal' History Comments](#)," *Reuters* (11 April 2021); Joseph Brouwer, "[The Historical Nihil-list: Cyberspace Administration Targets Top Ten Deviations From Approved History](#)," *China Digital Times* (16 August 2021); Steven Lee Myers, "[Shutting Down Historical Debate, China Makes It a Crime to Mock Heroes](#)," *New York Times* (2 November 2021).

⁷⁸ Scholars at Risk, *Free to Think 2021* (New York: SAR, 2021), 57.

⁷⁹ Reporters without Borders, [The Great Leap Backwards of Journalism in China](#) (Paris: RSF, 2021), 9.

Prize for the Study of Humanity. He advocated a new Confucianism. He often returned to the theme that China's long traditions could be a wellspring, not an enemy, of enlightenment, individual dignity, and democracy. He was probably China's best-known historian.⁸⁰

On 11 November 2021, the sixth plenary session of the Central Committee of the Chinese Communist Party (CCP) passed a resolution on China's history, confirming President Xi Jinping's leadership within the narrative of the CCP's 100-year history (1921–2021). It praised Xi's significance in propelling the nation into a "new era" of strength and summarized China's "historic achievements" reached under his leadership (2012–), with traumatic times like the famine (1959–1961) and purges acknowledged but not elaborated. The resolution would dictate how authorities teach China's modern history in textbooks, films, television shows and classrooms, and encouraged censors and police officers to apply laws against criticism of the CCP and its "martyrs." A 531-page official CCP history ([2021]) devoted over a quarter of its pages to Xi's term in office. In January 2013, Xi was quoted as saying: "To destroy a country, you must first eradicate its history," citing Qing scholar Gong Zizhen (1792–1841). In 2017, he had added his personal ideology, known as "Xi Jinping thought for socialism with Chinese characteristics in a new era," to the CCP charter.

Only three CCP resolutions on history were ever passed: the first, in 1945, gave full authority to Mao Zedong (1893–1976) as the leader of the future People's Republic of China (established in 1949); the second, passed in 1981 under Deng Xiaoping (1904–1997), criticized the "errors" made by Mao during the Cultural Revolution (1966–1976) and laid the foundation for economic reforms.⁸¹

In December 2021, Zhao Dexin ([1932]–), a retired professor of economic history at Zhongnan University of Economics and Law in Wuhan, won a copyright infringement case against the research publishing database China National Knowledge Infrastructure (CNKI), attracting huge publicity. Zhao claimed that CNKI had acquired his papers (through acquiring the journals they were published in) without informing or paying him. CNKI was ordered to pay CNY 700,000 (US\$ 107,000) to Zhao in damages. Zhao's case was seen as a rare victory against the publishing platform.⁸²

⁸⁰ Library of Congress, "[China Rediscovered Its Own History](#)" (2007); "[Yu Ying-shih](#)," *Wikipedia* (retrieved 24 January 2010); Chris Buckley, "[Ying-shih Yu, Renowned Scholar of Chinese Thought, Dies at 91](#)," *New York Times* (10 August 2021).

⁸¹ Chris Buckley, "[To Steer China's Future, Xi Is Rewriting Its Past](#)," *New York Times* (7 September 2021); Vincent Ni, "[Chinese Communist Party Elevates Xi's Status in 'Historical Resolution'](#)," *Guardian* (11 November 2021); Christian Shepherd, "[China Passes History Resolution to Enshrine Open-Ended Rule of Xi Jinping](#)," *Washington Post* (11 November 2021); Waiyee Yip, "[China's Xi Jinping Cements His Status with Historic Resolution](#)," *BBC News* (12 November 2021).

⁸² Mimi Leung & Yojana Sharma, "[Chinese Academy of Sciences Drops Huge Research Database](#)," *University World News* (20 April 2022).

On 16 December 2021, Song Gengyi, a lecturer of journalism at Shanghai Aurora College (SAC), was dismissed because she had questioned the government's official death toll of 300,000 for the 1937 Nanking massacre. In a lecture, which was recorded by one of her students, leaked online and causing an online firestorm, Song called the death toll a "rough estimate that lacked statistical support" and said that the Chinese Communist Party was not interested in investigating it more thoroughly. SAC announced that she was dismissed because she had "made the wrong comments." When Li Tiantian, a school teacher in southern China, protested the dismissal on the internet, she was locked up in a mental hospital.

Also on 16 December, Gao Weijia, a staff member from Qingdao University, had her teaching license revoked and she was transferred to a non-teaching post after she had published an opinion on Weibo that people should "feel free to visit the Yasukuni Shrine," a controversial shrine in Tokyo honoring Japanese soldiers killed in wars since the nineteenth century and containing memorials for convicted war criminals [See NCH *Annual Report 2021*].⁸³

On 26 February 2022, five historians – Sun Jiang (Nanjing University), Wang Lixin (Peking University), Xu Guoqi (Hong Kong University), Zhong Weimin (Tsinghua University), and Chen Yan (Fudan University) – published an open letter on social media platform WeChat in which they condemned the 24 February 2022 Russian invasion of Ukraine and asked for an immediate end to the fighting. The letter was almost instantly removed by censors, but not before it had been viewed and commented upon – including attacking the historians on social media with some calling them spies or traitors. Xu later said that initially he had hoped that the letter would attract other scholars to sign up and that he did not expect it to be blocked so soon. He singled out "narrow and blind nationalism" as a risk for all countries.⁸⁴

In late March 2022, several provincial governments made it mandatory for university teachers to attend lectures to "correct" their views on the 24 February Russian invasion of Ukraine. The lectures would include topics such as "political corruption in Ukraine," how the United States caused the war and "how Nazis killed 14,000 people in Ukraine and Eastern Russia." It closely followed a recent Russian law on "false information" [See below].⁸⁵

⁸³ Mandy Zuo, "[2 Mainland University Lecturers Punished for Comments Touching Sino-Japanese Sensitivities](#)," *South China Morning Post* (17 December 2021); Ian Buruma, "[Propaganda bij wijze van geschiedschrijving](#)," *NRC Handelsblad* (21 January 2020).

⁸⁴ Yojana Sharma, "[Academic Dissent Emerges on War in Ukraine but Is Censored](#)," *University World News* (9 March 2022).

⁸⁵ Mimi Leung, "[Political Education to Include Party View on Ukraine War](#)," *University World News* (31 March 2022).

On 27 March 2022, postgraduate history student Sun Jian walked with two signs saying “Unblock Ludong” and “Resolutely oppose high nucleic acid testing for all staff” on the campus of Ludong University, Yantai, Shandong, for twenty minutes in order to protest against the university’s harsh COVID-19 lockdown and mass testing. The local Public Security Bureau issued a warning to him after he posted videos of himself holding up the placards, saying he had disrupted order and “incited students to boycott” the university’s measures in social media posts since December 2021. The university maintained that Sun’s behavior “seriously violated national laws” and expelled him.⁸⁶

On 3 June 2022, the eve of the 33rd anniversary of the Tiananmen Square massacre, Li Jiaqi, an influencer on Douyin with over 64 million followers and one China’s most popular online salesmen, had his livestream abruptly cut short when he appeared to present an ice-cream cake that looked like a tank – a reference to the Tank Man, one of the most recognizable symbols of the 1989 Tiananmen Square Massacre. An investigation was reportedly started. According to some, the abrupt cut of Li’s stream had led his mostly young audience to search for the massacre of which they had little previous knowledge, calling the censorious act the Li Jiaqi Paradox.⁸⁷

Hong Kong

In 2020, authorities had banned Hong Kong’s annual candlelight vigil to commemorate the Tiananmen Square massacre of 4 June 1989 on public health grounds related to the COVID-19 pandemic. However, tens of thousands of people had participated [See NCH *Annual Reports 2020–2021*]. On 9 September 2021, a group of twelve people pled guilty to charges relating to the 2020 vigil. On 13 December, media tycoon Lai Chee-ying (also known as Jimmy Lai) (1947–), Chow Hang-tung [See below], opposition politician and former journalist Gwyneth Ho, Lee Cheuk-yan [See below], and four others – charged with inciting and taking part in an unlawful assembly – were sentenced to up to fourteen months in prison for organizing, taking part in, and inciting participation in the 2020 vigil. During the trial, Lai declared in a letter: “If commemorating those who died because of injustice is a crime, then inflict on me that crime and let me suffer the punishment ... so I may share the burden and glory of those young men and women who shed their blood on 4 June [1989].”

In 2021, authorities again banned the vigil on public health grounds, despite allowing other large scale open air events to take place. On 4 June, the day of the vigil, Hong Kong police arrested barrister and human rights activist Chow Hang Tung and charged her with “inciting others to knowingly participate

⁸⁶ Mimi Leung, “[Harsh Lockdown Curbs Prompt Student Protests, Expulsion](#),” *University World News* (8 April 2022).

⁸⁷ Frances Mao, “[Li Jiaqi: China Lipstick King Sparks Tiananmen Questions](#),” *BBC News* (7 June 2022); Vincent Ni, “[Li Jiaqi: Chinese Influencer’s Career Hangs in Balance After ‘Tank Cake’ Stream](#),” *Guardian* (9 June 2022).

in a banned rally,” after publishing a social media post asking people to commemorate the date in a private manner. On 4 January 2022, she was sentenced to fifteen months in prison, on top of the twelve months she had already been sentenced to [See above]. Chow appeared defiant during the hearing, reading from the memoirs of families of people killed at Tiananmen before being admonished by the judge.

On 8 September 2021, four senior leaders of the Hong Kong Alliance in Support of Patriotic Democratic Movement of China (established in 1989), which among others organized the annual vigil and ran the June 4th Museum, were arrested after the alliance, accused of working as a “foreign agent,” refused to hand over information, reportedly including personal details of all members and financial records since the Alliance’s foundation. The next day, authorities raided the museum, which had for years displayed information and historical items related to the 1989 massacre. The raid was carried out by the newly created national security unit. The museum had been closed down by officials in June [See *NCH Annual Report 2021*]. On 25 September, the Alliance announced that it would disband. The Alliance and its leaders, Lee Cheuk-yan, Albert Ho and Chow Hang-tung, were charged with “incitement to subversion” [See above]. The group denied that it was a threat to national security.⁸⁸

In the run-up to the 33rd anniversary massacre on 4 June 2022, authorities again announced a ban on the annual vigil in Hong Kong warning residents not to attend or organize any commemorative events or share any social media posts and threatening prosecution on the grounds of “incitement.” For the first time, the Catholic Diocese of Hong Kong decided against holding memorial masses citing safety concerns. One of its cardinals, ninety-year-old Joseph Zen, was in prison awaiting trial on charges of collusion with foreign forces. On 4 June, police officials arrested five men and one woman in the vicinity of Victoria Park, where the annual vigil had traditionally been held. They faced prison sentences of up to five years. Self-ruled Taiwan was one of the only parts of the Chinese-speaking world where the Tiananmen massacre could be commemorated openly, and on 4 June hundreds of people gathered in the capital Taipei. Taiwan’s President Tsai Ing-wen criticized the “collective memory of 4 June being systematically erased in Hong Kong.”⁸⁹

⁸⁸ Chris Yeung, “[Hong Kong Will Be Dark on the Anniversary of the Massacre This 4 June as the National Security Law Bites](#),” *Index on Censorship* (3 June 2021); “[Tiananmen: Hong Kong Vigil Organiser Arrested on 32nd Anniversary](#),” *BBC News* (4 June 2021); “[Hong Kong: Tiananmen Vigil Organisers Arrested](#),” *BBC News* (8 September 2021); Helen Davidson, “[Hong Kong Police Raid Tiananmen Massacre Museum](#),” *Guardian* (9 September 2021); “[Hong Kong: Police Raid Tiananmen Square Museum](#),” *BBC News* (9 September 2021); “[Hong Kong: Jimmy Lai Convicted for Taking Part in Tiananmen Vigil](#),” *BBC News* (9 December 2021); “[Hong Kong: Media Tycoon Jimmy Lai Gets 13 Months Jail for Tiananmen Vigil](#),” *BBC News* (13 December 2021); “[Hong Kong Tycoon Jimmy Lai Sentenced Over Banned Tiananmen Vigil](#),” *Guardian* (13 December 2021); “[Hong Kong: Activist Gets 15-Month Jail Term for Tiananmen Vigil](#),” *BBC News* (4 January 2022); Human Rights Watch, *World Report 2022: Events of 2021* (New York: Human Rights Watch, 2022), 162; Amnesty International, *Report 2021/22: The State of the World’s Human Rights* (London: AI, 2022), 129.

⁸⁹ Jemimah Steinfeld, “[China’s Fifth Most Wanted Democracy Advocate Looks Back at Tiananmen](#),” *Index on Censorship* (1 June 2022); Erin Hale, “[Police in Hong Kong Warn over Vigil as Tiananmen ‘Erased’](#),” *Al Jazeera* (3 June 2022); Helen Davidson, “[Hong Kong Police Warn Tiananmen Anniversary Gatherings Will](#)

On 1 March 2021, Patrick Li took up his government-appointed position as Radio Television Hong Kong's (RTHK) Director of Broadcasting. While in office, at least twelve new productions were pulled from the air at short notice and more than two hundred archived programs were removed from RTHK's YouTube channel. An episode of the political show *LegCo Review*, which included footage of an event commemorating the 1989 Tiananmen massacre, was removed from RTHK's archives for having been broadcasted without Li's "final approval."⁹⁰

In July 2021, the two-volume *Through the Storm*, written by independent historian Yu Ruxin ([1951]–), was published by New Century Press in Hong Kong. The book explained the role of the military, especially of Mao Zedong's designated successor, Marshal Lin Biao (1907–1971) during the Cultural Revolution (1966–1976). The publisher, Bao Pu, said that he would print only 1,000 copies and that he could not find a vendor willing to display the book at the Hong Kong Book Fair. Yu said that the one book that had appeared in mainland China about the People's Liberation Army in the Cultural Revolution had been withdrawn from sale soon after appearing in 1989.⁹¹

In October 2021, several thousand Hong Kong university students were the first to take compulsory courses on Hong Kong's 2020 national security law (which punished the crimes of "secession," "subversion," "terrorism," or "collusion with foreign forces" with up to life in prison). The courses stressed the need for greater patriotism and included the history of Hong Kong and China, highlighting the subjugation of China by foreign powers in the past, and referencing the existence of national security laws in large democratic countries such as the United States and the United Kingdom.⁹²

During the November 2021 launch of Disney's streaming service in Hong Kong, it became known that an episode of the satirical animated sitcom *The Simpsons* that made references to the 1989 Tiananmen Square massacre was missing. In the episode, named "Goo Goo Gai Pan," the Simpsons visit Beijing, including Tiananmen Square where a sign reads: "On this site, in 1989, nothing happened" – a nod to official Chinese censorship of the massacre. They also visit the embalmed body of Mao Zedong, who is referred to as "a little angel that killed 50 million people." In October, Hong Kong's legislature had passed a new law banning films that violated China's national security interests.⁹³

[Break the Law](#)," *Guardian* (3 June 2022); "[Tiananmen: Six Held in Hong Kong on Anniversary of Massacre](#)," *BBC News* (5 June 2022); Oiwan Lam, "[Tiananmen Massacre Vigils Are Banned in Hong Kong, though Memorials Persist across the World](#)," *Global Voices* (5 June 2022).

⁹⁰ Reporters without Borders, *The Great Leap Backwards of Journalism in China* (Paris: RSF, 2021), 39; Amnesty International, *Report 2021/22: The State of the World's Human Rights* (London: AI, 2022), 130.

⁹¹ Chris Buckley, "[Rescuing China's Muzzled Past, One Footnote at a Time](#)," *New York Times* (25 July 2021).

⁹² Jessie Pang & Sara Cheng, "[New Hong Kong University Classes Set Out Dangers of Breaking Security Law](#)," *Reuters* (5 November 2021).

⁹³ "[The Simpsons: Tiananmen Episode Not Found in Hong Kong](#)," *BBC News* (29 November 2021).

On 22 December 2021, the University of Hong Kong (HKU) removed the Pillar of Shame statue from its campus and brought it to an undisclosed location. The statue, made by Danish sculptor Jens Galschiøt and installed in 1997, showed fifty anguished faces and tortured bodies piled on one another and had the texts “The Tiananmen Massacre,” “June 4th 1989,” and “The old cannot kill the young forever” engraved into its base. It had been a centerpiece of the annual 4 June vigil to commemorate the victims of the 1989 Tiananmen Square Massacre. In October, HKU had sent a letter to the Hong Kong Alliance in Support of Patriotic Democratic Movements in China [See above] demanding the removal of the Pillar of Shame statue from its campus ground before 13 October, citing safety reasons and “legal risks” under Hong Kong’s colonial-era Crimes Ordinance. The deadline passed without the sculpture being removed from the campus. Galschiøt had declared that he owned the sculpture (which was on permanent loan to the Alliance), saying on 12 November 2021 that he wanted to bring it back but fearing arrest under the national security law. He considered suing the authorities and demanding compensation. In the run-up to the 33rd anniversary of the massacre, activists assembled a new version of the Pillar of Shame in Taiwan.

On [23] December 2021, the Chinese University of Hong Kong (CUHK) tore down a Goddess of Democracy statue (modelled in 2010 after the original statue erected by Chinese students in 1989 and paraded in Tiananmen Square just before the 4 June crackdown), while Lingnan University removed a Tiananmen wall relief sculpture. Both universities, like HKU, cited “legal and safety risks” to explain the removals. On 28 February 2022, CUHK told USA-based Chen Weiming, the sculptor behind the Goddess of Democracy statue [See NCH *Annual Report 2011*], to bear all legal liability and costs if he wanted the statue back. In the run-up to the 2022 anniversary of the 1989 massacre, students at Hong Kong university hid tiny figures of a “democracy goddess,” modeled after the statue, around the campus.

In [January 2022], HKU covered up the “martyrs’ slogan” – a three-decade-old tradition in which HKU students would annually repaint a slogan in Chinese characters reading “The souls of the martyrs shall forever linger despite the cold-blooded massacre” in commemoration of the victims of the 1989 Tiananmen Square Massacre – on the HKU Swire Bridge.⁹⁴

⁹⁴ [“Hong Kong: University Orders Tiananmen Statue’s Removal,”](#) *BBC News* (8 October 2021); [“Hong Kong University Orders Removal of Tiananmen Square Massacre Statue,”](#) *Guardian* (9 October 2021); Mimi Leung, [“Tiananmen Sculpture Row a ‘Litmus Test for HE Autonomy,’”](#) *University World News* (14 October 2021); Reuters, [“Danish Sculptor Seeks Legal Protection to Pick Up Tiananmen Statue from Hong Kong,”](#) *Guardian* (12 November 2021); Rhoda Kwan & Vincent Ni, [“Outcry as Hong Kong University Memorial to Tiananmen Square Victims Is Removed,”](#) *Guardian* (23 December 2021); [“Pillar of Shame: Hong Kong’s Tiananmen Square Statue Removed,”](#) *BBC News* (23 December 2021); [“Hong Kong Universities Remove More Monuments Marking Tiananmen,”](#) *BBC News* (24 December 2021); Mimi Leung & Yojana Sharma, [“Removing Campus Tiananmen Artworks ‘Obliterates History,’”](#) *World University News* (5 January 2022); [“Hong Kong: One of City’s Last Tiananmen Square Memorials Covered Up,”](#) *BBC News* (29 January 2022); Hillary Leung, [“Chinese University of Hong Kong Tells Tiananmen Artist to Bear All Legal Liability and Costs If He Wants Statue Back,”](#) *Hong Kong Free Press* (17 March 2022); [“Artist Says University of Hong Kong May Allow Retrieval of Removed Tiananmen Statue, though Shunned by Crane Firms,”](#) *Hong Kong*

On 10 May 2022, Hui Po-keung, a cultural studies scholar at Lingnan University, Hong Kong, was arrested for “collusion with foreign forces” under the national security law while on his way to take up an academic post in Europe. Hui was a trustee of the 612 Humanitarian Relief Fund, which helped arrested democracy protesters pay for their legal and medical bills (and which was disbanded shortly before the arrest). In 2021, Lingnan University had dismissed Hui but declined to state a reason on personal privacy grounds. Hui had published several historical articles, such as “Comprador Politics and Middleman Capitalism” (1999) and, with others, “Historical Capitalism, East and West” (2003).⁹⁵

In June 2022, the authorities announced new textbooks that would teach students that Hong Kong had never been a British colony, but that the British only “exercised colonial rule,” a distinction intended to suggest China’s unbroken sovereignty over Hong Kong – a move mirroring previous decisions to deny the past independence of Xinjiang and Tibet. The United Kingdom had governed the area between 1841–1941 and from 1945 until 1997, after which it handed back the territory to China. Already in 2020, government museums had been forced to erase descriptions of Hong Kong as a British colony.⁹⁶

Xinjiang

To the list of historians and related professionals imprisoned since 2015 in Xinjiang [See NCH *Annual Report 2021*], the following should be added:

- In July 2009, Niyaz Kahar (Qahar) (1975–), a journalist and blogger, was detained by security officials in Urumqi. Kahar was the founder of the Uyghur language website Golden Tarim, where he authored articles on Uyghur history, politics and culture. In a closed trial, Kahar was sentenced to thirteen years in prison for “publish[ing] illegal news and propagate[ing] ideas of ethnic separatism on his website.” His family was only allowed to visit him for fifteen minutes every four months. In September 2015, his mother had warned that his health was deteriorating in prison.⁹⁷
- On 28 June 2015, the Chinese Communist Party (CCP) officially started an investigation into Alimjan Memtimin (1959-), a former Deputy Director General of the Xinjiang Education Department and high-profile local politician. On 28 February 2016, he was stripped of his CCP membership, and

Free Press (8 April 2022); [“Hundreds Gather in Taiwan to Mark Tiananmen Square Anniversary,”](#) *Guardian* (4 June 2022); Frances Mao, [“Tiananmen: Hong Kong Students Hide Tiny ‘Democracy Goddesses’ on Campus,”](#) *BBC News* (4 June 2022).

⁹⁵ [“Hong Kong Protest Defence Fund Trustee Hui Po-keung Arrested at Airport – Sources,”](#) *Hong Kong Free Press* (10 May 2022).

⁹⁶ Frances Mao, [“Hong Kong: New School Books Claim Territory Was Not a British Colony,”](#) *BBC News* (15 June 2022); Jemimah Steinfeld, [“Beijing Is Rewriting Hong Kong’s Handover History. We Must Not Allow It,”](#) *Index on Censorship* (21 June 2022).

⁹⁷ Congressional-Executive Commission on China, [China: List of Political Prisoners Detained or Imprisoned as of October 11, 2018 \(1424 cases\)](#) (October 2018), 539; [“Niyaz Kahar,”](#) *Shahit.biz* (1 January 2020).

sentenced to life in prison for assisting “separatist forces” by “distorting historical facts,” allegedly in connection to his role in producing Uyghur textbooks containing historical figures. He was listed together with Sattar Sawut, an editor at the Xinjian Education Department who was sentenced to death with a two-year reprieve in 2020, as a “two-faced” official plotting separatism [See NCH *Annual Report 2021*].

Details about the textbooks were presented in a 2 April 2021 documentary entitled “The War in the Shadows: Challenges of Fighting Terrorism in Xinjiang,” by CGTN (China Global Television Network, the overseas arm of state broadcaster CCTV, China Central Television) in a ten-minute segment. It included on-camera “confessions” by Memtimin and Sawut. The documentary claimed that the portrayal of revolutionary Uyghur leader Ehmetjan Qasimi (1914–1949) and Uyghur hero Gheni Batur (1902–1981) in textbooks for primary and middle schools constituted acts of terrorism and separatism, and that the story of the “Yette qizlirim” (Seven girls), telling of a local rebellion against the Qing Dynasty in eighteenth-century East Turkestan, was similarly “terroristic” in nature. The textbooks were published and republished only after high-level approval and not considered problematic until 2017. Kamaltürk Yalqun, the son of Yalqun Rozi, one of the detained textbook editors [See NCH *Annual Report 2021*], said that the passages highlighted by the government were about old historical tales and figures that had nothing to do with terrorism.⁹⁸

- In [2016], Peyzulla Ablimit, a history graduate from Xinjiang University, was detained, after having attempted to visit his wife and children in Turkey.⁹⁹
- On 19 July 2016, public security authorities detained Zhang Xiaoxiong and Dai Xuelin for selling and advertising banned books imported from Hong Kong and Taiwan, including *How the Red Sun Rose*, a history of the Chinese Communist Party. Zhang was sentenced to three and a half years and Dai to five years in prison.¹⁰⁰
- On 8 December 2016, Xiong Yingxue (pen name: Xiong Feijun), an independent scholar and blogger, was detained and kept in Hubei province until his release on bail on 13 January 2017. For the first weeks he was not allowed to see a lawyer. Xiong had authored several books about Chinese history and contemporary affairs.¹⁰¹

⁹⁸ “[Alimjan Memetimin](#),” *Shahit.biz* (18 May 2021); “[China Condemns 2 Ex-Xinjiang Officials in Separatism Cases](#),” *AP News* (7 April 2021); Huizhong Wu, “[A Uyghur Gets Death Sentence, as China Bans Once OK’d Books](#),” *AP News* (1 February 2022); Uyghur Human Rights Project, *Briefing: The Disappearance of Uyghur Intellectual and Cultural Elites* (Washington, UHRP, 2021), 14–15; Bradley Jardine, *Great Wall of Steel: China’s Global Campaign to Suppress the Uyghurs* (Washington: Wilson Center, 2022), 7–8.

⁹⁹ Jilil Kashgary, “[Four Uyghurs Facing Persecution After Deportation by Saudi Arabia to China Identified](#),” *Radio Free Asia* (16 October 2020); “[Peyzulla Ablimit](#),” *Shahit.biz* (20 February 2021).

¹⁰⁰ Congressional-Executive Commission on China, [China: List of Political Prisoners Detained or Imprisoned as of October 11, 2018 \(1424 cases\)](#) (October 2018), 271.

¹⁰¹ Congressional-Executive Commission on China, [China: List of Political Prisoners Detained or Imprisoned as of October 11, 2018 \(1424 cases\)](#) (October 2018), 303.

- In 2017, Tursunjan Hezim, a former high school history teacher and author of several articles on Uyghur history and local regional history, was again detained [See NCH *Annual Report 2011*]. His whereabouts were unknown.¹⁰²
- In 2017, Akber Ebeydulla (Ekber Abaidulla), a history researcher and former official with the Kashgar Department of Cultural Heritage, was interned, allegedly because he had been “too proud” while explaining Uyghur cultural heritage to foreigners. Ebeydulla had received multiple awards for his work at both the prefectural and regional levels.¹⁰³
- In [2017], historian, calligrapher, and theologian Ehmetjan [Exmet] Momin Tarimi was detained. Momin was the director and senior editor at the historical cultures department of the Xinjiang People’s Press, the author of *Statement on the History of Uyghur Historiography* (2014) and *Uchturpan: The Pearl on the Silk Road* (2015) and more than seventy articles, and translator of more than thirty books into Uyghur (including the *General History of the World* and the banned *Ruining the Pipe Dream of the East Turkestan State* (2007), written in Chinese by Ma Dazheng and Shu Jianying). Tarimi had participated in various international conferences in Germany and Turkey before his detention. He was simultaneously pursuing a Ph.D. in history at Nanjing University, nearly completing a doctoral dissertation on Yaqub Beg (1820–1877), a statesman who established an independent state called the Kingdom of Kashgaria in 1864.¹⁰⁴
- In 2017, Abbas Muniyaz ([1966/7]-), a writer of more than twenty books about Uyghur literature and history, was allegedly detained in Urumqi.¹⁰⁵
- In April 2017, Abdugheni Abdulla, a bookstore owner in Kashgar, was allegedly sentenced to seven years in a closed trial. The official verdict remained unknown, but his bookstore was searched after his arrest, suggesting that his arrest was related to the selling of banned books, including the historical novels *Iz* and *Oyghnaghan Zemin*. Around the same time, his son and co-owner of the store, Mawlanjan Abdugheni was also arrested.¹⁰⁶
- In May 2017, Ehmetjan Jume, a political scientist and director of the Konashcher No. 1 High School in Kashgar, was detained for two years at a camp in Opal Township, after which he was sentenced to

¹⁰² Nabijan Tursun & Rachel Vandenbrink, “[Uyghur Historian Given 7 Years](#),” *Radio Free Asia* (6 March 2011); “[Uyghur Website Editor Sentenced in Secret in China](#),” *Committee to Protect Journalists* (10 March 2011); *Ifex Alert* (11 March 2011); PEN, *Half-Yearly Caselist To 30 June 2011* (London: PEN, 2011), 45; International PEN, *Caselist – January to June 2012* (London: PEN, 2012), 28–29; Uyghur World Congress, “[Tursunjan Hezim](#)” (4 August 2011); Pen International Writers In Prison Committee, *Caselist* (January–December 2014), 142; Uyghur Human Rights Project, *The Persecution of the Intellectuals in the Uyghur Region: Disappeared Forever?* (October 2018); “[Tursunjan Hezim](#),” *Shahit.biz* (2 October 2020).

¹⁰³ Shohret Hoshur & Joshua Lipes, “[Uyghur Detainee in BBC Video Report on Xinjiang Camps Identified as Cultural Official](#),” *Radio Free Asia* (29 July 2019); Abduweli Ayup, “[List of Uyghur Intellectuals Imprisoned in China from 2016 to the Present](#)” (13 March 2021).

¹⁰⁴ “[Ehmetjan Momin](#),” *Shahit.biz* (11 April 2021); Uyghur Human Rights Project, *Briefing: The Disappearance of Uyghur Intellectual and Cultural Elites* (Washington, UHRP, 2021), 11–13.

¹⁰⁵ Uyghur Human Rights Project, *The Persecution of the Intellectuals in the Uyghur Region: Disappeared Forever?* (October 2018); “[Abbas Muniyaz](#),” *Shahit.biz* (2 October 2020).

¹⁰⁶ “[Mawlanjan Abdugheni](#),” *Shahit.biz* (21 April 2019); “[Abdugheni Abdulla](#),” *Shahit.biz* (10 April 2020).

approximately fourteen years in prison. Jume was the author of multiple high-school textbooks, including *The World and Me*, *Society and Me*, and *History and Me*. In 2006, he was detained for a month, during which he was allegedly tortured. Between July and November 2009 he had been detained again after having tried to get a visa for the United States.¹⁰⁷

- On 17 May 2017, Zhazira Qalyasqar was detained and sentenced to ten years in prison for keeping books about Kazakh history at her house and listening and reading speeches and books from Kazakh activists.¹⁰⁸
- In July 2017, Abdusemet Muhemmedomer, a history student at Al-Azhar university in Egypt, disappeared after having been deported back, presumably to Kashgar. He had been studying in Egypt for ten months before his deportation.¹⁰⁹
- In October 2017, Reyhangul Imam ([1987/8]–), a history teacher at Kizilsu No. 1 High School was detained, and in March 2018 sentenced to twelve years in prison.¹¹⁰
- On 15 November 2017, public security officials detained Ye Jianke, Zhang Yunfan, Sun Tingting, and Zheng Yongming for attending a book club at Guangdong University of Technology in the Panyu district. Participants had discussed Chinese politics and history, including the 1989 Tiananmen Square Massacre. Four other participants were placed on a fugitive list.¹¹¹
- Since December 2017, Qurban Mahmut ([1950]–), who had been the vice chief editor of *Xinjiang Civilization* (1985–2011) in charge of selecting for publication the most influential works on Uyghur culture, politics and history, was believed to have been detained.¹¹²
- In January 2018, Azat Sultan (1950–), former Vice President of the Chinese Uyghur Historical and Cultural Scientific Association and author of *History of 20th Century Uyghur Literature*, was detained, allegedly for having displayed “two-faced tendencies.” He was released in May 2019.¹¹³
- In February 2018, Feng Siyu ([1994/5]–) was sentenced to two years in prison. One year before, in February 2017, she had returned to Xinjiang University’s Minorities Folklore Research Center to work as a translator with Rahile Dawut ([1966]–), the Center’s founder [See NCH *Annual Report 2021*]. Feng

¹⁰⁷ Shohret Hoshur & Joshua Lipes, “[Uyghur School Director, Brother of RFA Reporter Jailed For 14 Years After Stint in Xinjiang Camp](#),” *Radio Free Asia* (3 May 2021); “[Ehmetjan Jume](#),” *Shahit.biz* (15 June 2021).

¹⁰⁸ “[Zhazira Qalyasqar](#),” *Shahit.biz* (21 March 2019).

¹⁰⁹ Uyghur Human Rights Project, [Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland](#) (March 2019); “[Abdusemet Muhemmedomer](#),” *Shahit.biz* (16 February 2021).

¹¹⁰ “[Reyhangul Imam](#),” *Shahit.biz* (16 June 2021).

¹¹¹ Congressional-Executive Commission on China, [China: List of Political Prisoners Detained or Imprisoned as of October 11, 2018 \(1424 cases\)](#) (October 2018), 167, 172.

¹¹² PEN International, [PEN International Case List 2020](#) (London: PEN International, 2021), 86.

¹¹³ Shohret Hoshur & Joshua Lipes, “[Five Uyghur Professors from Xinjiang University Held in Political ‘Re-education Camps’](#)” *Radio Free Asia* (18 September 2018); Shohret Hoshur & Joshua Lipes, “[Uyghur Former Xinjiang University Vice President Detained For ‘Two-Faced’ Tendencies](#),” *Radio Free Asia* (24 September 2018); “[Azat Sultan](#),” *Shahit.biz* (1 July 2021).

had studied history at Amherst College, Massachusetts, and Uyghur at Indiana University in the United States. Her current whereabouts were unknown.¹¹⁴

The government systematically attempted to destroy Uyghur heritage sites [See NCH *Annual Report 2020*]. Many mazars (sacred sites, often graves) had been destroyed since 2018. For more than two decades, the authorities had prevented mass pilgrimages (seyla) to the mazars and had closed the sites off for religious worship. Somewhere between 10 and 17 March 2018, the mazar of Imam Je'firi Sadiq, a founding father of Islam, in Niya was demolished. Satellite images further indicated the destruction of the Ordam Padishah mazar in Yengisar, the biggest in Xinjiang. Sometime between December 2017 and April 2019 the khaniqah (Sufi meeting place) and all other buildings of the Imam Ashim shrine in Hotan were torn down, leaving only the tomb of Imam Asim (Hashim), one of the first Islamic missionaries in China (ca. 1000 CE).

In addition, authorities destroyed more than a hundred Uyghur graveyards, including many smaller mazars that lay adjacent to them (as people often wanted to be buried near the mazar sites), with the sites having been turned into parks or parking lots, or remaining empty. In 2019, the Sultanim Maziri cemetery in Hotan, named after four commanders of the Kashgar Kara-Khanid Khanate (840–1212 CE) who had conquered Hotan and spread Islam in the then-Buddhist kingdom and were buried there around 960 CE, was destroyed and turned into a parking area. The gravesite of the Uyghur poet and journalist Lutpulla Mutellip (1922–1945), one of the most important figures in modern Uyghur literature, was razed and made into a theme park [See NCH *Annual Report 2021*].

Thousands of mosques were either razed or transformed into restaurants or hotels, including the most important mosques of Karghalik and Keriya, as part of a “rectification” campaign that had demolished nearly seventy percent of mosques in the city of Kashgar, since late 2016, and an unknown number of mosques in other parts of Xinjiang. In October 2019, the Uyghur Human Rights Project presented evidence of the complete or partial destruction of over hundred mosques by the authorities, citing a report of the destruction of 5,000 mosques in three months as part of the 2016 Mosque Rectification Program. In 2019, authorities in Ghulja leased the city’s oldest mosque (the “Uzbek Mosque”) to a Han-Chinese businessman from Beijing, who turned it into a hotel. In August 2020, the Tokul mosque was demolished to make room for a public toilet in the city of Atush. In the same month, the construction of a Hampton hotel started in Hotan, on the site of a razed mosque. In October, *Asahi Shimbun* reported that several mosques in Urumqi and Kashgar had been turned into restaurants for tourists [See NCH *Annual Report 2021*].

Authorities also removed a number of statues. Sometime between November 2019 and December 2020, the statue of Mahmud Kashgari (1005–1102), one of most important scholars of the Turkic world

¹¹⁴ Yael Grauer, “[Revealed: Massive Chinese Police Database](#),” *The Intercept* (29 January 2021); “[Feng Siyu](#),” *Shahit.biz* (2 June 2021).

who had compiled the “Grand Turkish Dictionary,” was removed from the grounds of a mazar dedicated to him in Kashgar. The move came after a statue by Ghazibay (460–375), a pioneer of Uyghur medical science, had been taken down in front of the Hospital of Uyghur Medicine in Urumqi between October 2017 and March 2018. The site had thereafter been used for flag-raising ceremonies, the singing of patriotic songs and other forms of compulsory Chinese Communist Party–led education. In July 2017, the statue of Hussayn Khan Akbar Tejelli (1856–early 20th century), an Uyghur poet and medical scholar, was taken away from the grounds of the Kargilik County Hospital of Uyghur Medicine in Kashgar. At the same time, authorities built new heritage sites, commemorating historical periods that fitted the official Han-dominated narrative.¹¹⁵

Through a policy known as “becoming family,” government officials were reportedly sent to stay in Uyghur homes to control bans on cultural practices (e.g., owning Uyghur-language books or wearing traditional clothing).

In 2022, a huge cache of documents including more than 5,000 photographs of Uyghurs taken between January and July 2018 and hacked from police computer servers in Xinjiang was published under the name “Xinjiang Police Files” by a consortium of fourteen media organizations. The documents provided evidence for a policy targeting almost any expression of Uyghur identity, culture or Islamic faith – and of a chain of command running all the way up to President Xi Jinping. One official document reportedly described the purpose of the so-called “re-education centers” built since 2014 as to “break their lineage, break their roots, break their connections, and break their origins.”¹¹⁶

On 9 January 2022, Haji Mirzahid Kerim [Kerimi] ([1939/40]–2022), a writer and retired editor at Kashgar Uyghur Press, died while serving a prison sentence, reportedly in the hospital after an incident

¹¹⁵ Lily Kuo, “[Revealed: New Evidence of China’s Mission to Raze the Mosques of Xinjiang](#),” *Guardian* (7 May 2019); Bahram Sintash, “[China Destroyed a One Thousand Years Old Cemetery Along With Others in XUAR in March 2019](#),” *Uyghur Cultural Heritage Preservation* (1 July 2019); “[Satellite Images Reveal China Is Destroying Muslim Graveyards Where Generations of Uighur Families Are Buried and Replacing Them with Car Parks and Playgrounds ‘to Eradicate the Ethnic Group’s Identity’](#),” *Daily Mail* (9 October 2019); “[UHRP Report: Demolishing Faith: The Destruction and Desecration of Uyghur Mosques and Shrines](#),” *Uyghur Human Rights Project* (28 October 2019); Bahram Sintash, *Demolishing Faith: The Destruction and Desecration of Uyghur Mosques and Shrines* (Uyghur Human Rights Project: Washington, 2019), 2; Rian Thum, “[The Spatial Cleansing of Xinjiang: Mazar Desecration in Context](#),” *Made in China* (24 August 2020); Bahram Sintash & Joshua Lipes, “[Xinjiang Authorities Remove Statue of Revered Uyghur Scholar Mahmut Kashgari](#),” *Radio Free Asia* (2 December 2020); Mihray Abdilim & Joshua Lipes, “[Mosque in Xinjiang’s Ghulja City Repurposed as Hotel](#),” *Radio Free Asia* (29 April 2021); Sophia Yan, “[Hilton Hotel to Be Built in Xinjiang after China Bulldozes Mosque](#),” *The Telegraph* (12 June 2021); Magnus Fiskesjö, “[Bulldozing Culture: China’s Systematic Destruction of Uyghur Heritage Reveals Genocidal Intent](#),” *Cultural Property News* (23 June 2021); Dale Berning Sawa, “[‘This Is Our Voice’: The Uyghur Traditions Being Erased by China’s Cultural Crackdown](#),” *Guardian* (10 December 2021).

¹¹⁶ Ben Dooley, “[Inside China’s Internment Camps: Tear Gas, Tasers and Textbooks](#),” *AFP* (25 October 2018); Dale Berning Sawa, “[‘This Is Our Voice’: The Uyghur Traditions Being Erased by China’s Cultural Crackdown](#),” *Guardian* (10 December 2021); John Sudworth, “[The Faces from China’s Uyghur Detention Camps](#),” *BBC News* (24 May 2022).

in which he had “jumped and fell.” In [November 2018], he had been sentenced to eleven years in prison, despite a serious health condition, reportedly for writing about Uyghur history and historians and for a speech on an event which was dedicated to his life [See NCH *Annual Report 2021*].¹¹⁷

See also Cambodia, Czech Republic, Japan, Lithuania, United States, Vietnam.

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2021.

On 18 October 2021, the Inter-American Court of Human Rights ruled that journalist Jineth Bedoya suffered “grave verbal, physical and sexual aggression” for which the state was responsible. On 25 May 2000, Bedoya had been abducted in Bogotá, after which she was tortured and raped. In March 2021, during the hearing of Bedoya’s testimony, the government had withdrawn its representatives and objected to five of the six judges, but resumed participation after widespread backlash. A [2021] report by the National Center of Historical Memory estimated that more than 13,500 women had been victims of sexual violence between 1985 and 2016.¹¹⁸

On 28 June 2022, the Commission for Clarification of the Truth, Coexistence and Non-Repetition (CEV) – established as a result of the 2016 peace accords reached between the government and the largest rebel group, Revolutionary Armed Forces of Colombia (FARC) – launched its report on the causes and consequences of Colombia’s conflict (1948–2016). The report made recommendations about the role of the security forces, denouncing the concept of the “internal enemy” and the systematic victimization of the political left, and condemning decades of punitive counternarcotics programs pushed and backed by the United States.¹¹⁹

See also Cuba.

¹¹⁷ Shohret Hoshur, “[Elderly Former Editor of Uyghur Publishing House Jailed Over ‘Problematic’ Books, Speech](#),” *Radio Free Asia* (28 November 2018); Simina Mistreanu, “[The Capital of Xinjiang Is Now in Turkey](#),” *Foreign Policy* (30 September 2019); Uyghyr Yardem, “[Detained & Imprisoned Literary Artists](#),” Shohret Hoshur & Joshua Lipes, “[Prominent Uyghur Poet and Author Confirmed to Have Died While Imprisoned](#),” *Radio Free Asia* (25 January 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2021), 163.

¹¹⁸ Joe Parkin Daniels, “[Colombia Found Responsible for 2000 Kidnap and Torture of Journalist](#),” *Guardian* (19 October 2021).

¹¹⁹ Michael Evans (ed.), “[‘There is Future if There Is Truth’: Colombia’s Truth Commission Launches Final Report](#),” *National Security Archive* (28 June 2022).

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2021.

In August 2021, the government of President Felix Tshisekedi established a commission tasked with delivering a roadmap for transitional justice, but it had yet to fully commit to ending impunity for past and current serious crimes. Military courts and other tribunals adjudicating cases of war crimes and crimes against humanity had made little progress [See NCH *Annual Report 2021*].¹²⁰

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012, 2019.

COSTA RICA

Previous *Annual Report* entries: 2010.

See Honduras, Nicaragua.

CÔTE D’IVOIRE

See Ivory Coast.

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2013, 2015–2021.

In January 2021, politician-turned-writer Vladimir Šeks sued the Croatian state before the European Court for Human Rights (ECHR), because he had been denied access to transcripts of conversations from former President Franjo Tuđman (1922–1999; in office between 1990 and 1999) that he needed

¹²⁰ Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2021), 200.

for a book he was writing on the foundation of modern Croatia, and the disclosure of which was in the public interest. Šeks had been denied access to the documents that were held in the Office of the President of Croatia, on the grounds that they were a state secret – a decision confirmed by Croatia’s Administrative and Constitutional Courts. On 3 February 2022, the ECHR ruled that there had been no violation of Šeks’s right to free expression, including to receive and impart information and ideas without interference by public authority – because the “interference with the applicant’s freedom of access to information had been necessary and proportionate to the important aim of national security.”¹²¹

On 23 November 2021, the parliamentary committee for war veterans’ affairs endorsed a proposal to establish a military graveyard in Zagreb for Ustaša and Home Guard soldiers who fought for the Independent State of Croatia (1941–1945), a puppet state of the Axis powers, and to describe them as members of the Croatian army. The proposal was condemned by anti-Fascist organizations and some committee members. Approximately 380,000–400,000 people were killed by the Ustaše regime.¹²²

On 14 June 2022, Chief Prosecutor of the International Residual Mechanism for Criminal Tribunals Serge Brammertz criticized the government for blocking justice and failing to cooperate with prosecutors in Bosnia and Herzegovina and Serbia over crimes committed during the Yugoslav wars of succession (1991–1995), reporting that “there is a widespread impression that in Croatia there is a will to pursue justice for Croatian victims but not for victims of other ethnicities.”¹²³

See also Serbia.

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012, 2015–2016, 2018, 2021.

On 4 February 2021, art historian and anti-censorship activist Carolina Barrero was arrested after she had handed in a demand, signed by 1252 artists and intellectuals, for the dismissal of Minister of Culture Alpidio Alonso the day before. She was released the same day after a long interrogation. On 6 February,

¹²¹ European Court of Human Rights, [Case of Šeks v. Croatia](#) (Application no. 39325/20) (3 February 2022); Matea Grgurinovic, “[ECHR Backs Croatia’s Right to Keep Tadjman Documents Secret](#),” *Balkan Insight* (3 February 2022).

¹²² Matea Grgurinovic, “[Croatian Anti-Fascists Criticise Memorial Graveyard for Nazi-Allied Troops](#),” *Balkan Insight* (25 November 2021).

¹²³ International Residual Mechanism for Criminal Tribunals, [Address of Mr. Serge Brammertz, Prosecutor, International Residual Mechanism for Criminal Tribunals, to the United Nations Security Council, 14 June 2022](#) (14 June 2022), 3.

she was again summoned and interrogated for the alleged crime of “clandestine printing.” She was accused of making and disseminating drawings of José Martí (1853–1895), a writer and national hero of the nineteenth-century liberation movement, wearing a shirt with stars. She was urged to return to Spain, where she resided, and her house in Old Havana was searched. The printed drawings of Martí and some pages with signatures demanding Alonso’s resignation were seized. She could face up to nine months in prison. On 25 March 2021, the case was shelved.¹²⁴

On [24] June 2022, Luis Manuel Otero Alcantará, a prominent member of the artistic collective Movimiento San Isidro, was sentenced to five years’ imprisonment for, among others, defamation of the national flag. In February 2022, he had been charged with “insulting national symbols” for his 2019 performance *Drapeau*, in which he carried the national flag with him 24 hours a day for a month. In March 2020, the National Symbols Law had taken effect, restricting the use of national symbols to developing “patriotic awareness” and “veneration” for the “historical tradition of the nation” [See NCH *Annual Report 2021*].¹²⁵

On 25 June 2022, art historian and political activist Omara Ruiz Urquiola ([1973]–) was forbidden re-entry in Cuba after a stay of eighteen months in the United States for cancer treatment. In July 2019, she had been dismissed as a lecturer in Cuban culture and the history of design at the Instituto Superior de Diseño (Higher Institute of Design) of the University of La Habana. In the summer of 2020 she had co-founded the Observatorio de Libertad Académica (Academic Freedom Observatory) in Bogotá together with researchers from the Universidad Sergio Arboleda in Colombia with the purpose of documenting human rights violations against students and academics in Cuba since 1959 (when Fidel Castro took power). In late 2020, she had participated in the protests of artists of the Movimiento San Isidro to ask for respect for human rights [See above].¹²⁶

¹²⁴ [“Cuban Activist Arbitrarily Arrested over a Letter Calling for the Resignation of Alpidio Alonso as Minister of Culture,”](#) *Democratic Spaces* (4 February 2021); [“The Political Police Threaten Carolina Barrero and ‘Advise’ Her to Leave Cuba,”](#) *Translating Cuba* (8 February 2021); [“The Case in Cuba against Carolina Barrero for ‘Clandestine Printed Matter’ Has Been Shelved,”](#) *Translating Cuba* (25 March 2021).

¹²⁵ [“Cuban Court Sentences Two Dissident Artists to Prison Terms,”](#) *Al Jazeera* (24 June 2022); [“Prison or Exile: Cuba’s Systematic Repression of July 2021 Demonstrators,”](#) *Human Rights Watch* (11 July 2022).

¹²⁶ Valentina Oropeza Colmenares, [“Omara Ruiz Urquiola, la profesora a la que Cuba no deja regresar,”](#) *BBC News* (7 July 2022).

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011, 2013, 2015–2018, 2021.

On 6 September 2021, the Ministry of Education sent an instruction urging all English teachers to tear out page 36 from the *English Oxford Discover Futures 3 Workbook* before handing it out to second-grade lyceum students. The text on page 36 presented Mustafa Kemal Atatürk (1881–1938), Turkey’s founder and first president (1923–1938), as “Turkey’s most important hero.” The ministry called the text “unacceptable” because it praised Atatürk as an example of leadership, citing crimes against minorities, such as Armenians, Pontians and Assyrians, and the “ethnic cleansing” of Hellenism in Smyrna and elsewhere. After a wave of criticism, including from secondary education teachers’ union Oelmek, the ministry decided on 8 September to withdraw the textbook altogether.¹²⁷

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010, 2013–2021.

In November 2021, head of the presidential office Vratislav Mynář allegedly ordered the shredding of classified intelligence documents related to the 2014 sabotage of a munition depot in Vrbětice by Russian military intelligence officers that killed two people. President Miloš Zeman was considered one of the European Union’s most Kremlin-friendly leaders.¹²⁸

In late May 2022, a panel on memory politics in China hosting Zhou Fengsuo, a student who had participated in the 1989 Tiananmen Square protests and number five on China’s most wanted list, and dissident artist Badiucao was interrupted when the Chinese embassy called the event’s curator threatening that the event would damage Czech–Chinese relations. The curator ignored the call.¹²⁹

See also Slovakia.

¹²⁷ Stavros Nikolaou, “[Ministry Withdraws Textbook over Ataturk Reference \(Update 3\)](#),” *Cyprus Mail* (8 September 2021).

¹²⁸ Tony Wesolowsky, “[Czech PM’s Remarks on 2014 Blasts Trigger Outrage, Underscore Split over Russia Ties](#),” *RFE/RL* (20 April 2021); Ian Willoughby, “[Zeman’s Office Chief Personally Ordered Shredding of Sought Documents](#),” *Radio Prague International* (28 March 2022).

¹²⁹ Jemimah Steinfeld, “[China’s Fifth Most Wanted Democracy Advocate Looks Back at Tiananmen](#),” *Index on Censorship* (1 June 2022).

DENMARK

Previous *Annual Report* entries: 2006–2007, 2013, 2016–2020.

On 15 February 2022, Danish Prime Minister Mette Frederiksen delivered a final apology in Nuuk, Greenland, for Denmark’s role in an experiment in which twenty-two Greenland Inuit children aged 4 to 9 were taken away from their families to raise them in Denmark in 1951, with the aim of creating a new Greenlandic elite by raising the children with a Danish mindset and returning them to Greenland to act as role models for other children. In December 2020, Denmark had issued a written apology for its role in the experiment following an investigation published a month prior. Six children of the experiment who were still alive had sued Denmark for violating their privacy. The parties settled the case in February, with Denmark paying each of them about \$37,000.¹³⁰

DJIBOUTI

Previous *Annual Report* entries: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: 2013.

¹³⁰ Lasse Sørensen, “[Denmark Issues Final Apology for 1950s Social Experiment on Inuit Children from Greenland](#),” *Courthouse News* (15 March 2022).

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2021.

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2021.

On 11 July 2021, security forces arrested Alia Mosallam, a historian and postdoctoral fellow at the Alexander von Humboldt Foundation, Germany. Flown to Cairo from Berlin with her husband and three children, she was held at the airport for seventeen hours and interrogated several times by intelligence officers. No official reason was given by the security services for her detention.¹³¹

In February 2022, authorities took a collection of Jewish documents from the al-Basatin cemetery, believed to be the second-oldest Jewish cemetery in the world dating back to the ninth century, without following the normal procedures and without consulting representatives from the Jewish community. Authorities claimed that they were afraid that the documents might otherwise be smuggled out of Egypt.¹³²

See also China, Morocco.

EL SALVADOR

Previous *Annual Report* entries: 2001–2021.

On 31 August 2021, the Legislative Assembly approved changes to the Law of Judicial Careers and the Organic Law of the Attorney General's Office without the required plenary debate. The law would force judges and prosecutors to retire once they turned sixty or after completing thirty years of service, affecting one-third of all judges and dozens of prosecutors. One of the judges forced to retire in September 2021 was Jorge Guzmán, who led the trial of the 1981 El Mozote Massacre [See NCH

¹³¹ "[Egyptian Academic Briefly Detained upon Arrival at Cairo Airport](#)," *Middle East Eye* (12 July 2021); Ebby Abramson, "[Alia Mosallam, Egyptian Academic Detained upon Arrival at Cairo Airport](#)," *Endangered Scholars Worldwide* (20 July 2021).

¹³² Batya Jerenberg, "[Egyptian Authorities Confiscate Valuable Jewish Archives in Cairo](#)," *World Israel News* (27 March 2022).

Annual Report 2021]. His removal was likely to cause further delays in the trial. Throughout 2020, the government of President Nayib Bukele had repeatedly denied Guzmán to access military operation files related to the massacre.

On 14 October 2021, the Inter-American Commission on Human Rights (IACHR) presented a report on the human rights situation in El Salvador in which it urged the government to increase its efforts to fight impunity, provide reparation, make every effort to search for missing people and guarantee access to archives, all in relation to the Civil War (1979–1992). In March 2021, victims of the 1981 El Mozote massacre had reported to the IACHR that the authorities refused to provide access to the military archives despite a November 2019 promise to open them [See NCH *Annual Reports 2008, 2012–2013, 2015, 2017, 2019–2021*].¹³³

On 25 February 2022, a court filed charges against former President Alfredo Cristiani (in office between 1989–1994) for alleged involvement in the 1989 massacre of six Jesuit priests, their housekeeper and her daughter [See NCH *Annual Reports 2009, 2012, 2017–2018, 2021*].¹³⁴

EQUATORIAL GUINEA

Previous *Annual Report* entries: 2019.

ERITREA

Previous *Annual Report* entries: 2008, 2016, 2018.

See Ethiopia.

¹³³ Rhina Guidos, “[After Outcry, Salvadoran Archbishop Will Grant Access to Archive on Massacre](#),” *National Catholic Reporter* (22 January 2021); “[Bukele Purges Judiciary](#),” *El Faro English* (1 September 2021); Inter-American Commission on Human Rights, *Situation of Human Rights in El Salvador* (14 October 2021); Organization of American States, “[IACHR Presents Report on the Situation of Human Rights in El Salvador](#),” (2 November 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: Human Rights Watch, 2022), 223; Amnesty International, *Report 2021/22: The State of the World’s Human Rights* (London: AI, 2022), 158.

¹³⁴ “[El Salvador Court Orders Arrest of Former President over 1989 Priest Massacre](#),” *Guardian* (12 March 2022).

ESTONIA

Previous *Annual Report* entries: 2007, 2010, 2015, 2017.

ETHIOPIA

Previous *Annual Report* entries: 1998–2011, 2015–2021.

Between November 2020 and April 2021, the government’s military operation in Tigray, which was bolstered by troops from neighboring Eritrea, led to attacks on twelve churches and mosques, among others. The sixth-century Debre Damo monastery was among the sites Eritrean troops allegedly looted of its old manuscripts and other cultural treasures. When in its turn the Tigray People’s Liberation Front (TPLF) took control of several key towns in the Amhara region in August 2021, a number of churches in the region of Lalibela were looted for money, food and ancient manuscripts. The fifth-century church of Checheho Medhanialem was damaged after coming under heavy artillery fire from the TPLF.¹³⁵

Following the 1 April 2022 decision of the United Nations Human Rights Council to deploy an independent investigation team into the mass killings during the civil war which broke out in November 2020, Amhara security forces and militia, which occupied western Tigray, were identified as digging up fresh mass graves, exhuming hundreds of bodies, burning them and then transporting what remained out of Tigray. Witnesses said the campaign of the disposal of evidence of ethnic cleansing started on 4 April 2022 and was supervised by experts from Gondar University.¹³⁶

¹³⁵ Fasikaw Menberu & Farouk Chothia, “[Ethiopia Tigray Crisis: From Monk to Soldier – How War Has Split a Church](#),” *BBC News* (3 October 2021).

¹³⁶ Lucy Kassa, “[Ethiopia War: Evidence of Mass Killing Being Burned – Witnesses](#),” *BBC News* (7 May 2022).

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012, 2017, 2020.

On 28 October 2021, the government appointed a five-member Truth and Reconciliation Commission to examine historical and current injustices suffered by the indigenous Sámi people, including the Finnish state's assimilation policy and violations of the indigenous community's rights, as part of a process that had started in 2017. Its final report was due on 23 November 2023 [See NCH *Annual Reports 2017, 2020*].¹³⁷

See also Russia.

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2014, 2016–2018, 2020–2021.

In March 2021, the Duclert commission, established to review state archives concerning France's role and engagement in Rwanda between 1990 and 1994, published its final report. It found that, although not an accomplice to the genocide, France bore responsibility for its blindness to the preparation for a genocide and its slowness to break with the regime responsible for it. President Emmanuel Macron acknowledged France's responsibility and sought forgiveness from the Rwandan people. In April, the Muse Report, commissioned by the Rwandese government, went further, stating that France bore "significant responsibility for having enabled a foreseeable genocide."¹³⁸

On 2 July 2021, the Council of State annulled Interministerial General Instruction No. 1300, which blocked access to public archives more than fifty years old on national security and national defense

¹³⁷ "[Finland Appoints Sámi Reconciliation Commission to Investigate Indigenous Injustices](#)," *YLE News* (30 October 2021); Prime Minister's Office, "[Background of the Truth and Reconciliation Commission](#)" [no date].

¹³⁸ Amnesty International, *Report 2021/22: The State of the World's Human Rights* (London: AI, 2022), 315–316.

grounds, thus giving priority to the 2008 Code du patrimoine (heritage code) which stipulated that after fifty years all archival documents pertaining to the French state (except a few categories such as information on weaponry and on secret agents) should enter the public domain without any conditions. However, on 30 July 2021 a law on the prevention of terrorist acts and on intelligence contained a new declassification procedure for all documents classified since 1934. Moreover, on 9 August 2021, Instruction générale interministérielle sur la protection du secret de la défense nationale (General Interministerial Instruction on the Protection of National Defense Secrecy) No. 1300/SGDSN/PSE/PSD was reissued, which, citing national security concerns, particularly stifled access to archives on the history of colonialism, World War II, and the development of nuclear forces [See *NCH Annual Report 2021*].

On 6 April 2022, the Association des archivistes français (Association of French Archivists), Historiennes et historiens du contemporain (Contemporary Historians) and l'Association Josette et Maurice Audin expressed their dissatisfaction over the 30 July law and its application decree 2022–406 signed on 21 March 2022, stating that they would further complicate archival access in opposition to the Council of State's ruling and the public announcements of President Emmanuel Macron. They further noted that they would make some documents that currently had declassification limits between fifty and hundred years remain closed for the public indefinitely, that the Commission d'accès aux documents administratifs (CADA; Commission for Access to Administrative Documents), an independent commission responsible for ensuring freedom of archival access, would be turned into a useless but obligatory and time-consuming administrative mechanism, and that writing about the history of the security services and security politics would become impossible.¹³⁹

On 11 August 2021, the stone memorial commemorating the life of the former minister and Holocaust survivor Simone Veil (1927–2017) in Perros-Guirec, Western Brittany, was defaced with swastikas.

¹³⁹ Conseil d'État, "[L'accès aux archives 'secret-défense' doit être possible sans procédure préalable une fois expirés les délais légaux de non-communication](#)," ([2] July 2021); Conseil d'État, [Association des archivistes français, Association des historiens contemporanéistes de l'enseignement supérieur et de la recherche, Association Josette et Maurice Audin and others versus Prime Minister: Decision](#) (2021); "[Communiqué de presse: Réaction du Collectif 'Accès aux archives publiques' à l'annulation de l'Instruction Générale Interministérielle n° 1300 par le Conseil d'État](#)," *Association des Archivistes Français* (6 July 2021); "[Instruction générale interministérielle sur la protection du secret de la défense nationale No. 1300/SGDSN/PSE/PSD](#)" (9 August 2021); "[AHA Statement Concerning Access to French Archives](#)" (press release; 23 November 2020); "[Declassification of Archives over 50 Years Old: Not Everything Is Unlocked for Historians](#)," *Teller Report* (10 March 2021); Jürgen Finger, "[CFP \(Conference\): Strategies of Blockade: Access to Archive Records in France and Germany in an International Perspective](#)," *H-German* (13 July 2021); Sylvie Braibant, "[L'accès aux archives continue à être entravé: Les images de la rencontre 'L'accès aux archives publiques, un enjeu citoyen' du 13 septembre 2021](#)," *Histoire coloniale et postcoloniale* (16 November 2021); "[Communiqué de presse: Des Paroles ... et des actes](#)," *Association des archivistes français* (19 April 2022).

The memorial had been daubed twice earlier that week with mustard and excrement. The defacement was seen as part of a worrying increase in anti-Semitic incidents in France.¹⁴⁰

On 13 September 2021, a statue of Modeste Testas (1765, Eastern Africa – 1870, Haiti), an African enslaved person who was bought by a family in Bordeaux, was defaced in Bordeaux. The act was labeled as “probably racist.” The statue had been inaugurated in 2019, as part of a number of initiatives addressing the colonial past of Bordeaux, which was one of France’s major trading hubs for enslaved persons.¹⁴¹

On 17 October 2021, during the commemoration for the Algerian protesters who were killed by the Paris police on 17 October 1961, President Emmanuel Macron called the police operation at the time an “unforgivable” crime. The statement was criticized by some historians for stopping short of an apology. They repeated their calls to make the historical archives, including those on the police killings, fully available for researchers. On 17 October 1961, 30,000 people had participated in protests in Paris against the Algerian War (1954–1962). After police chief Maurice Papon ordered a police crackdown, historians estimated that as many as 200 protesters were killed, with many of them beaten and thrown into the Seine [See NCH *Annual Reports 1997, 2002, 2013, 2017, 2021*]. On 6 June 2022, newly opened archival records showed that then-President Charles de Gaulle (in office between 1959–1969) was quickly informed about the massacre and had demanded prosecution of those responsible. However, no one was ever convicted.¹⁴²

On 5 February 2022, in the middle of the presidential election campaign during which immigration and Islam were significant issues, a sculpture of Emir Abdelkader (1808–1883) – an Algerian religious and military leader who led the struggle against the French colonial invasion of Algiers in 1830–1847 but was captured and transported to Amboise – was vandalized hours before it was inaugurated. The sculpture had been commissioned to mark sixty years of Algerian independence from France in 1962.¹⁴³

Confirming an earlier ruling of January 2022, the Paris appeals court on 12 May 2022 acquitted far-right politician Éric Zemmour of denying a crime against humanity by saying that Marshall Philippe

¹⁴⁰ [“French Holocaust Survivor Simone Veil’s Memorial Vandalised,”](#) *Guardian* (11 August 2021).

¹⁴¹ [“French Slave Statue Defaced in Apparent Racist Attack,”](#) *BBC News* (13 September 2021).

¹⁴² [“Cérémonie de commémoration des 60 ans du 17 octobre 1961”](#) (Elysée press release; 16 October 2021); Ahmed Rouaba, [“How a Massacre of Algerians in Paris Was Covered Up,”](#) *BBC News* (16 October 2021); Kim Willsher, [“Macron: Police Violence at 1961 Algerian Protest ‘Unforgivable’,”](#) *Guardian* (17 October 2021); Kim Willsher, [“Macron Statement on 1961 Protest Killings ‘Falls Short,’ Say Critics,”](#) *Guardian* (18 October 2021); Fabrice Afri, [“De Gaulle et le massacre des Algériens à Paris en octobre 1961,”](#) *Histoire coloniale et postcoloniale* (20 June 2022).

¹⁴³ [“Emir Abdelkader: French Sculpture of Algerian Hero Vandalised,”](#) *BBC News* (5 February 2022).

Pétain, in collaborating with the Nazis, had saved most French Jews. On the basis of Article 24 bis of the 1881 press law (the so-called 1990 Gayssot Act about Holocaust denial, amended in 2017), the Ligue internationale contre le racisme et l'antisémitisme (Licra; International League against Racism and Anti-Semitism), the Mouvement contre le racisme et pour l'amitié entre les peuples (Mrap; Movement against Racism and for Friendship between the Peoples) and the Union des étudiants juifs (UEJF; Union of Jewish Students) had filed the case after Zemmour's statement in October 2019 during a television debate with philosopher Bernard-Henri Lévy that Pétain, whom the Nazis allowed to administer a part of France after they occupied it in 1940, had sacrificed foreign Jews living in France to save Jewish nationals. Almost all historians called Zemmour's interpretation a gross falsification of history. The complainants planned to bring the case before the Court of Cassation.¹⁴⁴

See also Cambodia, Central African Republic, Morocco.

¹⁴⁴ Cnaan Liphshiz, "[Éric Zemmour Acquitted of Holocaust Denial Charge for Saying French Nazi Collaborator Saved Jews](#)," *Forward* (16 May 2022); Marc Bensimhon & Julien Bensimhon, "[Relaxé d'Éric Zemmour: une motivation choquante et dangereuse](#)," *Actu-Juridique.fr* (18 and 23 May 2022); AFP, "[Éric Zemmour relaxé: Le Parquet général forme un pourvoi en cassation](#)," *Le Monde* (19 May 2022); *Zemmour contre L'Histoire* (Paris: Gallimard, 2022), 40–42; European Court of Human Rights, [Case of Lehideux and Isomi v. France](#) (Application 55/1997/839/1045) (23 September 1998); Jon Henley, "[Rise of Far Right Puts Dreyfus Affair into Spotlight in French Election Race](#)," *Guardian* (30 October 2021).

GABON

Previous *Annual Report* entries: 2016, 2018.

GAMBIA

Previous *Annual Report* entries: 2016–2018, 2021.

On 25 November 2021, after repeated delays, the Truth, Reconciliation and Reparations Commission (TRRC; set up in 2017) presented its 17–volume final report on the human rights violations committed during the rule of Yahya Jammeh (in office as chairman of the Armed Forces Provisional Ruling Council in 1994–1996, and as president in 1996–2017) to President Adama Barrow [See NCH *Annual Reports 2018, 2021*]. On 24 December, the report was published. An estimated 400 people were tortured, raped, and killed by state agents, often at the hands of “Junglers,” Jammeh’s death squads. The TRRC recommended the prosecution of perpetrators, some of whom were still working in the security apparatus. On 25 May 2022, Justice Minister Dawda Jallow announced the creation of a special court to prosecute alleged perpetrators, including Jammeh.¹⁴⁵

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012, 2014, 2016, 2019.

The archives law prohibited full access to Soviet-era archives and in those available for inspection names of victims of political repression were redacted. Under Soviet rule (1922–1991), some 80,000 people reportedly became victims of repression and between 10,000 and 15,000 of them were shot. Additionally, around 200,000 members of minority communities were deported.¹⁴⁶

¹⁴⁵ “[The Gambia Delays Report on Former Longtime Leader Jammeh](#),” *AlJazeera* (30 September 2021); “[Gambia: Truth and Reconciliation Report Must Lead to Justice and Reparations for Victims](#),” *Amnesty International* (25 November 2021); “[Gambian Commission Urges Prosecutions for Yahya Jammeh-era Abuses](#),” *AlJazeera* (25 November 2021); Mustapha Darboe, “[Gambia: Truth Commission Report Hangs on Election Result](#),” *Justiceinfo.net* (26 November 2021); Erome Egbejule, “[Adama Barrow’s Re-election and the Gambia’s Long Walk to Justice](#),” *AlJazeera* (9 December 2021); “[The Gambia Panel Recommends Ex-president Yahya Jammeh Face Trial](#),” *AlJazeera* (25 December 2021); Mustapha Darboe, “[Gambia Validates Truth Commission’s Work and Promises Justice](#),” *Justiceinfo.net* (26 May 2022).

¹⁴⁶ Manon Bokuchava, “[Last Address: Tbilisi](#),” *Transitions* (6 August 2021).

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2013, 2015–2017, 2019–2021.

Since 2012 occasionally, but from August 2019 massively, Georg Friedrich, Prince of Prussia (1976–), head of the Hohenzollern family – Germany’s most important noble family and the source of nine Prussian kings and three German Kaisers, including Wilhelm II (1859–1941) – initiated a series of Strategic Lawsuits against Public Participation (SLAPPs) by sending cease and desist letters and/or suing dozens of historians, politicians, and journalists over their portrayal of his family, its past, and its actions in public space, leading to 63 injunctions.

In 1926, under the Weimar Republic, and again in 1945 in the Sowjetische Besatzungszone in Deutschland (SBZ; Soviet Zone of Occupation), much Hohenzollern property (crown jewels, art, furniture, books, castles worth millions of euros) was confiscated. After the 1990 German reunification, Louis Ferdinand, Prince of Prussia (1907–1994) and Wilhelm II’s grandson, initiated a campaign for the restitution of this property. A major obstacle, however, was article 1(4) of the 1994 Ausgleichsleistungsgesetz (law on restitution payments) which stipulated that restitution was excluded in those cases where the beneficiaries or their heirs “gave substantial assistance (erheblichen Vorschub) to the National Socialist system or to the Communist system in the Soviet Zone of Occupation or in the German Democratic Republic.”

Among the statements found objectionable by the Hohenzollern family were those about ongoing legal cases; access to the Hohenzollern archives; secret negotiations with the government over property restitution; and the Crown Prince’s past, among others. A very large majority of historians had opined that Wilhelm II’s son, Crown Prince Wilhelm (1882–1951), had “given substantial assistance” to the National Socialists. The Hohenzollern family claim that Crown Prince Wilhelm had not collaborated, was dismissed in the Bundestag (parliament) during a hearing on 29 January 2020 with historians, lawyers, and politicians from all parties covered by all German media outlets and broadcast on German television.

Among the historians sued by the Hohenzollern were Stephan Malinowski, a historian at the University of Edinburgh who had authored an expert report on the Hohenzollern property, and Winfried Süß, a historian at the Leibniz-Zentrum für Zeithistorische Forschung in Potsdam who had claimed that the Hohenzollern had tried to influence the historical representation of the family in public institutions. Among the historians sent cease and desist letters was Karina Urbach, Institute for Advanced Study, Princeton, who had to retract her statement that the Hohenzollern family had closed its private archive for research. On 15 June 2021, the Verband der Historiker und Historikerinnen

Deutschlands (Association of Historians of Germany) launched a website on which all the legal cases were documented.¹⁴⁷

In [January 2022], the religious group Jehovah's Witnesses filed a lawsuit against the government to reclaim family records of the group's persecution by the Nazis during World War II, currently held by the Museum of Military History in Dresden. The 31 files of documents had been purchased by the museum in 2009 from a family member, but Jehovah's Witnesses argued that the sale went against the 2005 will of the archives' owner Annemarie Kusserow and deprived them of an "invaluable part of [their] cultural heritage." In April 2021, a regional court had ruled that the museum had purchased the archive in good faith and was entitled to keep it. An estimated 1,600 Jehovah's Witnesses died as a result of Nazi persecution and around 4,200 were sent to concentration camps.¹⁴⁸

On 7 and 18 April 2022, the Soviet War memorial in Berlin's Treptower Park (built in the wake of World War II to commemorate Soviet soldiers who perished in the 1945 Battle of Berlin) was defaced with graffiti slogans relating to the ongoing war in Ukraine.¹⁴⁹

On 20 June 2022, organizers of the international art exhibition Documenta in Kassel covered and later removed the work "People's Justice," a nearly sixty-foot-long painted banner by the Indonesian collective Taring Padi, after Israeli diplomats and Germany's culture minister Claudia Roth said it contained anti-Semitic images. The banner's cartoonlike and satirical depiction of political resistance against President Suharto (in power between 1967–1998), created in 2002 to commemorate the victims of that regime, involved hundreds of individual figures, two of which could have anti-Semitic overtones. Taring Padi apologized and declared that the work was "not meant to be related in any way to anti-Semitism." On 16 July 2022, Documenta Director Sabine Schormann resigned as a result of the affair.¹⁵⁰

See also Belarus, China, Egypt, Palestine, Paraguay, Poland, Ukraine, United Nations.

¹⁴⁷ [Website](#) of the Hohenzollern family; website of the Verband der Historiker und Historikerinnen Deutschlands (VHD) about the legal cases (divided into six groups): "[Die Klagen der Hohenzollern](#)"; [Website](#) on which four secret expert reports about the Hohenzollern properties were uploaded; [Website](#) of the Prinzenfonds of the transparency project FragDenStaat supporting the VHD.

¹⁴⁸ Evelyn Blackwell, "[Jehovah's Witnesses Sue German Museum for Archive of Nazi-Era Abuses](#)," *World News Era* (January 2022).

¹⁴⁹ "[Russian Embassy Notifies German Foreign Ministry about Vandalized Memorial in Berlin](#)," *Tass* (8 April 2022); "[Soviet-Era Memorial in Berlin Defaced with Ukraine War Graffiti](#)," *The Nomad Today* (19 April 2022).

¹⁵⁰ Alex Marshall, "[Documenta Takes Down Art after Antisemitism Accusations](#)," *New York Times* (21 June 2022).

GHANA

Previous *Annual Report* entries: 2002, 2004–2008, 2017, 2019.

Throughout 2021, “witch” camps remained open, despite the government’s promise to close them. Older women accused of witchcraft were at risk of being banished to such camps. A commemorative forum was held on 23 July 2021, a year after a mob lynched an elderly woman, to call on parliament to criminalize the labeling of people as witches.¹⁵¹

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011, 2013–2019.

In its 2021 annual report, the Germany-based NGO World Heritage Watch (WHW) voiced objections over completed and planned construction projects around the Acropolis in Athens. WHW argued that the projects were in violation of four of the five UNESCO World Heritage Monument criteria, and had been implemented by circumventing international and national legal frameworks and institutional standards. Additionally, the projects had led to immediate and predictable damages, and had used techniques and materials that were inconsistent with the architecture of the site, thus erasing the sense of historic unity and continuity.¹⁵²

On 9 December 2021, the Central Board of Jewish Communities in Greece published a statement saying that Russia would return the pre-war archives of Jewish communities that had been plundered from thirty synagogues in Thessaloniki by Nazi forces and that had subsequently been transferred to Moscow in May 1945. No date for the return was given.¹⁵³

On 30 December 2021, Turkish-Armenian historical linguist Sevan Nişanyan (1956–), editor of the Etymological Dictionary of the Turkish Language and creator of the Index Anatolicus (a website looking at the toponymy of 53,000 place names in Turkey, Greece, North Macedonia and Armenia), faced deportation from Greece after being put on the so-called EKANA “list of undesirable foreigners” and denounced as a national security threat for creating a database of Greek place names and how they had changed through history. On 7 January 2022, a court ordered Nişanyan’s release but gave him

¹⁵¹ Amnesty International, *Report 2021/22: The State of the World’s Human Rights* (London: AI, 2022), 177.

¹⁵² World Heritage Watch, *Report 2021*, (Berlin: WHW, 2021), 21–23.

¹⁵³ “[Russia to Return Pre-War Jewish Archives to Greece](#),” *Moscow Times* (9 December 2021).

fifteen days to leave Greece voluntarily. On 13 January 2022, his appeal against the court decision and his request to remove his name from the list were rejected. He was forced to leave.

In 2017 Nişanyan had escaped from a Turkish prison (where he had been serving a sentence since 2014 on alleged charges of illegal construction) to Samos in Greece. Nişanyan had also previously been sentenced to 13,5 months of prison on blasphemy charges in Turkey over a 2012 blog defending an anti-Islam film that ridiculed the Prophet Mohammed and sparked angry protests across the world [See NCH *Annual Reports 2010, 2014*].¹⁵⁴

See also Germany, Turkey.

GRENADA

Previous *Annual Report* entries: 2007.

On 22 April 2022, the Earl and Countess of Wessex, Prince Edward and Sophie, canceled a stop in Grenada of their Caribbean tour to mark the Queen's Platinum Jubilee because the National Reparations Commission on slavery wanted an apology and reparations from the British government and Queen Elizabeth for the Royal Family's role in the slave trade and slave plantations. The Royal African Company, set up in the seventeenth century with a charter granted by King Charles II, had played a critical role in both. The issue of reparatory justice for the victims of slavery also came up during royal visits in other Caribbean states such as Barbados, Jamaica, Belize, the Bahamas, St Vincent and the Grenadines, St Lucia, and Antigua and Barbuda.¹⁵⁵

GUATEMALA

Previous *Annual Report* entries: 1995–2021.

¹⁵⁴ [“Turkish-Armenian Writer Facing Deportation after Greece Arrest, Says Wife,”](#) *Greek City Times* (2 January 2022); Mark Frary, [“Turkish-Armenian Academic Faces Deportation from Greece over Controversial Views,”](#) *Index on Censorship* (14 January 2022); “Academic Forced to Leave Greece,” *Index on Censorship*, 2022 (51 no. 1), 7.

¹⁵⁵ Laura Trevelyan, [“Earl and Countess of Wessex: Why Grenada Wanted to Talk to Royals about Slavery,”](#) *BBC News* (22 April 2022); Charley Adams, [“Earl and Countess of Wessex: Prince Edward and Sophie Postpone Grenada Trip,”](#) *BBC News* (22 April 2022); André Rhoden-Paul, [“Royal Couple Told of Antigua and Barbuda's Wish To Be Republic,”](#) *BBC News* (22 April 2022); Gemma Handy, [“Why British Royals Face Simmering Resentment in Caribbean,”](#) *BBC News* (29 April 2022).

In March 2019, the Inter-American Court of Human Rights ordered Guatemala, in a binding ruling, to shelve the proposed legislation that would provide amnesty for genocide and other atrocities [See NCH *Annual Report 2020–2021*]. In April 2021, the bill was finally shelved. However, in June 2021, legislators presented a Peace and Reconciliation bill, that similarly sought to end proceedings for crimes committed during the Civil War (1960–1996).¹⁵⁶

On 12 October 2021, a group of protesters tried to topple a statue of Christopher Columbus in Guatemala City. Twelve October marks Hispanic Heritage Day, a day commemorated worldwide to mark Columbus's arrival in the Americas, which has faced criticism for not recognizing the effects on indigenous people varying from enslavement to death.

Another group of protesters splashed red paint on a monument of former President José María Reina Barrios (1854–1898), after which they tore away the head on the monument.¹⁵⁷

On 6 March 2022, judge Miguel Ángel Gálvez, who had previously sent former President Efraín Ríos Montt (1926–2018; in power between 1982–1983) to trial on charges of genocide and crimes against humanity, ordered nine retired military and police officials to trial on charges including illegal detention, torture, murder and forced disappearance of more than 195 people during the military regime of Óscar Humberto Mejía Victores (1930–2016; in power between 1983–1986). Following the order, Gálvez became the victim of an online smear campaign: he was followed by unmarked vehicles and received death threats and threatening phone calls.¹⁵⁸

GUINEA

Previous *Annual Report* entries: 2007, 2009–2021.

In 2021, the government of Alpha Condé – the president until the coup of 5 September 2021 – failed to meet a self-imposed June 2020 deadline for the trial of alleged perpetrators of the 2009 stadium massacre [See NCH *Annual Reports 2015–2016, 2018–2021*]. The new President Mamady Doumbouya announced on 5 September that “justice will be the compass that will guide every Guinean citizen,” making a symbolic appearance at the commemoration of the stadium massacre on 28 September.¹⁵⁹

¹⁵⁶ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 283.

¹⁵⁷ Sofía Menchú, “[Guatemala Protesters Strain to Topple Columbus Statue, Protesting Colonizer Legacy](#),” *Reuters* (13 October 2021).

¹⁵⁸ Jo-Marie Burt & Paulo Estrada, “[Guatemalan Judge under Threat after Ordering Trial in 1980s ‘Death Squad Dossier’ Case](#),” *WOLA* (24 May 2022).

¹⁵⁹ Human Rights Watch, *World Report 2022: Events of 2021* (New York: Human Rights Watch, 2022), 294–295.

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012, 2015.

GUYANA

Previous *Annual Report* entries: 1997.

On 9 August 2021, the National Assembly adopted Resolution no. 23, accepting and implementing the 2016 findings of the Commission of Inquiry Appointed to Enquire and Report on the Circumstances Surrounding the Death in An Explosion of the Late Dr. Walter Rodney on Thirteenth Day of June, One Thousand, Nine Hundred and Eighty at Georgetown, that stated that there was no doubt that Gregory Smith, an active-duty sergeant in the Guyana Defense Force, had been responsible for the murder of historian and opposition politician Walter Rodney and that the killing could only have been “a state-organized assassination with the knowledge of Prime Minister [Forbes] Burnham [prime minister in 1964–1980 and president in 1980–1985].” However, as of November 2021, the commission’s full report had not been released.

In 2014, then President Donald Ramotar (in office in 2011–2015) had established a commission to investigate the death of Walter Rodney (1942–1980), a Marxist history lecturer, author, and the founder and leader of the left-wing opposition party Working People’s Alliance, a revolutionary and multiracial party opposed to Burnham’s rule. Rodney was killed on 13 June 1980 by a bomb hidden in his brother’s car [See NCH *Annual Report 1997*]. The commission was dissolved after President David Granger (in office in 2015–2020) was elected into office, but it nevertheless concluded that state authorities had been behind the murder. Meanwhile, Guyana’s National Archives had been renamed the Walter Rodney National Archives and his grave and the site where he was killed were slated to become national monuments.¹⁶⁰

¹⁶⁰ Mary Curry, ed., “[The Walter Rodney Murder Mystery in Guyana 40 Years Later](#),” *National Security Archive* (13 June 2020; updated 12 November 2021).

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2013–2021.

In late October 2021, a safe containing records, among others, on the killing of Port-au-Prince Bar Association chief Monferrier Dorval (1956–2020) on 28 August 2020, were stolen from the Tribunal de Première Instance (TPI; Court of First Instance) in Port-au-Prince. The theft was seen as part of a pattern in which “every time there is a huge case” before the court “the files always disappear.” Around the same time, the office of Investigative Judge Garry Orélien, who led the inquiry into the murder of former President Jovenel Moïse (1968–2021), who was killed on 7 July 2021, was broken into and some documents were allegedly tampered with. On 10 June 2022, gang members occupied the TPI and on 14 June set fire to an unknown number of its archival records, including court files.¹⁶¹

On 1 January 2022, gunmen tried to kill Prime Minister Ariel Henry (1949–) during a ceremony at a church in Gonaïves to mark the anniversary of Haiti’s independence on 1 January 1804. At the time, Haiti was the second colony in the Americas to become independent.¹⁶²

See also France.

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2015.

In early February 2022, an anti-corruption team from the Attorney General’s Office visited the presidential offices one week after President Juan Orlando Hernández stepped down on 27 January 2022 and found that all evidence of wrongdoing had disappeared or was shredded. The Hernández administration (2014–2022) had argued that official documents were protected under a law dubbed the “Official Secrets Law,” promulgated in 2014 and covering national security and defense. On 2 March 2022, the new congress repealed the law, allowing access to documents previously classified as secret.

¹⁶¹ Jacqueline Charles, “[Stolen Court Safe Held Secrets of a High-Profile Killing: Can Justice Survive in Haiti?](#),” *Miami Herald* (26 November 2021); “[Des bandits détruisent des archives au tribunal de première instance de Port-au-Prince](#),” *Le Nouvelliste* (15 June 2022).

¹⁶² “[Haiti PM Ariel Henry Survived Assassination Attempt – Officials](#),” *BBC News* (3 January 2022).

Hernández was taken in custody on 15 February 2022, following a request by the United States government for his extradition on drug trafficking and weapons charges.¹⁶³

On 30 March 2022, Eduardo Enrique Urbina Ayala, a former history student at the National Universidad Nacional Autónoma de Honduras (UNAH), Tegucigalpa, returned from exile in Costa Rica. Urbina had fled Honduras on 11 December 2017, before the government of Juan Orlando Hernández (in office between 2014–2022) issued an arrest warrant for his alleged participation in the burning of a military truck – an event that occurred days after his arrival in Costa Rica. Urbina, who was a member of the Movimiento Estudiantil Universitario (University Student Movement) and the left-wing opposition party Libertad y Refundación (Liberty and Refoundation), had been one of the leaders of a UNAH group of students protesting against the 2017 re-election of Hernández, which was widely considered as fraudulent.¹⁶⁴

HONG KONG

Previous *Annual Report* entries: 1996. From 1997: *See* China.

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2021.

In 2021, no official commemoration was held for the victims of the first deportation of Jews from Hungary to Kamianets-Podilskyi (in the then German-occupied Ukrainian Soviet Socialist Republic) in the summer of 1941.

In 2013, the government of President Viktor Orbán had founded the historical institute “Veritas,” which critics said promoted a version of history favoring Orbán’s political agenda [See NCH *Annual Report 2019*]. “Veritas” allegedly denied that anti-Semitism had been part of the state’s policy during the Horthy regime (1919–1944) [See NCH *Annual Report 2021*]. In 2014, Sándor Szakály, the military historian who headed “Veritas” and who had met opposition for his revisionist views of history for

¹⁶³ “[Honduras Repeals ‘Secrets Law’ in Fight against Corruption](#),” *Reuters* (3 March 2022); Marlon González, “[Honduras Prosecutor: Ex-president’s Offices Swept of Papers](#),” *AP News* (4 March 2022).

¹⁶⁴ Riccy Ponce & Sandra Rodríguez, “[Eduardo Urbina, el estudiante de historia que debería estar en clases](#),” *Defensores en línea* (13 April 2018); Brent Patterson, “[PBI-Honduras Accompanies COFADEH during the Return of Criminalized Student Eduardo Urbina from Exile in Costa Rica](#),” *Peace Brigades International Canada* (5 April 2022).

almost twenty years, stated in an interview that the 1941 deportation to Kamianets-Podilskyi had been an “alien police procedure,” claiming that the Hungarian gendarmes could never have done such a thing. His comments had led Jewish organizations to demanding his dismissal, but to no avail.¹⁶⁵

In late November 2021, Andrea Pető, a historian in the Central European University Department of Gender Studies [See NCH *Annual Report 2020*], resigned from the humanities subcommittee of the Hungarian Accreditation Committee after she was asked to withdraw criticism of the European Association for Quality Assurance in Higher Education (ENQA). In a draft article, Pető had argued that the ENQA failed to confront the “illiberalization” of educational policy in Poland and Hungary [See NCH *Annual Report 2020–2021*] and that the illiberal turn in higher education policy was leading to self-censorship among Hungarian academics.¹⁶⁶

¹⁶⁵ Karl Pfeifer, “[Ohne Druck von deutscher Seite](#),” *Jüdische Allgemeine* (18 July 2021).

¹⁶⁶ Sally Gimson, “Macho Politics Drive Academic Closures,” *Index on Censorship*, 2019 no. 3, 103; “[Andrea Peto](#)” (CEU website, September 2019); Jennifer Rankin, “[‘How Dictatorship Works’: Hungarian Academic Quits in Censorship Row](#),” *Guardian* (30 November 2021).

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2021.

On 17 May 2021, the Central University of Kerala suspended Gilbert Sebastian, an assistant professor in the Department of International Relations, for describing the Rashtriya Swayamsevak Sangh (RSS; National Volunteer Corps, founded in 1925), a militant political organization connected to the ruling Bharatiya Janata Party, as “proto-Fascist.” He had made the remark in a virtual session of his course on “Fascism and Nazism,” in which he also considered Spanish dictator Francisco Franco and the South-African Apartheid government as examples of proto-Fascism. Members of the RSS student wing had complained to the university about Sebastian’s remark.¹⁶⁷

In July 2019, activists affiliated to the right-wing student group Akhil Bharatiya Vidyarthi Parishad (All Indian Student Council) reportedly stormed a meeting of Delhi University’s Academic Council, demanding that the council remove materials from syllabi that they considered offensive. The university responded by forming an oversight committee to scrutinize the syllabi. In July 2021, the committee revised syllabi from the English, history, political science, and sociology departments despite its members lacking expertise in those subjects and without consulting department members. Revisions, later approved by the university, included the removal of works by Dalit and Tamil feminist authors from an English syllabus and their replacement with works by upper-caste writers.¹⁶⁸

In July 2021, the University Grants Commission (UGC) released a new undergraduate history curriculum for centrally funded public universities after consultations with stakeholders during February and March 2021. It was widely criticized for its pro-Hindu bias: Muslim contributions to Indian history and the contribution of post-independence secular politicians were downplayed; Vedic and Hindu religious literature was singled out at the cost of ancient secular texts. Overall, the cultural diversity of India was ignored. Bibliographies were adjusted accordingly. The authors of the curriculum revision committee remained anonymous and their methodology was not explained.¹⁶⁹

On 14 August 2021, the eve of Independence Day, Prime Minister Narendra Modi announced that 14 August would henceforth be observed as “Partition Horrors Remembrance Day” to commemorate the victims of Partition (1947–1948), in which about two million people were killed and another twelve to

¹⁶⁷ Scholars at Risk, *Free to Think 2021* (New York: SAR, 2021), 23.

¹⁶⁸ *Scholars at Risk’s Submission to the Fourth Cycle of the Universal Periodic Review of India: 41st Session of the United Nations Human Rights Council* (New York: SAR, 2022), § 26.

¹⁶⁹ Shuriah Niazi, “[Row over Hindu Bias in Revision of History Syllabus](#),” *University World News* (23 July 2021).

fifteen million expelled. While many welcomed the initiative, others criticized it for being a veiled attack on Nehruvian politics at the time intended to target the Congress opposition and for coinciding with Independence Day in Pakistan.¹⁷⁰

On 29 August 2021, Congress leader P[alaniappan] Chidambaram criticized the Indian Council for Historical Research (ICHR) for omitting the photograph of Jawaharlal Nehru, India's first prime minister in 1947–1964, from the first digital poster to celebrate the 75th year of India's 1947 independence, accusing the ICHR of bowing to hate and prejudice. In a reaction on 30 August 2021, ICHR director Om Jee Upadhyay said that ICHR "had no intention to diminish Nehru's contribution toward India's independence" and that there was a misunderstanding. The poster had been only the first of seven or eight and Nehru would appear on one of the following posters. Upadhyay said that Nehru's name was mentioned seventeen times in the NCERT book on modern India and that his images appeared multiple times as well.¹⁷¹

In November 2021, a civil court rejected a petition by Hari Shankar Jain asking to restore 27 temples demolished in 1192 in the area surrounding the Qutub Minar minaret (itself built in 1192 by the first sultan of Delhi, Qutubuddin Aibak, after defeating the Hindu rulers). The court said that India had been ruled by several dynasties and that wrongs committed in the past "cannot be the basis of disturbing peace of our present and future." The decision was challenged in a higher court.¹⁷²

On 17 February 2022, the Ministry of Social Justice and Empowerment announced revised guidelines for the National Overseas Scholarship (NOS), a scholarship scheme for students from marginalized sections of society for higher studies at foreign universities. The guidelines prohibited NOS scholars to study Indian culture, or do research in the fields of heritage, history and social studies with India as the research subject. Moreover, they placed the final decision of whether research topics could be pursued under the authority of an NOS screening committee. Critics said that the criteria would restrict research in foreign universities on the caste system in Hindu religion, gender inequality in India, Brahminical cultural traditions, and poverty in the context of caste, among others. They also feared that the screening committee could narrow down the range of permissible topics even further.¹⁷³

¹⁷⁰ Press Information Bureau, Government of India, [Press Release Ministry of Information & Broadcasting](#) (14 August 2021); "PM: Aug 14 Now Partition Horrors Remembrance Day, Lest We Forget," *Indian Express* (15 August 2021).

¹⁷¹ "Chidambaram Slams Indian Council for Historical Research for Omitting Nehru's Image," *Telegraph* (31 August 2021); Sharangee Dutta, "Nehru's Image Could Be in Next Poster, Says ICHR Chief Amid Controversy," *Hindustan Times* (30 August 2021).

¹⁷² Soutik Biswas, "Qutub Minar: Why India's Tallest Minaret Is Embroiled in Dispute," *BBC News* (26 May 2022).

¹⁷³ Basant Kumar Mohanty "Scholarship Holds Students back from Caste Home Truths," *Telegraph* (19 February 2022).

On 18 February 2022, the Delhi High Court passed an ad-interim order directing United States-based historians Audrey Truschke (Rutgers University), Ananya Chakravarti (Georgetown University), and Rohit Chopra (Santa Clara University) not to publish any defamatory content alleging plagiarism against historian Vikram Sampath in relation to his journal article (2017) and two-volume biography (2019, 2021) on Hindutva ideologue Vinayak Damodar Savarkar (1883–1966). According to Truschke, Chakravarti, and Chopra, the plagiarized parts came from works by historians Ramesh Chandra Majumdar (1888–1980), Janaki Bakhle, Paul Schaffel (?–2013), Vinayak Chaturvedi, among others. Sampath claimed that the plagiarism allegations were part of an international smear campaign to discredit him for challenging the prevailing narratives around Savarkar. Accusing the three historians of defamation, he sought two crore (20 million rupees) in damages from them and a permanent injunction on the publication of a 11 February 2022 letter to Emma Griffin, president of the Royal Historical Society (RHS) in London, which was widely shared on Twitter. In the letter, the defendants had alleged that they had found a “pervasive, long-standing pattern of plagiarism” in the work of Sampath who had recently been elected a RHS member. On 24 February 2022 and 4 May 2022, the Court ordered Twitter to take down tweets of Truschke containing the plagiarism allegation. On 4 March 2022, the Court rejected an application by Sampath seeking to ban Truschke’s website in India and alleging that an open letter in her support carried forged signatures. Truschke said that the letter “was vandalized by Hindu Right IT cells, with the goal of manufacturing confusion and fear.” The Court posted the case for hearing on 28 July 2022.¹⁷⁴

In April 2022, Gursang Preet Kaur, a lecturer at Lovely Professional University in Jalandhar, Punjab, was dismissed after a video in which she was seen to be criticizing the deity Ram went viral.¹⁷⁵

¹⁷⁴ High Court of Delhi, [Vikram Sampath versus Audrey Truschke and Others](#) (2 May 2022); “[Savarkar Biographer Vikram Sampath Accused of Plagiarism, Historians Say Others’ Work Not Cited Fairly](#),” *The Wire* (14 February 2022); Prashant Jha, “[Vikram Sampath Moves Delhi High Court Seeking ₹2 Crore Compensation from Historians Who Accused Him of Plagiarism](#),” *Bar and Bench* (17 February 2022); Prashant Jha, “[Delhi High Court Restrains Audrey Truschke, Others from Publishing Defamatory Content against Vikram Sampath](#),” *Bar and Bench* (18 February 2022); Nupur Thapliyal, “[Delhi High Court Restrains Historian Audrey Truschke & Others From Publishing Defamatory Material Against Vikram Sampath](#)” *Live Law* (18 February 2022); Abhijit Iyer-Mitra, “[Want to Grasp the Leftist Manual of Targeting Opponents? Just Look at Sampath-Sanyal Saga](#),” *First Post* (9 February 2022); Akash Bhattacharya, “[How Historian Vikram Sampath Uses Decolonisation Rhetoric to Make Hindu Domination Sound Reasonable](#),” *Scroll.in* (13 November 2021); “[Twitter Ordered to Delete US Academic’s Tweets Accusing Savarkar Biographer of Plagiarism](#),” *Indian Express* (25 February 2022); Vandana Menon, “[Didn’t Sign Open Letter to Condemn Vikram Sampath’s Defamation Suit, Guha & Mehta Say Amid Row](#),” *The Print* (27 February 2022); Shreya Agarwal & Gargi Chatterjee, “[Can’t Curtail Discussion on Subject by Academics’: Delhi High Court Refuses Vikram Sampath Relief against Truschke’s Non-compliance with Restraint Order](#),” *LawBeat* (4 March 2022); “[You Can’t Curtail Discussion in Academic World: Delhi HC](#),” *Free Press Journal* (5 March 2022); “[Delhi HC Directs Twitter To Take Down Five More Tweets By Audrey Truschke Against Historian Vikram Sampath](#),” *Swarajya* (4 May 2022).

¹⁷⁵ “[Attack on Critical Thinking? Lovely Professional University Professor Sacked for ‘Insulting’ Ram](#),” *National Herald* (25 April 2022).

On 6 May 2022, Waqas Farooq Kuttay, an assistant professor at Sharda University, Greater Noida, Uttar Pradesh, was suspended after some students complained to university officials about an “objectionable” question in a mid-term political science paper for undergraduate students. The question was: “Do you find any similarities between Fascism/Nazism and Hindu right wing (Hindutva)? Elaborate with arguments.” The university also formed a three-member committee to investigate the affair. Kuttay was an interim faculty member who had submitted a Ph.D. in political science at Jamia Millia Islamia, New Delhi. In a press note, the university expressed regret over the question, saying that it “distorted the great national identity and the inclusive culture inherent in our national ethos.”¹⁷⁶

On 17 May 2022, the Supreme Court ruled that the complex containing the Vishwanath temple (a 1585 Hindu shrine partially destroyed on orders of Mughal Emperor Aurangzeb in 1669) and the Gyanvapi mosque (built by Aurangzeb on the same spot in Banaras in 1669) in Varanasi would be protected and prayers would continue in the mosque. The ruling came after a group of Hindu petitioners had gone to a local court asking for access to pray at the shrine behind the mosque, following which a part of the mosque had been sealed by that court.

On 27 May 2022, during a television debate on the Gyanvapi mosque dispute, the Bharatiya Janata Party’s (BJP) official spokesperson Nupur Sharma made controversial comments about the Prophet Muhammad that incensed Indian Muslims and outraged more than a dozen Islamic nations. Sharma apologized but claimed that her remarks were in response to “the continuous insult and disrespect towards the Hindu god Shiva.” On 5 June, the BJP suspended her from the party; on 9 June, Delhi police said they had opened investigations against her. On 28 June, a tailor in Udaipur, Rajasthan, who publicly supported Sharma’s remarks was killed, putting the state on alert.¹⁷⁷

On 19 May 2022, the tomb of Mughal Emperor Aurangzeb (1618–1707) in Khuldabad, Maharashtra, was shut to visitors after a regional politician questioned “the need for its existence” and called for its destruction. In March 2016, the hashtag “Remove Mughals From Books” aimed at deleting references to the Mughal dynasty (1526–1857) from history textbooks became trending on Twitter after a speech by Human Resource Development Minister Smriti Irani, a member of the ruling Bharatiya Janata Party.

¹⁷⁶ “[University Suspends Lecturer Who Set Question on Fascism](#),” *Times of India* (8 May 2022); “[India: Professor Suspended for Exam Question](#),” *Scholars at Risk* (no date; after 6 May 2022).

¹⁷⁷ Soutik Biswas, “[Gyanvapi Masjid: India Dispute Could Become a Religious Flashpoint](#),” *BBC News* (18 May 2022); Vikas Pandey, “[Nupur Sharma: Prophet Muhammad Remarks Deepen India’s Diplomatic Crisis](#),” *BBC News* (7 June 2022); Geeta Pandey, “[Nupur Sharma: The Indian Woman behind Offensive Prophet Muhammad Comments](#),” *BBC News* (9 June 2022); “[Udaipur: India State on Alert after Prophet Muhammad Row Beheading](#),” *BBC News* (29 June 2022).

In the speech, Irani had railed against a history book aimed at primary school pupils, claiming that it misrepresented religious tensions in India and insulted the Hindu warrior King Shivaji (1630–1680).¹⁷⁸

On 19 May 2022, a court in Uttar Pradesh allowed a lawsuit in which nine petitioners asked for the removal of the Shahi Idgah mosque at Mathura based on the claim that it was built on land belonging to the Keshav Dev temple, believed to be the birthplace of Hindu deity Krishna. The mosque, built in 1669–1670, was located next to the temple. The petitioners alleged that a 1968 compromise agreement on the sharing of property was illegal. Similar lawsuits had earlier been dismissed on grounds that they were in violation of the Places of Worship Act of 1991, which maintained the religious status of any place of worship as it was on 15 August 1947 (the Rama temple in Ayodhya [See NCH *Annual Reports 2002–2004, 2006, 2010–2011, 2015, 2017, 2020–2021*] being the only exception to this act).¹⁷⁹

On 20 May 2022, police officials arrested Ratan Lal, a history professor at the University of Delhi and an outspoken critic of the government, allegedly for a social media post in which he compared a structure – which according to some represented the Hindu deity Shiva – found on the site of the Gyanvapi mosque [See above] with the phallic symbolism of the lingam. On 17 May, the same day of the post, lawyer Vineet Jindal had filed a criminal complaint against him for “promoting enmity between different groups on grounds of religion” and “malicious acts intended to outrage religious feelings.” On 21 May, a court ordered Lal’s release on bail and instructed him to refrain from social media posts or interviews.¹⁸⁰

A new history book for Class 9, available from 20 May 2022 and prepared by the Board of Secondary Education in the Bharatiya Janata Party (BJP)-ruled State of Haryana created a row because it blamed Congress for the 1947 Partition of India and lauded the “positive” role played by the Rashtriya Swayamsevak Sangh (the ideological fountainhead of the BJP) and its founder Keshavrao Baliram Hedgewar (1889–1940) in “awakening cultural nationalism and freedom struggle.” The new Class 10 history textbook reportedly carried similar distortions. Former Chief Minister and Congress leader Bhupinder Singh Hooda said that it was an attempt by the BJP to “politicize” education and to “saffronize” history.¹⁸¹

¹⁷⁸ [“Some Indians Are Calling for a Muslim Empire To Be Wiped from History Books,”](#) *BBC News* (23 May 2022); Geeta Pandey, [“Aurangzeb: Why is a Mughal Emperor Who Died 300 Years Ago Being Debated on Social Media?”](#) *BBC News* (21 May 2022).

¹⁷⁹ [“UP Court Allows Lawsuit Asking for Removal of Shahi Idgah Mosque in Mathura,”](#) *The Wire* (19 May 2022).

¹⁸⁰ [“History Professor Detained for a Social Media Post,”](#) *Scholars at Risk* ([no date]; after 20 May 2022).

¹⁸¹ Vivek Gupta, [“Haryana: Class 9 History Book Blames Congress for Partition, Lauds RSS, Hedgewar, Savarkar,”](#) *The Wire* (12 May 2022).

On 25 June 2022, human rights activist Teesta Setalvad ([1962]–) was arrested in Mumbai on trumped-up charges of criminal conspiracy and forgery for her activities while pursuing accountability for the 2002 mob violence targeting Muslims in Gujarat. In 2002, Hindu mobs had targeted Muslims to avenge an attack on a train that caused the death of 59 Hindu pilgrims, killing over thousand Muslims. Setalvad sought the prosecution of senior officials, including then Chief Minister of Gujarat Narendra Modi, who was elected prime minister in 2014. After the riots, based on submissions by activists including Setalvad, the National Human Rights Commission had strongly condemned the Gujarat government for its failure to deliver justice and the Supreme Court had rebuked the authorities and local justice system for protecting those responsible for abuses.

The Gujarati authorities prosecuted Setalvad for nearly two decades, filing a series of false charges, many of which remain pending. This time, Setalvad was detained a day after the Supreme Court had dismissed a petition filed by Zakia Jafri, the widow of Ehsan Jafri, a member of parliament who was murdered during the 2002 riots. In her petition, with the support of Setalvad's organization, Citizens for Justice and Peace, Jafri had challenged the report of a special investigation team that had absolved Modi of involvement in the riots [See NCH *Annual Reports 2003, 2005–2012, 2014–2015, 2017*].¹⁸²

See also China, Singapore, United Kingdom, United States.

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2013, 2015–2019, 2021.

On 2 May 2021, police beat and arrested a student leader during a demonstration commemorating Hari Pendidikan Nasional (National Education Day), an annual remembrance of Ki Hajar Dewantara (1889–1959) the founder of the Javanese educational system Taman Siswa, on the Alauddin State Islamic University campus.¹⁸³

In March 2022, the State Islamic University Bandung stripped Moeflich Hasbullah, a senior lecturer at the Faculty of Islamic History and Culture, of his right to teach, limited his payment and expelled him from his office at the University. In October 2017, after the Indonesian branch of Hizb-ut Tahrir (HTI), an Islamist party seeking to establish a global Caliphate, had been banned by the government in July,

¹⁸² Human Rights Watch, "[India: Free, Drop Charges Against Teesta Setalvad](#)" (28 June 2022).

¹⁸³ *Joint Submission to the Universal Periodic Review of Indonesia by Scholars at Risk and the Indonesian Caucus for Academic Freedom Fourth Review Cycle, 41st Session of the United Nations Human Rights Council* (New York: SAR, 2022), § 22.

Hasbullah had provided an expert opinion on the disbandment as part of an HTI-requested judicial review. In January 2020, he was summoned for his opinion, which was considered by some to support HTI, and interrogated by the general inspectorate of the Religious Affairs Ministry. In April 2020, then Religious Affairs Minister Fachrul Razi signed a “letter of punishment” over an article by Hasbullah in which the latter criticized Vice President Ma’ruf Amin. After the letter, Hasbullah was stripped from his academic rights, a sanction that was supposed to end in March 2022, but that was extended indefinitely.

Suteki, a law professor specialized in the sociology of law and the philosophy of Pancasila (a set of principles that have been Indonesia’s official ideology since 1945), was also suspended from his position at Diponegoro University, Central Java, after his allegedly HTI supportive opinion at the HTI judicial court proceeding in 2017. Both suspensions were considered part of a trend against academic freedom that had started around the time that President Joko Widodo took office in October 2014. In May 2022, the Indonesian Caucus for Academic Freedom and Scholars at Risk highlighted “a pattern of repression targeting outspoken scholars and students.”¹⁸⁴

See also Australia, Germany, Netherlands.

IRAN

Previous *Annual Report* entries: 1996–2021.

On 5 August 2019, Touraj Amini (1968–), a Baha’i historian and writer, was arrested by security forces who confiscated some of his books, his notes, and his laptop. He was sentenced by the Karaj Islamic Revolutionary Court to one year in prison and two years in exile for alleged “propaganda against the state.” On appeal his sentence was reduced to six months in prison, for which he was sent to Karaj Central Prison on 29 January 2021. His imprisonment was reportedly related to his research on the Qajar (1789–1925) and the Pahlavi (1925–1979) royal dynasties, during which, Amini argued, a genocide of Baha’is had been carried out. On 3 April 2021, more than forty academics wrote a letter to the authorities requesting the release of Amini. He was released at the end of his sentence on 28 July 2021. Among his works was *Documents of the Baha’is of Iran* (five volumes) and *Interaction of Religious Minorities and the Iranian Constitutional Revolution*.¹⁸⁵

¹⁸⁴ “[Indonesian Authorities Fight Radicalism on Campus](#),” *Study International* (7 November 2017); Kafil Yamin, “[Rights Groups Expose Rising ‘Repression’ of Academics, Students](#),” *University World News* (31 May 2022); “[Suteki](#),” *Wikipedia* (last updated 11 May 2022).

¹⁸⁵ “[Touraj Amini](#),” *Journalism Is Not a Crime* ([between April and July] 2021); “[Writers at Risk Database](#),” *PEN America* (last updated 4 June 2022).

On 28 June 2021, Javaid Rehman, the United Nations investigator on human rights in Iran, called for an independent inquiry into allegations of state-ordered executions of political prisoners in 1988 and the role played by President-elect Ebrahim Raisi. Rehman further expressed concern over reports that mass graves were being destroyed as part of a continuing cover-up. On 27 January 2022, 460 people, including former President of the International Criminal Court Sang-Hyun Song, called on UN High Commissioner of Human Rights Michelle Bachelet to investigate the 1988 killings [See NCH *Annual Reports 2017, 2021*].

On 27 July 2021, prosecutors in Sweden charged Hamid Nouri ([1961–]), who was arrested in Sweden, with war crimes over the mass execution of sympathizers of the armed leftist opposition group Mujahedin-e Khalq in July–August 1988. He denied the charges. The trial started in August 2021. It was the first time anyone went on trial over the 1988 killings. On 14 July 2022, the Stockholm District Court sentenced him to life in prison for war crimes committed as the assistant deputy prosecutor of the Gohardasht prison, Karaj.¹⁸⁶

On 7 January 2022, social media platform Instagram blocked posts using a hashtag in memory of the victims of a Ukrainian airliner shot down by Iranian security forces on 8 January 2020. The Association of Families of the Victims, representing the 176 victims from six countries, found that posts with the hashtag #IWillLightACandletoo, as well as its Persian version, were not visible to users. Cybersecurity experts said that Iran had possibly orchestrated the block by reporting the posts. Instagram declared that the hashtag was “restricted by mistake” and restored it after 24 hours.¹⁸⁷

On 8 January 2022, Baktash Abtin (1974–2022), an imprisoned film director and member of the Iranian Writers’ Association (IWA) who had been transported to a prison hospital in mid-December 2021, died there from complications relating to COVID-19 which could have been avoided had he received medical care earlier. He had contracted the disease while in Tehran’s Evin prison after having been sentenced in 2019 to five years’ imprisonment on charges of “illegal assembly and collusion against

¹⁸⁶ Amnesty International, “[Iran: Key Officials Named over 1988 Mass Prison Killings – New Report](#)” (press release; 4 December 2018); Stephanie Nebehay, “[Exclusive U.N. Expert Backs Probe Into Iran’s 1988 Killings, Raisi’s Role](#),” *Reuters* (29 June 2021); “[Sweden Charges Man over 1988 Iran Prison Massacre](#),” *BBC News* (28 July 2021); “[Sweden Tries Hamid Nouri over 1988 Iran Prison Massacre](#),” *BBC News* (10 August 2021); Joshua Nevett, “[Hamid Nouri: How Sweden Arrested a Suspected Iranian War Criminal](#),” *BBC News* (4 September 2021); Stephanie Nebehay, “[UN Urged to Open Query Into Iran’s 1988 Killings and Raisi Role](#),” *Reuters* (27 January 2022); “[Report 31: Expert Witness Hearings Pt. 1](#)” (expert witness of historian Rouzbeh Parsi), *Civil Rights Defenders* (1 April 2022); “[Sweden Hands Life Sentence to Ex-Iranian Official over 1988 Purge](#),” *Al Jazeera* (14 July 2022).

¹⁸⁷ Rana Rahimpour, “[Instagram Blocked Hashtag in Memory of Iran Plane Crash Victims](#),” *BBC News* (7 January 2022).

national security” and to one year for “spreading propaganda against the state,” in relation to his joint authorship of a book on the history of the IWA [See NCH *Annual Reports 2020–2021*].¹⁸⁸

On [12 January 2022], Franco-Iranian Fariba Adelkhah (1959–), social and political anthropologist, specialist in Shia Islam, and director of research at Sciences Po’s Center for International Studies (CERI) in Paris, was sent back to prison from house arrest [See NCH *Annual Report 2020–2021*].¹⁸⁹

See also Iraq, Morocco, Norway, United Nations, United States.

IRAQ

Previous *Annual Report* entries: 1998, 2000–2021.

In March 2021, parliament passed the Law on Yazidi Female Survivors, which recognized crimes committed by Islamic State (IS) against women and girls from the Yezidi, Turkmen, Christian and Shabaks minorities during the Iraqi conflict (2003–) as genocide and crimes against humanity, but little progress was made toward the application of the law and no IS members had been convicted of war crimes, crimes against humanity or genocide. Moreover, despite IS’s systematic rape, sexual slavery, and forced marriage, no members were prosecuted for these crimes. Instead, judges routinely prosecuted suspects only on the charge of IS affiliation.¹⁹⁰

On 16 July 2021, Prime Minister Mustafa Al-Kadhimi announced that the authorities had arrested a man allegedly responsible for the murder of historian Hisham al-Hashimi [See NCH *Annual Report 2020*].¹⁹¹

¹⁸⁸ International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 119; PEN International, [“Iran: Three Writers Face Lengthy Prison Sentences”](#) (3 May 2019; with an update on 17 May 2019); PEN International, [“Iran: Writers Baktash Abtin, Reza Khandan-Mahabadi and Keyvan Bazhan Imprisoned”](#) (Rapid Action Network, update 2: no. 02/2020) (30 October 2020); PEN International, *PEN International Case List 2020* (London: PEN International, 2021), 142, 148–149; Freemuse, *The State of Artistic Freedom 2021* (Copenhagen: Freemuse, 2021); “Baktash Abtin,” *Index on Censorship*, 2022 (51 no. 1), 8; Maziar Motamedi, [“Jailed Iranian Writer Baktash Abtin Dies after Contracting COVID,”](#) *AlJazeera* (8 January 2022).

¹⁸⁹ [“Iran Sends French-Iranian Academic Back to Jail at Key Point in Nuclear Talks,”](#) *Guardian* (12 January 2021); Committee of Concerned Scientists, [“Anthropologist Fariba Adelkhah Still in Prison on Seemingly Fabricated Charges”](#) (25 June 2022).

¹⁹⁰ Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 344, 346.

¹⁹¹ Mustafa Salim & Louisa Loveluck, [“Leading Iraqi Researcher Assassinated Outside His House in Baghdad,”](#) *Washington Post* (6 July 2020); [“Hisham al-Hashimi,”](#) *Wikipedia* (9 July 2020); Scholars at Risk Academic Freedom Monitoring Project, [“Hisham al-Hashemi”](#) (6 July 2020); Gulf Centre for Human Rights, [“Iraq: Journalist and Security Expert Dr. Hisham Al-Hashemi Assassinated in Front of His House in Baghdad”](#) (7 July 2020); AP, [“Iraqi Expert on Islamic State Shot Dead in Baghdad,”](#) *The Guardian* (6 July 2020); [“Iraq](#)

Throughout 2021 and 2022, water shortages caused by dams in Turkey and Iran, years of mismanagement of water resources, and the effects of climate change accumulated into damage to multiple cultural heritage sites. Rising salt concentrations significantly damaged the walls of Babylon, capital of the ancient Babylonian Empire (1895–539 BCE), and the Temple of Ishtar. In Samarra, capital of the Abbasid Caliphate (836–892 CE), sandstorms were causing erosion of the city, and in Umm al-Aqarib desertification led to the slow disappearance of its White Temple, palace and cemetery.¹⁹²

On 20 March 2022, Jim Fitton ([1955]–), a British retired geologist, was arrested by airport security after shards of broken pottery were found in his luggage. Fitton had participated in an archaeological expedition to Eridu, southern Iraq, where he had collected fragments about which he had allegedly been informed that they held no economic or historical value to Iraq. On 6 June, a Baghdad court sentenced him to fifteen years in prison under the 2002 Iraqi artifacts law. On 27 July, the Court of Cassation overturned the conviction, reportedly because of his age.¹⁹³

See also Australia, Morocco.

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006, 2013, 2015–2016, 2021.

See United Kingdom.

[Armed Groups Expert Hisham al-Hashemi Shot Dead in Baghdad](#),” *Al Jazeera* (6 July 2020); Scholars at Risk, [Free to Think 2020](#) (New York: SAR, 2020), 25, 28.

¹⁹² Hannah Lynch, “[Iraq’s Ancient Buildings Are Being Destroyed by Climate Change](#),” *Guardian* (15 April 2022).

¹⁹³ Tom Ambrose, “[Family of British Geologist Facing Death Penalty in Iraq Urge UK to Intervene](#),” *Guardian* (30 April 2022); “[British Geologist Jailed for 15 Years in Iraq for Smuggling Artefacts](#),” *Guardian* (6 June 2022); “[British Geologist Jailed in Iraq after Taking Artefacts](#),” *BBC News* (6 June 2022); “[Geologist Jim Fitton Jailed in Iraq ‘Shell Shocked’ over Verdict](#),” *BBC News* (7 June 2022); “[Jim Fitton: Iraqi Court Overturns Conviction of British Geologist](#),” *BBC News* (27 July 2022).

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2014, 2016–2021.

In August 2021, the Israeli Supreme Court upheld the government policy of withholding the bodies of Palestinians killed in “security incidents,” as leverage to secure Hamas’s release of the bodies of two Israeli soldiers presumably killed in 2014 hostilities. The Haifa-based human rights group Adalah found that as of August 2021, authorities held the bodies of 81 Palestinians killed since 2015.¹⁹⁴

On 4 April 2022, a lawyer for the national intelligence agency Mossad told the High Court of Justice that it had difficulties locating historical documents in its archives relating to ties between the Mossad and Lebanese Christian militias that committed massacres in the Palestinian refugee camps of Sabra and Shatila in Lebanon in 1982. Dozens of human rights advocates had sought the disclosure of documents demonstrating Mossad’s links to Lebanese Christian militias in the 1970s and 1980s. Supreme Court President Esther Hayut called the Mossad’s claim “strange.” She noted that the Mossad was legally required to preserve the documents, which were to be opened in 2072.¹⁹⁵

On 29 May 2022, known as Jerusalem Day in Israel to celebrate the capture of East Jerusalem during the Six Days War (1967), thousands of Israelis waved Israeli flags at Jerusalem’s holy esplanade – also known as Har haBayit (Temple Mount), the holiest site in Judaism, and Haram al-Sharif (Noble Sanctuary), containing the al Aqsa mosque, the third holiest place in Islam – despite a long-standing agreement forbidding non-Muslims to pray or display any religious or national symbols at the site.¹⁹⁶

On 2 June 2022, the Knesset (parliament) approved a provisional bill banning the display of “enemy flags,” including the Palestinian one, at state-funded institutions. The bill was tabled after Palestinian flags had been waved throughout Israel, including at Ben Gurion University, Negev, on 15 May, known by Palestinians as Nakba Day (to commemorate the 1948 Declaration of Independence of Israel and the accompanying ethnic cleansing of Palestinians).

On 25 September 2021, the Jerusalem Magistrate’s Court had ruled that the flying of Palestinian flags was not illegal. However, confiscation of Palestinian flags by Israeli forces continued throughout 2021 and 2022. On 11 May 2022, dozens of Israeli police attacked people carrying the Palestinian flag-

¹⁹⁴ Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2021), 358.

¹⁹⁵ Ofer Aderet, “[Mossad Says Can’t Find Files on 1982 Lebanon Massacre](#),” *Haaretz* (5 April 2022).

¹⁹⁶ Raffi Berg, “[Jerusalem Flag March: Israeli Nationalists Stream Through Muslim Quarter](#),” *BBC News* (29 May 2022).

draped coffin of Al Jazeera journalist Shireen Abu Aqla (1971–2022), who was reportedly shot by Israeli forces during an Israeli army raid on the Jenin refugee camp, north of the occupied West Bank.¹⁹⁷

On 14 June 2022, the Education Ministry canceled an annual education trip to Poland (in which thousands of high school students travel to Poland to visit former extermination and concentration camps), citing alleged attempts by the Polish government to manipulate the trip’s educational material about the Holocaust. Foreign Minister Yair Lapid claimed that the alleged revisions fitted within a widely criticized 2018 memory law (also known as the Holocaust Law) that outlawed reference to the collaboration or complicity of Poles in crimes committed in Poland during the Holocaust [See NCH *Annual Reports 2018–2019*], and a 2021 property restitution law that set a statute of limitations for the right of Shoah survivors and victim’s families to claim restitution for wrongly seized properties [See NCH *Annual Report 2021*].¹⁹⁸

See also Germany, Mexico, Netherlands, Palestine, Poland, United Nations, United States.

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012, 2016–2019, 2021.

On 25 November 2021, in *Biancardi versus Italy*, the European Court of Human Rights obliged online news platforms and archives (and not only search engines) to de-index (but not delete) online news articles on request by persons invoking the “right to be forgotten,” thus broadening the scope of this right to the detriment of the integrity and accessibility of online (news) archives. In *Biancardi*, the Court said that the article, related to an “ordinary person” rather than a public figure, was no longer current and, therefore, not of public interest anymore. On 22 June 2021, the Court, in *Hurbain versus Belgium*, had already upheld a Belgian court order to anonymize an archived online press article. On 11 October 2021, however, *Hurbain* was referred to the Grand Chamber.¹⁹⁹

¹⁹⁷ Nir Hasson, “[Flying Palestinian Flags in Israel Is Not Illegal, Court Confirms](#),” *Haaretz* (27 September 2021); Arwa Ibrahim, “[Palestinian Identity and Israel’s Long Attempt to Suppress It](#),” *Al Jazeera* (20 May 2022); Yolande Knell, “[Israel and Palestinians in Flag Furor Amid Ban Move](#),” *BBC News* (2 June 2022).

¹⁹⁸ Zvika Klein & Lahav Harkov, “[Israel Cancels Poland Youth Trips, Lapid Cites Manipulations](#),” *Jerusalem Post* (15 June 2022); “[Israel Nixes Youth Trips to Poland over Holocaust Education Spat](#),” *Times of Israel* (16 June 2022).

¹⁹⁹ European Court of Human Rights, [Hurbain versus Belgium: Judgment](#) (22 June 2021); European Court of Human Rights, [Biancardi versus Italy: Judgment](#) (25 November 2021); Andrea Monti, “[The European Court of Human Rights and the Right to Erase History](#),” *Inform* (9 December 2021).

On 19 January 2022, the defamation trial against United States filmmaker Kelly Duda (1966–) in Rome was postponed until July. In 2005, Duda had made a documentary, entitled *Factor 8: The Arkansas Prison Blood Scandal*, which included cases of victims of contaminated blood transfers in Italy in the 1980s and 1990s. In December 2017, Duda was testifying in a manslaughter trial, related to the blood transfers, in Naples, during which he criticized prosecutor Lucio Giugliano, for what he believed was an attempt to discredit his testimony despite him being a prosecution witness. Duda was briefly detained for insulting Giugliano and in 2019 charges were filed against him under an offense dating back to Italy’s Fascist period for “offending the honor or prestige” of Giugliano.²⁰⁰

On 15 February 2022, a number of Catholic groups and sexual abuse survivors called on the Roman Catholic Church in Italy to create an independent commission to investigate the church’s handling of clerical sexual abuse cases and to open the private church archives.²⁰¹

See also Paraguay.

IVORY COAST (Côte d’Ivoire)

Previous *Annual Report* entries: 2004, 2006–2021.

See Burkina Faso.

²⁰⁰ Angela Giuffrida, “[US Film-Maker Tried in Italy on Fascist-Era Charge over Tainted Blood Testimony](#),” *Guardian* (20 January 2022).

²⁰¹ Elisabetta Povoledo, “[In Italy, a Call for a National Investigation into Clerical Sexual Abuse](#),” *New York Times* (15 February 2022).

JAMAICA

Previous *Annual Report* entries: 2017–2018.

See Grenada.

JAPAN

Previous *Annual Report* entries: 1995–2021.

On 17 March 2022, nine South Korean, Chinese, and Dutch survivors of the Japanese sexual slavery (“comfort women”) system during the Pacific War (1931–1945) and a support group including historian Alexis Dudden sent a petition to the United Nations Special Rapporteurs and Working Groups on Human Rights to press Japan and South Korea to jointly refer their dispute about the system to the International Court of Justice which would then decide whether Japan violated the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In case this would fail, the survivors would then press South Korea to submit a complaint to the United Nations Committee against Torture to the effect that Japan violated the Convention by denying or downplaying the system. With this initiative, the survivors wanted to buttress their demand since the early 1990s that the Japanese government fully accept culpability and offer an unequivocal apology. In 1996 a United Nations report had concluded that at the time sex slaves were taken through “violence and outright coercion.”²⁰²

See also Afghanistan, China, Korea, South.

²⁰² “[Petition to United Nations Special Rapporteurs and Working Groups on Human Rights](#) (with appendices)” (17 March 2022; 148 pages); Kim Tong-Hyung, “[S. Korean Slavery Victim Seeks UN Justice as Time Runs Out](#),” *AP News* (21 March 2022); Special Rapporteur on Violence against Women, Its Causes and Consequences, Radhika Coomaraswamy, [Report on the Mission to the Democratic People’s Republic of Korea, the Republic of Korea and Japan on the Issue of Military Sexual Slavery in Wartime](#) (E/CN.4/1996/53/Add.1; 4 January 1996).

JORDAN

Previous *Annual Report* entries: 2003–2004, 2015, 2018.

On 24 March 2021, the tenth anniversary of the 24 March Movement (a 2011 youth-led movement calling for political reform), security forces arrested dozens of individuals who were set to join commemorations in Amman and other cities, citing COVID-19 related health risks.²⁰³

²⁰³ Amnesty International, *Report 2021/22: The State of the World's Human Rights* (London: AI, 2022), 216.

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012.

On [5] January 2022, demonstrators in Almaty pulled down a statue of Nursultan Nazarbayev (in office between 1990–2019), Kazakhstan’s first president after it became independent from the USSR in 1991, amid political protests.²⁰⁴

Historians researching the governance of the Kazakh Soviet Socialist Republic (1936–1991) and Kazakhstan’s independence in 1991 were unable to consult many archival documents, as they were located in Moscow and the Russian government refused most requests to access them.²⁰⁵

See also China.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2018, 2020–2021.

In 2021, the Lamu Old Town, a UNESCO World Heritage site, was under threat of collapse, due to, among others, poor management of its historical buildings.²⁰⁶

In [June] 2022, a conference on Africa’s stolen cultural heritage organized by the British Council in Nairobi pleaded for restitution for and repatriation of the large repository of African audio-visual materials, in addition to material heritage, taken during the colonial period and kept in European archives. Over ninety per cent of the material cultural legacy of sub-Saharan Africa was estimated to be preserved and housed outside of the African continent, with demands for repatriation dating as far back as 1944 when descendants of the Toucouleur Empire (1861–1893) called for the return of thousands of pieces of cultural heritage including the saber of their founder El Hadj Omar Tall (1794–1864).²⁰⁷

²⁰⁴ Agnieszka Pikulicka-Wilczewska, “[What Is Behind the Protests Rocking Kazakhstan?](#),” *AlJazeera* (5 January 2022).

²⁰⁵ Paul A. Globe, “[Stalin’s Centralization of Archives Leaves Post-Soviet States Without Key Sources on Their Histories](#),” *Euromaidan Press* (3 February 2022).

²⁰⁶ World Heritage Watch, *Report 2021* (Berlin: HWH, 2021), 83.

²⁰⁷ Njeri Wangari, “[Africa’s Heritage Restitution Debate Extends to Audio and Visual Archives](#),” *Good Men Project* (29 June 2022).

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011, 2013–2015, 2017, 2019.

See United States.

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012–2013, 2016–2021.

In January 2021, a new law allowed prison sentences of up to five years for people who spread “falsehoods” about the 1980 Gwangju uprising. In May 2021, a bill was submitted calling for up to ten years in prison for those who praised Japan’s colonial rule of Korea (1910–1945) and proposing the establishment of a panel of experts on “truthful history.” They were part of a set of laws intended to combat false narratives about sensitive historical topics. In June 2021, the Korea History Society and twenty other historical research institutes issued a joint statement warning that the government of President Moon Jae-in was undermining democratic values by using the threat of criminal penalties to dictate history.²⁰⁸

On 7 June 2021, the Seoul Central District Court dismissed a collective suit for damages launched in 2015 by 85 South Korean victims of wartime forced labor in Japan and their families against 16 Japanese companies, saying that the plaintiffs did not have litigation rights. Referring to the 1965 agreement between South Korea and Japan on resolving colonial-era issues, the court said: “It cannot be said that individual claims are terminated or waived due to the Korea-Japan treaty. But it was decided that the individual rights cannot be exercised through lawsuits.” The ruling stood in contrast to an October 2018 ruling from the Supreme Court, which upheld a 2013 appeals court ruling that ordered Nippon Steel to pay each of four Korean plaintiffs 100 million won (US\$ 87,720) in compensation for their wartime forced labor and unpaid work.²⁰⁹

In April 2020, Nguyen Thi Thanh, a survivor of the Phong Nhi and Phong Nhat massacre of 12 February 1968, filed a lawsuit against the South Korean government over the role of South Korean troops during

²⁰⁸ Choe Sang-Hun, “[‘Historical Distortions’ Test South Korea’s Commitment to Free Speech](#),” *New York Times* (18 July 2021); Ian Buruma, “[Uitingsvrijheid eindigt waar geweld begint](#),” *NRC Handelsblad* (11 August 2021).

²⁰⁹ “[Court Rejects Damages Suit against Japanese Firms by Korean Forced Labor Victims](#),” *Yonhap News Agency* (7 June 2021).

the Vietnam War (1954–1975), in the first lawsuit of its kind in a South Korean court. On 12 February 1968, a marine unit had swept through Phong Nhi and Phong Nhat, two villages in central Vietnam, after which more than seventy villagers were found dead. In 1969, South Korea’s intelligence agency had begun questioning members of the marine unit on this war crime.

In June 2021, alongside the lawsuit, a series of general public hearings began as part of an attempt by lawmakers and civic groups to push for a special law calling for government-led investigations into crimes committed during the Vietnam war. Discussion about the role of South Korean troops had been a taboo until the 1990s. After the opening of diplomatic ties with Vietnam in 1992, a study based on interviews with survivors and witnesses reported that dozens of alleged mass killings carried out by South Korean troops had resulted in 8,000 to 9,000 civilian deaths. In April 2018, the People’s Tribunal on War Crimes by South Korean Troops during the Vietnam War, a citizens’ tribunal made up out of a number of social organizations, had issued a non-binding resolution that South Korea should compensate the survivors, launch an investigation into atrocities committed between 1964–1973, and amend all public memorials pertaining to South Korea’s participation in the Vietnam War. In 2019, the “103 victims” petition, named after the 103 survivors of massacres at seventeen Vietnamese villages, including Phong Nhi and Phong Nhat, was launched, requesting to disclose intelligence agency reports, to investigate allegations of war crimes and to issue a public apology. However, the Defense Ministry said it could “neither confirm nor deny” whether an investigation had taken place, and that it could not look into the allegations because Vietnam was not ready to cooperate.²¹⁰

See also Japan.

KOSOVO

Previous *Annual Report* entries: 2021. For previous entries: *see* Serbia.

After negotiations with Serbia on 7 and 8 September 2021, Deputy Minister Besnik Bislimi claimed that Serbia had agreed to open up its military archives, including those on the former Kosovo Liberation

²¹⁰ Hoang Do, “[The Forgotten History of South Korean Massacres in Vietnam](#),” *The Diplomat* (15 May 2020); “[People’s Tribunal on War Crimes by South Korean Troops during the Vietnam War](#),” *Wikipedia* (17 September 2020); Choe Sang-Hun, “[Vietnam War Victims Wanted Justice: They Were Given ‘30 Bags of Rice’](#),” *New York Times* (21 August 2021); Park Chan-kyong, “[Vietnam War Survivors Push Seoul to Compensate for Korean Troop Atrocities](#),” *South China Morning Post* (30 August 2021).

Army [See NCH *Annual Report 2021*]. In [May] 2022, the International Committee of the Red Cross stressed the importance of allowing access to the archives.²¹¹

On 30 December 2021, the Organization for Security and Co-operation in Europe (OSCE) Mission in Kosovo condemned the desecration of a number of tombstones in a Serbian Orthodox cemetery in Gračanice / Gračanica around 27 December.²¹²

See also Switzerland.

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005, 2018, 2021.

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2013, 2016–2017, 2021.

In July 2021, President Sadyr Japarov approved a new “concept on spiritual-moral development and physical education of individuals.” The concept called on state bodies to promote traditional values and recommended that media outlets propagate the values of a traditional society [and] the ideals of the family.²¹³

²¹¹ Milica Stojanovic, “[Serbia, Kosovo Urged to Publish ‘Deal to Open Up War Archives’](#),” *Balkan Insight* (13 September 2021); Xhorxhina Bami, “[Kosovo Seeks Satellite Images of Suspected War Grave in Serbia](#),” *Balkan Insight* (31 May 2022).

²¹² “[OSCE Condemns Desecration of Serb Gravestones in Kosovo](#),” *Balkan Insight* (30 December 2021).

²¹³ Amnesty International, *Report 2021/22: The State of the World’s Human Rights* (London: AI, 2022), 227.

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008, 2015–2016, 2019.

In early December 2021, an independent international panel of fifteen historians published its recommendations on the “Latvian Beehive for Freedom,” a monument set up in Zedelgem, Belgium, in September 2018 on the terrain of a former British prisoners of war camp, to honor the memory of approximately 12,000 Latvians who were interned there from September 1945 to May 1946. The large majority of these internees belonged to the Latvian Legion, a division of the Waffen-SS (the SS military branch) created in January 1943 and consisting of Latvian conscripts (the majority) and volunteers (the minority). The municipality of Zedelgem had asked the panel to reflect on the monument after an international controversy had erupted in late 2020 over the fact that before its creation “a sizeable part of the recruits” of the Latvian Legion had committed war crimes (when fighting on the side of Nazi-Germany at the Eastern Front) and crimes against humanity (when assisting in the Holocaust in Latvia), and that no reference had been made to their victims. The panel concluded that the site risked becoming “an inspiration for revisionist narratives of the legacy of the SS” and unanimously recommended to rename the memorial square, remove the current plaque, and redefine and relocate the monument itself. In a reaction on 3 December 2021, the municipality of Zedelgem expressed the intention to follow the panel’s recommendations.

Following the recommendations, panel member Didzis Bērziņš, a lecturer at the Department of Social Sciences at the University of Latvia, Riga, specialized in the study of Nazi propaganda and the memory of the Holocaust, was intimidated and attacked in public. On 10 December 2021, the Latvijas Okupācijas muzejs (Museum of the Occupation of Latvia), which had co-funded the monument, questioned the panel’s findings and stated that “not one historian from Latvia could take part [in it],” claiming that Bērziņš was not a historian but a “social scientist.” The museum neglect the fact that the panel had members from the Latvian diaspora. The interpretation of the Legionnaires was highly controversial in Latvia, with the Veterans’ League organizing an annual march in the capital Riga on 16 March commemorating the Legionnaires as patriots who fought against the USSR’s Red Army.²¹⁴

²¹⁴ “[The Legacy of the British POW Camp on the Vloethemveld Site](#)” (Workshop Zedelgem, Friday 26 & Saturday 27 November 2021), *Belgium WWII* [early December 2021]; Municipality of Zedelgem, “[Reactie gemeente op advies internationaal panel betreffende De Letse Bijenkorf en de erfenis van het Britse krijgsgevangenkamp op site Vloethemveld](#)” (3 December 2021); Andris Auzāns & Alina Lastovska, “[‘Spried ar Delfi’ par latviešu karagūstekniem veltītā pieminekļa iecerēto aizvākšanu Beļģijā. Pilns ieraksts](#),” *Delfi* (7 December 2021); Andris Auzāns, “[Strīdus raisījušais piemineklis latviešu leģionāriem Beļģijā: vai Latvijas viedoklis uzskaitīts?](#),” *Delfi* (8 December 2021); Latvian Ministry of Culture, “[Zedelģeimā uzstādītā pieminekļa latviešu leģionāriem iespējamā pārvietošana būtu pārprasta politikorektuma piemērs](#),” (9 December 2021); Museum of the Occupation of Latvia, “[The Latvian Occupation Museum’s Response to the Conclusions Reached by a Workshop Organized by the Municipality of Zedelgem, 26–27 November 2021](#),” (press release; 10 December 2021); Latvian Ministry of Foreign Affairs, “[The Latvian Foreign Minister Edgars Rinkēvičs Addresses the Belgian Foreign Minister on the Matter of the Zedelgem Monument](#),” (10 December 2021);

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2021.

Throughout 2021, the government insufficiently funded a number of investigative institutions. Operations of the Special Tribunal for Lebanon (STL), which in 2020 had convicted a senior member of Hezbollah for the bombing of former Prime Minister Rafik Hariri in 2005 [See NCH *Annual Reports 2010–2011, 2013–2015, 2021*], were uncertain due to funding constraints, while a 2018 independent national commission to investigate the fate of an estimated 17,000 people who were kidnapped or “disappeared” during the Civil War (1975–1990), had not yet received any governmental funding.

On 10 March 2022, the STL appeals chamber reversed the earlier acquittal of two defendants, Hassan Habib Merhi and Hussein Hassan Oneissi, and instead found them guilty on charges of terrorism and murder for their role in the murder of Hariri.²¹⁵

On 30 September 2021, the Beirut-based Samir Kassir Eyes Center for Media and Cultural Freedom published a report entitled *A Social Media Analysis of the Hate Network Surrounding Lokman Slim's Assassination*, in which it concluded that between 4 January and 4 March 2021 a disinformation campaign involving influencers (mainly journalists), fake accounts, and fake news was acted out on Twitter with hundreds of thousands of tweets and retweets. The campaign aimed at pushing a hate narrative against publisher and archivist Lokman Slim and his family before and after his assassination, and of formulating a joint response after the killing against accusations that Hezbollah had played a part in the attack. On 4 February 2021, Slim (1962–2021), a Shiite publisher, archivist, and critic of Hezbollah, was found shot in a car in an area reportedly controlled by Hezbollah forces [See NCH *Annual Report 2021*] [On Samir Kassir: See NCH *Annual Report 2005*].²¹⁶

In December 2021, Legal Action Worldwide (LAW) published a report on torture and sexual violence against women during the Civil War (1975–1990), finding that systematic violence against Lebanese and Palestinian women and girls by government forces and militias took place throughout the war. It

Didzim Bērziņam, “[Latvijas Okupācijas muzeja direktores Solvitas Vības Atklātā vēstule par raidījuma “Spried ar Delfi” izteiktajiem atzinumiem.](#)” *Latvijas Okupācijas muzejs* (10 December 2021); Latvian Ministry of Defense, “[In a Letter to Belgian Defence Minister, Pabriks Calls for Understanding of Latvia's Complex History and Respect for Latvian Prisoners of War.](#)” (12 December 2021); Koen Aerts, personal communications (15 & 19 & 26 December 2021); Marc Reynebeau, “[Koude Oorlog laait op in Zedelgem.](#)” *De Standaard* (18 December 2021); Aivars Sinka, “[An Honourable Monument to Freedom – Why the Zedelgem Beehive Should Stay.](#)” *Latviesi* (23 December 2021).

²¹⁵ Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 421; Janet H. Anderson, “[Special Tribunal for Lebanon's ‘Second Best Justice’.](#)” *Justiceinfo.net* (17 March 2022).

²¹⁶ Nasri Messarra, *A Social Media Analysis of the Hate Network Surrounding Lokman Slim's Assassination* (Beirut: Samir Kassir Foundation, September 2021; 32 pages); Nicholas Frakes, “[The Hate Network.](#)” *Now Lebanon* (5 October 2021).

further concluded that a 1991 Amnesty Law that granted immunity for crimes committed against civilians had laid the “foundation for the impunity that has characterized the post-conflict era in Lebanon.” In 2018, parliament had passed a law setting up a national commission to investigate disappearances during the war, enabling LAW to begin its investigation.²¹⁷

See also Israel.

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2015, 2018, 2021.

LIBYA

Previous *Annual Report* entries: 2003, 2005–2021.

LITHUANIA

Previous *Annual Report* entries: 2005, 2009, 2015, 2018, 2021.

On 21 September 2021, a report by the National Cyber Security Center concluded that phones made by Chinese manufacturer Xiaomi had a built-in functionality that, if enabled (advertently or not), would detect and censor phrases referring to the independence of Taiwan or Tibet.²¹⁸

On 13 January 2022, six Lithuanian citizens filed a lawsuit against former Soviet leader Mikhail Gorbachev (in office from 1985 to 1991) for failing to stop the January 1991 assault on independence supporters that killed fourteen people and wounded more than 700. Lithuania had declared independence from the USSR in March 1990 but it was only recognized by Moscow in September 1991.

²¹⁷ Legal Action Worldwide, [“They Raped Us in Every Possible Way, in Ways You Can’t Imagine: Gendered Crimes During the Lebanese Civil Wars,”](#) (December 2021), 41; Tessa Fox, [“Rape Used ‘Systematically’ During Lebanon’s Civil War, Report Finds,”](#) *Guardian* (9 June 2022).

²¹⁸ Tom Bateman, [“‘Throw Away Your Chinese Phone’ Says Lithuania, after New Report Reveals Built-In Censorship Tech,”](#) *Euronews* (22 September 2021).

In 2019, a Lithuanian court had convicted dozens of Soviet-era officials for war crimes, but refused to investigate Gorbachev.²¹⁹

Following an order of Culture Minister Simonas Kairys that allowed municipalities to remove Soviet memorials, the city of Kaunas decided to remove all Soviet monuments. Other municipalities followed suit. In early April 2022, a monument in Bubiai in memory of Soviet soldiers killed during World War II was destroyed and painted in the colors of the Ukrainian flag.²²⁰

²¹⁹ [“Lithuanians Sue Gorbachev Over Deadly Soviet Crackdown,”](#) *Moscow Times* (13 January 2022).

²²⁰ Linas Jegelevicius, [“Some Lithuanian Municipalities Hesitate to Remove Soviet Heritage after Minister’s Backing,”](#) *Baltic News Network* (12 May 2022).

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2015, 2017–2018.

See North Macedonia.

MADAGASCAR

Previous *Annual Report* entries: 2018.

MALAWI

Previous *Annual Report* entries: 2011–2012, 2019, 2021.

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011, 2016–2017, 2019–2021.

On 19 August 2021, 31 people were forcibly detained by police while they were holding an outdoor candlelight vigil for the victims of the COVID-19 pandemic (2019–). At least one participant filed a police report over physical injuries, allegedly caused by the police.²²¹

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010, 2013, 2020–2021.

MALI

Previous *Annual Report* entries: 2011, 2013–2021.

²²¹ Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 433.

MALTA

Previous *Annual Report* entries: 2012, 2021.

MARSHALL ISLANDS

Previous *Annual Report* entries: 2013, 2015.

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011, 2017, 2019–2020.

MAURITIUS

Previous *Annual Report* entries: 2012.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2021.

On 8 March 2021, International Women’s Day, police officials shot rubber bullets at crowds in Mexico City demonstrating for better protection of women’s rights and commemorating the victims of femicide. The protesters were laying flowers and painting the names of femicide victims at the Zócalo (the capital’s central square) when clashes erupted. In 2020, Mexico recorded the murder of 3,723 women, of which only 940 were investigated as femicide. In May 2021, a statue in memory of Karla Pontigo (?–2012) was installed in San Luis Potosí as part of the reparation for her killing. Her murder remained unpunished.²²²

²²² Sarah Johnson, “[‘It Was Civil War’: Photographing Mexico’s Women’s Rights Protests](#),” *Guardian* (30 December 2021); Amnesty International, *Report 2021/22: The State of the World’s Human Rights* (London: AI, 2022), 251.

June 2021 marked the fiftieth anniversary of the Corpus Christi Massacre (also known as Halconazo), with complete impunity for the perpetrators still in place. On 10 June 1971, a group of “Halcones” (hawks; pay-for-hire thugs) attacked some 10,000 student demonstrators in Mexico City.

In 2002, the Fiscalía Especial para movimientos sociales y políticos del pasado (FEMOSPP; Office of the Special Prosecutor for Social and Political Movements of the Past) had started a five-year investigation, among others into the role of then President Luis Echeverría Álvarez (1922–2022) [See NCH *Annual Report 2006*], and in 2006 published a report on the Guerra sucia (Dirty War; 1964–1982). However, no convictions followed and the FEMOSPP closed in the same year. In March 2021, Undersecretary of Human Rights Alejandro Encinas suggested to establish a new truth commission to investigate crimes committed during the Guerra sucia.²²³

In July 2021, President Andrés Manuel López Obrador urged the Israeli government to cooperate in the extradition of Tomás Zerón, who had headed the Criminal Investigation Agency that led the inquiry into the disappearance of 43 students in Iguala in 2014 [See NCH *Annual Reports 2015, 2021*]. Zerón was one of the architects of the so-called “historical truth” – the official version of the disappearances that was presented by the government of then President Peña Nieto in January 2015 and that had been rejected by the victims’ families. In January 2021, Zerón, who was charged himself with kidnapping, torturing suspects, manipulating evidence, and embezzling around \$50m of public funds, had sought asylum in Israel.

On 28 March 2022, the Grupo Interdisciplinario de Expertos Independientes (Interdisciplinary Group of Independent Experts), created by the Inter-American Commission on Human Rights in 2014, released a report revealing that the armed forces had intentionally destroyed, falsified, and hidden information during and following the Iguala disappearances.²²⁴

On 5 September 2021, Mexico City mayor Claudia Sheinbaum said that a prominent statue of Christopher Columbus would be moved to a park [See NCH *Annual Report 2021*], adding that relocating the statue was not an attempt to “erase history” but to deliver “social justice.” On 12 October,

²²³ Megan DeTura, “[Mexico’s 1971 Corpus Christi Massacre, Fifty Years Later](#),” *National Security Archive* (10 June 2021).

²²⁴ Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: Scholars at Risk, 2015), 18; “[Mexico Students v. the State: Anniversary of 1968 Massacre Reopens Recent Wounds](#),” *BBC News* (1 October 2018); “[Mexico Urges Israel to Extradite Former Investigator in 43 Missing Students Case](#),” *Guardian* (22 July 2021); “[Mexico Missing Students: Parents Angry at Military’s Obstruction](#),” *BBC News* (30 March 2022); Kate Doyle & Claire Dorfman, “[Mexican Military Archives Produce New Revelations in the Ayotzinapa Case](#),” *National Security Archive* (1 April 2022); “[Ayotzinapa Investigations Special Exhibit Page Launch](#),” *National Security Archive* (26 April 2022).

city officials said a replica of a sculpture depicting what was believed to be member of the Huastec people, called “the young woman of Amajac,” would replace the statue.²²⁵

On 7 October 2021, President Andrés Manuel López Obrador issued a decree establishing a Comisión para el Acceso a la Verdad, el Esclarecimiento Histórico y el Impulso a la Justicia (Commission for Access to Truth, Historical Clarification, and Promotion of Justice) to investigate the crimes, including disappearances, of the Guerra sucia (1964–1982; Dirty War) [See above]. The decree specified that all information available in the Archivo General de la Nación (General Archives of the Nation) from the Secretariat of Defensa Nacional (National Defense), the Estado Mayor Presidencial (Presidential Staff), the Dirección Federal de Seguridad (Federal Security Directorate), the Centro de Investigación y Seguridad Nacional (Center for Investigation and National Security), and all state intelligence agencies would be available for analysis and research. Civil society organizations praised the inclusion of victims in the process yet highlighted the need to guarantee collaboration from the army in making the archives available.²²⁶

In November 2021, Mexico became the first country to accept an official visit by the United Nations (UN) Committee on Enforced Disappearances, which held more than 150 meetings with authorities, victims’ organizations and NGOs around the country. However, on 17 May 2022, UN High Commissioner for Human Rights Michelle Bachelet pointed out the “staggering rate of impunity” for enforced disappearances and urged the authorities to ensure justice and continue reforms. More than 100,000 people were officially registered as “disappeared” since 1964. In only 35 cases the perpetrators had been convicted.²²⁷

²²⁵ [“Mexico City to Swap Columbus Statue for One of Indigenous Woman,”](#) *BBC News* (6 September 2021); [“Mexico City to Swap Columbus Statue For One of indigenous Woman,”](#) *BBC News* (13 October 2021); Sofia Menchú, [“Guatemala Protesters Strain to Topple Columbus Statue, Protesting Colonizer Legacy,”](#) *Reuters* (13 October 2021).

²²⁶ Guadalupe Vallejo, [“Nace Comisión de la Verdad que investigará guerra sucia en México,”](#) *Expansión política* (7 October 2021); Amnesty International, *Report 2021/22: The State of the World’s Human Rights* (London: AI, 2022), 249.

²²⁷ [“Mexico’s 100,000 ‘Disappeared’ Is a Tragedy, Says UN Rights Chief Bachelet,”](#) *United Nations News* (17 May 2022).

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010.

Throughout 2021, impunity for grave past abuses by law enforcement agencies remained endemic. In March 2020, the Committee of Ministers of the Council of Europe had reiterated the need to ensure accountability of the security services in relation to the abduction and forcible return of seven Turkish private high school teachers, who were reportedly connected to the movement led by Fethullah Gülen, in 2018, and to implement the 2019 European Court of Human Rights' decision *Özdil and Others v. Republic of Moldova* that had concluded the forcible return to have been illegal.²²⁸

MONGOLIA

Previous *Annual Report* entries: 2007, 2013.

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2013, 2015–2017, 2021.

On 19 October 2021, the European Commission urged the Montenegrin authorities to more actively and effectively investigate and prosecute war crimes committed during the Yugoslav wars of succession (1991–1995). On 6 December 2021, coinciding with the 30th anniversary of the Yugoslav People's Army 1991 bombardment of Dubrovnik, Croatia, a joint statement by three NGOs – the Center for Civic Education, Human Rights Action, and Documenta – Center for Dealing with the Past – reiterated the call [See NCH *Annual Report* 2021].²²⁹

²²⁸ European Court of Human Rights, [Case of Ozdil and Others v. The Republic of Moldova \(Application no. 42305/18\): Final Judgement](#) (Strasbourg: ECHR, 2019); Madalin Necsutu, "[Turkish Court Jails Professor Deported from Moldova](#)," *Balkan Insight* (19 July 2019); Amnesty International, *Report 2021/22: The State of the World's Human Rights* (London: AI, 2022), 254.

²²⁹ Milica Stojanovic, Samir Kajosevic, Xhorxhina Bami & Semir Mujkic, "[European Commission Raps Serbia's 'Weak' War Crimes Case Record](#)," *Balkan Insight* (19 October 2021); Samir Kajosevic, "[Montenegro Urged to Make War Crimes Prosecution Priority](#)," *Balkan Insight* (6 December 2021).

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2013, 2015–2018, 2020–2021.

In October 2021, historian, journalist, and human rights activist Maâti Monjib (1962–) was prevented from traveling to France for a medical appointment and to see his family, due to an arbitrary travel ban imposed since October 2020 [See NCH *Annual Report 2016, 2020–2021*].²³⁰

On 10 January 2022, Jamaâ Baïda, director of l'Association marocain pour la recherche historique (Moroccan Association for Historical Research), expressed support for an initiative by the Archives du Maroc to return the “Ben Abdelkrim papers” from France, as they were of great scientific importance and constituted a “moral symbol for generations to come.” As President of the Republic of the Rif (1921–1926), Muhammad ibn Abd al-Karim al-Khattabi (Ben Abdelkrim) (1880–1963) led a large-scale revolt against French and Spanish colonizer troops during the Rif War (1921–1926), after which he had to surrender to the French forces and his archives were seized and taken to France. On 16 January 2021, the Archives du Maroc had sent an official letter to the diplomatic archives of France requesting the return of the personal documents, but it had not received any response.²³¹

When two organizers of the feminist platform Tanit were interviewed about their project *Tarikhona Hona* (Our History Is Here) to construct an archive of the LBGTQI+ community in Morocco, they announced that they would publish only one part of the archive online and keep secret the other part due to safety concerns. Archive volunteers who would conduct interviews were trained in cybersecurity in order for interviewees to be able to speak safely and for the interviews not to be hacked. Some of the volunteers withdrew from the project. One of the organizers preferred to be named by her initials only. In Morocco, same-sex relations were criminalized under Article 489 of the penal code and punishable by up to three years in prison.²³²

In June 2022, cinema authorities banned the British film *Lady of Heaven*, after it was condemned by the Supreme Ulema Council as a “flagrant falsification of the established facts” of Islam. The film, claiming to tell the story of Prophet Muhammad’s daughter Fatima ([605]–632 CE) and written by Shia Muslim film-maker and cleric Yasser Al-Habib, was criticized for its depiction of prominent revered figures in early Sunni Islam implicitly comparing their actions to those of the Islamic State group in

²³⁰ Amnesty International, *Report 2021/22: The State of the World’s Human Rights* (London: AI, 2022), 258.

²³¹ Ghita Zine, “[Archives du Maroc: Pour la restitution par la France des ‘papiers de Ben Abdelkrim’](#),” *Yabiladi* (11 January 2022).

²³² Kristin Gee Hickman, “[Our History Is Here: An Interview with Marwan Bensaïd and L.A.](#),” *Africa Is a Country* (without date [2022]).

Iraq. The film also sparked protests in Egypt, Pakistan, Iran, Iraq, and the United Kingdom – where one of the biggest cinema chains, Cineworld, canceled many of its screenings.²³³

MOZAMBIQUE

Previous *Annual Report* entries: 2018, 2020.

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2021.

At the beginning of the 1 February 2021 military coup, writer, history professor and PEN Myanmar member Maung Thar Cho (1958–) was blindfolded and taken by the military alongside other notable cultural figures. On 22 February 2022, after having been held under poor conditions for a year, a special court in North Okkalapa Township, Yangon, sentenced him and fellow author Htin Lin Oo to two years' imprisonment with hard labor and three years' imprisonment respectively, for alleged incitement. Cho had been a satirical writer for the newspaper 7Day and had delivered popular speeches around Myanmar criticizing the Tatmadaw (Armed Forces).²³⁴

On 28 February 2021, Tin Nwe Yee (Tin Nwae Yee; Tin Nwet Yi) ([1962]–2021), a history and math teacher at the Basic Education High School Hlaing Thar Yar in Yangon, was tear-gassed and killed by security forces during a teachers' protest against the military coup of 1 February 2021 in front of an office of the Education Ministry in Yangon. During the protest, Tin Nwe Yee, who suffered from asthma, was hit under the shoulder after she went behind a fence, because she had difficulty breathing after having been suffocated by tear gas. She allegedly attempted to take her inhaler, which was then kicked away by a police officer. An hour later, police allowed a volunteer rescue team to take Tin Nwe Yee to the hospital, but she had already died of a heart attack. On her Facebook account, Tin Nwe Yee had called on the regime to stop harming Myanmar's precious youths. On 2 March, tens of thousands

²³³ [“Cineworld’s Cancellation of Lady of Heaven Screenings: An Unheavenly Response,”](#) *Index on Censorship* (8 June 2022); [“The Lady of Heaven Film: Morocco Bans ‘Blasphemous’ British Film,”](#) *BBC News* (12 June 2022).

²³⁴ [“Authors Maung Thar Cho and Htin Lin Oo Sentenced to Prison on Incitement Charges,”](#) *Development Media Group* (22 February 2022); [“Maung Thar Cho,”](#) *Wikipedia* (last updated 7 May 2022); [“Writers at Risk Database,”](#) *PEN America* (last updated 4 June 2022).

of mourners attended her funeral, with many bringing school uniforms to the protest site where she had died. The Basic Education Worker Union (BEWU) called for a country-wide strike on [7] March.²³⁵

On 27 April 2021, Felix Thang Muan Lian ([1998/9]–2021), a first-year history student at Kalay University, was shot dead by soldiers of the Light Infantry Battalion 269 of the Tatmadaw (Armed Forces) in Tedim Township, Chin State, while he was driving to his work at a gas station. Much of the violence occurred in Chin State, where some of the strongest resistance against the military junta took place.²³⁶

In June 2021, the Education Ministry under the exiled National Unity Government (NUG) announced an Interim Advanced Education initiative which began the same month. It started the first short courses for final-year master's degree students and final-year undergraduate students of history, among others. The courses came as a lecture series which were extended to the public with open live streams on Facebook, YouTube, and other social media.²³⁷

In the run-up to the first anniversary of the military coup of 1 February 2021 which ousted the democratically elected government of Aung San Suu Kyi, the junta arrested a number of shop owners who were planning to close their businesses as part of a "silent strike" to protest against the military rule and commemorate the coup victims. According to the Assistance Association for Political Prisoners, more than 1,500 people had been killed since the coup, with at least 11,838 having been arrested.²³⁸

²³⁵ Assistance Association for Political Prisons, [Recent Fatality List \(Last Updated on 18 August 2021\)](#); Kyaw Ye Lynn, "[Myanmar: Honor Planned for Teacher Killed by Police](#)," *Anadolu Agency* (7 March 2021); "[Myanmar Protesters Honor Slain Teacher](#)," *Albawaba* (7 March 2021); Sebastian Strangio, "[Myanmar Post-Coup Death Toll Tops 1,000: Activist Group](#)," *Diplomat* (19 August 2021); "[Tin Nwe Yee](#)," *Memoirs of the Fallen* ([between March and June] 2021); "[Voices of Myanmar's Martyrs Will Not Be Silenced by the Junta](#)," *The Irrawaddy* (11 May 2021).

²³⁶ "[Thang Muan Lian](#)," *The Irrawaddy* (Twitter; 28 April 2021); "[CHRO Demands Accountability for Killing of Youth](#)," *Chin Human Rights Organization* (press release; 29 April 2021); "[Myanmar: Another Wave of Atrocity Crimes in Chin State](#)," *Human Rights Watch* (4 November 2021); "[Felix Thang Muan Lian](#)," *Memoirs of the Fallen* ([no date]).

²³⁷ Nilar Aung Myint, "[Exiled Government Establishes Alternative HE Programmes](#)," *World University News* (24 July 2021).

²³⁸ Min Ye Kyaw & Rebecca Ratcliffe, "[Myanmar's Junta Struggles to Prevent Protests Planned for Coup Anniversary](#)," *Guardian* (31 January 2022); Min Ye Kyaw & Rebecca Ratcliffe, "[Silent Strike Empties Streets in Myanmar on Anniversary of Coup](#)," *Guardian* (1 February 2022).

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011, 2016–2018.

NEPAL

Previous *Annual Report* entries: 2007–2021.

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2021.

In October 2021, research by the newspaper *NRC Handelsblad* revealed that many educational publishers instructed primary-school textbook authors to avoid controversial topics, including evolutionism, in order not to lose the market of Reformed schools with hundreds of thousands of pupils.²³⁹

On 28 November 2021, Yitzhak Melamed, a professor of philosophy at Johns Hopkins University, Baltimore, United States, and an expert in the work of philosopher Baruch Spinoza (1632–1677), was denied a visit to the Portuguese synagogue complex in Amsterdam (where Spinoza himself presumably studied) with an Israeli crew that planned to film Melamed conducting research in the library's archives. Rabbi Joseph Serfaty, a leader of Amsterdam's Sephardic community, wrote to Melamed that he was "persona non grata," barring him from the building while citing his "study of Spinoza's banned works and the development of his ideas." On 2 December, the ban was withdrawn but it was unclear whether filming would be allowed. In 1656, Spinoza had been excommunicated "for all time" from the Spanish-Portuguese Jewish community in Amsterdam for heresy. In 2015, a debate was held over whether to end the 1656 ban, but ultimately it was not lifted.²⁴⁰

²³⁹ Maarten Dallinga, "Dino's en korte rokjes worden uit de schoolboeken geweerd," *NRC Handelsblad* (9–10 October 2021), 24–26.

²⁴⁰ Shira Hanau, "[In Echo of Excommunication, Top Spinoza Scholar Banned from Amsterdam Synagogue](#)," *Times of Israel* (30 November 2021); Juurd Eijsvogel, "365 jaarna dato blijkt Spinoza's banvloek nog steeds intact," *NRC Handelsblad* (30 November 2021), 2; "Spinoza-expert is toch welkom in Portugees synagoge complex," *NRC Handelsblad* (2 December 2021), 2.

On 15 December 2021, far-right politician Thierry Baudet was ordered to delete social media posts in which he had textually and visually compared COVID-19 restrictions for unvaccinated people to the Holocaust. His remarks had prompted legal action from four Holocaust survivors and Jewish groups (including the Central Jewish Consultation and the Center for Information and Documentation on Israel). A judge ruled against him for “pointlessly offending Holocaust victims and their relatives,” adding that the freedom of expression of politicians is not absolute. While removing the posts, Baudet, who claimed that historical comparisons cannot be defamatory, intended to appeal the judgment.²⁴¹

On 13 January 2022, the Federatie Indische Nederlanders (FIN; Federation of Dutch-Indonesians) filed a complaint for group defamation with the Public Prosecutor about an opinion article in *NRC Handelsblad* three days prior, in which Bonnie Triyana, the Indonesian guest curator of the exhibition “Revolusi! Indonesia Independent” in the Rijksmuseum, Amsterdam, had made statements that according to FIN were insulting to Dutch-Indonesians. Triyana had allegedly downplayed and denied the responsibility of the Indonesian perpetrators for massive violence committed in a period called Bersiap (1945–1946) and, in so doing, distorted historical facts and one-sidedly presented the Indonesians as victims and the Dutch as perpetrators of the violence. On 9 February 2022, the Public Prosecutor dismissed the complaint, saying that Triyana’s statements were protected by the right to free expression, did not contain negative conclusions about the group of Dutch-Indonesians as a whole, and were part of a public debate about historical events.

On 21 January 2022, the Komite Utang Kehormatan Belanda – Stichting Comité Nederlandse Ereschulden (KUKB; Foundation Dutch Debt of Honor Committee) also filed a complaint for group defamation against the Rijksmuseum (national museum), its director and a curator because they used the term Bersiap [See above] in the exhibition, which according to KUKB was racist and defamatory to Indonesians. On 9 February 2022, the Public Prosecutor dismissed the complaint, saying that using the term Bersiap was not criminal because the term referred to historical events and did not contain any negative conclusions about Indonesians as a group because of their race. The use of the word Bersiap was protected by the right to free expression and was part of a public debate about historical events.²⁴²

²⁴¹ Rechtbank Amsterdam, [Centraal Joods Overleg, CIDI, and others versus Thierry Baudet](#) (16 December 2021); “[Baudet Should Be Ashamed of Covid, Holocaust Comparisons: Israel Group](#),” *NL-Times* (15 November 2021); CIDI, “[Baudet voor de rechter om zijn Holocaust vergelijkingen](#)” (press release; 7 December 2021); “[Jewish Groups Take Baudet to Court over Holocaust Covid Comparison](#),” *Dutch News* (7 December 2021); “[Jewish Groups File New Legal Case against Far Right Leader Baudet](#),” *NL-Times* (7 December 2021); “[Baudet moet tweets met Holocaustvergelijking verwijderen na kort geding](#),” *Nu.nl* (15 December 2021); Marcel Haenen, “[Baudet moet tweets met vergelijking coronaregels en Holocaust verwijderen](#),” *NRC Handelsblad* (15 December 2021); “[Dutch MP Ordered to Delete Covid Holocaust Social Media Posts](#),” *BBC News* (16 December 2021); Wilmer Heck, “[Het vonnis over de Holocaustvergelijkingen van Baudet is volgens experts ‘stevig onderbouwd’](#),” *NRC Handelsblad* (16 December 2021).

²⁴² Public Prosecutor, “[Gebruik term ‘Bersiap’ bij tentoonstelling in Rijksmuseum niet strafbaar](#)” (9 February 2022); Public Prosecutor (Amsterdam), [Dismissal of Complaint by Federation of Dutch-Indonesians](#) and [Dismissal of Complaint by Foundation Dutch Debt of Honor Committee](#) (in Dutch; 9 February 2022).

On 3 May 2022, one day before the Remembrance of the dead, the annual 4 May commemoration for all Dutch victims of war since the beginning of World War II, the Liberation Monument in Leiden was daubed with graffiti, including a dagger and an anarchist symbol.²⁴³

Saint Eustatius

On 28 July 2021, the special Dutch municipality of the island of Saint Eustatius suspended the archaeological excavation of a mass grave of dozens of slaves which it had itself commissioned, after Kenneth Cuvalay of the Ubuntu Connected Front (Saint Eustatius's largest political party, established 2017) had started an online petition to protest the fact that the archaeologists were all white. The municipality said that a commission of independent Caribbean experts had to investigate the project and that the international archaeological team led by Ruud Stelten had to seek advice from the local community. Several islanders expressed support for the excavations.²⁴⁴

See also Japan, Yemen.

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007, 2017, 2019–2021.

NICARAGUA

Previous *Annual Report* entries: 1998, 2020–2021.

On 8 September 2021, President Daniel Ortega issued an arrest warrant for writer and former Vice President Sergio Ramírez (1942–), with all copies of his new book being impounded upon publication. Ramírez's latest novel, *Tongolele no sabía bailar* (Tongolele Did Not Know How To Dance), examined the protests against Ortega in 2018, when tens of thousands of people took to the street and more than 300 people were killed. Ramírez had been residing in Costa Rica since June.²⁴⁵

²⁴³ "[Bevrijdingsmonument in Leiden beklad, gemeente doet aangifte](#)," *Nu.nl* (3 May 2022).

²⁴⁴ Kees Broere, "[Witte archeologen leggen begraafplaats slaafgemaakten bloot, en dat valt slecht op Sint Eustatius](#)," *Volkskrant* (18 July 2021).

²⁴⁵ Sam Jones, "[A Feeling of Deja Vu: Author Sergio Ramírez on ex-Comrade Ortega and Nicaraguan History Repeating](#)," *Guardian* (18 September 2021).

NIGER

Previous *Annual Report* entries: 2009, 2013, 2021.

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2013, 2016–2021.

Sharia laws in twelve northern states criminalized “blasphemy,” resulting in harsh punishments. On 10 August 2020, Yahaya Sharif-Aminu, a Muslim gospel musician, was sentenced to death by hanging by a Sharia court in Kano for using blasphemous expressions against the Prophet Muhammad in one of his songs (circulated on Whatsapp).

On 5 April 2022, Mubarak Bala, President of the Humanist Association of Nigeria, was sentenced to twenty-four years in prison after pleading guilty to blasphemy charges. On 28 April 2020, the State Police Command had arrested Bala in Kano, following a petition filed by a law firm alleging that he had insulted the Prophet Muhammad in his Facebook posts. He was refused access to his lawyers until October 2020 and detained without charges until August 2021, when a court charged him with ten counts of causing a public disturbance in connection to “blasphemous” Facebook posts. In 2014, Bala had been drugged and committed to a psychiatric unit by his family members after he had told them that he was an atheist. He had been released shortly thereafter and became an outspoken advocate for atheists rights and freedoms.

On 12 May 2022, Deborah Samuel, a Christian second-year student of economics at the Shehu Sagari College of Education in Sokoto was stoned and beaten by an angry mob of Muslim students at the school premises before being set on fire for sending a voice note alleged to be blasphemous against the Prophet Muhammad on her class WhatsApp group. The act was recorded by the perpetrators and widely shared on social media.²⁴⁶

On 24 October 2020, police officials of the Lagos State Task Force (LSTF) killed Pelumi Onifade ([1999 or 2000]–2020), a second-year student at the history department of Tai Solarin University of

²⁴⁶ “[Sharia Court in Nigeria Sentences Singer to Death for Blasphemy](#),” *Deutsche Welle* (11 August 2020); Humanists International, *Freedom of Thought Report 2020* (New York: Humanists International, 2020), 103; United States Commission on International Religious Freedom, “[Mubarak Bala](#)” (no date); Emmanuel Akinwotu, “[Nigerian Humanist Jailed for 24 Years After Pleading Guilty to Blasphemy](#),” *Guardian* (5 April 2022); “[Mob Kills Student over ‘Blasphemy’ in Northern Nigerian College](#),” *Al Jazeera* (12 May 2022); “[Female Student in Nigeria Beaten to Death over ‘Blasphemy’](#),” *Guardian* (12 May 2022); Olabisi Deji-Folutile, “[Female Student Killed after ‘Blasphemy’ on WhatsApp Group](#),” *University World News* (19 May 2022).

Education in Ijagun, Ogun State. Onifade was also a journalist intern at Gboah TV, an online television station, and had joined one of his colleagues in covering an attempted burglary at the Ministry of Agriculture in Ikeja, Lagos State. The burglary was part of a widespread wave of violence and looting that broke out after #EndSARS protesters – demanding the dissolution of the Special Anti-Robbery Squad (SARS), a police unit formed to combat armed robbery and other serious crimes set up in 1992 in Lagos, which had been implicated in human rights violations across Nigeria – had been attacked by police forces on 20 October 2020 at the Lekki tollgate. Despite wearing a press jacket, police attacked Onifade and dragged him into a police van together with others, after which he disappeared. Already on 20 October, Onifade had covered an #EndSARS protest at Abule Egba, Lagos State, that saw police forces shooting at unarmed protesters.

Following the disappearance of Onifade, his family and the television management searched for four days in hospitals, police stations, and prisons all over Lagos State. On the evening of 27 October, they posted a message about his disappearance on social media platforms, after which a LSTF officer reached out to them to schedule a meeting. On 28 October, officers told them that Onifade had died in police custody from the injuries he had sustained during the protest and that his body was sent to a mortuary in Ikorodu, north of Lagos State. On 30 October, the family identified Onifade's corpse. His death generated outrage throughout Nigeria, with people demanding justice on social media through the hashtag #JusticeforPelumi. However, after the identification of Onifade, police officials changed their statement and said that he had not been among those arrested on 24 October, but that his body had been found on the ground at an unspecified location. Moreover, his family was not allowed to take the corpse, because they needed to wait for a police report.

Meanwhile, on 6 November 2020, Onifade's family submitted a petition before the Lagos State Judicial Panel of Inquiry on the Restitution and Compensation of Victims of SARS-Related Abuse and Other Matters, a panel of inquiry investigating allegations of police brutality that had been set up on 19 October 2020. The Panel reportedly started an investigation around 11 November. On 18 November, UNESCO Director-General Audrey Azoulay called on the authorities to shed light on Onifade's death. On 10 April 2021, Abiodun Owonikok, the lead counsel to the Lagos State government, objected that the case did not fall within the panel's jurisdiction because the death was not caused by SARS forces, having been committed after SARS had officially been disbanded by the government. The LSTF had been repeatedly implicated in human rights abuses and extortion: on 15 October 2020, an anonymous group had issued a call for the disbandment of the LSTF, saying that it operated with impunity and had been as deadly as its "twin brother" SARS.

In February 2021, the Lagos State government asked Onifade's parents to do a DNA test, but they never received the results. On 12 May 2021, the family returned to the Ikorodu mortuary, but the

attendant said that the corpse had already been checked out. It was presumably still kept in government custody.²⁴⁷

NORTH MACEDONIA

Previous *Annual Report* entries: 2021. *See also* Macedonia.

In July 2022, as part of a bilateral agreement with Bulgaria, the government promised to fully open the archives of the state security services during the Communist period (1945–1991). The two countries further agreed to jointly celebrate historical events and figures that were agreed as part of a common historical heritage, such as Tsar of the First Bulgarian Empire (681–1018) King Samuel (d. 1014) for whom a seventh-grade example lesson would be prepared.²⁴⁸

See also Bulgaria, Greece.

NORWAY

Previous *Annual Report* entries: 2009, 2012, 2016–2017.

In December 2021, the Fritt Ord foundation, a freedom of speech organization, called for a state commission to investigate the murder attempt, on 11 October 1993, of William Nygaard (1943–), director of the Aschehoug publishing house, the second biggest of Norway, after new information about a prime suspect had become available. Nygaard was shot three times and left for dead outside of his home in Oslo. Although nobody claimed responsibility, the shooting was widely believed to be linked to Aschehoug’s publication of the historical novel *The Satanic Verses* in Norwegian and Nygaard’s support of its author, writer and historian Salman Rushdie (1947–). On 14 February 1989, Ayatollah

²⁴⁷ Sada Malumfashi, “[Nigeria’s SARS: A Brief History of the Special Anti-Robbery Squad](#),” *AlJazeera* (22 October 2020); Mojeed Alabi, “[#EndSARS: How Police Killed 20-Year-Old Nigerian Journalist](#),” *Premium Times* (3 November 2020); Victor Oluwole, “[Nigerians Mourn Pelumi Onifade, the Young Reporter Who Was Found Dead after Covering #EndSARS Protests](#),” *Business Insider Africa* (4 November 2020); UNESCO, “[Nigeria: UNESCO Director-General Calls for Investigation into the Death of Journalist Pelumi Onifade](#)” (18 November 2020); “[Onifade Emmanuel Pelumi](#),” *Committee to Protect Journalists* ([after 19 November 2020]); “[Justice Demanded for Death of 20-Year-Old Pelumi Onifade](#),” *IFEX* (16 March 2021); Shola Soyele, “[Pelumi Onifade: Lagos Govt. Challenges Jurisdiction of Panel to Hear Petition](#),” *Channels TV* (11 May 2021); “[#MySARSstory: Killed and Missing](#),” *International Centre for Investigative Reporting* (3 November 2021).

²⁴⁸ Krassen Nikolov, “[Sofia, Skopje to Fight Propaganda on Both Sides of Border](#),” *Euractiv* (19 July 2022).

Ruhollah Khomeini had issued a fatwa (religious edict) which called for the killing of Rushdie [See NCH *Annual Reports 1996, 1998–1999, 2013*].²⁴⁹

See also Russia.

²⁴⁹ Dominic Hinde, “[Call for Investigation into Historical Police Handling of Norwegian Publisher’s Attempted Murder](#),” *Index on Censorship* (17 December 2021).

OMAN

Previous *Annual Report* entries: 2010, 2017, 2019, 2021.

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012, 2014, 2016, 2018–2019, 2021.

See India, Morocco.

PALESTINE

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2013–2015, 2018, 2021.

In June 2021, the Georg Eckert Institute (GEI), a Germany-based research institute in Germany specialized in conducting and facilitating research into educational media, published a *Report on Palestinian Textbooks*, the result of a study announced in May 2019 by the European Commission (EC) to analyze how Palestinian textbooks, including for history education, that were published between 2017 – when the Palestinian Authority had introduced fundamental curriculum reforms – and 2020 addressed themes such as tolerance and human rights.

In July 2020, the GEI had completed an “interim report.” The document, allegedly only intended for internal communication and to be spread among partners for discussion about the preliminary results and used methodology, was reviewed by the Institute for Monitoring Peace and Cultural Tolerance in School Education (IMPACT-SE), a Jerusalem-based organization specialized in researching intolerance in school textbooks, mainly in the Middle East, whose previous heavy criticism of the Palestinian textbooks had prompted the EC to launch its investigation. IMPACT-SE found that, among others, textbooks distributed and financed by the Israeli Ministry of Education for schools in occupied East Jerusalem had been “misleadingly included” in GEI’s research, that GEI had ignored instances of anti-Semitism, and that GEI’s research contained “significant omissions within the quantitative analysis” such as the absence of the term Holocaust.

On 10 October 2020, following IMPACT-SE’s review, the GEI project’s leader professor Riem Spielhaus claimed in an interview that the use of Israeli textbooks had been noticed during the GEI research. The GEI stated that these textbooks, issued by the Palestinian Authority, had to be approved and possibly amended by Israeli authorities for use in schools, and that they were part of a separate analysis that had been mandated by the EC. On 16 October, Peter Stano, the European Union’s Lead Spokesperson for Foreign Affairs and Security Policy, released a statement in support of GEI, stressing that the report was intended for internal use only and reassuring that the final report would find any errors being properly addressed. In August 2021, IMPACT-SE criticized GEI’s final report for allegedly

“shield[ing] the P[alestinian] A[uthorities] textbooks from criticism for teaching violence and rejection of peace.”²⁵⁰

On 9 April 2022, Palestinians in Nablus vandalized the tomb where the biblical figure Joseph was said to be buried as Israeli forces carried out raids in the occupied West Bank in the wake of a gun attack in Tel Aviv by a Palestinian on 7 April, which left three Israelis dead and eleven others injured. Palestinian security forces detained the perpetrators. The tomb had previously been a flashpoint for violence, having been set alight by Palestinian rioters in 2015 and 2000.²⁵¹

See also Israel, United States.

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2013, 2015–2017.

PAPUA NEW GUINEA

Previous *Annual Report* entries: 2014.

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012, 2015, 2020.

In May 2021, writer and teacher Nelson Aguilera (1961–) [See *NCH Annual Reports 2015, 2020*] was given back his passport and had his rights restored after his case had expired on 3 February.²⁵²

²⁵⁰ Georg Eckert Institute, “[Answers to Frequently Asked Questions](#),” (no date [2020–2021]); IMPACT-se, [EU Interim Report Results of the Palestinian Authority Curriculum: An IMPACT-se Review](#) (20 September 2020; 25 pages); Muhamad Abdi & Sebastian Leber, “[Wie Deutschland Antisemitismus mitfinanziert](#),” *Tagesspiegel* (10 October 2020); Georg Eckert Institute, [Report on Palestinian Textbooks](#) (June 2021; 194 pages); IMPACT-se, [IMPACT-se Review of the Georg Eckert Institute Report of Palestinian Authority Textbooks](#) (August 2021).

²⁵¹ “[Palestinians Attack Biblical Figure Joseph’s Tomb in West Bank](#),” *BBC News* (11 April 2022).

²⁵² Lucina Kathmann, “[Nelson Aguilera, Free at Last](#),” *PEN International* (23 June 2021); “[Nelson Aguilera](#),” *Escritores.org* ([no date]).

On 22 October 2021, Bernard Raymond von Bredow (1959–2021), a self-taught paleontologist and experimental archaeologist, was tortured and killed in Areguá, Departamento Central, together with his 14-year old daughter. Three Germans were arrested. The murder was allegedly related to two of von Bredow's violins that were believed to be made by the Italian luthier Antonio Stradivari (1644–1737). The murderers were “looking for authentication certificates” which they could use to sell the violins. In 1975, the sixteen-year-old Bredow had found a large mammoth skeleton in Traunstein, Germany. Ten years later, he participated in the excavation of the skeleton under the auspices of the paleontologist Kurt Heißig. In 1991, Bredow set up the *Mammutheum*, a museum for experimental archaeology. He had migrated to Paraguay in [2016/7].²⁵³

PERU

Previous *Annual Report* entries: 2001–2021.

On 29 July 2021, Guido Bellido from the Marxist Free Peru party was sworn in as prime minister at the site of a 1824 battle that sealed independence from Spain. At the moment of his inauguration Bellido was investigated for “apology for terrorism,” a crime in Peru, after having defended members of the Maoist Shining Path in an interview with local media in April 2021. The 2003 Truth and Reconciliation Commission had estimated that almost 70,000 people had died or had been subject to enforced disappearance during the armed conflict (1980–2000), with many having become victims of atrocities by the Shining Path and other insurgent groups.²⁵⁴

In early January 2022, vandals smashed a hole in a replica statue of a ceramic vessel representing a fertility symbol of the Mochica culture in Moche, La Libertad, that had been on display there since the beginning of 2002. The Mochica (or Moche) lived in the region between 100 and 700 CE.²⁵⁵

²⁵³ “[Stradivarius Violin Link Suspected in Killing of Germans in Paraguay](#),” *Guardian* (10 November 2021); “[Bernard von Bredow](#),” *Wikipedia* (10 November 2021); “[Paraguay: Police Probe Stradivarius Violin Theft Motive in Double Murder](#),” *BBC News* (10 November 2021).

²⁵⁴ Dan Collyns, “[Peru: New President Appoints Marxist as Prime Minister](#),” *Guardian* (30 July 2021).

²⁵⁵ Dan Collyns, “[Peruvian Statue’s Giant Penis Thrills Tourists but Vandals Are Turned Off](#),” *Guardian* (7 January 2022).

PHILIPPINES

Previous *Annual Report* entries: 2011–2015, 2019–2021.

In the lead-up to the 9 May 2022 presidential elections, campaigners for Ferdinand “Bongbong” Marcos Jr. alleged that the administration of his father Ferdinand Marcos (1965–1986) had brought glory and wealth to the Philippines and that no arrests had been made under martial law (1972–1986). Already on 10 January 2020, Marcos Jr. had declared that it was time to revise the content of history textbooks and blamed the opposition for their “political propaganda” which had depicted the Marcos family in a bad light. The Commission on Human Rights, however, called his statement a direct affront to the 11,000 victims of summary execution, torture, and other human rights violations under Marcos’s dictatorship.

When Sara Duterte was appointed Minister of Education in the government of Marcos Jr., critics raised concerns that she would lead a campaign to rewrite the history of the administrations of Ferdinand Marcos and Rodrigo Duterte (2016–2022) in the history textbooks.

On 19 May 2022, around 1,700 scholars and educators signed a manifesto calling for the defense of historical truth and academic freedom, signaling an “intensified struggle over historical knowledge,” and pledging to “combat all attempts at historical revisionism” related to the Marcos dictatorship, including the martial law period. The signatories also vowed to protect historical, educational and cultural institutions and to “preserve books, documents, records, artifacts, archives and other source materials pertaining to the martial law period.” There was further concern about the future of the Human Rights Violations Victims’ Memorial Commission (HRVVMC), a commission set up in 2012 to establish the facts and preserve the evidence about human rights violations committed during the Marcos dictatorship. The HRVVMC, set to start building a memorial museum featuring exhibitions on martial law, depended for its budget on the annual renewal by Congress.

In a 6 July 2022 webinar, more than two hundred educators and scholars attended the formal launch of the Network in Defense of Historical Truth and Academic Freedom, which previously vowed to promote academic initiatives “to protect the memories of a most violent and traumatic period” during the martial law period. At the webinar, Francis Gealogo, history professor at the Ateneo de Manila University and one of the authors of the manifesto, said that history, as a discipline, tended to become more vulnerable with organized troll networks distorting the way information was spread on social media. Michael Tan, former Chancellor of the University of the Philippines Diliman, suggested that Filipino scholars should not only counter historical revisionism but also document the history of minority groups.²⁵⁶

²⁵⁶ Glee Jalea, “[Marcos Pushes for Revision of History Textbooks: ‘You’re Teaching the Children Lies’](#),” *CNN Philippines* (10 January 2020); Krixia Subingsubing, “[Revisionism, Denialism: Academics Explain Views on Marcos Era](#),” *Inquirer.net* (22 September 2020); Regine Cabato & Shibani Mahtani, “[How the Philippines’](#)

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011, 2014–2021.

On 16 August 2021, the court of appeals overturned the ruling against historians Jan Grabowski and Barbara Engelking [See NCH *Annual Reports 2020–2021*], saying that the litigation constituted an unacceptable violation of freedom of expression and of scientific research and that the “courtroom was not the right place for historical debate.”²⁵⁷

On 5 October 2021, anti-Semitic graffiti were discovered at the Auschwitz II-Birkenau death camp site. Nine barracks were spray-painted with anti-Semitic phrases and slogans in German and English denying the Holocaust. Earlier in 2021, the wall of a Jewish cemetery near the camp was defaced with swastikas and other Nazi symbols.²⁵⁸

On 9 November 2021, Sławomir Poleszak, a historian specialized in contemporary history and the Polish Communist underground movement, was dismissed from the Instytut Pamięci Narodowej – Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu (IPN; Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation) by IPN president Karol Nawrocki. In 2020, Poleszak had published a paper in which he suggested that Józef Franczak, considered by many as a national hero for his anti-Communist resistance, had been involved in the murder of Jews during the Holocaust. In the dismissal letter, Nawrocki had allegedly stated that Poleszak’s dismissal was due to his research as well as to his work as an editor of the ohistorie website (ohistorie.eu), on which articles critical of the IPN were published.

One day before Poleszak’s dismissal, on 8 November 2021, Sławomir Łukasiewicz, a professor of twentieth-century history and the history of historiography at the Katolicki Uniwersytet Lubelski (KUL; Catholic University of Lublin), had been forced to resign from the IPN, because Nawrocki had refused him permission to give classes at the KUL, despite the fact that these did not overlap with his IPN work. Łukasiewicz had been one of Poleszak’s most outspoken defenders at the IPN. Both decisions were

[Brutal History Is Being Whitewashed for Voters](#),” *Washington Post* (12 April 2022); “Sara Duterte on DepEd Post: PH Needs New Generation of Advocates for Peace, Discipline,” *CNN Philippines* (12 May 2022); “[Concerns Mount over Duterte’s Appointment as DepEd Chief](#),” *CNN Philippines* (13 May 2022); “[Manifesto in Defense of Historical Truth and Academic Freedom](#)” (19 May 2022); Pola Lem, “[Academics Warn Against Historical Revisionism in Philippines](#),” *Times Higher Education* (6 June 2022); Rebecca Ratcliffe, “[Archivists Rush to Preserve Records of Atrocities Under Ferdinand Marcos Sr.](#),” *Guardian* (7 June 2022); Sui-Lee Wee, “[The Museum Was Built So No One Would Forget – Now It’s Falling Apart](#),” *New York Times* (7 June 2022); Jan Cuyco, “[‘Academia in Peril’: Filipino Scholars Push Back against Disinformation, Red-Tagging](#),” *Interaksyon* (7 July 2022).

²⁵⁷ “[Polish Appeals Court Overturns Ruling against Holocaust Historians](#),” *Guardian* (16 August 2021).

²⁵⁸ “[Anti-Semitic Graffiti Discovered by Staff at Auschwitz Death Camp](#),” *BBC News* (7 October 2021).

criticized by Holocaust remembrance organizations in Israel and Germany, and in an open letter by historians, who stated that they constituted censorship and intimidation attempts by the IPN leadership and that it was no longer possible to cooperate with IPN under its current leadership.²⁵⁹

On 28 December 2021, Minister of Education and Science Przemysław Czarnek introduced a new subject, “History and the Present,” for the 2022–2023 high school and technical school curricula. Czarnek said the aim was to protect young people from being manipulated so that “the youth will know the truth.” The new subject would, among others, instruct children about the “partial betrayal that accompanied” the overthrow of the Communist regime in 1989 – a theory pushed by the government that baselessly posits that Communists were still secretly in control of Poland.²⁶⁰

In May 2022, President Andrzej Duda was accused of having blocked for three years the promotion to full professor of Michał Bilewicz, head of the Center for Research on Prejudice at the University of Warsaw and an expert of the psychology of genocide. Critics saw this as a sign that the right-wing government pressurized scholars who implicated Poles in the Holocaust [See NCH *Annual Report 2018*].²⁶¹

See also Israel, Russia.

PORTUGAL

Previous *Annual Report* entries: 2017, 2021.

See Netherlands.

²⁵⁹ Mirosław Filipowicz, personal communication (13 November 2021); Sam Sokol, “[Top Polish Institute Accused of Firing Historians over Holocaust-Era Research](#),” *Haaretz* (21 November 2021).

²⁶⁰ “[Przemysław Czarnek on a New Subject – History and Present: Students Will Learn about the Circumstances of the Round Table and ‘Partial Betrayal’](#),” *Polish News* (28 December 2021).

²⁶¹ Ben Upton, “[Polish President Stifles Genocide Researcher’s Professorship Bid](#),” *Times Higher Education* (26 May 2022).

QATAR

Previous *Annual Report* entries: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010, 2019, 2021.

In 2021 and 2022, the Direcția Generală de Protecție Internă (General Directorate for Internal Security) of the Ministry of Internal Affairs started verifications of the Arhivele Naționale ale României (ANR; Romanian National Archives) under Law no. 182/2002 on the protection of classified information and Government Decision no. 585/2002 establishing application standards for that law. Two researchers and two archivists came under investigation by the Service for Investigating Organized Crime and Terrorism, being accused of “organized crime and terrorism” because they had access or allowed others to have access to classified historical documents from the ANR. On 26 May 2022, the ANR issued an administrative measure to the effect that any requested file would be reviewed for classified information and that this might cause delays in answering the researchers’ requests of documents. On 29 May 2022, sixteen historians and academics signed an open letter protesting against the ANR decision.

Critics feared that the measure blocked access to historical records from any period (including World War II and the Communist era [1947–1989]) indefinitely, meaning that any historical document held by the ANR that was labeled classified by the creating agency (whether that agency was the Romanian Communist Party or the Austro-Hungarian Empire) would remain to be considered sensitive information that must be protected. In other words, access to such historical documents would de facto be blocked indefinitely. Many documents that had been made public in the past were reclassified. Critics also revealed that records from the National Archival Fund had been destroyed and continued to be destroyed at the request and under the supervision of the secret services. No law had ever declassified the historical records held by the ANR, regardless of the year of creation, the creating agency or their content. According to some whistleblowers, documents created after 1990 were no longer transferred to the ANR.²⁶²

On 2 December 2021, the High Court of Cassation and Justice ruled in favor of reopening the criminal investigation into the role of former President Ion Iliescu (in office 1989–1996 and 2000–2004) in the 1990 “Mineriada” events. Between 13 and 15 June 1990, thousands of demonstrators had protested against the election of ex-Communist Iliescu in the first multi-party elections since the overthrow of dictator Nicolae Ceausescu (1918–1989; in office as General Secretary of the Communist Party, 1965–1989) in December 1989. Iliescu had ordered security forces and miners to end the demonstrations,

²⁶² Elena Dragomir, “[The End of Archive Research on Communist and Post-communist Romania?](#)” *H-Romania* (8 June 2022); “[Scrisoare deschisă privind accesul istoricilor la documente din Arhivele Naționale](#),” *Contributors.org* (29 May 2022); Madalin Necsutu, “[Romanian Historians Protest Curbs on Access to Archives](#),” *Balkan Insight* (30 May 2022); Vera and Donald Blinken Open Society Archives, “[Blinken OSA on the Restriction of Access to the National Archives of Romania](#)” (press release; 7 July 2022).

resulting in the deaths of at least six people, with protest leaders claiming that up to a hundred people were killed. In 2009, Iliescu had been removed from prosecution.²⁶³

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2021.

On 22 December 2020, agents of the Federal'naya sluzhba bezopasnosti (FSB; Federal Security Service) seized part of the print run of *Neizvestnaja severnaja istorija* ("Unknown Northern History"), a work of popular history and ethnography by Agnes Haikara about Norwegian and Finnish communities of colonists who moved to the Kola Peninsula in the nineteenth century and were eradicated in 1938–1940. The book was based on official documents and stories of descendants and immigrants, including some of Haikara's family members. On 12 May 2021, the Deputy Prosecutor General of the Russian Federation reported that the FSB had found unspecified "signs of extremism" in Haikara's book and confiscated it. On 15 December 2021, the European Parliament condemned the confiscation as an example of the policy of historical revisionism and glorification of Stalinism promoted by the Russian government.²⁶⁴

In July 2021, Team 29, an association of lawyers and journalists aiming at counteracting the increasing governmental campaign against freedom of information, was forced to delete all its publications and web archives to prevent prosecution under the "foreign agents" law.²⁶⁵

In July 2021, a presidential decree ordered the creation of an interagency commission on historical education "in order to ensure a planned and aggressive approach to the matter of defending the national interests of the Russian Federation" [See *NCH Annual Report 2021*]. It would be chaired by Vladimir Medinsky – Culture Minister (2012–2020), head of the Military-Historical Society, and Putin's personal adviser – and would include representatives of the Federal Security Service (FSB), the Interior Ministry, the Investigative Committee of Russia, the presidential administration, the staff of the Security Council, the Prosecutor-General's Office, the foreign intelligence service (SVR), among others. The commission's brief covered both formal historical education and informal historical education through

²⁶³ Madalin Necsutu, "[Romanian Ex-President Faces Probe Over 1990s Violence Against Protesters](#)," *Balkan Insight* (3 December 2021).

²⁶⁴ "[Агнеса Хайкара добивается возвращения части тиража своей книги о репрессиях на Кольском полуострове](#)," *SOVA Center for Information and Analysis* (27 August 2021); [European Parliament Resolution on the Continuous Crackdown on Civil Society and Human Rights Defenders in Russia: The Case of Human Rights Organisation Memorial \(2021/3018\(RSP\)\)](#) (15 December 2022), paragraph 9.

²⁶⁵ Amnesty International, *Report 2021/22: The State of the World's Human Rights* (London: AI, 2022), 311.

museums, culture, and entertainment. Medinsky had headed a similar commission in 2012 aimed at combating the purported falsification of history when he was culture minister under President Dmitry Medvedev [See NCH *Annual Reports 2009, 2013, 2016–2021*]. Russian historians were alarmed by the news.²⁶⁶

On 3 July 2021, President Vladimir Putin published a decree “On the National Security Strategy of the Russian Federation.” It outlined “attempts deliberately to erode traditional values, distort global history ... [and] rehabilitate Fascism” as one of the threats to the federation and stated that “traditional Russian spiritual, moral and cultural-historical values are under active attack by the U.S. and its allies.” The decree was seen as the main point of reference for Russia’s national interests, strategic priorities, and threat perceptions. One of the main changes – as compared to the preceding 2015 Strategy – was its new focus on “the protection of traditional Russian spiritual and moral values, culture and historical memory” [See NCH *Annual Report 2021*]. On 24 January 2022, the Ministry of Culture published “Fundamentals of State Policy for the Preservation and Strengthening of Traditional Russian Spiritual and Moral Values,” a proposal to strengthen “traditional Russian values” by “countering the spread of destructive ideology,” such as denial of patriotism, in arts and culture. The proposal was criticized by some of Russia’s most prominent theater directors.²⁶⁷

On 12 July 2021, President Vladimir Putin published an article on the presidential website, entitled “On the Historical Unity of Ukrainians and Russians.” It contained an elaboration of the official state narrative that the Russian nation dates back to the adoption of Christianity by Prince Vladimir of Kyiv in 988. The Russian and Ukrainian peoples, Putin continued, had thereafter been artificially separated, first by the Mongols, the Turks, and the Polish-Lithuanian commonwealth, then by the Bolsheviks, who had “often imposed [Ukrainization] on those who did not see themselves as Ukrainians.” Putin further stated that the Ukrainian language was nothing more than a “regional language peculiarity.” Defense minister Sergei Shoigu signed an order requiring the armed forces to study the article. The article was seen as fitting within a broader government effort to distort history [See NCH *Annual Report 2021*].²⁶⁸

On 31 July 2021, the European Court of Human Rights published its judgment on the murder of historian and journalist Natalia Estemirova (1958–2009). It ruled that the Russian State had violated its obligations to conduct a full and thorough investigation into the murder and found “certain

²⁶⁶ Mikhail Sokolov & Robert Coalson, “[‘A Dangerous Commission’: Russian Historians Alarmed As Putin Creates State Body On ‘Historical Education’](#),” *RFE/RL News* (10 August 2021).

²⁶⁷ Mark Galeotti, “[New National Security Strategy Is a Paranoid’s Charter](#),” *Moscow Times* (5 July 2021); “[Russian Theater Execs Protest Ministry’s ‘Traditional Values’ Push](#),” *The Moscow Times* (4 February 2022).

²⁶⁸ “[Article by Vladimir Putin ‘On the Historical Unity of Russians and Ukrainians’](#),” *Kremlin* (12 July 2021); Peter Rutland, “[In Putin’s Hands, History Becomes a Weapon](#),” *Transitions* (27 July 2021).

contradictions in the expert evidence” that remained unsolved. It further said that the government “undermined its [i.e., the Court’s] ability to assess the quality of the investigation” by refusing to hand over its full case file to the Court. On 15 July 2009, Estemirova, a journalist for *Novaya Gazeta* and head of Memorial’s Chechnyan desk in Grozny, was abducted and shot dead in the neighboring republic of Ingushetia. Her murder came amid a pattern of threats against Memorial staff members and the murder of other activists. None of the suspected killers had been brought to justice [See NCH *Annual Reports 2010–2012, 2015, 2020*].²⁶⁹

On 12 October 2021, Sergey Zuev (1954–), art historian and rector of the Moscow Higher School of Social and Economic Sciences (also known as Shaninka, named after its founder, sociologist Theodor Shanin), was allegedly taken from a hospital, where he had been admitted with a hypertensive crisis, and put in pre-trial detention, reportedly in relation to a large-scale investigation into alleged money laundering of former Deputy Minister of Education Marina Rakova. After his arrest, he was again hospitalized for heart surgery. On [24 or 25] November 2021, he was charged under the Criminal Code with “fraud committed by an organized group or on an especially large scale” for the fictitious employment of employees. The case showed the risks that non-state institutions faced, being almost entirely dependent on government funding, due to government’s attempts to scare off foreign donors and forcing institutions that do receive funding to register as “Foreign Agents” [See *Memorial* below]. In an open letter published by *Novaya Gazeta*, 59 academicians, corresponding members and professors of the Russian Academy of Sciences called the charge absurd.²⁷⁰

On 14 October 2021, a screening of the Polish-British film *Mr. Jones* (also known as *Red Secrets*) by director Agnieszka Holland about the Holodomor (the famine that as a result of Stalin’s farm collectivization program killed millions of people in Ukraine in 1932–1933) in Memorial’s Moscow premises was interrupted by masked men who threatened the audience and yelled that “our history

²⁶⁹ European Court of Human Rights, [Case of Estemirova v. Russia](#) (Application no. 42705/11) (31 August 2021); “[Russia Failed to Properly Investigate Activist Estemirova’s Murder, ECHR Rules](#),” *Moscow Times* (31 August 2021); “[European Court’s Judgment on Natalia Estemirova’s Abduction and Killing Highlights Unabated Impunity in Russia](#),” *Amnesty International* (31 August 2021).

²⁷⁰ “[Ректор “Шанинки” Сергей Зуев задержан по делу Марины Раковой](#),” *BBC News* (12 October 2021); Elena Gunkel, “[СМИ: В Москве задержан ректор “Шанинки” Сергей Зуев](#),” *Die Welt* (12 October 2021); “[Outcry as Head of Top University Arrested in Fraud Case](#),” *The Bell* (18 October 2021); Andrey Karev, “[Ректору Шанинки Сергею Зуеву предъявили обвинение по делу о фиктивном трудоустройстве в РАНХиГС](#),” *Novaya Gazeta* (25 November 2021); “The Investigation Brought Charges against Sergey Zuev, the Rector of the Moscow Higher School of Social and Economic Sciences (Shaninka),” *Times Higher Education* (29 November 2021); “Open Letter from Academicians in Defense of Sergei Zuev,” *Times Higher Education* (29 November 2021).

should not be distorted.” When they disappeared, police detained and interrogated the organizers and audience for hours and took away a video recording device.²⁷¹

On 26 October 2021, law enforcement authorities started an investigation into rapper Alisher Tagirovich Morgenshtern (1998–) for criticism of Victory Day, the annual commemoration of World War II on 9 May. In a YouTube interview, Morgenshtern had said that he did not understand Victory Day and that the millions spent on it every year were because “[t]here’s probably simply nothing else to be proud of.” The investigation followed a request by a veterans’ organization to verify whether the comments violated article 354.1 of the Criminal Code (which criminalizes “rehabilitation of Nazism”) [See NCH *Annual Report 2021*].²⁷²

On [26] October 2021, authorities opened an inquiry into artist Kirill Miller, for his painting “The Living and the Dead,” depicting people carrying portraits of decomposing bodies, after complaints that it was an offensive allusion to the “Immortal Regiment” – an annual commemorative event during Victory Day on 9 May, in which people carry pictures of those who served and died during World War II. On 26 September, the last day of an exhibition at the Pig’s Snout Art gallery in St. Petersburg that featured the painting, someone had posted a critique of it in the “Memories of Veterans” group on social media platform VKontakt, after which its moderators had urged people to appeal to the St. Petersburg department of the Investigative Committee of Russia. Then, on 22 October, a video of lawyer Pavel Astakhov on the Facebook page of the Immortal Regiment of Russia, a non-profit organization, announced a complaint against Miller, stating that “evil, no matter how it disguises itself as alternative art, must be punished and destroyed.”²⁷³

On 11 November 2021, the Prosecutor-General’s Office filed a lawsuit with the Supreme Court to liquidate Memorial, an international historical and human rights society founded in 1987, and all of its regional and structural units for alleged repeated violations of the “foreign agents” act – a controversial 2012 law that required NGOs to register as “foreign agents” if they engaged in political activity and received foreign funding [See NCH *Annual Report 2017*]. International Memorial was added to the “foreign agents” registry in 2014 and had since been fined at least 21 times, for a sum of more than 4.2

²⁷¹ Inna Hartwich, “[Menschenrechtler*innen in Russland: Konzertierte Attacke in Moskau](#),” *taz* (15 October 2021); Pjotr Sauer, “[Masked Men Storm Moscow Screening of Film About Stalin-Era Famine](#),” *Guardian* (15 October 2021); “[Moscow Human Rights Group Stormed During Holodomor Film Screening](#),” *Moscow Times* (15 October 2021).

²⁷² “[Russia to Probe Rapper’s Criticism of WWII Victory Parade](#),” *Moscow Times* (27 October 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: Human Rights Watch, 2022), 551.

²⁷³ “[Петербургский художник написал картину, на которой толпа живых людей идет с портретами мертвых](#),” *Meduza* (27 October 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: Human Rights Watch, 2022), 564.

million rubles (£ 44,000) as of 2020 [See also NCH *Annual Report 2021*]. On 25 November 2021, the first hearing of the case took place. Memorial's acting director Yelena Zhemkova argued it would be wrong to shut an organization that "helps preserve shared memory" on a "technicality." On 23 November, a second trial against Memorial, accusing its Human Rights Center (MHRC) of "justifying the activities of terrorist and extremist organizations" for compiling a list of current political prisoners in Russia, had started before the Moscow City Court.

On 28 December 2021, the Supreme Court ordered International Memorial's liquidation for failing to mark a number of social media posts with its official status as a "foreign agent." The prosecutor accused Memorial of distorting historic memory, saying that "by cashing in on the subject of political reprisals of the twentieth century, Memorial is mendaciously portraying the USSR as a terrorist state and whitewashing and vindicating Nazi criminals having blood of Soviet citizens on their hands." The statements echoed earlier comments by President Vladimir Putin, who called Memorial "one of the most reputable organizations" during a meeting with his human rights council this month, but also accused it of glorifying Holocaust perpetrators. Police arrested several Memorial supporters at the court who held up signs with slogans such as "We are Memorial" and "Hands off Memorial." One of them, Aleksei Belenkin, served twenty-five days in prison. On 29 December 2021, the Moscow City Court authorized the dissolution of the MHCR.

Memorial appealed the ruling, including as an application before the European Court of Human Rights, which on 29 December ordered a stay of the decisions to shut down Memorial. On 28 February 2022, the Supreme Court turned down Memorial's appeal. It was unclear what would happen to Memorial's databases of three million victims and nearly 42,000 collaborators of the Soviet secret police between 1935 and 1939, its archive with personal files, and other physical items. In March 2022, the International Council on Archives expressed its deep concern for the future of the archives, library and museum of International Memorial, urging the Russian government to protect the archives and enable uninterrupted access to them.²⁷⁴

²⁷⁴ [NCH Campaign 1](#) (2021); [NCH Campaign 2](#) (2021); "[On the Liquidation of International Memorial](#)" (International Memorial Board Statement; 28 December 2021); Andrew Roth, "[Russia Moves to Shut Down Country's Most Celebrated Civil Rights Group](#)," *Guardian* (11 November 2021); "[Memorial: Russia Moves to Close Major Human Rights Group](#)," *BBC News* (11 November 2021); "[Russian Prosecutor-General's Office Takes Aim at Memorial Rights Group](#)," *RFE/RL* (11 November 2021); Deutsche Gesellschaft für Osteuropakunde, "[Erklärung zur beantragten Auflösung von Memorial International](#)" (petition; 14 November 2021); The Observatory for the Protection of Human Rights Defenders, "[Appeal RUS 007 / 1121 / OBS 117](#)" (15 November 2021); Joint Statement by Russian and International Human Rights Groups in Support of Memorial, "[Memorial: Russian Authorities Move to Shut Down a Human Rights Giant](#)" (press release; 15 November 2021); Council of Europe Commissioner for Human Rights, "[Statement: The Russian Authorities Should Discontinue the Liquidation of Memorial and Repeal the 'Foreign Agents Law as a Matter of Priority'](#)" (press release; 17 November 2021); "[Попытка ликвидировать «Мемориал»](#)" [An attempt to liquidate Memorial; Polish petition], *Novaya Gazeta* (19 November 2021); Andrew Roth, "[Court Cases Threatening Human Rights Group Memorial Start in Russia](#)," *Guardian* (24 November 2021); "[Relatives of Stalin's Victims Fret about Possible Closure of Top Rights Group](#)," *Reuters* (24 November 2021); [Hands off 'Memorial'!](#) (Petition; November 2021); "[Protest at Russian Court as Future of Rights Group 'Memorial' Hangs in Balance](#)" (Petition Update; 1 December 2021); [European Parliament Resolution on the Continuous](#)

In December 2021, the group Veterans of Russia accused Memorial of “denying, concealing and falsifying the crimes of Nazi accomplices by memorializing them as victims of political repression,” claiming that nineteen victims of Soviet repression in Memorial’s database of more than three million names were Nazi collaborators [See above]. On 5 February 2022, the Investigative Committee launched a criminal probe into “rehabilitation of Nazism” (punishable with imprisonment of up to five years). Memorial rejected the veterans’ claims for sixteen individuals, admitting possible errors in the three remaining cases “due to the lack of documentation about their rehabilitation.”²⁷⁵

On 27 December 2021, a court in Petrozavodsk increased the prison term for Karelian historian Yuri Dmitriyev (1956–) from thirteen to fifteen years. On 10 January 2022, Dmitriyev lodged an appeal with the Supreme Court of Karelia [See NCH *Annual Reports 2018–2021*].²⁷⁶

On 17 January 2022, an investigation for “grievances towards the dead and their burial site” was opened against Ivan Volkov, a painter who had created a snow sculpture in the shape and colors of giant excrements at the Field of Mars, a central square in St. Petersburg that also houses the graves of victims of the 1917 Revolution. If convicted, he would face up to five years in prison.²⁷⁷

On 22 February 2022, the State Duma (lower house of parliament) introduced a bill attaching fines and prison sentences to the 2021 memory law banning “any public attempt to equate the aims and actions of the Soviet Union and Nazi Germany during World War II, as well as to deny the decisive role of the Soviet people in the victory over Fascism” [See NCH *Annual Report 2021*]. One of the bill’s co-authors,

[Crackdown on Civil Society and Human Rights Defenders in Russia: The Case of Human Rights Organisation Memorial \(2021/3018\(RSP\)\)](#) (15 December 2022); Sarah Rainsford, “[Russian Court Orders Oldest Civil Rights Group Memorial to Shut](#),” *BBC News* (28 December 2021); Andrew Roth, “[Rights Group’s Closure Is Part of Rapid Dismantling of Russian Civil Society](#),” *Guardian* (28 December 2021); Council of Europe, “[Secretary General: Liquidation of International Memorial Marks a Dark Day for Civil Society in the Russian Federation](#)” (Press release; 28 December 2021); Ivan Nechepurenko & Andrew Kramer, “[Russian Court Orders Prominent Human Rights Group to Shut](#),” *New York Times* (28 December 2021); Robyn Dixon, “[Russian Court Abolishes Country’s Most Prominent Human Rights Group, Memorial](#),” *Washington Post* (28 December 2021); Andrew Roth, “[Russian Court Orders Closure of Another Human Rights Group](#),” *Guardian* (29 December 2021); “[Memorial: Russia’s Civil Rights Group Uncovering an Uncomfortable Past](#),” *BBC News* (2 January 2022); Masha Gessen, “[The Russian Memory Project that Became an Enemy of the State](#),” *New Yorker* (6 January 2022); “[Russia’s Top Court Upholds Decision To Shut Down Memorial Rights Group](#),” *RFE/RL* (28 February 2022); Tom Blanton & Svetlana Savranskaya, “[The ‘Liquidation’ of Memorial](#),” *National Security Archive* (3 March 2022); Amnesty International, *Report 2021/22: The State of the World’s Human Rights* (London: AI, 2022), 311; International Council on Archives, “[Statement of the International Council on Archives on the Situation of the Archives of International Memorial](#)” (Statement; no date [March 2022]).

²⁷⁵ “[Russia Investigates Veterans’ Complaint Against Memorial Rights Group](#),” *RFE/RL* (5 February 2022); “[Russia Probes Shuttered Rights Group Memorial for ‘Nazi Rehabilitation’ – Reports](#),” *Moscow Times* (7 February 2022).

²⁷⁶ “[Russian Court Increases Jail Sentence for Gulag Historian](#),” *Guardian* (27 December 2021).

²⁷⁷ “[They Arrested a Painter in Russia for a Sculpture That Simulates Excrement Near a Monument](#),” *Today in 24* (17 January 2022); “[Russian Artist Arrested For Giant Poop Snow Sculpture](#),” *RFE/RL* (18 January 2022).

Alexei Pushkov, described the law as “a moral imperative.” One of its stated aims was to prevent people from “insulting the memory of the defenders of the Fatherland.” In the past year, the Foreign Ministry had accused scholars who discussed Soviet-German collaboration between August 1939 and June 1941 of smearing the memory of the war.²⁷⁸

On 24 February 2022, the day Russian troops invaded Ukraine, International Memorial and the Memorial Human Rights Center said that “[t]he war unleashed against Ukraine by Putin’s regime is a crime against peace and humanity” and said that “[t]his war will remain a shameful chapter in Russian history.

On 25 February 2022, the Royal Historical Society in the United Kingdom condemned “the unprovoked act of aggression by the Russian government, justified by historical myths, distortions and lies, attacking the right to self-determination of a European nation.

On 27 February 2022, the European Association of History Educators EuroClio condemned the abuse of history which it said was committed by President Vladimir Putin in his justification of the invasion of Ukraine on 24 February as an effort to “de-nazify” the country which “had no tradition of statehood.”

Also on 27 February 2022, a group of Scholars of Genocide, Nazism and World War II rejected the Russian government’s abuse of the term genocide, the memory of World War II and the Holocaust, and the equation of the Ukrainian state with the Nazi regime to justify its unprovoked aggression.

On 28 February 2022, the American Historical Association condemned Russia’s invasion of Ukraine and Russian President Vladimir Putin’s abuse of history and “outlandish historical claims” as justification for the attack, saying that he was “distort[ing] Ukraine’s history, essentially erasing its distinct past.

Also on 28 February 2022, the Association of German Historians (VHD) expressed full support “to all historians who oppose[d] the aggressive nationalist politics of history (Geschichtspolitik) of the Russian leadership and President Putin.”

In March, the International Council on Archives (ICA) expressed its solidarity with Ukrainian archives and records professionals during the Russian invasion, calling on the Russian government not to harm any documentary or cultural heritage professionals remaining in Ukraine as well as to refrain from destroying documentary and cultural heritage protected by the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict. On 10 March 2022, the ICA Executive Council reportedly decided to suspend relations between ICA and all archival institutions of Russia and Belarus, which are ICA members, and impede them from taking part in events and conferences.

²⁷⁸ Francine Hirsch, “[Putin’s Memory Laws Set the Stage for His War in Ukraine](#),” *Lawfare* (28 February 2022).

On 3 March 2022, more than thousand Russian historians published an open letter against the war with Ukraine, condemning the manipulation of history involved in its justification.

On 4 March 2022, the International Committee of Historical Sciences “condemn[ed] the abuse of history employed by President Putin in rationalizing Russia’s aggression against Ukraine,” saying that “[h]istory is not owned by states or rulers, and we deplore the use of history to foster enemy images and distorted myths.” On 16 April 2022, the committee also decided to ban the official participation of the National Committee of Historians of the Russian Federation and the Russian universities at the twenty-third International Congress of Historical Sciences in Poznan, Poland, in August 2022. Russian historians could still attend the congress as unaffiliated scholars.

On 7 March 2022, the Historical Dialogues, Justice and Memory Network “condemn[ed] the Russian invasion of Ukraine,” saying that “Putin’s falsification of history is part of his attempt to reassert control over the past, and to politicize perceived historical injustices as a means to legitimize the atrocities he is committing today. In so doing, Putin exemplifies the ways in which historical myth is abused in international conflicts.”

On 3 April 2022, Liberation Route Europe condemned the Russian government’s aggression “and its misleading propaganda that tries to justify the war as a means to ‘liberate’ Ukraine from neo-Nazism. This narrative serves a great dishonor to the men and women, including millions of Soviet soldiers, who gave their lives to liberate Europe during World War II, as well as to the victims of the Nazi persecution.”²⁷⁹

In [March 2022], Minister of Science and Higher Education Valery Falkov called on people to report professors who violated the norms set by the regime when it came to historical facts.²⁸⁰

²⁷⁹ Tom Blanton & Svetlana Savranskaya, “[The ‘Liquidation’ of Memorial](#),” *National Security Archive* (3 March 2022); Royal Historical Society, “[Invasion of Ukraine: A Statement from the Royal Historical Society](#)” (25 February 2022); EuroClio, “[Statement against the Abuse of History and in Solidarity with the People of Ukraine](#)” (press release; 27 February 2022); Izabella Tabarovsky & Eugene Finkel, “[Statement on the War in Ukraine by Scholars of Genocide, Nazism and World War II](#),” *Jewish Journal* (27 February 2022); American Historical Association, “[Historians Condemn Russian Invasion of Ukraine](#)” (statement; 28 February 2022); Verband der Historiker und Historikerinnen Deutschlands, “[Stellungnahme: VHD verurteilt den russischen Krieg gegen die Ukraine](#)” (28 February 2022); “[Открытое письмо историков против войны с Украиной](#)” (3 March 2022) [text taken off-line on 5 March 2022; on file with the Network of Concerned Historians]; International Committee of Historical Sciences, “[ICHS Statement](#)” (statement; 4 March 2022); Historical Dialogues, Justice and Memory Network, email circular (statement; 7 March 2022); International Council on Archives, “[Solidarity with Ukrainian Archives and Records Professionals](#)” (statement; no date [March 2022]); Liberation Route Europe, “[Statement from the LRE Foundation’s Supervisory Board on the Russian Invasion of Ukraine](#)” (3 April 2022); “[In Chernihiv Region, Russians Destroy Archived Documents on Soviet Repression against Ukrainians](#),” *Ukrinform* (25 March 2022); International Committee of Historical Sciences, “[CISH Board to Her Magnificence the President of the Adam Mickiewicz University in Poznań](#)” (statement; 16 April 2022).

²⁸⁰ Philip Altbach & Hans de Wit, “[In the Mad Rush to Disengage, We Join in Putin’s Extremism](#),” *University World News* (2 April 2022).

In [March or April] 2022, a monument to Mykhailo Hrushevsky (1866–1934), a Ukrainian historian and politician who was one of the most important figures in the Ukrainian national revival movement, was dismantled in Kazan. At the time, Hrushevsky was called the dean of Ukrainian historians. From March 1917 until April 1918, he had been President of the Central Rada (Central Council; parliament), the foremost leader of revolutionary Ukraine whose purpose was its independence.²⁸¹

Following the invasion of Ukraine, authorities pushed a number of policies aimed at distorting the coverage and, by extension, the future historiography of the war:

On 1 March 2022, the Education Ministry provided school teachers with “information for a social studies session,” a two-page text falsely claiming that the “fact” that the Ukrainian government was committing genocide in the Donbass region justified the 24 February invasion. The text was supposed to be read out loud by teachers in their classrooms. The text further provided guidance to answering possible student questions about the invasion.

On 4 March 2022, the State Duma passed a law (the so-called “fake news law”) criminalizing “false information” about the armed forces by a unanimous vote, with President Vladimir Putin signing it on the same day. Taking effect on 5 March, it punished anyone spreading “false information” about Ukraine invasion with fines and up to fifteen years in prison and made it a crime to call the war a “war” or an “invasion” rather than a “special military operation” on social media or in a news article or broadcast. The law pushed many Russian independent media outlets to shut down. For example, digital lifestyle magazine *The Village* said it was retroactively editing its articles to change any mention of the word “war” to “special operation.”²⁸²

On 6 March 2022 Oleg Orlov [See NCH *Annual Reports 2012, 2010*], former chairman of the now-banned Memorial Human Rights Center, was arrested on Moscow’s Red Square after attending a peaceful protest against the war in Ukraine. Following a ten-hour detention, he was released but fined. On 10 April 2022, he staged a one-man anti-war protest; he was released the same day.²⁸³

In May 2022, Nikolai Patrushev, the chief of the Russian Security Council, demanded a major overhaul of the education system to develop a new “patriotic” generation, saying that teachers were at the

²⁸¹ Eduard Andryushchenko, “[In Russia’s War on Ukraine, Historians Find Themselves on the Front Lines, Figuratively and Literally](#),” *RFL/RE* (10 April 2022).

²⁸² Bill van Esveld, “[Russia Instructs Teachers to Spread Disinformation About Ukraine](#),” *Human Rights Watch* (4 March 2022); Anton Troianovski, “[Russia Takes Censorship to New Extremes, Stifling War Coverage](#),” *New York Times* (4 March 2022); Victor Jack, “[BBC Suspends Russian News Operation amid Free Speech Curbs](#),” *Politico* (4 March 2022); Sarah Rainsford, “[Ukraine War: Living in Fear or in Jail – Russia’s Defiant Truth Tellers](#),” *BBC News* (23 May 2022).

²⁸³ *Index on Censorship*, 2022 (51) no. 2, 8; “[Prominent Russian Activist Detained after Moscow Anti-War Protest](#),” *Al Jazeera* (10 April 2022).

forefront of a “hybrid war being waged against Russia.” He complained that many teachers distorted history, criticizing the history curriculum, lamenting that textbooks did not cover Soviet heroism in World War II properly, and warning that authorities could target school heads whose students did not have books about World War II or could not name Russian war heroes from past centuries. On 9 June 2022, the parliament rejected as unsatisfactory the Education Ministry’s plan on how it would review history textbooks, calling this a matter of “national security” and asking the Director of the Foreign Intelligence Service and chairman of the Russian Historical Society, Sergey Naryshkin (former chairman of the Historical Truth Commission from May 2009 to February 2012), to take charge of reviewing history textbooks, because “the current situation requires a special attitude” to teaching.

Schools were ordered to conduct “patriotic” classes following closely the Kremlin line on the war with Ukraine [See above]. Publishers purged their textbooks of almost all references to Ukraine and its capital, Kyiv. After the invasion, management at Russia’s main textbook publisher, Prosveshchenie (Enlightenment), ordered editors to delete references to Ukraine and Kyiv. Some teachers who refused to teach the patriotic lessons were dismissed. For example, Kamran Manfly ([1994]–), a geography teacher from Moscow, refused to hold the “patriotic” lessons. On 8 March 2022, he wrote on Instagram that he did not want to be the mirror of state propaganda. On 9 March, he was dismissed.²⁸⁴

On 19 May 2022, the Central District Court in Tyumen, Siberia, sentenced Vladimir Fofanov to fourteen days in prison on charges of “Nazi propaganda.” He had played the Ukrainian national anthem on a piano in Tyumen and posted the video online.²⁸⁵

In [early June] 2022, President Vladimir Putin compared the 24 February 2022 invasion of Ukraine to the Great Northern War (1700–1721), in which Tsar Peter the Great (1682–1725) seized land that until then had belonged to the Swedish Empire (1611–1721), in what was considered the strongest acknowledgement yet that the invasion was a land grab. He further stated that Peter “seized nothing: he reclaimed it!” adding that “[i]t seems it has fallen to us, too, to reclaim.” His comments fitted within a broader attempt to distort history in the war against Ukraine [See above].²⁸⁶

²⁸⁴ Robyn Dixon, “[Russia Seeks to Militarize Schoolchildren and Censor Textbooks amid War](#),” *Washington Post* (11 June 2022); Mary Ilyushina, “[Putin’s War Propaganda Becomes ‘Patriotic’ Lessons in Russian Schools](#),” *Washington Post* (20 March 2022).

²⁸⁵ “[Siberian Pianist Jailed for ‘Nazi Propaganda’ after Playing Ukrainian Anthem](#),” *Moscow Times* (20 May 2022).

²⁸⁶ Sarah Rainsford, “[Putin and Peter the Great: Russian Leader Likens Himself to 18th Century Tsar](#),” *BBC News* (10 June 2022); Andrei Zorin, “[Why Putin Needs Peter the Great](#),” *Russia Matters* (23 June 2022); Olivia Durand, “[Ukraine Invasion Suggests Putin Is More Vladimir the Reactionary than Peter the Great](#),” *The Conversation* (30 June 2022).

On 24 June 2022, officials removed the Polish flag at the Katyń cemetery, commemorating the estimated 22,000 Polish military officers that were killed by Soviet forces during the April 1940 massacres at Katyń and elsewhere. After having blamed Nazi forces for the massacre for decades, in 1990 the USSR admitted that its own forces had been responsible. Mayor of Smolensk Andrei Borisov stated that the Ministry of Culture's decision to remove the flag was "correct," because "Katyń is a Russian memorial, it is Russian history."²⁸⁷

See also Belarus, Canada, China, Czech Republic, Greece, Kazakhstan, Syria, Ukraine, United Kingdom.

RWANDA

Previous *Annual Report* entries: 1998, 2000–2017, 2019–2021.

In February 2021, Yvonne Idamange ([1979]–), a Tutsi genocide survivor and online commentator who made videos about the 1994 genocide as well as crimes committed by the ruling Rwandan Patriotic Front (RPF) in its aftermath, was arrested after she had accused the government in YouTube videos of monetizing the genocide and said that the remains of the victims should not be on display at memorials. On 30 September, the High Court sentenced her to fifteen years in prison and a two million Rwandan Francs fine (US\$ 1,930) in a trial held behind closed doors, after finding her guilty of "inciting public disorder," "disposing of or degrading evidence or information relating to genocide," and "publication of rumours."

On 31 May 2021, Aimable Karasira, another online commentator and former professor of information communication technology at the University of Rwanda, was arrested and charged with denying and justifying the genocide, instigating divisions, and fraud. For several months, he had repeatedly been harassed and summoned by the authorities for posting critical videos on YouTube, speaking about his family's history, the 1994 genocide, and killings by RPF soldiers in its aftermath. On 14 August 2020, he had been dismissed from the university after Culture and Youth Minister Edouard Bamporiki had attacked him on social media saying that he should not be allowed to teach.

In March 2021, Human Rights Watch documented a growing crackdown on online commentators, with at least eight people having been threatened, prosecuted, or "disappeared" between March 2020 and March 2021. In March 2022, it further noticed that "speaking about crimes committed by the ruling

²⁸⁷ ["Poland to Protest After Russia Removed Its Flag From War Memorial," Reuters](#) (27 June 2022).

Rwandan Patriotic Front in the aftermath of the genocide or sometimes even simply commemorating Hutu who were killed during the genocide, is perceived as crossing a red line.”²⁸⁸

On [19] June 2022, renewed calls were made to the newly appointed President of the International Residual Mechanism for Criminal Tribunals Graciela Gatti Santana to transfer the archives of the International Criminal Tribunal for Rwanda – kept in Arusha, Tanzania, and containing, among others, 26,000 hours of testimony by 3,200 witnesses – to Rwanda, since they were “the people’s history. They should own it.” The United Nations (UN) Security Council had suggested to digitalize the archives and make them accessible by everyone. According to the UN, the archives were not transferred because they contained full details of protected witnesses who testified during the trial.²⁸⁹

See also France, United Kingdom.

²⁸⁸ “[Rwanda: Arrests, Prosecutions over YouTube Posts](#),” *Human Rights Watch* (30 March 2021); Will Ross, “[Rwandan YouTube Content Creator Sentenced to Jail](#),” *BBC News* (30 September 2021); “[Rwanda: Crackdown on Opposition, Media Intensifies](#),” *Human Rights Watch* (19 October 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: Human Rights Watch, 2022), 564–565; “[Rwanda: Wave of Free Speech Prosecutions](#),” *Human Rights Watch* (16 March 2022); Amnesty International, *Report 2021/22: The State of the World’s Human Rights* (London: AI, 2022), 315.

²⁸⁹ Edwin Musoni, “[Activists Renew Call to Return UN Court Archives to Rwanda](#),” *New Times* (29 June 2022).

SAINT VINCENT

Previous *Annual Report* entries: 2014.

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011, 2013, 2017–2021.

See United States, Yemen.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009, 2013, 2017–2018, 2020.

SERBIA

Previous *Annual Report* entries: 2021. *See also* Serbia / Kosovo; Serbia / Montenegro.

In March 2021, Dinko Gruhonjić, a journalist and lecturer at the Faculty of Philosophy of the University of Novi Sad, received death threats on Facebook after he had criticized the involvement of convicted war criminals in popular culture in an online column. In the summer of 2021, a local assembly of Niš, the third largest city of Serbia, made Vladimir Lazarević, a former general who was sentenced to fourteen years in prison by the International Criminal Tribunal for the Former Yugoslavia for crimes against humanity committed during the Kosovo War (1998–1999), an honorary citizen.

On 19 October 2021, the European Commission criticized the Serbian authorities' failure to process cases of crimes committed during the Yugoslav wars of succession (1991–1995) and their continued public support for convicted war criminals. On the same day, parliament voted against a resolution to condemn the 1995 Srebrenica genocide and to ban its denial as well as the glorification of convicted war criminals [See NCH *Annual Report 2021*].

On 26 October 2021, the Humanitarian Law Center published a report entitled *Memory Politics of the 1990s Wars in Serbia: Historical Revisionism and Challenges of Memory Activism*, concluding that historical revision had become a state policy, through memorialization of Serbian forces, including

convicted war criminals, and exclusively Serbian victims of the Yugoslav wars of succession and the Kosovo War (1998–1999) [See *NCH Annual Report 2021*].²⁹⁰

In April 2021, Croatian President Zoran Milanović cautioned that Serbia needed to clarify the fate of missing Croats before joining the European Union.²⁹¹

Between 27–29 August 2021, the Udruženje za društvenu istoriju–EuroClio (UDI; Association for Social History – EuroClio) – the Serbian history teachers’ association and a member of the European Association of History Educators EuroClio – was subjected to a slander campaign in tabloids and on social media over its work on the recent history of the region. Some UDI members were accused of manipulating history and had their photos published online without their permission. The slander campaign came after UDI had organized a teacher training seminar on the use of archival material, made available by the United Nations International Residual Mechanism for Criminal Tribunals (IRMCT). Serbian tabloids and social media then rumored that the material was actually imposed by the IRMCT. The slander campaign was condemned by EuroClio.²⁹²

See also Croatia, Kosovo.

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2020. *See* Serbia.

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007. *See* Montenegro and Serbia. *See* Montenegro.

²⁹⁰ Milica Stojanovic, “[Serbian Municipal Honour for War Criminal Dismissed as ‘Political Game’](#),” *Balkan Insight* (5 August 2021); Milica Stojanovic, Samir Kajosevic, Xhorxhina Bami & Semir Mujkic, “[European Commission Raps Serbia’s ‘Weak’ War Crimes Case Record](#),” *Balkan Insight* (19 October 2021); Milica Stojanovic, “[Serbian Parliament Refuses to Discuss Srebrenica Genocide Resolution](#),” *Balkan Insight* (19 October 2021); ; Milica Stojanovic, “[Historical Revisionism Is Serbian State Policy, Report Claims](#),” *Balkan Insight* (27 October 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 581.

²⁹¹ Amnesty International, *Report 2021/22: The State of the World’s Human Rights* (London: AI, 2022), 322.

²⁹² EuroClio, “[Press Release: Solidarity with Association for Social History UDI – Euroclio](#)” (1 September 2021); [NCH Campaign](#) (2021).

SEYCHELLES

Previous *Annual Report* entries: 2019.

On 9 August 2021, Gabrielle McIntyre, chairperson of the Commission vérité, réconciliation et unité nationale (TRNUC; Truth, Reconciliation and National Unity Commission), requested more funding, stating that the TRNUC had lacked sufficient resources from its origins. In 2018, the TRNUC was set up to provide the public with the opportunity to settle past political divisions and grievances that began with the 1977 coup d'état which made the Seychelles a one-party state until 1993. Its mandate was set to end on 9 August 2022 [See NCH *Annual Report 2019*].²⁹³

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012, 2016, 2021.

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011, 2015–2016, 2018–2021.

A 2021 academic freedom survey suggested that the lack of access to government data and archives was a serious setback to academic inquiry.²⁹⁴

On 9 May 2022, the Infocomm Media Development Authority (IMDA), in a joint statement with the ministries of culture and home affairs, banned the 170-minute Hindi-language film *The Kashmir Files* for its “provocative and one-sided” (anti-Muslim) portrayal with the potential “to cause enmity between different communities, and disrupt social cohesion and religious harmony in our multiracial and multi-religious society.” The film portrayed the exodus of Hindus from the disputed Muslim-majority Kashmir region. Released in India in March 2022 to mixed reviews (with Prime Minister Modi praising it), it told the fictional story of a university student who learns that his Kashmiri Hindu parents were killed by Islamist militants during the violent uprising against Indian rule (1989–1990), in which

²⁹³ Rita Joubert-Lawen & Betymie Bonnelame, “[Seychelles’ Truth and Reconciliation Commission to Set Coup d’Etat Reparations Policy](#),” *Seychelles News Agency* (9 August 2021).

²⁹⁴ AcademiaSG, [Academic Freedom in Singapore: Survey Report](#) (Singapore: AcademiaSG, 2021), 17.

hundreds of thousands of people, many of them Hindus, lost their homes and lives after being forced out of Kashmir.²⁹⁵

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011, 2013–2015, 2017.

On 14 June 2022, a Bratislava regional court rejected an appeal by former Czech Prime Minister Andrej Babiš against claims by the Ústav Pamäti Národa (UPN; Institute of the Nation's Memory) that he had collaborated with the Štátna bezpečnosť (StB; State Security), the Czechoslovak Communist-era secret police. In 2014, Babiš had filed the libel case against UPN, after it had claimed that StB files contained evidence that he had been an agent since 1982. The defamation case had already been rejected in 2018, but the Constitutional Court had ordered a retrial.²⁹⁶

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2013, 2015–2018, 2021.

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012–2014, 2019.

On 25 November 2021, a bomb targeting a United Nations convoy detonated near Mocaasir Primary and Secondary School while classes were in session. At least thirteen students and four educators were injured during the attack and the school building and buses sustained significant damages. Abdisalan Omar Ibrahim (13 years) said the sound of the blast came as he was writing the heading of a history

²⁹⁵ Jalelah Abu Baker, "[‘Provocative and One-Sided’: The Kashmir Files Movie Banned in Singapore](#)," *Channel News Asia* (9 May 2022); Francis Mascarenhas, "[Singapore Bans Controversial Kashmir Film Praised by India's Modi](#)," *Reuters* (10 May 2022); Shilpa Jamkhandikar, "[Controversial Kashmir Movie Praised by India's Modi Is Box Office Hit](#)," *Reuters* (16 March 2022).

²⁹⁶ Ian Willoughby, "[Testimony to Continue in Libel Case Taken by Finance Minister Babiš over StB Allegations](#)," *Radio Prague International* (14 April 2014); "[Andrej Babiš: Former Czech PM Loses Secret Police Collaboration Case](#)," *Euronews* (14 June 2022); Ian Willoughby, "[Bratislava Court Rejects Babiš Petition over Secret Police Record](#)," *Radio Prague International* (14 June 2022).

lesson his teacher had begun at the chalkboard. A brick hit his head and he and the other injured students were taken to hospital.²⁹⁷

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012–2021.

See India.

SOUTH SUDAN

Previous *Annual Report* entries: 2013, 2015–2021.

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2021.

On 26 August 2021, the United Nations Human Rights Committee (UNHCR) concluded that the criminal proceedings against Baltasar Garzón (1955–), a former judge at the Spanish National Court, in his role as the investigating judge in the Franco and Gürtel cases were “arbitrary” and “did not comply with the principles of judicial independence and impartiality.” In 2012, Garzón had been criminally prosecuted and tried for alleged wilful abuse of power in two cases of major political significance. In the Franco case, he assumed jurisdiction to investigate enforced disappearances during the Civil War (1936–1939) and the dictatorship of General Francisco Franco (1939–1975). In the Gürtel case, a large-scale investigation into political corruption, he had decided to monitor communications between defendants and their representatives to prevent the commission of crimes.

Garzón was acquitted in the Franco case, but convicted of willful abuse of power in the Gürtel case and disbarred from office for eleven years. In the Franco proceedings, the UNHRC specified that Garzón’s decisions did not “constitute misconduct or incompetence that could justify his inability to perform his duties.” In 2016, Garzón had filed a complaint against Spain before the UNHRC. It was the

²⁹⁷ Abdi Sheikh, “[Islamist Bombing near School in Somalia Kills 8, Wounds 13 Children](#),” *Reuters* (25 November 2022); Global Coalition to Protect Education from Attack, *Education under Attack 2022* (New York 2022), 179, 260.

first time that the UNHRC ruled and condemned a state for the use of criminal law against a judge in the course of his or her duties, thus establishing new jurisprudence.²⁹⁸

In November 2021, the council of Madrid ordered the removal of a street art project by conceptual artist Mateo Maté, entitled *Fachada derecha – Fachada izquierda* (Right Façade- Left Façade). On the left wall, it showed 24 street signs commemorating poets and writers, such as Carmen Laforet (1921–2004) and Federico García Lorca (1898–1936), and on the right wall people like former dictator Francisco Franco (1892–1975) and former Francoist General José Millán-Astray (1879–1954). Each wall contained a QR code that would give detailed biographies of all those featured. The aim of the work was to spark dialogue and reflection and “to see whether our democracy was genuinely mature and whether we could talk about this,” but the council said that the signs were confusing and that it alone could decide on street names.²⁹⁹

On 17 November 2021, the government filed an amendment to reinterpret Law 64/1977 (also known as the Amnesty Law) in accordance with international law, in particular “International Humanitarian Law, according to which war crimes, crimes against humanity, genocide and torture are considered to have no statute of limitation nor can be subject to amnesty.” The 1977 Amnesty Law was approved during the transition to democracy after the death of Francisco Franco (1892–1975), who ruled as a dictator between 1939 and 1975. It initially served to secure the release of political prisoners, but was later used to block the prosecution of crimes committed under the Franco regime [See Baltasar Garzón case above]. The amendment would further prohibit the exhibition of portraits or other artistic representations of figures linked to the Franco-era repression in public areas.³⁰⁰

On 6 December 2021, anti-Semitic graffiti was found on the walls of the Sephardic memory center, and other buildings, in Castrillo Mota de Judíos, Burgos. The memory center was under construction to become a place to highlight the medieval persecution of the village’s Jewish population.³⁰¹

See also Cuba, India, Morocco, Netherlands, Peru, United States.

²⁹⁸ Comité de Derechos Humanos de las NNUU, [Garzón contra España](#) (25 August 2021); United Nations Human Rights Committee, “[Baltasar Garzón Trials Were Arbitrary and Failed to Comply with Principles of Judicial Independence and Impartiality – UN Committee](#)” (Press release; Geneva 26 August 2021); “[Trials of Former Spanish Judge Lack Independence, Impartiality: Landmark Case](#),” *UN News* (26 August 2021).

²⁹⁹ Sam Jones, “[Sign of the Times: Row over Street Art Shines Light on Spain’s Divisions](#),” *Guardian* (18 November 2021).

³⁰⁰ Samuel Sánchez, “[Spanish Government Makes Legal Move that Could See Franco-Era Crimes Prosecuted](#),” *El País* (17 November 2021).

³⁰¹ Sam Jones, “[Spanish Village That Dropped ‘Kill Jews’ Name Hit by Antisemitic Graffiti Attack](#),” *Guardian* (8 December 2021).

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2021.

In 2019, President Gotabaya Rajapaksa, who was the top defense official during the Civil War (1983–2009), prohibited commemorating members of the Liberation Tigers of Tamil Eelam (LTTE), who fought the government attempting to create an independent Tamil state [See NCH *Annual Report 2021*]. Throughout 2021, law enforcement officers arrested participants in such commemorations under the guise of COVID-19 restrictions. On 23 September 2021, Tamil Member of Parliament Selvarajah Kajendran was arrested for commemorating a LTTE member. In late November 2021, relatives of deceased LTTE members were forced out of cemeteries by armed troops when they attended the graves. On 29 November, multiple Tamil journalists, covering a commemoration in the northeastern town of Mullaittivu, were assaulted by soldiers.³⁰²

In 2021, the cabinet of ministers approved policies and guidelines produced by the Office for Reparations, which related to reparations for victims of the armed conflict (1983–2009) and civil or political unrest. The document had not been published by the end of 2021. Law enforcement officers brought court orders against war-related memorialization initiatives under the guise of COVID-19 restrictions, and arrested those taking part.³⁰³

On 5 August 2021, the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence expressed concern over the unwillingness of the administration led by President Gotabaya Rajapaksa to ensure accountability for past human rights violations, the withdrawal of Sri Lanka's international commitments regarding transitional justice and the continued absence of a truth commission [See NCH *Annual Report 2021*]. It further condemned possible government interference in the working of the Office on Missing Persons.³⁰⁴

ST. LUCIA

See Grenada.

³⁰² “[Sri Lanka Arrests Tamil MP for Commemorating Separatist Rebel](#),” *Al Jazeera* (24 September 2021); “[Sri Lankan Troops Break Up Tamil Remembrance of Civil War Dead](#),” *Al Jazeera* (29 November 2021); Amnesty International, *Report 2021/22: The State of the World's Human Rights* (London: AI, 2022), 345.

³⁰³ Amnesty International, *Report 2021/22: The State of the World's Human Rights* (London: AI, 2022), 345.

³⁰⁴ United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [Follow-Up On the Visits to Burundi, the United Kingdom of Great Britain and Northern Ireland and Sri Lanka](#) (5 August 2021).

ST VINCENT & GRENADINES

See Grenada.

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2021.

On 11 May 2021, the armed forces used excessive and lethal force against peaceful protesters gathered in Khartoum leading to two deaths. The protests commemorated the victims of the deadly crackdown against the 3 June 2019 sit-in in Khartoum. Ninety-nine army soldiers were reportedly arrested, of which at least seven were charged.³⁰⁵

On 11 August 2021, Foreign Minister Mariam al-Mahdi reiterated the government's commitment to hand former dictator Omar al-Bashir and other suspects to the International Criminal Court (ICC) [See *NCH Annual Report 2021*]. After the military coup of 25 October 2021, however, cooperation with the ICC was obstructed.

On 5 April 2022, the trial against Ali Muhammad Ali Abd-al-Rahman (also known as Ali Kushayb) began at the ICC. It was hailed as a landmark case, as for the first time a leader was held accountable for crimes committed during the War in Darfur (2003–present) [See *NCH Annual Reports 2008–2012, 2021*].³⁰⁶

On 19 December 2021, security forces fired teargas at a crowd in Khartoum commemorating the third anniversary of the protests that led to the removal of long-time dictator Omar al-Bashir (ruled between 1989–2019) on 11 April 2019. The protesters demanded General Abdel Fattah al-Burhan to step down as chairman of the Transitional Sovereignty Council after he had attempted a military coup on 25 October 2021. The commemoration coincided with the 66th anniversary of the declaration of independence from British colonial rule.³⁰⁷

³⁰⁵ Human Rights Watch, *World Report 2022: Events of 2021* (New York: Human Rights Watch, 2022), 627.

³⁰⁶ "[Sudan to Hand Bashir, Other Wanted Officials to ICC: Minister](#)," *France24* (11 August 2021); Jason Buike, "[Darfur War Crimes Trial Opens as Army Cracks Down in Sudan](#)," *Guardian* (3 April 2022).

³⁰⁷ "[Sudan Police Fire Teargas as Anti-Coup Protesters Stage Mass Rally](#)," *Guardian* (19 December 2021); Zeinab Mohammed Salih & Peter Beaumont, "[Sudan's Army Seizes Power in Coup and Detains Prime Minister](#)," *Guardian* (25 October 2021); Peter Beaumont, "[Sudanese PM's Release Is Only Small Step in Resolving Crisis](#)," *Guardian* (21 November 2021); Zeinab Mohamed Salih & Peter Beaumont, "[Sudan Military Agrees to Reinstate PM and Release Political Detainees](#)," *Guardian* (21 November 2021).

On 3 June 2022, security forces used excessive force, killing one, against protesters commemorating the third anniversary of the 3 June 2019 military crackdown. In the 2019 crackdown protesters demanded the resignation of dictator Omar al-Bashir (ruled 1989–2019); 128 people were killed.³⁰⁸

In [mid-June] 2022, museum officials pledged to officials in the United Kingdom to return historical artifacts stolen by British colonizers during the Anglo-Egyptian occupation (1899–1956), including the human remains of two Sudanese soldiers who were killed during the 1899 battle of Omdurman and whose skulls were held at the Edinburgh Anatomical Museum.³⁰⁹

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012–2013, 2015–2016, 2018.

SWAZILAND

Previous *Annual Report* entries: 2011, 2013, 2016–2018.

SWEDEN

Previous *Annual Report* entries: 1998, 2017–2018, 2020.

On [16] November 2021, a person (name unknown) sued the video-sharing platform Netflix for posthumous defamation of insurance company employee Stig Engström (1934–2000) because in its five-part drama series “Den osannolika mördaren” (The Improbable Killer), released on 5 November 2021 and based on a 2018 award-winning book by investigative reporter Thomas Pettersson, it portrayed the latter as the person who shot dead Prime Minister Olof Palme (1927–1986) on 28 February 1986. The complaint, submitted to the Chancellor of Justice, accused Netflix of introducing “completely unfounded” elements into its screenplay which were absent from Pettersson’s book. Netflix argued that

³⁰⁸ “[UN Expert Demands Accelerated Probe Into Sudan Post-Coup Killings](#),” *Al Jazeera* (4 June 2022).

³⁰⁹ Jason Burke & Zeinab Mohammed Salih, “[Sudanese Museums Seek Return of Artifacts Taken by British Colonizers](#),” *Guardian* (20 June 2022).

a text at the end of each episode noted that the series was a fictional dramatization inspired by Pettersson's book and that Engström had not been proven to be the murderer.³¹⁰

See also Iran.

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009, 2014, 2016–2018.

Since December 2020, Dick Marty, author of a 2010 report for the Council of Europe that linked former Kosovo President Hashim Thaçi [See NCH *Annual Report 2021*] to war crimes committed during the Kosovo War (1998–1999), was under protection of the Federal Police, allegedly because members of the Serbian secret service planned an assassination that would then be blamed on the Kosovo government.³¹¹

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2021.

A number of archaeological sites that were part of the UNESCO World Heritage list, were severely damaged during the ongoing Syrian Civil War (2011–). In the Jabal al-Zawiya region, northwestern Syria, the ancient village of Al-Bara (established in the fourth century) was damaged by vandalism, secret digging, and military use, and the Serjila site (established in the fifth century) was bombed by Russian warplanes in 2020. In the Jabal al-Ala region, northwestern Syria, the Rewiha village and the Qalb Lozeh Church were damaged by military presence, the breaking down of ancient stones, and neglect.³¹²

In 2021 the Commission for International Justice and Accountability, which gathered war crimes evidence of ongoing conflicts, went undercover out of fear for the security of its people and operations

³¹⁰ AFP/The Local, "[Netflix Sued over Series on Murder of Swedish Prime Minister](#)," *The Local* (16 November 2021).

³¹¹ Milica Stojanovic, "[Serbian Spy Agency Denies Swiss Report of Assassination Plot](#)," *Balkan Insight* (11 April 2022).

³¹² World Heritage Watch, *Report 2021*, (Berlin: WHW, 2021), 31–41.

in Syria after disinformation about its activities became widespread. It kept secret the location of its archives.³¹³

In February 2022, in a report published to mark the fortieth anniversary of the February 1982 massacre in Hama by the regime of Hafez al Assad (ruled 1971–2000), the Syrian Network for Human Rights (SNHR) urged the United Nations to finally acknowledge the massacre. In the massacre, targeting members of the Muslim Brotherhood, at least 3,762 civilians were abducted and 7,984 killed. Seventy-nine mosques (including the al-Nouri mosque), three churches, the al-Assi Clock Tower, and archaeological and historical areas (including the al-Keilaniya, al-Aseida, al-Shamaliya, al-Zanbaqi and Bein-al-Heirin neighborhoods) were destroyed in part or in full.³¹⁴

³¹³ Nerma Jelacic, “Spinning Bomb,” *Index on Censorship*, 50 no. 2 (July 2021), 16–23.

³¹⁴ Syrian Network for Human Rights, *The Fortieth Anniversary of the 1982 Hama Massacre Coincides with Rifaat al Assad’s Return to Bashar al Assad* ([London]: SNHR, 2022), 3, 7, 11, 14–16, 28.

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012, 2016–2020.

In October 2021, the Transitional Justice Commission (TJC) outlined the operations of the former state security apparatus and its role in the oppression of Taiwanese in an update on the commission’s ongoing historical research. Its report said that Chiang Kai-shek (1887–1975), as the autocratic leader of the state, as well as military courts and the national security and espionage apparatus were the main agents of oppression during the White Terror era (1947–1987) [See NCH *Annual Reports 2016–2017, 2019–2020*].³¹⁵

See also China.

TAJIKISTAN

Previous *Annual Report* entries: 2017–2018, 2020.

TANZANIA

Previous *Annual Report* entries: 2010, 2016–2017.

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2021.

In November 2021, in the defamation case of Rangsit versus Nattapol [See NCH *Annual Report 2021*], a group of twenty-three Chulalongkorn University (CU) political science lecturers published a statement calling on CU administrators to take a clear stance to protect academic freedom, in particular of thesis advisor Kullada Kesboonchu-Mead. On 11 March 2022, the court reviewed the witness lists from both sides.³¹⁶

³¹⁵ Chen Yu-fu & Jonathan Chin, “[State Repression Framework Outlined](#),” *Taipei Times* (3 October 2021).

³¹⁶ Sulakshana Lamubol, “[Bid to Hold Thesis Advisor Legally Liable for PhD ‘Errors’](#),” *University World News* (12 April 2022).

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2013, 2015–2018.

See Australia.

TOGO

Previous *Annual Report* entries: 2002, 2008–2013, 2017–2018, 2021.

TRINIDAD and TOBAGO

Previous *Annual Report* entries: 2018.

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2021.

On 25 July 2022, President Kais Saied, a former law professor in office since 2019, asked voters to approve a new draft Constitution which would give him greater powers. The draft's historical paragraph was much criticized because it suggested that the Revolution that overthrew the long-serving ruler Zine al-Abidine Ben Ali in 2011 and initiated the Arab Spring, had been "corrected" on 25 July 2021, when Saied dismissed the government, suspended the parliament, and embarked on a mission to redesign Tunisia's political future. Speaking in the name of the Tunisian people (who were not consulted in any significant way in the drafting), the paragraph said: "Out of a sense of profound historic responsibility to correct the path of the [2011] revolution and the path of history itself, that is what happened on 25 July 2021." Critics said that Saied was taking Tunisia back to where it was before 2011 – outright autocracy. On the other hand, the draft was hailed for not stipulating anymore that Islam was the religion of the state.³¹⁷

³¹⁷ ["Tunisia Referendum: President Kais Saied Seeks Mandate to Extend Powers,"](#) *BBC News* (24 July 2022).

TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2021.

In 2019, Mehmet Baki Deniz received a Ph.D. in sociology from the State University of New York, Binghamton, with a thesis entitled “Who Ruled Turkey between 1980 and 2008? Business Power and the Rise of Authoritarian Populism.” In May 2020, he submitted material for degree certification, including his thesis, to the Üniversitelerarası Kurul (ÜAK; interuniversity board), a higher education body certifying international education credentials. In June 2021, the ÜAK declined to certify Deniz’s Ph.D. because of the “content and subject” of the thesis. No further explanation was given. Due to the decision, he was excluded from finding academic employment in Turkey.³¹⁸

In April 2021, writer and journalist Ahmet Altan (1950–) was released after the Supreme Court overturned his prison sentence [See NCH *Annual Reports 1997, 2020*].³¹⁹

On 8 November 2021, prosecutors launched an investigation into writer and Nobel Prize in Literature laureate Orhan Pamuk (1952–) after the lawyer Tarcan Ülük filed a criminal complaint against his book *Veba Geceleri* (Nights of Plague), a historical novel set in 1901 during a plague in Istanbul, on the grounds that it insulted Turkey’s founder Mustafa Kemal Atatürk (1881–1938) and the national flag. “The Law Concerning Crimes Committed Against Atatürk” in the Penal Code protected “the memory of Atatürk” from insult, making it punishable by up to three years in prison. Pamuk had previously been accused of “anti-Turkish sentiments”: in 2005 charges were filed against him for statements made about the 1915 Armenian genocide [See NCH *Annual Reports 2005–2006*] and in 2010 his name was allegedly on an ultra-national and state-sponsored terrorist organization’s assassination list of “traitors to national security” [See NCH *Annual Report 2011*].³²⁰

On 7 February 2022, the Greek foreign ministry said that a band dancing to electronic music at the Sumela monastery in Eastern Turkey, a former Orthodox Christian monastery founded in the fourth century, constituted desecration of the historical monument. In 2010, authorities had allowed the monastery, which long ago had been stripped of its official religious status and operated as a museum, to hold its first Orthodox liturgy since ethnic Greeks had been expelled from the region in 1923 as part of a population exchange. The monastery was a candidate for UNESCO’s list of world heritage sites.³²¹

³¹⁸ Scholars at Risk, *Free to Think 2021* (New York: SAR, 2021), 91.

³¹⁹ “[Turkey Releases Writer Ahmet Altan After More Than Four Years in Prison](#),” *Guardian* (14 April 2022).

³²⁰ “[Nobel Laureate Pamuk Investigated on Charges of Insulting Atatürk, Flag](#),” *Stockholm Center for Freedom* (8 November 2021).

³²¹ “[Greece Protests to Turkey over Disco Band at Sumela Monastery](#),” *Reuters* (7 February 2022).

See also China, Cyprus, Greece, Iraq, Moldova.

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012, 2015–2019.

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2013, 2015–2017, 2019–2021.

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011, 2014–2021.

Russian forces left a trail of destruction during their invasion of Ukraine that started on 24 February 2022. Many historical sites were destroyed by Russian shelling or looted by Russian forces. On 1 March, a missile attack on a television tower in Kyiv damaged the adjacent memorial to the Babi Yar massacre. The memorial museum caught fire. (On 29 and 30 September 1941, Nazi German and some auxiliary forces had killed 33,771 Jews at the Babi Yar ravine in Kyiv; Jews, Roma, Ukrainian civilians and Soviet prisoners of war were also murdered there later [See below]) President Volodymyr Zelensky tweeted: “What is the point of saying ‘never again’ for 80 years, if the world stays silent when a bomb drops on the same site of Babyn Yar? At least 5 killed. History repeating ...”

Russian shelling further damaged the Dormition Cathedral in Kharkiv, originally built in the seventeenth century; severely damaged the dome on the Church of the Nativity of the Blessed Virgin in Yasnohorodka; a nineteenth-century wooden church in Viazivka, Western Zhytomyr; a yeshiva (an institute for Jewish religious education) in Kharkiv, which also functioned as a synagogue; the St. Michael’s Cathedral, an Orthodox cathedral opened in 1997 in Mariupol; the Temple of the Orthodox Church of Ukraine in Volnovakha, which was built as a memorial for Ukrainian soldiers who died fighting pro-Russian militants in the Donbass region in 2014. On 4 June, Russian shelling destroyed the wooden Sviatohirsk Lavra Monastery that dated back at least to the seventeenth century, and on 23 June, Russian bombing destroyed the Stalin-era Diamant Palace of Culture in Lysychansk, Luhansk.

On 9 March 2022, head of the UNESCO World Heritage Center Lazara Eloundou, had expressed concern over “more and more reports of the destruction of cultural heritage in several cities.” In addition, UNESCO director-general Audrey Azoulay called for the “protection of Ukrainian cultural heritage ... its national archives ... and its sites commemorating the tragedy of the Holocaust” and underlined the obligations of international humanitarian law, notably the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols. As of 30 March, a UNESCO spokesperson stated that fifty-three historical sites, religious buildings and museums had been damaged since the Russian invasion. In April, the Cultural Heritage Monitoring Lab, an international cooperation of archaeologists, historians and technicians, found that at least 191 cultural landmarks had been damaged by Russian forces since the invasion. Among them was the destruction

of 111 memorial sites and nine public monuments, and one archaeological site. On 9 June, the Ministry of Culture and Information Policy claimed that 389 cultural heritage sites had been destroyed or damaged. A report by the New Lines Institute for Strategy and Policy and the Raoul Wallenberg Centre for Human Rights concluded that the “destruction of cultural and sacred sites” indicated a “very serious risk of genocide.”

In addition to the destruction of historical sites, Russian forces damaged and destroyed archives. On 25 March 2022, the head of the State Archival Service Anatoliy Khromov reported that the Russian military had burned the archives of the Security Service (SBU) in the Chernihiv region, where documents had been stored on the Soviet repression of Ukrainians, destroying some 12,000 folders of documents. Several other archives were damaged in Kharkiv, Mykolayiv, and Lysychansk, but they survived. Russian forces also reportedly looted archives in Mariupol.

Moreover, in multiple cities, Russian forces looted historical and cultural artifacts. In [late February] Russian forces looted and destroyed the Ivankiv museum, near Kyiv, that housed Ukrainian folk art, including by folk art painter Maria Oksentiyivna Prymachenko (1909–1997). In the Museum for Local History in Melitopol at least 198 objects, including coins and weapons dating back some 2,300 years, were stolen. In Mariupol more than 2,000 artworks were reportedly taken. And in Antonivka, Kherson, Russian forces destroyed a memorial to Vyacheslav Chornovil (1937–1999), a Soviet-era dissident and candidate for the 1991 presidential elections who played a prominent role in the movement for Ukrainian independence.³²²

³²² Harriet Sherwood, “[‘Cultural Catastrophe’: Ukrainians Fear for Art and Monuments amid Onslaught](#),” *Guardian* (1 March 2022); Sam Sokol, “[‘History Repeating,’ Zelenskyy Says After Russian Strike on Holocaust Massacre Site in Kyiv](#),” *Haaretz* (1 March 2022); Tiffany Wertheimer, “[Babyn Yar: Anger as Kyiv’s Holocaust Memorial Is Damaged](#),” *BBC News* (2 March 2022); UNESCO, “[Ukraine: UNESCO Statement Following the Adoption of the UN General Assembly Resolution](#)” (statement; 3 March 2022); Luke Harding & Harriet Sherwood, “[Ukrainians in Race to Save Cultural Heritage](#),” *Guardian* (9 March 2022); Anna Reid, “[Ukrainian Heritage Is under Threat – and So Is the Truth about Soviet-era Russia](#),” *Guardian* (15 March 2022); “[In Chernihiv Region, Russians Destroy Archived Documents on Soviet Repression against Ukrainians](#),” *Ukrinform* (25 March 2022); Jack Hunter, “[In Pictures: The Ukrainian Religious Sites Ruined by Fighting](#),” *BBC News* (31 March 2022); “[At Least Fifty-three Culturally Important Sites Damaged in Ukraine – UNESCO](#),” *Guardian* (1 April 2022); Eduard Andryushchenko, “[In Russia’s War on Ukraine, Historians Find Themselves on the Front Lines, Figuratively and Literally](#),” *RFL/RE* (10 April 2022); Catherine Fiankan-Bokonga, “[UNESCO: Deliberate Destruction of Ukraine’s Cultural Heritage Could Be Considered a War Crime](#),” *Geneva Solutions* (20 April 2022); Vanessa Thorpe, “[Crimes Against History: Mapping the Destruction of Ukraine’s Culture](#),” *Guardian* (24 April 2022); Pjotr Sauer, “[Ukraine Accuses Russian Forces of Seizing 2,000 Artworks in Mariupol](#),” *Guardian* (29 April 2022); Jeffrey Gettleman & Oleksandr Chubko, “[Ukraine Says Russia Looted Ancient Gold Artifacts from a Museum](#),” *New York Times* (30 April 2022); New Lines Institute for Strategy and Policy & Raoul Wallenberg Centre for Human Rights, *[An Independent Legal Analysis of the Russian Federation’s Breaches of the Genocide Convention in Ukraine and the Duty to Prevent](#)* (May 2022); “[Ukraine Round-up: Defiance in Mykolaiv and a Wooden Monastery Ablaze](#),” *BBC News* (4 June 2022); Tom Seymour & Sophia Kishkovsky, “[Is Ukraine’s Cultural Heritage under Coordinated Attack?](#),” *The Art Newspaper* (10 June 2022); Orla Guerin, “[Lysychansk: Russia Erasing History in Ukraine’s ‘Dead City’](#),” *BBC News* (13 June 2022); “[Deadly Air Strike Hits Ukraine Frontline City As It Readies for Street Battle](#),” *France24* (17 June 2022).

On 10 March 2022, Leyla Ibragimova, deputy of the Zaporizhzhia Regional Council and Director of the Melitopol History Museum, was kidnapped by seven Russian soldiers who raided her home in Melitopol. She was interrogated and her and her family's phones and computers were confiscated; then she was released. The next morning, she was picked up for another interrogation. Ibragimova, an ethnic Crimean Tatar, was an advocate for her local constituency, including around 12,000 Crimean Tatars. During the interrogation, she was asked about Azad, a local Crimean Tatar organization, and pressed to give the names and addresses of activists and opinion leaders in the area, which she refused.

The kidnapping was seen as an extension of Russian policies in Crimea. Since 2014, when Russian forces illegally annexed Crimea, a Russification policy discouraged schools from teaching Crimean Tatar and Ukrainian (two of the official languages next to Russian), almost all independent Crimean Tatar media outlets were closed, activists' homes were being searched, and at least twenty people "disappeared."³²³

On 24 March 2022, Russian forces reportedly confiscated books and other materials in occupied areas that the Russian government deemed "extremist." Primarily books about the 2014 Maidan Revolution, the ensuing war against Russia-backed separatists in Crimea and the Donbass region, and studies of Ukraine's struggle for independence were on a list that further included "names that cannot be mentioned," such as Cossack leader Ivan Mazepa (1687–1708) and the President of the Ukrainian People's Republic (1918–1921) and Ukrainian independence leader Symon Petliura (1879–1927). One of the books specifically mentioned was Ukrainian historian Vakhtang Kipiani's *The Case of Vasyl Stus* (2019) about Vasyl Stus (1938–1985), a dissident poet, historian, archivist, and human rights activist who died in Soviet labor camp Perm 36 after many years of imprisonment [See NCH *Annual Report 2021*]. The Russian forces further banned a history of the People's Movement of Ukraine for Reconstruction (also known as Rukh), a national independence movement set up in 1989, and threatened to block the website of the National Academy of Sciences of Ukraine if it refused to remove an electronic version of this history.³²⁴

On 30 March 2022, Aleksandr Bastrykin, head of Russia's Investigative Committee, opened an investigation into textbooks in occupied areas to determine if they "distort[ed] history," among others. In the lead-up to the new academic year, Russian occupation authorities were threatening parents to

³²³ Agnieszka Pikulicka-Wilczewska, "[Russia's Crackdown on Crimean Tatars Foreshadows Wider Repression](#)," *AlJazeera* (12 March 2022); "[Andrei Kurkov on Russia's War against Ukrainian Culture](#)," *Index on Censorship* (29 March 2022); Andrei Kurkov, "Culture in the Cross Hairs," *Index on Censorship*, 51 no. 2 (July 2022), 64.

³²⁴ Eduard Andryushchenko, "[In Russia's War on Ukraine, Historians Find Themselves on the Front Lines, Figuratively and Literally](#)," *RFL/RE* (10 April 2022).

send their children to pro-Russian schools and teachers to follow a new curriculum, that reportedly included a history lesson teaching that Ukraine had begun the war.³²⁵

On 26 April 2022, the People's Friendship monument in Kyiv, a bronze statue depicting a Russian and a Ukrainian worker holding up the Soviet Order of Friendship of Peoples and erected in 1982 to commemorate the sixtieth Anniversary of the USSR and the celebration of the 1,500th Anniversary of Kyiv, was dismantled on orders of mayor Vitali Klitschko. It was part of a plan to demolish around sixty monuments and to rename dozens of streets throughout Ukraine associated with the USSR, Russia, and Russian figures.³²⁶

On 6–7 May 2022, the museum of Ukrainian philosopher and writer Grigory Skovoroda (1722–1794) (“the Ukrainian Socrates”) near Kharkiv was destroyed by the Russian army. In Ukraine, 2022 had been declared the Year of Grigory Skovoroda and on his 300th anniversary on 3 December, national celebrations had been planned.³²⁷

As part of an apparent Russification campaign launched by Education Minister Sergei Kravtsov in late June 2022, teachers were hired in Russia to teach in the Russian-occupied territories and Russian-backed separatist regions of Ukraine (Luhansk and Donetsk, Zaporizhzhia and Kherson) from September 2022 in order to give students a “corrected” education — with Russia's take on Ukraine's history. Batches of Russian history textbooks were also imported.³²⁸

In July 2022, a campaign was started to give Ukrainian writer Anatoly Kuznetsov (1929–1979), buried in an unmarked grave in London, a memorial. In 1966, Kuznetsov's novel *Babi Yar* had been published censored (it was cut down to a quarter of its original length), first in the magazine *Iunost* (Youth) with a press run of two million, later as a book by Molodaya Gvardia publishing house with a press run of 150,000. Kuznetsov protested against the cuts and the publications occurred against his will. The book was banned from libraries and not reprinted. Only after Kuznetsov defected to the United Kingdom in 1969, photographic films with the complete text of the novel wrapped around his body, did an uncensored and expanded version of the novel appear in English under the title *Babi Yar: A Document*

³²⁵ Eduard Andryushchenko, “[In Russia's War on Ukraine, Historians Find Themselves on the Front Lines, Figuratively and Literally](#),” *RFL/RE* (10 April 2022); Oleksandr Yankovskiy, “[‘Teaching Children To Hate’: Russian Occupation Officials Preparing To ‘Russify’ Ukrainian Schools](#),” *RFL/RE* (9 July 2022).

³²⁶ “[Ukraine War: Statue Symbolic of Ukraine-Russia Friendship Destroyed](#),” *BBC News* (27 April 2022); Lorenzo Tondo & Isobel Koshiw, “[Friends No Longer, Ukraine Removes Russian Statues and Street Names](#),” *Guardian* (28 April 2022).

³²⁷ Andrey Kurkov, “Culture in the Cross Hairs,” *Index on Censorship*, 51 no. 2 (July 2022), 66.

³²⁸ Robyn Dixon, “[Russia Sending Teachers to Ukraine to Control What Students Learn](#),” *Washington Post* (18 July 2022).

in the Form of a Novel (New York: Posiv, 1970). The September 1991 commemoration of the fiftieth anniversary of the massacre was the first official recognition of the event.

On 29 and 30 September 1941, more than 33,000 Jews were murdered by a German Einsatzkommando unit assisted by Ukrainian militiamen at the ravine Babi Yar, near Kyiv [See above]. A further 70,000 bodies were added between 1941 and 1943, including victims from other ethnic groups such as Russians, Ukrainians, and Romani. Successive Soviet governments sought to censor all references to Babi Yar. Official Soviet media attacked the epic poem *Babi Yar* (1961) by the Siberian poet Yevgeny Yevtushenko (1933–2017) and the Thirteenth Symphony (1962; opus 113), by composer Dmitry Shostakovich (1906–1975), partly based on it. The poem implied that some Ukrainians, Russians and other Soviet citizens had collaborated with the Germans in the genocide of Soviet Jews and that anti-Semitism was still prevalent in the USSR. Yevtushenko was accused of defiling the soldiers who had defended the nation and of “stirring up national hatred.” Although the poem was published, it was not included in collections of Yevtushenko’s work during the Soviet era. Public performances of the poem or the symphony were obstructed. At the occasion of the premiere of the symphony in December 1962, the most “offensive” lines of the poem were altered. Yevtushenko’s poetry collection, *Nasledniki Stalina* (1962; Stalin’s Heirs), was also attacked. Yevtushenko was nominated for the Nobel Literature Prize in 1963. In 1991, he moved to the United States, where he taught at the University of Tulsa, Oklahoma.³²⁹

See also Belarus, Canada, China, Germany, Iran, Lithuania, Russia.

UNITED ARAB EMIRATES

Previous *Annual Report* entries: 2013, 2016.

³²⁹ Tim Smith, Robert Perks, & Graham Smith, *Ukraine’s Forbidden History* (Stockport 1998), 21–22; *Index on Censorship* (1999 no. 1), 157, 162, (2001 no. 4), 153; Derek Jones, ed., *Censorship: A World Encyclopedia* (London/Chicago 2001), 162–164, 1303, 2233; Yury Shapoval, “[The Defection of Anatoly Kuznetsov](#)” (18 January 2005); “[Soviet-era Poet Yevgeny Yevtushenko Dies Aged 84](#),” *BBC News* (1 April 2017); Martin Bright, “[Anatoly Kuznetsov Is the Ukrainian Writer Who Documented the Horrors of Ukraine’s Worst Atrocity: He Deserves To Be Remembered](#),” *Index on Censorship* (13 July 2022).

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2021.

In 2021, the Partition Education Group campaigned to include the 1947 withdrawal of colonial power and the Partition of British India in the national history curriculum. The campaign followed a petition in July 2020, signed by more than 260,000 people, to make the national curriculum more inclusive of BAME (Black, Asian, and minority ethnic) history. The petition was rejected by the Department of Education on the grounds that the national curriculum already had the flexibility to include BAME history: it served as a guiding map, with teachers and schools having the autonomy to include or exclude preferred content. However, some worried that this flexibility allowed schools to not teach BAME history at all.³³⁰

In [February] 2021, Culture Secretary Oliver Dowden vetoed the reappointment of Aminul Hoque, a trustee at the Royal Museums Greenwich board. Hoque, an academic at the Educational Studies Department at Goldsmiths College, London, had led the Royal Museum's response to the Black Lives Matter movement and repeatedly called for "decolonizing" the school curriculum. In 2020, amid the Black Lives Matter protests, Dowden had threatened to cut funding to museums and galleries that removed statues associated with British colonialism. Then in October, Dowden warned institutions not to take part in "actions motivated by activism or politics." In early 2021, the government warned heritage bodies against taking significant steps in reevaluating British history. The government did not give an explanation for the veto.³³¹

In March 2021, Russian businessman Roman Abramovich and Russian state energy company Rosneft filed separate defamation lawsuits against journalist Catherine Belton and her publisher HarperCollins for Belton's book *Putin's People: How the KGB Took Back Russia and Then Took on the West* (published in April 2020). The book described Putin's past as a KGB agent and his rise to power together with a small group of KGB men, culminating in his 2000 presidency. Abramovich and Rosneft filed separate suits for passages suggesting that Abramovich's purchase of Chelsea Football Club in 2003 was ordered by Putin and that Rosneft had participated in the expropriation of Yukos Oil Company from businessman Mikhail Khodorovsky. The lawsuits were condemned as SLAPPs (Strategic Lawsuits against Political Participation) by nineteen organizations including Index on Censorship and

³³⁰ Shaistha Khan, "[UK South Asians Push for Partition History in School Curriculum](#)," *Al Jazeera* (6 August 2021).

³³¹ Clea Skopeliti, "[Academic Who Backed 'Decolonising' Curriculum Dropped from Museum Board](#)," *Guardian* (1 May 2021); "[Government Veto on Trustee's Reappointment Marks Aggressive Tactic in 'Cultural Cleansing' Campaign](#)," *Return Heritage* (2 May 2021).

Article 19. On 24 November 2021, the judge ruled that all nine statements in the Abramovich case were defamatory. Rosneft's claim was partly rejected and the company discontinued its case. On 22 December 2021, HarperCollins issued an apology over the defamatory allegations and confirmed that it had reached a settlement with Abramovich.³³²

In April 2021, the Overseas Operations Act, creating a “presumption against prosecution” for members of the armed forces accused of crimes committed overseas more than five years ago, became law, after the government had removed provisions that would have created impunity for genocide, crimes against humanity and war crimes [See NCH *Annual Report 2021*].³³³

On 31 May 2021, six United Nations Special Rapporteurs sent a letter to the government concerning the alleged lack of effective remedies for the Kipsigis and Talai indigenous peoples who were subjected to human rights violations during the precolonial and colonial period in Western Kenya (1895–1963), associated primarily with the expropriation of land on Kericho County. The violations affected an estimated half a million people and included unlawful killings and sexual violence. The letter also criticized the government for failing to “adopt measures to establish the facts and know the truth about the circumstances surrounding these violations.” Because the government did not react, the letter was published on 2 August 2021; the rapporteurs were disappointed that there was no apology and no move for compensation.³³⁴

In [October] 2021, publisher Hodder Education withdrew the A-level textbook *USA 1865–1975: The Making of a Superpower*, after a history teacher criticized an exercise asking students to what extent they believed “the treatment of Native Americans had been exaggerated” in the late nineteenth century (a period that saw some massacres of Native American tribes by the United States government). Hodder Education removed the book from sale until a review was conducted. In May, the publisher had been

³³² “[Lawsuits Against the Author and Publisher of Putin’s People Are SLAPPs](#),” *Index on Censorship* (24 November 2021); “[Law and Media Round Up](#),” *Inform’s Blog (International Forum for Responsible Media Blog)* (29 November 2021); High Court of Justice, [Roman Abramovich versus HarperCollins and Catherine Belton](#) (2021); High Court of Justice, [Rosneft Oil Company versus HarperCollins and Catherine Belton](#) (2021); Luke Harding, “[Roman Abramovich Settles Libel Claim over Putin Biography](#),” *Guardian* (22 December 2021); “[Chelsea FC Owner Roman Abramovich Gets Apology over Putin Claim](#),” *BBC News* (22 December 2021); “Putin’s People Author SLAPPed,” *Index on Censorship*, 50 no. 4 (2021), 7; “[Catherine Belton: ‘Binnen twee jaar kan Poetin afezetz zijn’](#)” (interview), *NRC Handelsblad* (3 June 2022).

³³³ Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 706.

³³⁴ Six United Nations Rapporteurs, [Letter of Allegation](#) (regarding human rights violations during the precolonial and colonial period in Western Kenya) (UN Doc. AL GBR 5/2021) (31 May 2021); “[UK’s Failure to Apologise for Kenya Land Grabs Criticised](#),” *BBC News* (2 August 2021); “[UK Regrets Colonial Abuses in Kenya](#),” *BBC News* (3 August 2021); Nazia Parveen, “[UN Criticises UK for Failure to Redress Colonial-Era Landgrab in Kenya](#),” *Guardian* (3 August 2021).

criticized by a student for an exercise that entailed a question whether slavery in the southern states before 1961 could have been justified.³³⁵

On [9 or 10] October 2021, Priyamvada Gopal, a fellow at Churchill College, Cambridge University, and author on British colonial history, had an invitation to speak to Home Office officials on the links between the department's policies and recent colonial history withdrawn, just days before the meeting would take place. The reason for the withdrawal was ostensibly related to a February 2021 tweet in which Gopal had criticized Home Secretary Priti Patel and to which the right-wing politics blog Guido Fawkes had drawn attention.³³⁶

On 6 November 2021, Keir Bradwell, the president of the Cambridge Union, a Cambridge University debating society promoting free speech through discussion, would publish a "blacklist" of guest speakers who were banned from returning because they were deemed to have caused offence. The announcement followed a debate about "good taste" on 4 November in which art historian Andrew Graham-Dixon had impersonated a speech by Adolf Hitler on art with the aim of showing that "bad taste and a deficient moral compass often go hand in hand." According to Bradwell's letter, Graham-Dixon would be the first speaker on the blacklist. On 10 November, actor John Cleese tweeted that he was "blacklisting himself" for a debate on 12 November for which he was invited, because "after he heard that someone had been blacklisted for impersonating Hitler" he had to "acknowledge to have done something similar in a *Monty Python*-sketch." Following Cleese's announcement, Bradwell stated that Cambridge Union did not have a blacklist and that he had misspoken previously. He added that he still thought that Graham-Dixon should not be re-invited, but that speakers were allowed to say whatever they wanted during the debates.³³⁷

On 9 November 2021, lawyers requested the release of official documents by the Ministry of Defense (MoD) in relation to an allegedly covered-up series of extrajudicial killings of 33 Afghan men by the Special Air Service in Afghanistan in 2011. A MoD spokesperson said that 1800 pages had already been released and that "there is not a duty to provide any document that might look embarrassing."³³⁸

³³⁵ Aamna Mohdin, "[A-Level Textbook Withdrawn Over 'Inappropriate' Native American Question](#)," *Guardian* (24 October 2021); Harry Farley, "[A-Level Textbook Withdrawn Over 'Shocking' Native American Question](#)," *BBC News* (24 October 2021).

³³⁶ Richard Adams, "[Academic Calls on Universities Minister to Defend Her Freedom of Speech](#)," *Guardian* (14 October 2021).

³³⁷ Patrick van IJzendoorn, "[John Cleese zet zichzelf op zwarte lijst vanwege vrijheid van meningsuiting](#)," *Volkscrant* (11 November 2021); "[Cambridge University Debating Society Drops Speaker Blacklist](#)," *BBC News* (12 November 2021).

³³⁸ Dan Sabbagh, "[Alleged Massacres of Afghans by SAS Not Properly Investigated, Court Told](#)," *Guardian* (9 November 2021).

When submitting a Freedom of Information request to the Foreign Office in [2022], historian Grace Livingstone discovered that more than three hundred folders of Foreign Office papers relating to Britain's relations with Argentina in the six years before the 1982 Falklands war had been shredded, including a folder entitled "Military visits to and from Argentina, 1978," folders concerning British and Argentinian military visits in 1979–1981, and more than twenty folders relating to British arms sales to Argentina.³³⁹

On 5 January 2022, the four persons who took the lead in toppling the statue of slave trader Edward Colston (1636–1721) in Bristol and threw it into the harbor [See NCH *Annual Report 2021*] were found not guilty of criminal damage by a jury (11 to 1) at Bristol Crown Court. In closing statements following a nine-day trial, the defense had urged jurors to "be on the right side of history," saying that the statue, which had stood over the city from 1895 to 2020, was so offensive that it constituted a hate crime itself.³⁴⁰

In [early January 2022], critics accused Reading University of censoring "Types of Women," a poem by Semonides of Amorgos written in the seventh century BCE, because it contained a reference to domestic violence which could upset students. In earlier readers for first-year Classics students, the poem had been reproduced in its entirety and preceded by a trigger warning saying that the poem was an example of "extreme misogyny in archaic Greece." In response, Reading University argued that "This is not censorship, nor is it mollycoddling over-sensitive students," saying that the full text was available in printed copies and online for students.³⁴¹

In March 2022, Wendy Williams, the independent inspector advising the Home Office on policy changes after the 2018 Windrush scandal (exposing how between 1950 and 1981 immigrants, particularly from Caribbean countries, had been wrongfully detained, denied legal rights and threatened with deportation), expressed disappointment that the Home Office had repeatedly refused to publish *The Historical Roots of the Windrush Scandal*, a Home Office commissioned report on the historical causes of the scandal. The 52-page analysis by an unnamed historian had found that the "deep-rooted racism of the Windrush scandal" originated in the fact that "during the period 1950–1981, every single piece of immigration or citizenship legislation was designed at least in part to reduce the number of people with black or brown skin who were permitted to live and work in the U[nited] K[ingdom]." A

³³⁹ Grace Livingstone, "[Search and Destroy](#)," *London Review of Books* (10 February 2022).

³⁴⁰ "[BLM Protesters Cleared over Toppling of Edward Colston Statue](#)," *Guardian* (5 January 2022).

³⁴¹ Nicola Woolcock, "[Greek Poem 'Censored' to Avoid Upset for Students](#)," *The Times* (3 January 2022).

freedom of information request to release the report had been refused on the grounds that it included “sensitive issues involving the development of policies.”³⁴²

On 14 April 2022, Rector Debora Kayembe of the University of Edinburgh sparked outrage after alleging in a tweet on 14 April 2022 that the 1994 genocide in Rwanda was orchestrated by Rwandan President Paul Kagame. Critics pointed to overwhelming evidence to the contrary and accused Kayembe of knowingly spreading genocide denial ideas against the Tutsi and promoting “double genocide.” The university distanced itself from her opinion. Kayembe later apologized. On 23 December 2003, the United Nations General Assembly had designated 7 April (the day the genocide perpetrated by radical Hutus had started in 1994) as the International Day of Reflection on the Genocide in Rwanda.³⁴³

In June 2022, a year after the Home Office was supposed to launch a mandatory course on British history for the department’s 36,000 employees, civil servants had reportedly attempted to “sanitize” a module on race, empire, and colonialism, because they worried it would be “too controversial.” After an independent review had concluded that the 2018 Windrush scandal was partly caused by “institutional ignorance and thoughtlessness” regarding race and history [See above], the Home Office had contracted staff researchers from Coventry University to create the teaching module.³⁴⁴

Northern Ireland

In April 2021, historians advising the government on how to mark the centenary of the creation of Northern Ireland in 1921 after Ireland’s partition, requested access to secret official files from the early 1920s, including documents relating to the so-called B Specials, an auxiliary police force known officially as the Ulster Special Constabulary (1920–1970).³⁴⁵

On 10 August 2021, United Nations (UN) experts expressed concern about the United Kingdom (UK) government’s proposal – entitled “Addressing the Legacy of Northern Ireland’s Past” and announced in a statement by the UK Secretary of State for Northern Ireland before parliament in July 2021 – to

³⁴² Amelia Gentleman, “[Windrush Scandal Caused by ‘30 Years of Racist Immigration Laws’ – Report](#),” *Guardian* (29 May 2022).

³⁴³ Jean d’Amour Mbonyinshuti, “[Edinburgh Distances Itself from Rector’s Genocide Views, Apologises](#),” *University World News* (28 April 2022); United Nations General Assembly, [International Day of Reflection on the 1994 Genocide in Rwanda](#) (UN Doc. A/RES/58/234) (23 December 2003).

³⁴⁴ Amelia Gentleman, “[Home Office Tried to ‘Sanitise’ Staff Education Module on Colonialism](#),” *Guardian* (10 June 2022).

³⁴⁵ Mark Simpson, “[NI 100: Centenary Historians Request Access to Secret Government Files](#),” *BBC News* (21 April 2021).

introduce a statute of limitations for all new conflict-related prosecutions, investigations, and victims' civil claims in connection with "The Troubles" in Northern Ireland (1969–1998), which would effectively institute a de facto amnesty and blanket impunity for the grave human rights violations committed during that period [See NCH *Annual Report 2021*]. The proposal also foresaw the establishment of a new independent body to enable individuals and family members to seek and receive information about Troubles-related deaths and injuries, and the adoption of an oral history initiative. The experts expressed concern, among others, at "the lack of clarity concerning the role that victims would play in the design, implementation and monitoring of the proposed transitional justice institutions and measures, including those relating to memorialization, archiving and truth recovery." In September 2021, Commissioner for Human Rights of the Council of Europe Dunja Mijatović similarly criticized the proposal. The Troubles in Northern Ireland lasted three decades until the adoption of the Good Friday Agreement in 1998 (also known as the "Belfast Agreement") and resulted in the death of more than 3,500 individuals and the injury of another 40,000.³⁴⁶

See also China, Grenada, Iraq, Kenya, Latvia, Morocco, Russia, Sudan, Ukraine.

UNITED NATIONS

Previous *Annual Report* entries: —.

On 13 January 2022, the United Nations General Assembly adopted a resolution about Holocaust denial, noting that it referred to discourse and propaganda that denied the historical reality and the extent of the extermination of the Jews by the Nazis and their accomplices during World War II, and that this included publicly denying or calling into doubt the use of principal mechanisms of destruction (such as gas chambers, mass shooting, starvation, and torture) or the intentionality of the genocide of the Jewish people. The resolution also noted with concern the growing prevalence of Holocaust denial or distortion through the use of information and communications technologies. It rejected and condemned without any reservation any denial of the Holocaust as a historical event, either in full or in part. Put forward by Israel and Germany, it was passed without a vote by the 193-member General Assembly, although Iran said it dissociated itself from the text.³⁴⁷

³⁴⁶ United Nations Experts, "[UK: UN Experts Voice Concern at Proposed Blanket Impunity to Address Legacy of 'The Troubles' in Northern Ireland](#)" (press release; 10 August 2021); Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 706.

³⁴⁷ United Nations General Assembly, "Holocaust Remembrance" (UN Doc. A/RES/60/7) (21 November 2005); United Nations General Assembly, "Holocaust Denial" (UN Doc. A/RES/61/255) (22 March 2007); United Nations General Assembly, "Holocaust Denial," UN Doc. A/RES/76/250 (13 January 2022); "[UN Defines Holocaust Denial in New Resolution](#)," *BBC News* (20 January 2022).

On 3 May 2022, the International Mechanisms for Free Expression issued their 24th Joint Declaration on Freedom of Expression, dedicated to gender justice. They recommended, among others, that “States, the private sector and civil society should work together to address . . . interpretations of culture, religion and tradition that subordinate and disempower women”; that “States should not use the aim of protecting public morals to restrict gender, sexual, cultural or artistic expression of women and gender non-conforming people based on principles derived exclusively from a single tradition” and that “States, as well as public and private academic institutions, should respect academic freedom of expression and refrain from censoring, restricting or discriminating against gender studies and feminist scholarship or public debate on these issues.”³⁴⁸

UNITED STATES

Previous *Annual Report* entries: 1995–2021.

During the academic year 2020–2021, a number of Zoom meetings were disrupted (also known as Zoom-bombing). In November 2020, a panel discussion entitled “Cultural Genocide: An Overview of Uyghurs in Xinjiang, China” at Brandeis University, Waltham, Massachusetts, was disrupted by attendees playing the Chinese National Anthem and writing diminishing messages over the presenters’ slides. In February 2021, a virtual event celebrating Black History Month, entitled “Diversity Through Hair,” at the City University of New York was forced to shut down when as many as twenty people began playing racist music and writing and chanting racist slurs. Several other events celebrating Black History Month were similarly targeted.³⁴⁹

Throughout 2021 and 2022, PEN America published a number of reports on educational gag orders – state level bills introduced with the intent to restrict teaching and discussion of race, racism, gender and United States (US) history in K-12 schools (schools from Kindergarten to twelfth grade), higher education, and state agencies and institutions. PEN America stated that between January 2021 and April 2022 183 educational gag order bills (often referencing critical race theory) had been introduced in forty different states, with nineteen of them having become law in fifteen states. Other states enacted educational gag orders via policies or executive orders. Of the 183 orders, 88 educational gag orders were still under consideration as of April 2022 and 47 of them included an avenue for punishment for those found in violation.

³⁴⁸ “[Joint Declaration on Freedom of Expression and Gender Justice](#)” (3 May 2022).

³⁴⁹ Scholars at Risk, *Free to Think 2021* (New York: SAR, 2021), 30, 93–94.

Many, like order S.2035 (also known as the Saving American History Act) that was introduced in Arkansas in June 2020 and quickly withdrawn, aimed at blocking federal funds to any elementary and secondary school using the *New York Times 1619 Project* – a project, founded in August 2019 by historian and journalist Nikole Hannah-Jones [See NCH *Annual Report 2021*], named after the year that slavery began in the colonies that would become the US, that explored the impact of slavery on US history and modern life and had ignited debate about the legacy of slavery [See NCH *Annual Report 2020*]. Of the 54 educational gag orders that were introduced between January and September 2021, 53 could be used to block the *1619 Project* – the only exception being a Tennessee law, branded the “Don’t Say Gay” law, which forbade the teaching of LGBTQ+ history in K-12 schools [See NCH *Annual Report 2021*].

PEN America criticized three features of these state level bills: they were drafted sloppily (with vague terminology for forbidden conduct that could be arbitrarily interpreted and applied); they explicitly targeted teachers’ speech and required direct punishment of speech that was deemed a violation; and they came with a “private right of action,” allowing parents and citizens to seek to levy their own punishments against teachers, such as suing them in court. PEN America further concluded that the bills would have chilling effects on the teaching of the history of slavery, the emancipation of women, and the treatment of Native Americans, had led to the effective banning of a wide swath of historical and other educational materials and resulted in the effective self-censoring of educators and educational institutions on these topics, leading to the erosion of academic freedom.

On 19 October 2021, several non-governmental associations filed a lawsuit challenging Oklahoma’s controversial ban on critical race theory, arguing that HB 1775 bill (first approved in April 2021) prevented Black, female, LGBTQ+ and indigenous students from being taught their history as well as the history of white supremacy and that it infringed the academic freedom to teach topics like African American history and gender studies. The lawsuit asked the court for a permanent preliminary injunction to prevent the law from being enforced in public schools and universities. It was the first lawsuit of its kind to directly challenge a ban on critical race theory.³⁵⁰

³⁵⁰ Alexandra Kelley, “[Texas Passes Law Banning Critical Race Theory in Schools](#),” *The Hill* (17 June 2021); ACLED, “[Fact Sheet: Demonstrations over Critical Race Theory in the United States](#)” (14 July 2021); District Court for the Western District of Oklahoma, [Black Emergency Response Team, AAAP, NAACP, AIM and Others versus Oklahoma Attorney General and Others: Complaint](#) (19 October 2021); Zoe Christen Jones, “[Oklahoma ACLU Files Lawsuit against Ban on Critical Race Theory](#),” *CBS News* (19 October 2021); Cassidy Fallik, “[ACLU, ACLU of Oklahoma, Lawyers Committee File Lawsuit Challenging Oklahoma Classroom Censorship Bill Banning Race and Gender Discourse](#)” (press release; 19 October 2021); Jonathan Friedman & James Tager, “[Educational Gag Orders](#),” *PEN America* (8 November 2021); Education Committee of the General Court of New Hampshire, “[House Bill 1255](#),” (5 January 2022); Maya Yang, “[Florida: Republican Panel Advances Bill to Ban LGBTQ+ Discussion in Schools](#),” *Guardian* (24 January 2022); Jeffrey Sachs, “[Steep Rise in Gag Orders, Many Sloppily Drafted](#),” *PEN America* (24 January 2022); Greg Sargent, “[Opinion: Behind the Latest GOP Restrictions on Race Teaching: A Hidden, Toxic Goal](#),” *Washington Post* (24 January 2022); Greg Sargent, “[A GOP Proposal Targeting ‘Negative’ U.S. History Is Cause for Renewed Alarm](#),” *Washington Post* (31 January 2022); Terry Gross, “[From Slavery to Socialism, New Legislation Restricts What Teachers Can Discuss](#),” *NPR* (3 February 2022); Laura Meckler & Hannah Natanson, “[New](#)

In June 2021, the Tulsa City Council passed an apology resolution, but failed to acknowledge the city's documented culpability in, or provide reparations for, the victims of the 1921 Tulsa Race Massacre. During the massacre, a white mob invaded the Black community of Greenwood in Tulsa, Oklahoma, killing as many as 300 people according to some historians' estimates [See NCH *Annual Report 2021*].³⁵¹

A summer 2021 report, entitled *Failure to Protect*, from the Center for Countering Digital Hate found that of the 714 posts on five of the big social media platforms (Facebook, Twitter, Instagram, YouTube, and TikTok) reportedly spreading anti-Jewish hatred and propaganda, the platforms failed to act on 84%, including on 80% of the posts on Holocaust denial [See NCH *Annual Report 2021*].³⁵²

On 29 July 2021, Garrett Felber, a tenure-track assistant professor in the ArchDalrymple III Department of History at the University of Mississippi (UM), reached a settlement and left UM [See NCH *Annual Report 2021*]. He accepted a faculty fellowship in American Studies at the Center for the Study of Race, Indigeneity, and Transnational Migration of Yale University.³⁵³

In August 2021, Anat Sultan-Dadon, the Israeli Consul General to the Southeastern United States, in a meeting with a dean at the University of North Carolina (UNC) at Chapel Hill, allegedly accused Ph.D.-student Kylie Broderick, who was teaching a class called "The Conflict over Israel and Palestine" at the UNC history department, of being unfit to teach the course in question, due to anti-Semitic comments she had made in her Twitter posts. It was also alleged that (Democrat) Representative Kathy Manning

[Critical Race Theory Laws Have Teachers Scared, Confused and Self-Censoring](#)," *Washington Post* (14 February 2022); Kate McGee, "[Lt. Gov. Dan Patrick Proposes Ending University Tenure to Combat Critical Race Theory Teachings](#)," *Texas Tribune* (18 February 2022); Keisha Blain, "[To Fight Attacks on 'Critical Race Theory,' Look to Black History](#)," *The Nation* (18 February 2022); Nick Anderson & Susan Svrluga, "[College Faculty Are Fighting Back Against State Bills on Critical Race Theory](#)," *Washington Post* (19 February 2022); "['Don't Say Gay' Bill: Florida Senate Passes Law Marginalizing LGBTQ+ People](#)," *Guardian* (8 March 2022); PEN America, "[For Educational Gag Orders, The Vagueness Is The Point](#)" (28 April 2022); Sarah Schwartz, "[Map: Where Critical Race Theory Is Under Attack](#)," *Education Week* (updated 18 May 2022); Wyatt Myskow, "[Legislation to Limit Critical Race Theory at Colleges Has Reached Fever Pitch](#)," *Chronicle of Higher Education* (8 June 2022); PEN America (Jeffrey Sachs, Jeremy Young, and Jonathan Friedman), "[5 Myths about Educational Gag Orders](#)," (10 June 2022); Sonia Rao, "[Virginia Was Primed to Teach Black History - Then the Nation's First Anti-Critical Race Theory Governor Took Office](#)," *Scalawag Magazine* (14 June 2022); PEN America, [PEN America Index of Educational Gag Orders](#) (ongoing database).

³⁵¹ Human Rights Watch, *World Report 2022: Events of 2021* (New York: HRW, 2022), 711.

³⁵² Center for Countering Digital Hate, [Failure to Protect: How Tech Giants Fail to Act on User Reports of Antisemitism](#) (London/Washington: CCDH, 2021); Maya Wolfe-Robinson, "[A 'Safe Space for Racists': Antisemitism Report Criticises Social Media Giants](#)," *Guardian* (1 August 2021).

³⁵³ Ashton Pittman, "[Emails Show UM Officials' Concern Over Fired Historian Criticizing Private Prison Ties](#)," *Mississippi Free Press* (30 July 2021).

met with the dean of arts and sciences regarding Broderick's teachings. Broderick rejected the accusations of anti-Semitism.³⁵⁴

On 3 August 2021, a seven-foot bronze statue of an Osage woman was stolen in Kansas City, Missouri. The statue was part of the François Chouteau & Native American Heritage Fountain, depicting two Osage Indians trading with fur trader François Chouteau (1797–1838). The theft came ten days after the fountain had been fully finished, marking the bicentennial anniversary of Missouri.

On 14 September 2021, a Missouri cave, which was the burial ground for ancestors of the Osage Nation People and a site for sacred rituals, and which contained more 290 prehistoric hieroglyphic symbols, some over 1,000 years old, was sold at an auction. The sale was opposed by researchers and the Osage Nation people, who called the sale “heartbreaking.”³⁵⁵

On 6 August 2021, nearly 1,800 people signed a letter calling on President Joe Biden to release documents that they believed implicated Saudi Arabian officials in the 11 September 2001 (“9/11”) attacks. The signatories included families of the 9/11 victims, first responders, and survivors. The families had sued the government of Saudi Arabia, which denied any involvement. In June 2021, the lawsuit saw several former top Saudi officials questioned under oath, but the depositions remained sealed. The families said that since the conclusion of the 9/11 Commission in 2004 much evidence had been uncovered but that through multiple administrations the Department of Justice (DOJ) and the FBI had actively sought to keep relevant information secret, citing national security concerns. The September 11th Transparency Act required the DOJ, the CIA and the director of national intelligence to justify to Congress any decision not to declassify particular records. On 9 August, the FBI offered to release some documents from its investigation, saying that they would disclose appropriate information “on a rolling basis.” The offer was criticized for not doing enough. On 3 September 2021, Biden signed an executive order “directing the Department of Justice and other relevant agencies to oversee a declassification review” and to “release the declassified documents publicly over the next six months.”³⁵⁶

³⁵⁴ Jonah Kaplan, “[‘Antisemitism Has Mutated’: Jewish Students, Leaders Worry Over UNC-CH Instructor’s Comments](#),” *ABC11* (28 August 2021); Murtaza Hussain, “[Israeli Diplomat Pressured UNC to Remove Teacher Who Criticized Israel](#),” *The Intercept* (28 September 2021); Colleen Flaherty, “[Israeli Diplomat Accused Grad Instructor of Anti-Semitism](#),” *Inside HigherEd* (20 September 2021).

³⁵⁵ Laura Ziegler, “[Organizers ‘Devastated’ after Statue of Native American Woman Stolen from Park in Kansas City North](#),” *KCUR* (5 August 2021); “[‘Heartbroken’ Osage Nation Leaders Decry Sale of Sacred Missouri Cave with Ancient Artwork](#),” *Guardian* (15 September 2021); Cynthia Prescott, “[The Monument Controversy Nobody Is Talking About](#),” *Washington Post* (26 May 2022).

³⁵⁶ “[Executive Order on Declassification Review of Certain Documents Concerning the Terrorist Attacks of September 11, 2001](#)” (3 September 2021); “[Declassify Saudi Files or Stay Away From 9/11 Memorials, Families Tell Biden](#),” *Guardian* (6 August 2021); “[Families of 9/11 Victims Tell Biden Not To Attend Memorial Events](#),” *BBC News* (7 August 2021); Julian Borger, “[FBI Offer to Release Some Saudi Files Not](#)

In August and September 2021, the organizers and speakers of the online conference “Dismantling Global Hindutva [a Hindu-supremacist ideology]” (10–12 September 2021), were massively harassed and intimidated by Hindu right-wing groups in the United States and India who called the event “Hinduphobic.” Those attacked included historians Audrey Truschke [See above and NCH *Annual Report 2021*], David Ludden, Gyanendra Pandey and Purnima Dhavan, and sociologist Nandini Sundar [See NCH *Annual Report 2017*].³⁵⁷

In September 2021, all records of historian Benjamin Park’s fellowship and involvement with the Brigham Young University (BYU), Utah, were erased from the BYU website. In 2018, Park had been a summer fellow at the BYU Neal A. Maxwell Institute, researching and authoring a book on the history of Mormons living in Illinois in the 1840s. In the weeks before BYU erased his records, Park had written critically about a speech by former BYU President and Elder of the Church of Jesus Christ of Latter-day Saints (LDS) Jeffrey R. Holland, which he said had been harmful to the LGBTQ+-community. In August, he had published an article in the *Washington Post* about the stance of LDS leaders on COVID-19. BYU did not give a reason for erasing his records.³⁵⁸

In October 2021, a Virginia community college announced that it would drop from its name John Tyler (1790–1862), the tenth president of the United States who backed the Confederate rebellion before he died. Another college would ditch Thomas Nelson Jr. (1738–1789), a signer of the Declaration of Independence and prominent military and political leader, who historians said had enslaved hundreds of people of African descent.³⁵⁹

In October 2021, Matt Krause, a Republican in the Texas House of Representatives, distributed a watch list of 850 books that might generate “discomfort, guilt, anguish, or any other form of psychological distress because of [a student’s] race or sex.” In response, a San Antonio school district took out 414 books from its libraries in December. Among the books pulled and/or on Krause’s list were Isabel Wilkerson’s *Caste: The Origins of Our Discontents*, which traced a variety of caste systems throughout history and across civilizations. It further included *How To Be an Antiracist* by former assistant

[Enough, 9/11 Families Say](#),” *Guardian* (10 August 2021); Oliver O’Connell, “[Biden Signs Order to Declassify 9/11 Attack Investigation Documents](#),” *Independent* (3 September 2021).

³⁵⁷ “[Dismantling Global Hindutva: Multidisciplinary Perspectives](#)” (conference website); Kritika Sharma, “[Hinduphobia or Battle against Bigotry? ‘Dismantling Global Hindutva’ Seminar Sparks Controversy](#),” *ThePrint* (30 August 2021); Raqib Hameed Naik, “[US Academic Conference on ‘Hindutva’ Targeted by Hindu Groups](#),” *Al Jazeera* (7 September 2021); Ramesh Rao, “[‘Dismantling Global Hindutva’: The Malefic Rakshasas and Their Demonic Agenda](#),” *First Post* (27 August 2021); American Historical Association, [Statement on Threats to Academic Conferences](#) (September 2021).

³⁵⁸ Jana Riess, “[Blocklisting at Brigham Young University](#),” *Washington Post* (13 September 2021).

³⁵⁹ Nick Anderson, “[Virginia Community Colleges Are Dropping President John Tyler and Others from Their Names amid Racial Reckoning](#),” *Washington Post* (10 October 2021).

professor of African-American history at the University of Florida Ibram X. Kendi, and *We Were Eight Years in Power: An American Tragedy*, containing essays on the presidency of Barack Obama (in office 2009–2017) by Ta-Nehisi Coates and his *Between the World and Me*, a recapitulation of racist violence in the United States written as a letter to his son.

In [November] 2021, four high schools in Canyons school district, Utah, removed at least nine books, including *Out of Darkness* by Ashley Hope Pérez about a love affair amid racial division in 1930s Texas. Between September and December 2021, records requests to nearly 100 school districts in Texas – a small sample of the state’s 1,250 public school systems – revealed 75 formal requests to ban books from libraries, including some picture books about Black historical figures.³⁶⁰

In early October 2021, historian Beverly Gage, resigned as director (2017–2021) of Yale University’s Brady-Johnson Program in Grand Strategy, effective in December 2021. Gage said that in November 2020 she had faced sudden demands from the program’s conservative funders – former treasury secretary Nicholas Brady and investment management billionaire Charles Johnson – for external oversight of its curriculum and faculty hiring. The demands reportedly stemmed from the donors’ displeasure over a *New York Times* op-ed in which a program instructor had called President Donald Trump a demagogue who threatened the Constitution. Gage sought support from Yale administrators, but instead they pressed her to grant the donors’ wish that she form a board of overseers that included former Secretary of State (and historian) Henry Kissinger.³⁶¹

On 3 October 2021, a sculpture honoring George Floyd (1973–2020) (an African-American man killed in 2020 by a police officer in Minneapolis, Minnesota) at Union Square in New York was defaced with grey paint. The sculpture had previously been on display in Brooklyn, where it similarly had been vandalized.³⁶²

On 26 October 2021, Lora Burnett, a dismissed history professor at Collin College, a community college in McKinney, Texas, sued Collin College, Texas [See NCH *Annual Report 2021*], arguing that the dismissal violated her First Amendment rights. The complaint came after Burnett won a legal battle obliging Collin College to release relevant text messages about her case. Burnett’s nonrenewal notification cited her “insubordination, making private personnel issues public that impair the college’s

³⁶⁰ Emma Sarappo, “[This Is a Shakedown](#),” *The Atlantic* (8 December 2021); Adam Gabbatt, “[US Conservatives Linked to Rich Donors Wage Campaign to Ban Books from Schools](#),” *Guardian* (24 January 2022); Mike Hixenbaugh, “[Banned: Books on Race and Sexuality Are Disappearing from Texas Schools in Record Numbers](#),” *NBC News* (1 February 2022).

³⁶¹ Daniel Drezner, “[A Pyrrhic Victory for Plutocrats at Yale: Nicholas Brady and Charles Johnson Display Some Poor Strategic Thinking](#),” *Washington Post* (5 October 2021); Aaron Jakes, “[Never Mind Donor Influence: The Problem with “Grand Strategy” Was Always Warmongering](#),” *Washington Post* (11 October 2021).

³⁶² “[George Floyd Sculpture in New York City Defaced For a Second Time](#),” *BBC News* (5 October 2021).

operations, and personal criticisms of co-workers, supervisors, and/or those who merely disagree with you.” On 25 January 2022, Collin College agreed to pay Burnett \$70,000 plus legal fees to settle the case. College leaders did not admit fault.³⁶³

On 3 November 2021, historian Xiyue Wang (1980–) and his wife Hua Qu filed a lawsuit against Princeton University in the Superior Court of New Jersey in Mercer County, alleging that the university had caused them “severe personal injuries and other irreparable harm” through “grossly negligent acts” before and during his imprisonment in Iran on an espionage charge (2016–2019) [See *NCH Annual Reports 2018–2020*]. The lawsuit accused Princeton of “wanton” misconduct and blamed it for encouraging Wang to study for his Ph.D. in history in Iran, not taking his safety concerns seriously, and failing to adequately lobby for his release because it was more concerned with its reputation and that of the Princeton Iran Center.³⁶⁴

On 9 November 2021, judge Tanya Chutkan ruled that Congress had the right to see 700 pages of White House records of former President Donald Trump that could shed light on the events leading up to the attack on Congress on 6 January 2021. In August 2021, a congressional committee investigating the so-called Capitol Riot had demanded access to the documents in order to find out whether Trump had prior knowledge of the riot. The judge ruled that the National Archives and Records Administration (NARA), the federal agency that holds the records, should comply with the committee’s request. On 9 October 2021, President Joe Biden rejected Trump’s bid to keep the documents secret under executive privilege. However, on 11 November a federal appeals court granted Trump’s request to temporarily block the NARA from releasing the documents. On 19 January 2022, the Supreme Court rejected Trump’s request to stop the congressional committee from obtaining the records.

In mid-January 2022, the NARA retrieved fifteen boxes of documents and other items from Trump’s Florida resort, including letters from Barack Obama and Kim Jong-Un, because the material should have been turned over to the NARA when he left the White House. Two former Trump advisers described a frenzied packing process in the final days of the administration because Trump did not want to pack or accept defeat for much of the transition.

On [1 February] 2022, the NARA declared that some of the records that were turned over to them at the end of the Trump administration had been torn up, allegedly by Trump himself, confirming fears that were expressed in a December 2020 lawsuit by the National Security Archive and the American

³⁶³ District Court for the Eastern District of Texas, [Lora Burnett versus Collin County Community College District \(complaint\)](#) (26 October 2021); Colleen Flaherty, “[Former Professors Sue Collin College over Free Speech](#),” *Inside HigherEd* (27 October 2021); Michael Vasquez, “[Collin College Will Pay Ousted Professor \\$70,000 Plus Fees in Free-Speech Case](#),” *Chronicle of Higher Education* (25 January 2022).

³⁶⁴ Superior Court of New Jersey in Mercer County, [Xiyue Wang & Hua Qu versus Princeton University](#) (2021); Sam Kagan & Andrew Somerville, “[Graduate Student Xiyue Wang Sues Princeton over Actions during His Iranian Imprisonment](#),” *The Daily Princetonian* (28 January 2022).

Historical Association [See NCH *Annual Report 2021*]. On 10 February 2022, the NARA asked the Justice Department to investigate Trump for his handling of official papers [See NCH *Annual Report 2021*].³⁶⁵

On 15 December 2021, Ron DeSantis, governor of Florida, announced his “Stop the Wrongs to Our Kids and Employees (WOKE) Act,” which would give parents the power to sue local school districts that teach lessons, including history lessons, rooted in critical race theory (already banned in Florida public schools since June 2021 [See above]). Critics feared that this initiative would create a witch-hunt atmosphere complete with financial incentives for nuisance lawsuits. The act went into effect on 1 July 2022. A lawsuit against the act argued that it violated constitutional rights and would have a dangerous chilling effect on academic freedom. Associate professor and president of the United Faculty of Florida at the University of Central Florida Robert Cassanello requested a judge to block the law. Cassanello, who taught classes in Reconstruction (1865–1877), Jim Crow America (1865–1965), and civil rights movements, argued that the law “restrict[ed] his ability to accurately and fully teach these subjects.”³⁶⁶

Before 1965, the Edward Perry Warren collection of ancient erotica of the Museum of Fine Arts (MFA) in Boston, purchased between 1885 and 1910, was either stored away or neutered with paint. After 1965, the MFA fully displayed the collection. However, when on 18 December 2021, the museum reopened its galleries of ancient Greece and Rome, some critics opined that a certain censorship had again befallen the queer erotica from the collection because they were either not displayed or not well explained on the labels.³⁶⁷

Beginning in early January 2022 and spiking during Black History Month, dozens of anonymous bomb threats were made against Historically Black Colleges and Universities (HBCUs), disrupting campus life. Historically Black churches, synagogues and other institutions were also targeted. On 16 March,

³⁶⁵ District Court for the District of Columbia, [Donald Trump versus Bennie Thompson: Judgment](#); “[Trump Must Give Documents to Capitol Riot Probe – Biden](#),” *BBC News* (9 October 2021); “[Capitol Riot: Judge Rejects Trump Bid to Withhold Records](#),” *BBC News* (10 November 2021); David Smith & Joan Greve, “[Trump Wins Temporary Victory in Effort to Keep White House Records Secret](#),” *Guardian* (11 November 2021); “[Capitol Riot: Court Temporarily Blocks Release of Trump Files](#),” *BBC News* (13 November 2021); Hugo Lowell, “[Supreme Court Rejects Trump Bid to Shield Documents from January 6 Panel](#),” *Guardian* (20 January 2022); Martin Pengelly, “[Trump Tore Up Records Turned Over to House Capitol Attack Committee](#),” *Guardian* (1 February 2022); Jacqueline Alemany, Josh Dawsey, Tom Hamburger & Ashley Parker, “[National Archives Had To Retrieve Trump White House Records from Mar-a-Lago](#),” *Washington Post* (7 February 2022); “[US National Archives Requests Legal Probe of Trump over Handling of Documents](#),” *BBC News* (10 February 2022); Hugo Lowell, “[US House to Investigate whether Trump Broke Law in Handling of Documents](#),” *Guardian* (10 February 2022).

³⁶⁶ Ed Kilgore, “[DeSantis Enlists Litigious Parents for Anti-Woke Crusade](#),” *Intelligencer* (15 December 2021); Susan Svrluga & Lori Rozsa, “[In Florida, DeSantis’s Plans for Colleges Rattle Some Academics](#),” *Washington Post* (1 July 2022).

³⁶⁷ Erin Thompson, “[The MFA’s Complicated History with Censoring Queer Desire Pervades New Exhibit](#),” *GBH News* (4 January 2022).

Vice President Kamala Harris announced that HBCUs could apply for grants under the Project School Emergency Response to Violence program (Project SERV) for needs such as improvements to campus security or targeted mental health counseling. Some HBCUs called the threats “domestic terrorism.” As of mid-April 2022, the Armed Conflict Location and Event Data Project recorded 72 bomb or shooting threats against HBCUs in at least sixteen states.³⁶⁸

On 5 January 2022, administrator Keith Veverka of the Pennridge School District in Bucks County, Pennsylvania, explicitly instructed social studies teachers and school principals not to “wade into” discussions with students about the Capitol Riot in Washington D.C on 6 January 2021 [See above] “due to the current polarization and strong emotions.” Teachers should “simply state that the investigation is ongoing and as historians we must wait until there is some distance from the event for us to accurately interpret it.” Faculty worried about the precedent set by the directive regarding the teaching of history and current events. On 6 January 2021, violent riots saw supporters of former President Donald Trump storm the U.S. Capitol in hopes of stopping a vote to certify the 2020 election.³⁶⁹

Between 18–20 January 2022, the statue of President Theodore Roosevelt (1858–1919) was removed and readied for transport to the Theodore Roosevelt Presidential Library in North Dakota [See NCH *Annual Report 2020*].³⁷⁰

On 22 January 2022, J. Michael Butler, a historian at Flagler College in St. Augustine, Florida, was scheduled to give a presentation to Osceola County School District teachers entitled “The Long Civil Rights Movement,” which postulated that the civil rights movement preceded and post-dated Martin Luther King (1929–1968) by decades. However, on 19 January 2022, the school district canceled Butler’s presentation, saying that it wanted to review it and citing concerns over “critical race theory” – even though the lecture had nothing to do with the topic. One day before, a state Senate committee had advanced legislation at the behest of Republican Governor Ron DeSantis to block public schools

³⁶⁸ Scholars at Risk, [Factsheet 1](#) (1 February 2022); [Factsheet 2](#) (14 March 2022); American Historical Association, “[Bomb Threats against HBCUs: A History of Domestic Terrorism \(February 2022\)](#)” (statement; 22 February 2022); Erin Logan, “[Harris Announces Grants for HBCUs that Received Bomb Threats](#),” *Los Angeles Times* (16 March 2022); Sara Weissman, “[Federal Funds Announced for HBCUs after Bomb Threats](#),” *Inside HigherEd* (17 March 2022); ACLED, “[Fact Sheet: Threats Against HBCUs and Black-Majority Schools in the United States](#)” (20 April 2022).

³⁶⁹ Emily Rizzo & Katie Meyer, “[Don’t Discuss the Jan. 6 Insurrection with Students, a Bucks School District Tells Teachers](#),” *Why?* (5 January 2022).

³⁷⁰ Rachel Treisman, “[New York City’s Natural History Museum Has Removed a Theodore Roosevelt Statue](#),” *NPR* (20 January 2022).

and private businesses from making people feel “discomfort” when they were taught about race. Butler accused DeSantis of creating “a climate of fear.”³⁷¹

On 24 January 2022, the statue of Juan Ponce de León (1474–1521), a Spanish traveler who colonized the island of Puerto Rico in 1508 and became its first governor, was toppled in the capital San Juan hours before a visit of the Spanish King Felipe VI to mark the 500th anniversary of San Juan’s founding in 1521.³⁷²

On 25 January 2022, the McMinn County Board of Education, Tennessee, decided to ban *Maus* – a 1972 Pulitzer prize-winning graphic novel by Art Spiegelman narrating how his parents survived the Holocaust – which had been taught to grade eight students (13–14 years), from the curriculum, citing as reasons profanity (swear words) and nudity (a scene where the prisoners in Auschwitz are stripped naked and beaten). After the ban, the novel topped the bestseller list.³⁷³

On 31 January 2022, Michael Phillips, a history professor at Collin College, a community college in McKinney, Texas, announced that his contract would not be renewed, despite reportedly highly positive evaluations. The non-renewal was allegedly related to an assignment Phillips had given to his students in the fall of 2021, when they had to write a paper on the history of pandemics and epidemics in North America. As preparation for the assignment, he gave a lecture on the 1918 Spanish Flu and the negative impact of anti-mask sentiments in the United States at the time – implicitly referring to Republican politicians in Texas who had forbidden public colleges to require face masks during the COVID-19 pandemic. Already in 2017, Phillips had come into conflict with his supervisors, after he had led a campaign to pressure the city of Dallas to take down its Confederate monuments.

Following the news about Phillips’s dismissal, Benjamin Johnson, a history professor at Loyola University, Chicago, circulated a petition calling for an investigation into Collin College’s academic freedom standards [See NCH *Annual Report 2021*]. Then, in late May 2022, Johnson was called in a meeting at his university, following an email of Collin College’s President Neil Matkin in which he

³⁷¹ Marc Caputo & Teaganne Finn, “[Florida School District Cancels Professor’s Civil Rights Lecture over Critical Race Theory Concerns](#),” *NBC News* (24 January 2022); Laura Meckler & Hannah Natanson, “[New Critical Race Theory Laws Have Teachers Scared, Confused and Self-Censoring](#),” *Washington Post* (14 February 2022).

³⁷² “[Puerto Rico: Statue of Spanish Explorer Toppled Before King Felipe’s Visit](#),” *Guardian* (24 January 2022).

³⁷³ Jeet Heer, “[Maus in Tennessee: Censoring Spiegelman’s Masterpiece Is Fear of Honest History](#),” *The Time of Monsters* (27 January 2022); Ruth Smeeth, “[You Cannot Tell the Story of the Holocaust without Challenging Imagery](#),” *Index on Censorship* (27 January 2022); “[Tennessee School Board Defends Ban of Holocaust Novel Maus](#),” *BBC News* (28 January 2022); “[Maus: Graphic Novel Tops Amazon Best-Sellers after School Ban](#),” *BBC News* (31 January 2022); “[Whoopi Goldberg Slammed for Saying Holocaust Not about Race](#),” *BBC News* (1 February 2022).

pressed Loyola University's President on whether Johnson had been "speaking for the institution" when circulating the petition.³⁷⁴

On 18 February 2022, Lieutenant Governor Dan Patrick said that he would propose to end professor tenure for all new hires at Texas public universities and colleges in an effort to combat faculty members who allegedly "indoctrinated" students with teachings about critical race theory [See above]. His declaration came after the Faculty Council at the University of Texas at Austin on 14 February 2022 approved a measure reaffirming instructors' right to teach about racial justice and critical race theory in the classroom. The American Association of University Professors condemned Patrick's plan.³⁷⁵

In [late April] 2022, the statue of Marjorie Tallchief (1926–2021), the most famous Native American ballerina, was vandalized, stolen, and sold for scrap. The statue, erected in 2007, was part of the "Five Moons" installation honoring Native ballerinas from Oklahoma in front of the Tulsa Historical Society & Museum.³⁷⁶

On 7 May 2022, the Hindu American Foundation (HAF) filed a lawsuit in District Court for the District of Columbia against the leaders of Hindus for Human Rights, the Indian American Muslim Council, the Federation of Indian American Christian Organizations of North America, and Rutgers University historian Audrey Truschke, for defamation and conspiracy to defame HAF. In early April 2021, they were quoted in two Al Jazeera articles presenting claims that HAF misappropriated funds to support violence and "slow genocide" against Christians and Muslims in India. According to the complaint, Truschke republished the statements, while accusing HAF of organizing violent threats against her.³⁷⁷

On 11 May 2022, the Federal Indian Boarding Schools Initiative – an investigation unit set up in June 2021 by Interior Secretary Deb Haaland (following the news of mass graves found on the terrain of former residential schools in Canada [See NCH *Annual Report 2021*]) to investigate the amount of indigenous children that died at Native American boarding schools – published its first report. It outlined that the Native American boarding schools were part of a countrywide assimilation system that

³⁷⁴ Michael Vasquez, "[Days After Settling a Lawsuit, a Texas College Ousts Another Outspoken Professor](#)," *Chronicle of Higher Education* (31 January 2022); Simone Carter, "[Chicago Professor Claims Collin College Attempted to Crack Down on His Free Speech, Too](#)," *Dallas Observer* (31 May 2022).

³⁷⁵ Kate McGee, "[Lt. Gov. Dan Patrick Proposes Ending University Tenure to Combat Critical Race Theory Teachings](#)," *Texas Tribune* (18 February 2022); Colleen Flaherty, "[Texas Lt. Governor Slams 'Looney Marxist' Professors, CRT](#)," *Inside HigherEd* (18 February 2022).

³⁷⁶ Jonathan Edwards, "[Statue of Famed Native American Ballerina Stolen and Sold for Scrap](#)," *Washington Post* (3 May 2022); Cynthia Prescott, "[The Monument Controversy Nobody Is Talking About](#)," *Washington Post* (26 May 2022).

³⁷⁷ Hindu American Foundation, "[Hindus for Human Rights & Indian American Muslim Council Leaders, Rutgers Professor Audrey Truschke Sued for Defamation and Conspiracy against HAF](#)" (7 May 2022).

was part of a broader policy to take land from indigenous people. Additionally, it found at least 53 separate burial sites at federal Native American boarding schools, arguing that further investigation would likely see the total number of children having died climb to thousands or tens of thousands. Following the report, the National Native American Boarding School Healing Coalition called on Pope Francis to open the Catholic Church's records related to the boarding school system.³⁷⁸

See also China, Colombia, Cuba, Honduras, India, Italy, Netherlands, Russia, Turkey, Ukraine, United Kingdom, Vietnam.

URUGUAY

Previous *Annual Report* entries: 2001–2013, 2015–2018, 2021.

UZBEKISTAN

Previous *Annual Report* entries: 2005–2014, 2016, 2020.

³⁷⁸ Hilary Beaumont, "[US Gov't: At Least 53 Burial Sites at Indigenous Boarding Schools,](#)" *Al Jazeera* (11 May 2022).

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011, 2015, 2019–2020.

On [23] June 2022, Pope Francis ordered the online and openly accessible publication of 170 volumes of files from the archives of Pope Pius XII (1876–1958). The documents had already been available for consultation by scholars since March 2020, with the purpose to shed light on the role of Pope Pius XII in connection with the Holocaust, among others [See NCH *Annual Reports 1998, 2000, 2004, 2011, 2015, 2020*].³⁷⁹

See also Canada, United States.

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012, 2014, 2017–2021.

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2013, 2016–2017, 2019–2020.

Fifty years after the publication of the Pentagon Papers in 1971, outlining the secret political and military involvement of the United States in Vietnam, the ruling Communist Party of Vietnam remained steadfast in its refusal to declassify national historical records about the Vietnam War (1955–1975).³⁸⁰

In February 2022, Human Rights Watch reported that house arrests of human rights activists often coincided with key events or dates on the national calendar, such as national and religious holidays, or commemorative events. Particularly sensitive commemoration days included 30 April (commemoration of the end of the 1954–1975 war); 26 June (United Nations International Day in Support of Victims of Torture); 2 September (Vietnam National Independence Day); and 10 December (International Human Rights Day).

³⁷⁹ “[Pope Francis Orders Online Release of Second World War-Era ‘Jewish’ Files](#),” *Guardian* (23 June 2022).

³⁸⁰ Lien-Hang Nguyen, “[In Vietnam, the Pentagon Papers Are History Written by the Defeated](#),” *New York Times* (9 June 2021).

Due to the historical relationship between Vietnam and China, many Vietnamese activists were anti-China protesters. Hence, many of the “sensitive” days during the year when activists were put under house arrest were related to China, including: 19 January (commemoration of the 1974 Battle of Paracel Islands between naval forces of South Vietnam and China); 17 February (commemoration of the 1979 Sino-Vietnamese border war); 14 March (commemoration of the 1988 Gac Ma battle (also known as the Johnson South Reef Skirmish between Vietnam and China) [See *NCH Annual Report 2016*]; and 1 October (China Independence Day).

Hòa Hảo Buddhist practitioners who refused to join state-sanctioned churches were subject to house arrest at least four times a year: the founding day of the Hòa Hảo religion (4 July 1939) and the anniversaries of the birth (15 January 1920), the disappearance (18 March 1947), and the death (16 April 1947) of its founder Huỳnh Phú Sổ [See *NCH Annual Report 2016*].³⁸¹

See also Cambodia, Korea, South.

³⁸¹ Human Rights Watch, “*Locked Inside Our Home*”: *Movement Restrictions on Rights Activists in Vietnam* (New York: HRW, 2022), 3–4, 17–19, 25–26, 43–44, 46–47, 49, 52, 70–75.

WESTERN SAHARA

See Morocco / Western Sahara

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010, 2013–2016, 2018–2021.

On 7 October 2021, the United Nations Human Rights Council shut down its investigation into war crimes committed during the Civil War (2014–), after Saudi Arabia lobbied heavily against a Netherlands-led resolution to give the independent investigators another two years to monitor atrocities. More than 100,000 people were killed and 4 million had been displaced in the conflict.³⁸²

³⁸² [“‘We Have Failed Yemen’: UN Human Rights Council Ends War Crime Probe,”](#) *Guardian* (7 October 2021).

ZAMBIA

Previous *Annual Report* entries: 2009, 2015, 2021.

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2015, 2018, 2021.

INTRODUCTION

This **twenty-seventh *Annual Report of the Network of Concerned Historians (NCH)*** contains news about the domain where history and human rights intersect, in particular about the censorship of history and the persecution of historians, archivists, and archaeologists around the globe, as reported by various human rights organizations and other sources. It mainly covers events and developments of 2020 and 2021.

Disclaimer. The fact that the NCH presents this news does *not* imply that it shares the views and beliefs of the historians and others mentioned in it.

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			2021	2020	2019	2018	2017	2016	2015
2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
2004	2003	2002	2001	2000	1999	1998	1997	1996	1995

This year's report was compiled and edited by Antoon De Baets and Ruben Zeeman.

Previous *Annual Reports* (1995–2020) were compiled by [Antoon De Baets](#).

Please send any comments to antoondebaets@concernedhistorians.org.

AFGHANISTAN

Previous *Annual Report* entries: 2000–2016, 2018.

In January 2021, Akal, a publisher in Madrid, issued the book *Afganistán, Una república del silencio: Recuerdos de un estudiante afgano* (Afghanistan, a republic of silence: memories of an Afghan student), written by A.K. (1994–). An autobiography of 208 pages, it told the history of the Hazara ethnic group, a Farsi-speaking minority, who are of Mongolian and Central Asian descent and are mainly Shia Muslims. It included an account of the 1890 genocide of Hazaras by Pashtuns and instances of contemporary violence and corruption by the Taliban, Al Qaeda, Islamic State, and Hizb ut-Tahrir. A.K. was a history teacher, educated at the University of Herat and the University of Santiago de Compostela. He completed the book manuscript in Afghanistan. A.K.'s life was possibly in danger after the book's publication.¹

See also United States.

ALBANIA

Previous *Annual Report* entries: 1996, 2012, 2015–2020.

On 2 March 2021, the International Commission on Missing Persons (ICMP) stated that Albanian prosecutors had still not issued orders to exhume suspected mass gravesites where people who went missing during the Communist dictatorship (1944–1991) could be buried. In 2018, after eight years of negotiations, the government had agreed with the ICMP to investigate and identify the remains of over 6,000 Albanians who were killed or disappeared during that era.

The ICMP was not the first international body to examine the issue. The United Nations Working Group on Enforced or Involuntary Disappearances visited Albania in December 2016 and published a critical report in 2017, finding that “Albania had yet to deal adequately with the gross human rights violations committed between 1944 and 1991.” In May 2018, the UN Committee on Enforced Disappearances encouraged Albania to “redouble its efforts to effectively shed light on enforced disappearances that took place during the communist regime.” Albania should investigate these crimes,

¹ “[Afganistán, una república del silencio: Recuerdos de un estudiante afgano](#),” Akal book presentation (8 May 2021); “[Un erasmus afgano de la USC podría ser asesinado en su país por escribir un libro](#),” *El Correo Gallego* (9 June 2021); A.K., personal communications (8–11 May 2021).

prosecute those responsible and provide reparations to the victims and their families, the committee said [See also NCH *Annual Reports 2017, 2020*].²

See also Kosovo.

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2019.

In October 2020, forty-two peaceful demonstrators were arrested in Algiers while commemorating the 1988 youth protests. Thirty-three were provisionally released, and nine imprisoned in El Harrach prison, Algiers, before eventually being released. The 1988 protests, between 5 and 11 October, started in Algiers and spread to other cities, resulting in about 500 deaths and 1000 wounded.³

On 27 October 2020, presidential adviser Abdelmadjid al-Sheikh said that Algeria did not rule out international arbitration to resolve its dispute with France over the archives of the French colonial era. Algeria claimed that during the colonial period (1830–1962) French forces smuggled hundreds of thousands of maps and historical documents, including those dating back to the Ottoman era (1518–1830), into France. France claimed that colonial-era related archives were part of France’s sovereignty [See also NCH *Annual Report 2017*].⁴

See also France, Morocco.

ANGOLA

Previous *Annual Report* entries: 2003, 2009, 2017, 2020.

² Fjori Sinoruka, “[Albania’s Search for Communist-Era Missing Persons Stalled](#),” *Balkan Insight* (2 March 2021); Fred Abrahams, “[Communist-Era Disappearances Still Haunt Albania](#),” *Human Rights Watch* (17 March 2021).

³ Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 63.

⁴ Abdurazzak Abdallah, “[Algeria May Take France to Arbitration over ‘Stolen’ Archive](#),” *Anadolu Agency* (27 October 2020); “[France Speeds Up Access to Secret Algeria War Archives](#),” *RFI* (10 March 2021); Hossam El Din Islam, “[French Move to Declassify Archive Draws Mixed Reactions in Algeria](#),” *Anadolu Agency* (19 March 2021).

ARGENTINA

Previous *Annual Report* entries: 1997–2020.

Twenty-six years after the terrorist attack perpetrated against the headquarters of the Asociación Mutual Israelita Argentina (AMIA) in Buenos Aires on 18 July 1994, which resulted in the death of 85 people and serious injuries to at least 151 others, court battles continued and no one had been convicted. In September 2020, the Inter-American Commission on Human Rights (IACHR) found Argentina responsible for violating the rights to life and physical integrity of the victims, as well as for cover-up operations that resulted in impunity. On 25 March 2021, the IACHR referred to the Inter-American Court of Human Rights a case on the state's responsibility. It was brought by the Asociación Civil Memoria Activa (Citizens' Association for Active Memory), victims and relatives of victims of the attack, who complained that much of the documentation was held secret by the intelligence agencies [See also NCH *Annual Reports 2011, 2014, 2016–2020*].⁵

Pardons and amnesty laws shielding officials implicated in crimes committed under the dictatorship (1976–1983) were annulled by the Supreme Court and federal judges in the early 2000s. As of September 2020, the Attorney General's Office reported 3,329 people charged, 997 convicted, and 162 acquitted. Of 597 investigations into crimes against humanity, judges had issued rulings in 246. As of August 2020, 130 people illegally taken from their parents as children during the dictatorship had been identified and many had been reunited with their families. The large number of victims, suspects, and cases of alleged crimes of the dictatorship made it difficult for prosecutors and judges with limited resources to bring those responsible to justice.⁶

See also Israel.

⁵ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 43; Amnesty International, *State of the World's Human Rights 2020/21* (London: AI, 2021), 69; *Archives and Human Rights: News from the Section on Archives and Human Rights*, no. 136 (March 2021), 10; "[IACHR Refers Case on Argentina to the Inter-American Court](#)" (press release; 26 March 2021).

⁶ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 39.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010, 2014–2016.

In January 2021, Facebook’s Oversight Board upheld a ban on a post that purported to show historical photos of churches in Baku, the capital of Azerbaijan, with a caption that the Oversight Board said indicated “disdain” for Azerbaijani people. The caption in Russian claimed that Armenians built Baku and that this heritage, including the churches, had been destroyed. It used the term “Taziks” to describe Azerbaijanis, who “were nomads” and “had no history compared with Armenians.” The post ended with a call to end “Azerbaijani aggression” and “vandalism.” The Oversight Board said that the problematic term “Taziks” could be understood as wordplay on the Russian word “aziks,” a derogatory term for Azerbaijanis, featuring on Facebook’s internal list of slur terms. The user appealed the decision, arguing that he intended to highlight the destruction of cultural and religious monuments.⁷

See also Azerbaijan, United States.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009, 2014–2016, 2018–2020.

On 24 May 2020, mining firm Rio Tinto destroyed the 46,000-year-old Juukan Gorge caves (rock shelters) in the Pilbara region, Western Australia [See also NCH *Annual Report 2020*]. In August 2020, CEO Jean Sébastien Jacques was fined almost \$5 million in bonuses and the head of Rio Tinto’s Australian iron ore group more than \$1 million, after an internal review found “systemic failures in the cultural heritage management system.” On 11 September 2020, Jacques announced that he and two other senior executives would step down in March 2021, following criticism of the destruction. In early September 2020 it was revealed that in the days running up to the caves’ destruction in May, Rio Tinto had hired lawyers in case opponents tried to seek injunctions to stop them. On 9 December 2020, a parliamentary inquiry panel recommended that Rio Tinto should pay restitution to the affected Indigenous Australians and reconstruct the two destroyed rock shelters. On 3 March 2021, Rio Tinto’s chairman Simon Thompson announced that he would step down as a result of the affair. He had come

⁷ Umberto Bacchi & Avi Asher-Schapiro, “[Remove or Restore? Facebook Oversight Board Wades into South Caucasus Culture Dispute](#),” *Reuters News* (29 January 2021); Mark Frary, “A Debate with No End in Sight,” *Index on Censorship*, 2021 no. 1, 18–19.

under continued pressure in February after the region's elders had accused him of breaking a personal promise.⁸

After two years of deliberations, in July 2020, an administrative appeals tribunal in Dili, Timor-Leste's capital, ruled that documents relating to Australia's involvement in the December 1975 Indonesian invasion and occupation of Timor-Leste (which lasted until 1999) would remain secret, thus upholding the Australian government's refusal to release them. It found that they "could reasonably be expected to cause damage to the security or international relations of the commonwealth." Historian Kim McGrath, author of *Crossing the Line, Australia's Secret History in the Timor Sea* (2017) and PhD candidate at Monash University, Melbourne, had repeatedly sought access from the National Archives to diplomatic cables, intelligence official's testimony, and cabinet documents related to maritime border negotiations between Indonesia and Australia in the 1970s. McGrath's requests were denied under exemptions to the Australian Archives Act (AAT).

Since the partly secret AAT hearing began in 2018, the decades-long dispute between Australia and Timor-Leste over their maritime border ended, with Australia ratifying a bilateral treaty in 2019. The treaty revealed that Australia had profited for decades from oil- and gas fields which were later found to belong to Timor-Leste, and that the delay in ratification added to those profits. McGrath and her lawyers were prevented from hearing the reasons why successive governments had blocked her applications for the documents over a number of years. An AAT deputy president, Stephanie Forgie, delivered two sets of reasons – one public, and one available only to the National Archives and its legal team. Lawyer Bernard Collaery, while researching a book on Australian-Timor-Leste history, said he had been able to access Australian records through the United Kingdom's royal archives that he was not able to access in Australia. Collaery himself faced prosecution for his role in exposing a spy scandal involving Australia's treatment of Timor-Leste.⁹

On 26 October 2020, state authorities in Victoria cut down a centuries-old "birthing tree" – a sacred tree where local Djab Wurrung women traditionally went to give birth and bury their placentas

⁸ Calla Wahlquist, "[Rio Tinto Chiefs Lose Millions in Bonuses over Destruction of Juukan Gorge](#)," *Guardian* (24 August 2020); Ben Butler, Lorena Allam and Calla Wahlquist, "[Rio Tinto CEO and Senior Executives Resign from Company after Juukan Gorge Debacle](#)," *Guardian* (11 September 2020); "[Rio Tinto Chief Jean-Sébastien Jacques to Quit over Aboriginal Cave Destruction](#)," *BBC News* (11 September 2020); Nick Toscano & Hamish Hastie, "[Rio Tinto CEO, Top Executives Resign amid Cave Blast Crisis](#)," *Sydney Morning Herald* (11 September 2020); Melanie Burton, "[Rio Tinto Should Pay Restitution for Sacred Aboriginal Caves Blast – Inquiry](#)," *Reuters* (9 December 2020); "[Rio Tinto Chief to Step Down over Cave Destruction](#)," *BBC News* (3 March 2021); Ben Butler, Calla Wahlquist and Jillian Ambrose, "[Rio Tinto Chairman to Stand Down amid Juukan Gorge Outcry](#)," *Guardian* (3 March 2021).

⁹ Helen Davidson & Christopher Knaus, "[Timor-Leste: Court Upholds Australian Government Refusal to Release Documents on Indonesia's Invasion](#)," *Guardian* (3 July 2020).

afterward – near Buangor to clear land for a highway between Melbourne and Adelaide. On 27 October, Victoria police arrested 25 protesters who refused to leave the site as land clearing work continued.¹⁰

See also China.

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009, 2018, 2020.

See Egypt, Serbia.

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2013, 2015–2020.

In June 2016 and July 2020, the European Court of Human Rights ruled in favor of Leyla Yunus (Yunosova) (1955–), director of the Institute for Peace and Democracy (IPD), and her husband Arif Yunus (Yunusov) (1955–), an expert adviser for the IPD, after they had filed a complaint about their arrest, pre-trial detention, and medical treatment while in detention in 2014 [See also *NCH Annual Reports 2015–2018, 2020*].¹¹

On 8 October 2020, amid an escalation of the conflict in Nagorno-Karabach, the interior and exterior of the Ghazanchetsots (Holy Savior) Cathedral in Shusha, an iconic site for the Armenian Apostolic Church, was seriously damaged. Armenia accused Azerbaijan of targeting the cathedral.

On 4 May 2021, Caucasus Heritage Watch (CHW), a Cornell University and Purdue University-based NGO that monitored and documented endangered and damaged cultural heritage, shared high-resolution satellite images showing the destruction of an early nineteenth century Armenian cemetery in the village of Böyük Tağlar (Azeri) or Mets Tagher (Armenian). The village was captured by Azerbaijani forces on 9 November 2020, during the 2020 Nagorno-Karabakh war. CHW further reported on possible threats to the Surb Amenaprkich (Holy Savior) church, founded in 1846, in the

¹⁰ “[Djab Wurrung Tree: Anger over Sacred Aboriginal Tree Bulldozed for Highway](#),” *BBC News* (27 October 2020).

¹¹ European Court of Human Rights, *Yunosova & Yunusov versus Azerbaijan* (2016) and (2020).

same village, and to the seventh-century Vankasar church in the district of Agdam (Azeri) or Vankasar (Armenian).¹²

In January 2021, Azerbaijan applied to the European Court of Human Rights (ECHR), suing Armenia for its human rights violations during its thirty-year occupation of Nagorno-Karabakh (1988–2020), as well as the 44-day conflict over the region in 2020. A first complaint addressed the 3,890 missing Azerbaijanis in the occupied territories who had been subjected to life-threatening conditions since 1991. Another complaint referred to acts against Azerbaijani civilians, infrastructure (including culturally significant sites), and military personnel (including the mutilation of the bodies of Azerbaijani military personnel by members of the Armenian Army) between July and November 2020. On 1 February 2021, Armenia also applied to the ECHR with similar complaints.¹³

See also Armenia.

¹² [“Nagorno-Karabakh: Armenia Accuses Azerbaijan of Targeting Cathedral,”](#) *BBC News* (8 October 2020); Hugh Eakin, [“When an Enemy’s Cultural Heritage Becomes One’s Own,”](#) *New York Times* (30 November 2020); Amos Chapple, [“Activity at Recaptured Church in Azerbaijan Raises Concern,”](#) *Al Jazeera* (20 April 2021); [“Caucasus Heritage Watch,”](#) *Twitter* (4 May 2021).

¹³ [“Azerbaijan Sues Armenia in ECtHR for Crimes against Humanity,”](#) *Daily Sabah* (5 February 2021); [“Armenia Submits Inter-State Application against Azerbaijan to European Court of Human Rights,”](#) *Armenpress* (2 February 2021).

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012, 2015–2017, 2020.

Peaceful protestors experienced excessive use of force during and after the 2011 protests, with Shia religious clergy being particularly targeted. Government violence led to the demolition or vandalism of dozens of Shia mosques and sites of religious and cultural significance and of other signs of Shia presence. The official historical narrative which systematically undermined the role of Baharna and Shia religious and cultural heritage in the country was promoted in the school curricula and media. Shia citizens also experienced discrimination in access to citizenship, public sector employment and government social policies, particularly housing and welfare programs, making them more vulnerable to poverty. Shia rituals during Ashura (the annual commemoration of the martyrdom of Imam Hussain, the Prophet Mohammed’s grandson) were restricted. In 2020–2021, the authorities invoked the Covid-19 pandemic as a reason to prevent gatherings. In the capital Manama, many preachers had their speeches censored in an attempt to prevent mass prayers on the night of Ashura. Some had their sermons contested and criminalized due to “lack of consensus” on Islamic history. Several funeral processions were also attacked with teargas and rubber bullets.¹⁴

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2019.

On 9 September 2020, Morshed Hasan Khan, professor in medical science at Dhaka University, was dismissed by a university tribunal. On the same day, a Dhaka University student, affiliated with the student wing of the ruling party Awami League (AL), filed a section 124A case of sedition with the Chief Metropolitan Magistrate Court in Dhaka against Khan. The vaguely defined section 124A of the Bangladesh Penal Code stated that any critique of the government was punishable with up to life imprisonment.

On 26 March 2018, Khan had written an article, titled “Jyotirmoy Zia” (“shining Zia”) published in the daily Naya Diganta, in which he claimed that Ziaur Rahman (1936–1981), founder of the Bangladesh Nationalist Party (BNP), had declared independence from Pakistan in 1971, while most of the ruling AL leaders, including Sheikh Mujibur Rahman (1920–1975), who is considered the “Father

¹⁴ [United Nations Special Rapporteurs Database 2010–2020](#); Salam for Democracy and Human Rights, *Decade of Oppression: Authoritarianism in Bahrain 2011–2021* ([Stockholm]: Salam for Democracy and Human Rights, 2021), 99–110.

of the Nation,” had fled to India with their family members. Unidentified persons issued multiple death threats over telephone and social media to Kahn for his article. On 2 April 2018, the Dhaka University Registrar’s office discharged Khan from all academic and administrative duties, accusing him of “distorting the liberation war history” and “disrespecting the father of the nation Sheikh Mujibur Rahman.” On 28 May 2018, the Dhaka University Syndicate formed a five-member inquiry committee led by the Pro-Vice Chancellor of the university to investigate the allegations. For nearly two years, the case was shelved for unknown reasons. On 12 February 2020, university authorities informed Khan that a tribunal had been formed to try the allegations. The tribunal gave him seven days to respond to the accusations, which he did. He was also denied access to his campus residence, where his wife, who was a cancer patient, resided.¹⁵

See also Pakistan.

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011, 2014–2020.

During 2020, PEN Belarus documented at least 26 cases of discrimination and defamation of the Belarusian language, of the harming of buildings that were part of national historical heritage, and of the “defamation of symbols” that had historical significance and gained relevance in the post-election political situation.¹⁶

On 10 August 2020 – in a context of high tension in Minsk amid widespread anger over President Alexander Lukashenko’s landslide 9 August 2020 re-election, which the opposition and many governments denounced as fraudulent, Miron Vitushka, a Minsk history student was detained while crossing the street in Minsk. On 12 August 2020, Aliaksandr Bystryk, a PhD candidate in the History Department at Central European University, Budapest, and others, were illegally detained when driving on Peramozhtsau Avenue in Minsk. The riot police forced them to unlock their phones; they checked photos, videos and messenger applications. After the police found videos taken at earlier protests on the phones, the group was brought to a district police station. Two, including Bystryk, were beaten by the police. The group was forced to do physical exercises for two hours and meanwhile denigrated. After

¹⁵ “[Professor Sacked and Threatened](#),” *Amnesty International*; “[BCL Declares DU Professor Unwanted on Campus](#),” *Prothomalo* (2 April 2018); “[DU Professor Terminated for Defaming Bangabandhu](#),” *Daily Observer* (9 September 2020).

¹⁶ Belarussian PEN Center, *With No Right to the Culture: Belarus 2020* (Minsk: Belarusian PEN, 2021), 9–10.

about two hours, they were released. They did not receive any legal document concerning their detention. On [1 September] 2020, a history teacher at an elite state school [name unknown] prevented a group of students, who carried the red and white Belarusian flag that had become a symbol of the opposition, from being detained, only to be detained in their place.¹⁷

On 18 August 2020, Konstantin Shishmakov (Kanstancin Šyšmaŋoŋ) (1991–2020), the director of the Bagration War History Museum in Volkovysk (Vaŋkavysk), Grodno region, and a local election committee member, were found dead. On 9 August, they had refused to sign the final voting protocol of the election commission. Someone else then signed the protocol for them. After the election, Shishmakov went on vacation and returned to the museum on 15 August. At 17.00 hours that day, he called his wife saying that he would not work in the museum anymore and was going home. It was unclear whether he had resigned or had been dismissed. Nothing was heard from Shishmakov thereafter. On 18 August, employees of the National Art Museum in Minsk took part in a search showing a poster reading: “Where is Konstantin Shishmakov?” A few hours later, a search and rescue team reported that Shishmakov was found dead near Mosty, close to Volkovysk. According to preliminary data by the search and rescue department there were no signs of a crime.¹⁸

On 24 August 2020, police in Belarus summoned 2015 Nobel Prize for Literature winner and oral historian Svetlana Alexievich (1948–) for questioning about coup plotting because she was a member of the new opposition Coordination Council, founded earlier in August 2020 by exiled opposition leader Svetlana Tikhanovskaya (Sviatlana Tsikhanouskaya). On 9 September 2020, Alexievich reported that she had been harassed with door knocks and phone calls and that masked men tried to break into her home. On 18 September 2020, she left Belarus for treatment in Germany and work in Sweden and Italy.¹⁹

¹⁷ Marci Shore, “[Aliaksandr Bystryk: ‘Lukashenka Is the Abusive Husband Who Beats His Wife when She Wants to Leave...’](#),” *Chronicle from Belarus* (13 August 2020); Christopher Miller, “[Belarus Is Detaining Thousands of Peaceful Protesters. Many Are Telling Gruesome Stories of Physical and Psychological Abuse by Police.](#),” *BuzzFeed News* (14 August 2020); Vladimir Petrovic, personal communication (15 & 17 August 2020); International Partnership for Human Rights, Truth Hounds and Civic Solidarity Platform, *Belarus on Hold: Crackdown on Post-election Protests* (Brussels: International Partnership for Human Rights, 2020), 15; Ben Aris, “[Back to School: Belarusian Students and School Children Clash with Police.](#),” *BNE Intellinews* (2 September 2020).

¹⁸ “[Пропал директор музея в Волковыске, отказавшийся подписать протокол на выборах.](#),” *Volkovysk.by* (16 August 2020); “[Отказавшийся подписать протокол на выборах 29-летний директор музея из Волковыска найден мертвым.](#),” *Nn.by* (18 August 2020); [В Беларуси нашли мертвым 29-летнего директора музея Константина Шишмакова.](#),” *Meduza.io* (19 August 2020); Belarussian PEN Center, *With No Right to the Culture: Belarus 2020* (Minsk: Belarussian PEN, 2021), 12.

¹⁹ “[Belarus Summons Nobel Prize Winner after Minsk Mass Rally.](#),” *BBC News* (24 August 2020); “[Belarus: Nobel Laureate Alexievich Visited by Diplomats amid ‘Harassment’.](#),” *BBC News* (9 September 2020); PEN Belarus, “[A Statement from Svetlana Alexievich, Nobel Laureate and Chair of Belarussian PEN.](#),” (9 September 2020); “[Belarus: Svetlana Alexievich, Nobel Winner and Opposition Figure, Goes to Germany.](#),” *BBC News* (28 September 2020).

From 2016 to 2021, Larysa Shchyakova ([1974]–), a historian by education and a freelance journalist working for Belsat TV channel (2008–) and the human rights website Gomel Spring, had reportedly been in court some 45 times since 2016 because she had no accreditation from the Ministry of Foreign Affairs (despite repeated applications). In 2017, during the mass protests against the unemployment tax, the police threatened to take away her teenage son on the basis of the “law against social parasites” because she had been on trial so many times. After mass protests broke out against the rigging of the presidential elections in August 2020, she was detained frequently during the protests in order to prevent her from covering them. On 16 February 2021, organized-crime officers searched her house for three hours for protest symbols, money, and bank cards. A computer, two cameras, a video camera, hard disks, SD cards and a voice recorder were confiscated.²⁰

On 8 December 2020, more than 500 scientists from the National Academy of Sciences of Belarus (NASB), the Belarussian State University (BSU), the Belarussian National Technical University (BNTU) and other Belarussian and foreign universities and scientific institutes, sent an open letter to the Academy of Sciences urging the leadership to “abandon the practice of politically motivated cuts and pressure on scientists.”

The letter came after seven employees of the NASB History Institute, of which six were historians, had received notification from 17 November onward that their contracts would not be renewed. Vadim Lazika, deputy director of the NASB Institute for Scientific Work, made the bogus claim that the dismissals were part of a reorganization of the History Institute. After the violent crackdown on electoral protests between 9 and 12 August 2020, 49 employees of the History Institute had signed a letter expressing their distrust of the election results and demanding the release of political prisoners and other detainees, an end to torture practices, and the disbanding of the riot police. From 14 August onward, historians had been standing in front of the NASB Presidium building with banners against violence, after Andrey Radoman (*see below*) had been arrested without reason.

The six historians were:

- Ekaterina Krivichanina (Kacjaryna Kryvičanina) (1981–), an associate professor in Contemporary Belarussian History and deputy head of the Center for World History and International Relations. She had further been the head of the History Institute’s trade union, which had created a fund to support employees who were illegally detained or suffered from the actions of the authorities after the August crackdown. Krivichanina, together with Shalanda (*see below*), had been the first to sign the letter. After the protest actions she received numerous emails from the management of the Institute, asking her why she had signed the letter and participated in protest actions, and

²⁰ Larysa Shchyakova & Yauhen Merkis, “Fear and Loathing in Belarus,” *Index on Censorship*, 50 no. 1 (2021), 24–25.

recommending her to “go to a forest” if she wanted to express her opinions. With the non-renewal of her contract, she also lost her apartment as of 31 December 2020.

- Alexey Shalanda (1969–), the head of the Department of Genealogy, Heraldry and Numismatics and deputy chairman of the History Institute’s trade union. Together with the non-renewal of his contract, his department was also abolished. Shalanda had been asked to write about the (officially banned) white-red-white flag. He concluded that as the flag was not a symbol of any political force, it did not deserve a ban, pointing to the fact that President Aliaksandr Lukashenka himself had taken the presidential oath under the white-red-white flag in 1994.
- Nikolay Volkov (1985–), a historical sciences PhD candidate at the History Institute specialized in Belarussian fortifications. On 13 September 2020, he was detained for several days, after which he was fined for participating in the protest actions.
- Vladimir Shipillo (1988–), a junior researcher at the Anthropology Department of the History Institute. On 8 November 2020, he had been arrested, together with Zhlutko (*see below*), for participating in the protest actions.
- Andrey (Alexey) Radaman (Radoman) (1971–), a researcher at the Department of Genealogy, Heraldry and Numismatics, specialized in legal and political history. Radoman was detained in the night of 12–13 August 2020 and beaten in the police department in Minsk. He refused to sign the protocols of detention and administrative offense, because he considered them falsified. He was released the next night. On 20 October, he was forced to pay an administrative penalty for “participating in an unauthorized rally.”
- Alexander Zhlutko (1954–), a philological science candidate at the History Institute and the main specialist of Latin manuscripts at the Institute. On 8 November 2020, he was detained for participating in a protest march and sentenced to ten days of detention.
- Tatyana Popovskaya, a researcher at the History Institute. She had participated in the protest actions. She had not planned to renew her contract.

In solidarity with their dismissed colleagues, five more scholars from the History Institute resigned. Upon receiving their application, the History Institute leadership had attempted to bribe them by offering them contracts for one up to three years. The five historians who resigned were:

- Vladimir Tugai (1951–), a history professor at the History Institute and the head of the Center for World History and International Relations.
- Andrey Matsuk (1978–), a senior researcher at the Department of Medieval and Early-Modern History of Belarus specialized in eighteenth century political history of the Grand Duchy of Lithuania. He had first been detained on 24 September 2020 by riot police at his house and sentenced to thirteen days of administrative arrest. He was one of the initiators of an open letter in defense of

the non-renewal of the contracts of his six colleagues in November. On 11 December, Matsuk was again arrested and sentenced to fifteen days in prison for participating in an “unauthorized mass event” (he had celebrated his birthday in the courtyard of his house). He was released on 26 December 2020.

- Vadim Aniperkov (Vadzim Anipiarkau) (1977–), a historical sciences candidate at the Institute of History.
- Andrey Unuchek (1978–), the head of the Department of Modern Belarussian History specialized in the Belarussian national movement of the early twentieth century and the politics of the Russian empire in Belarussian lands in the late nineteenth and early twentieth century, a lecturer at BSU and BNTU, and a playwright.
- Vasily Voronin.²¹

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012, 2020.

In 2020, the city council of Antwerp debated how to commemorate and mark the lives of an unknown number of Congolese buried in the city’s Kiel district. On 12 May 1894, a total of 144 people had been transported from Congo, at that time a personal possession of King Leopold II, to Belgium to act in a specially constructed “village” at that year’s world fair in Antwerp, in what is recognized today as Belgium’s first “human zoo.” An unknown number of the men had been buried in the cemetery. When it was cleared in the late 1930 their remains were dumped in a mass grave on which a single sculpture stood without any reference to those buried.²²

On 9 March 2020, nine out of eighteen members of the Scientific Council of Kazerne Dossin – Memorial, Museum and Documentation Center on the Holocaust and Human Rights in Mechelen (Malines) resigned after a conflict with the Executive Board over the mission of the center. While the Board appeared to prioritize the Holocaust over human rights, the Council argued that both aims

²¹ Tatjana Nevedomskaia, “[Лукашенко мстит? За что в Беларуси увольняют историков](#),” *Der Welt* (22 November 2021); “[Семь историков уволены из Института истории, пятеро ушли из солидарности](#),” *Euroradio* (27 November 2020); “[500+ учёных подписали открытое письмо против репрессий](#),” *dev.by* (8 December 2020); Felix Ackermann, “[Unterdrückung und neuer Aufbruch](#),” *Frankfurter Allgemeine Zeitung* (23 January 2021); “[Волков, Николай Александрович \(историк\)](#),” *Wikipedia* (27 May 2021); “[Мацук, Андрей Владимирович](#),” *Wikipedia* (28 May 2021); “[Унучек, Андрей Владимирович](#),” *Wikipedia* (28 May 2021); “[Радоман, Андрей Александрович](#),” *Wikipedia* (28 May 2021); “[Шаланда, Алексей Иванович](#),” *Wikipedia* (28 May 2021).

²² Daniel Boffey, “[New Find Reveals Grim Truth of Colonial Belgium’s ‘Human Zoos’](#),” *Guardian* (5 October 2020).

deserved full attention. Similar tensions over the mission had led to the resignation of director Christoph Busch in November 2019 and to a row about a human rights prize awarded in the Center to a Middle East scholar critical of Israel. Some feared that the Board would instrumentalize the Center on behalf of Israel's policies. The nine scholars included historians Herman Van Goethem, Bruno De Wever, Nico Wouters, Frank van Vree, and archivist Karel Velle.²³

On 19 October 2020, state archivists asked the parliamentary commission investigating Belgium's colonial past to declassify relevant archives, particularly those of the Sûreté coloniale (Colonial Security Service). It was unclear who – the Sûreté de l'État (State Security Service) or the State Archives – was the legal successor to the Sûreté coloniale.²⁴

On 23 October 2020, a court in Ghent ruled in a defamation case initiated in 2018 by Baron Benoît de Bonvoison against the University of Ghent and Lander Van De Sompel. A master history student at that university, Van De Sompel had written a thesis in 2017 about the extreme-right network Westland New Post and the role of de Bonvoison (aka "the black baron") in it. According to its thesis policy, the university had put the approved version online. De Bonvoison had first asked the university to take down the online version. Upon refusal, he initiated the legal case, arguing that his reputation was vilified in the thesis and that it had used press sources selectively and carelessly, and asking for a disclaimer on the title page of the online version and damages from university and author. The court dismissed the claim, saying that the author's methodology and use of sources (including the re-use of press content) as well as the online publication were protected by academic freedom and that the thesis's subject was part of an important historical debate.²⁵

See also Rwanda.

²³ "[Negen wetenschappers van Kazerne Dossin nemen ontslag. Freilich: 'Beter dat ze opstappen'](#)," *Radio 1* (10 March 2020); Bart Eeckhout, "[Michaël Freilich \(N-VA\) haalt fors uit naar wetenschappelijke Raad Dossin](#)," *De Morgen* (10 March 2020); Bruno Struys, Pieter Gordts & Yannick Verberckmoes, "[Wetenschappers nemen ontslag uit raad Dossin-kazerne](#)," *De Morgen* (10 March 2020).

²⁴ "[La commission sur le passé colonial confrontée à l'urgence de déclassifier les archives](#)," *La Libre (Belgique)* (19 October 2020).

²⁵ Dirk Voorhoof, "[Rechtbank vrijwaart academische vrijheid](#)," *De Juristenkrant*, no. 417 (4 November 2020); Marc Boone, "UGent/faculteit wint rechtszaak rond academische vrijheid" (Internal news from the University of Ghent Faculty of Arts and Philosophy) (9 November 2020); Lander Van De Sompel, *De Westland New Post: Pop-up van een veranderende samenleving? De WNP herbekeken* (master's thesis; University of Ghent, 2017, 126 pages).

BELIZE

Previous *Annual Report* entries: 2014.

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2020.

Bolivia only prosecuted a few of the officials responsible for human rights violations committed under authoritarian governments (1964–1982), partly because the armed forces had at times refused to share information about abuses. A Truth Commission established in 2017 transferred 6,000 case files of victims of the dictatorships to the Plurinational Assembly in December 2019 and presented its final report in March 2020.²⁶

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2020.

In May 2020, the Catholic Church held a mass in Sarajevo commemorating the killings of Croatian Ustaša troops and civilians by Yugoslav partisans at the end of World War II. The event sparked protests in Sarajevo accusing the organizers of attempting to rehabilitate the Ustaša regime.²⁷

In July 2020, the state tourism board, with the support of the municipality of Visegrad, launched a promotional campaign under the slogan “We are waiting for you in Visegrad.” One of the hotels participating in the campaign was Vilina Vlas; it had been one of the infamous rape camps of the War of Yugoslav Succession (1991–1995). At least 200 Bosniak girls and women were held there, and they were sexually assaulted and murdered. The hotel’s past was not mentioned in the campaign.²⁸

In July 2020, the country marked the 25th anniversary of the 1995 Srebrenica genocide when approximately 8,000 Bosnian Muslim men and boys were killed; survivors continued to face

²⁶ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 97.

²⁷ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 101.

²⁸ Ehlimana Memisevic, “[Promoting a Bosnian War ‘Rape Hotel’ Means Erasing History](#),” *Balkan Insight* (17 August 2020).

insurmountable obstacles to obtaining truth, justice, and remedy. Many of the 94 known sites where victims of the 1995 Srebrenica genocide were buried remained unmarked, with some of the land around the gravesites being ploughed for agricultural use or used for the construction of houses and business premises or the dumping of rubbish. Efforts to memorialize the graves were hampered due to the fact that most sites were located in the Bosnian-Serb dominated Republika Srpska, whose leaders continued to deny the genocide.

Political pressure and lack of resources continued to impede the work of the Bosnia and Herzegovina (BiH) Missing Persons Institute. Over 7,200 people remained missing as a result of the armed conflict (1991–1995). In August 2020, the United Nations Committee for Elimination of Discrimination against Women called on BiH to provide immediate and comprehensive support to survivors of wartime sexual violence. In September 2020, the BiH Council of Ministers adopted the long-delayed revised War Crimes Strategy, which set new deadlines for completion of backlog cases. By the end of 2020, over 600 cases were pending before the courts. Prosecution of war crimes continued to be delayed due to systemic deficiencies in the Prosecutor’s Office.²⁹

Most of the case files and evidence from war crime trials held after the wars that broke up Yugoslavia (1991–1999) were not immediately accessible to journalists, researchers and the general public. A total of seventeen courts handled war crimes cases, but the cantonal courts in Novi Travnik and Zenica were among the few that published their judgments. The only way to get access to the other verdicts was by filing access to information requests, a time-consuming task, further complicated by bureaucracy and non-responsiveness to requests. There was a similar issue with evidence used in these trials. Researchers faced problems when trying to get documents from court archives, due to the anonymization of verdicts, which began in 2013, when the courts started to use initials instead of full names and anonymized crime locations, a practice ending only after a “Stop Censorship About War Crimes” campaign. Researchers were told that they could not consult the entire file, but had to demand access to individual documents that interested them, and had to know exactly which documents these were. In cases regarding the area that was under the control of Herzeg-Bosnia, the unrecognized proto-state that was controlled by Bosnian Croats during the War of Yugoslav Succession (1991–1995), much of the documentation was missing entirely.³⁰

²⁹ [“Bosnia and Herzegovina: 25th Anniversary of Srebrenica Massacre Is a Sombre Warning from History,”](#) *Amnesty International* (9 July 2020); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 101, 103; Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 92–93; [“Scores of Srebrenica Gravesites Remain Abandoned and Unmarked,”](#) *Balkan Insight* (9 July 2021).

³⁰ [““Stop Censorship About War Crimes’ Campaign Launched,”](#) *BIRN* (28 June 2013); Emina Dizdarevic, Serbeze Haxhijaj, Anja Vladislavljevic, and Milica Stojanovic, [“Access Denied: Most Balkan War Crimes Case Files Not Public,”](#) *Balkan Insight* (28 September 2020).

According to research by *Balkan Insight* in October 2020, a history textbook for 14–15-year-olds in the Republika Srpska approached the War of Yugoslav Succession (1991–1995) with a strong focus on ethnically Serb victims, while downplaying crimes committed by Serbian and Bosnian-Serb perpetrators. Written by Dragiša Vasić, the textbook made no mention of the 1995 genocide in Srebrenica other than stating that “in July 1995 the Bosnian Serb Army conquered Srebrenica and Zepa.” It described Bosnian Serb political leader Radovan Karadžić, who was imprisoned for life by the International Criminal Tribunal for the former Yugoslavia for genocide, crimes against humanity and war crimes, as “a psychiatrist, poet and politician,” who “as founder and leader of the Serb Democratic Party, had an extremely important role in the creation of Republika Srpska, whose first president he was.”³¹

On 8 April 2021, Serb and Croat lawmakers in the House of Peoples (the Bosnian parliament) voted seven against six with one abstention against changes to the criminal code to prohibit the denial of facts about the July 1995 Srebrenica genocide. It was the latest in a series of failed attempts over more than a decade to adopt a new law to outlaw denial of the 1995 genocide. Despite repeated calls for a ban from High Representative Valentin Inzko, the international official monitoring the implementation of the 1995 Dayton peace accords that ended the Bosnian war (1992–1995), the proposals had never received enough votes to pass. In its 2020 progress report on Bosnia and Herzegovina, the European Commission had raised concern that political leaders in the country continued to deny the facts about war crimes established by the courts and to glorify their perpetrators. On 25 March 2021, a draft European Parliament report on Bosnia and Herzegovina condemned “any kind of historical revisionism, secessionist rhetoric and related acts, denial or glorification of war crimes committed during the 1990s war.”³²

See also Croatia, Montenegro, Serbia.

BOTSWANA

Previous *Annual Report* entries: 2018.

³¹ Mladen Obrenovic, “[Bosnian, Serbian Schoolbooks Teach Rival Versions of History](#),” *Balkan Insight* (30 October 2020).

³² Milica Stojanovic, “[European MPs Urge Serbia, Kosovo to Intensify War Grave Search](#),” *Balkan Insight* (26 March 2021); Nejra Dzaferagic, “[Bosnia Under Pressure to Adopt Srebrenica Genocide Denial Law](#),” *Balkan Insight* (16 April 2021).

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2020.

Despite families' struggle for justice, impunity for enforced disappearances persisted and there was no significant progress in clarifying past cases. Domestic law was not brought into line with international treaties and did not include a specific crime of enforced disappearance, which continued to be dealt with under other provisions, such as kidnapping. This gap in the law continued to pose a barrier to the prosecution of those responsible, as well as to the implementation of reparation policies for victims. The justice system also lacked effective and independent systems for the investigations into these crimes.³³

In October 2019, President Jair Bolsonaro appointed Letícia Dornelles, a journalist, actress, and soap opera screenwriter, as the new director of the Casa de Rui Barbosa (a federal public research institution in Rio de Janeiro focused on history, law, philology, and literature) rather than an experienced academic. Many academics, including the Associação Nacional de História (ANPUH; National Historical Association) protested this appointment. In early January 2020, researchers on the board of the foundation were dismissed, which, again, led to protests from scholars. Political scientist Christian Lynch, who had been selected to coordinate one of the Casa's research departments, had his appointment reversed by then-Special Secretary of Culture Roberto Alvim, for critical comments he had made about the government. In May 2020, the newspaper *O Globo* revealed a confidential attempt to turn the research institution into a museum.³⁴

On 31 March 2020, a group of people gathered in front of the army's headquarters in the capital Brasília to commemorate the 1964 coup, which led to a military dictatorship (1964–1985). The demonstration was attended by President Jair Bolsonaro, who referred to the date as “the day of liberty.” According to the National Truth Commission, hundreds of people had systematically been tortured, disappeared and extrajudicially executed at the time. Mainly due to the interpretation given to the 1979 Amnesty Law, impunity continued to prevail for the crimes in that era.³⁵

³³ Amnesty International, *State of the World's Human Rights 2020/21* (London: AI, 2021), 98, 99.

³⁴ Conrado Hübner Mendes and Others, *Academic Freedom in Brazil: A Case Study on Recent Developments* (Berlin: Global Public Policy Institute (GPPi) & Center for the Analysis of Liberty and Authoritarianism (Laut), September 2020), 21–22; “[Nota da ANPUH-Brasil sobre a direção da fundação Casa de Rui Barbosa](#)” (no place, no date [2020]); Katrin Kinzelbach, ed., *Researching Academic Freedom: Guidelines and Sample Case Studies* (Erlangen: FAU University Press, 2020), 93–94.

³⁵ Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 94.

In September 2020, German company Volkswagen admitted that its representatives had cooperated with the dictatorship (1964–1985). The National Truth Commission had found in 2014 that company representatives had provided information about its workers to authorities, which might have resulted in illegal arrests, torture, and other abuses. As part of a settlement agreement with the Brazilian prosecutors, Volkswagen agreed to pay 36 million reais (approximately US\$6.5 million) in compensation to victims and to fund efforts to identify the remains of victims and to educate the public about past abuses.³⁶

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012, 2015–2017, 2019–2020.

See North Macedonia.

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005, 2013, 2015–2018.

On 13 April 2021, a military tribunal announced that former President Blaise Compaoré (1951–) and thirteen others were to face charges over the 1987 murder of former President Thomas Sankara (1949–1987), indicting them for “attack on state security, complicity in murder and concealment of corpse.” The trial was seen as a landmark moment in a 34-year quest for justice, led by the Sankara family and supported by many in the country [See also NCH *Annual Reports 2001, 2016–2018*].³⁷

³⁶ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 115.

³⁷ “[Burkina Faso: la France n’a pas encore livré toutes ses archives pour le procès Sankara](#),” *RFI* (20 October 2020); Emmanuel Akinwotu, “[Burkina Faso ex-President Compaoré to Face Trial over Thomas Sankara Murder](#),” *Guardian* (13 April 2021); Noel Ebrin Brou, “[Compaoré to Be Charged over Sankara Murder](#),” *BBC News* (14 April 2021).

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2015, 2017–2020.

Throughout 2020, the Commission vérité et réconciliation (CVR; Truth and Reconciliation Commission) – provided for in the 2000 Arusha peace accords and tasked with investigating ethnic violence in Burundi’s recent past – conducted highly publicized exhumations of mass graves connected to past atrocities. Exhumations were focused on graves linked to the 1972 massacres that primarily targeted Hutu. This focus combined with comments made by public officials was considered polarizing and seen as an attempt to impose a single narrative. The exhumations were carried out in a manner which jeopardized the preservation of valuable evidence and failed to ensure respectful storage of human remains. On 7 January 2021, the CVR presented to parliament an intermediary report focusing on the 1972 massacres. On 15 January 2021, the civil society platform Forum pour le renforcement de la société civile (FORSC; Forum for the Strengthening of Civil Society) criticized it as biased, saying that the CVR relied on selected testimonies, did not investigate archives of local administrations, and solely focused on the violence against Hutu population, failing to address violence against Tutsis and crises preceding the 1972 massacres in 1961, 1962, 1965, 1969, and 1971.”³⁸

The appointments of Prime Minister Alain Guillaume Bunyoni (1972–) and Minister for the Interior, Community Development and Public Security Gervais Ndirakobuca, both under international sanctions for their alleged role in the 2015 election violence, casted doubt over the new administration’s commitment to accountability and raised concerns about the possible interference with criminal investigations into past abuses.³⁹

³⁸ International Crisis Group, “[Burundi: January 2021](#),” *Crisis Watch* (January 2021); Ephrem Rugiririza, “[Commission vérité au Burundi: le rapport de la discorde](#),” *Justiceinfo.net* (4 March 2021); Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 106.

³⁹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 127.

CAMBODIA

Previous *Annual Report* entries: 1999–2018. 2020.

On 10 April 2021, the Culture Ministry criticized Irish artist Matt Loughrey after he altered photos of victims of the Khmer Rouge genocide (1975–1979) in a profile piece in *Vice*. Loughrey had colorized images of photos taken in the notorious Tuol Sleng prison; smiles were reportedly added to some faces. In the piece, Loughrey had said he had wanted to humanize the victims. The Culture Ministry retorted that altering the images manipulated historical sources and affected the dignity of the victims. Later, *Vice* removed the images for not meeting its editorial standards.⁴⁰

CAMEROON

Previous *Annual Report* entries: 2010, 2012–2014, 2016, 2020.

On 21 May 2019, the dismembered and beheaded body of history and geography teacher Wontai Vondou Olivier ([1987 or 1988]–2019) was found in a bag, his head dumped on the street in Mobile Nkwen, Bamenda (the capital of the Northwest Region). Olivier taught at three Government Bilingual High Schools (GBHS Nitop, GBHS Ntamulung, GBHS Bamendankwe) in Bamenda. A video filmed by the perpetrators, allegedly separatist Ambazonian fighters, and uploaded on social media showed how Olivier had been begging for his life and how he had been tortured. The perpetrators also told the Ambazonian interim-government that they had caught “the spy” and would cut off his head and dump it in Nkwen. Oliver was mistaken for a soldier with the Cameroonian military. In another post, however, suspected separatist fighters alleged that Cameroon troops killed Olivier to frame the rebels, a claim denied by commander General Robinson Agha. Schools – seen as organs of Francophone dominance by rebels – were among the worst hit in the uprising by English-speaking separatists. Hundreds of teachers had been killed, wounded, abducted for ransom, or had their houses torched. According to the United Nations, 81 percent of children were out of school across the North-West and South-West regions in 2019–2020.⁴¹

⁴⁰ “[Cambodia Criticises Edited Photos of Khmer Rouge Victims](#),” *BBC News* (11 April 2021).

⁴¹ “[Cameroon: History Teacher Killed, Dismembered in Bamenda by Ambazonian Fighters](#),” *Journal du Cameroun* (22 May 2019); Kiven Nsodzefe, “[Cameroon: Anglophone Crisis: Government Opens Investigation To Trace Other Body Parts Of Beheaded Teacher In Bamenda](#),” *Cameroon-Info.Net* (22 May 2019); Moki Edwin Kindzeka, “[Cameroon Teachers Protest Escalating Violence in Separatist Areas](#),” *VOA News* (27 May 2019); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 138.

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012–2020.

On 29 August 2020, activists in Montréal pulled down and decapitated a statue of Canada’s first Prime Minister Sir John A. Macdonald (1815–1891; prime minister 1860–1890). Remembered for his nation-building policies, Macdonald also created the residential school system (*see below*) and sponsored a highly racist Indian Act in 1876. He was also accused of allowing famine and disease to kill many indigenous people and his government forced some First Nation communities to leave their traditional territories, withholding food until they did so.

Prime Minister Justin Trudeau called the toppling of the statue an act of vandalism. In 2016, the Canadian Elementary School Teachers Association had voted in favor of taking the name Macdonald from schools. In June 2018, the Canadian Historical Association had taken Macdonald’s name off its prize for most influential Canadian history book of the year. Macdonald’s statue in Montréal had also been decapitated in 1992. In early August 2018, the city of Victoria, British Columbia, had decided to remove a statue of Macdonald, which had been frequently vandalized [See also NCH *Annual Report 2019*].⁴²

On 23 September 2020, the University of Ottawa suspended part-time art historian Verushka Lieutenant-Duval after a student complained that she had used the N-word in a class. Lieutenant-Duval apologized, explaining that she had used it during a discussion about groups who “re-appropriate” or reclaim words and phrases previously used to disparage or oppress. She also said that she was worried that the controversy had been blown out of proportion by people taking extreme positions. Lieutenant-Duval’s name, phone number, and home address had been posted on social media, endangering her personal safety. On 20 October 2020, Quebec Premier François Legault suggested that the issue was about academic freedom and censorship.⁴³

On 20 November 2020, four historians and archivists – Robert Bothwell, John English, Paul Marsden, and Timothy Sayle – published an article in *The Globe and Mail*, criticizing the lack of access to the full records about the “1970 October Crisis,” when Quebec’s independence movement, the Front de

⁴² Jennifer Ackerman, “[The Statue Dilemma: Indigenous Research Week Tackles Commemoration of Historic Figures](#),” *Regina Leader-Post* (28 September 2018); Mark Wolfram, “[The Past and Future of the Iconoclast](#),” *Historical Dialogues* (4 September 2018); “[Canada Statue of John A. Macdonald Toppled by Activists in Montreal](#),” *BBC News* (30 August 2020); “[Statue of Canada’s First Prime Minister Toppled by Protesters](#),” *Al Jazeera* (30 August 2020); “[Trudeau Condemns Toppling of Canada’s First PM as ‘Vandalism’](#),” *BBC News* (31 August 2020).

⁴³ Amanda Pfeffer, “[Ottawa Professor Apologizes for Using N-word, Regrets Growing Controversy](#),” *CBC* (21 October 2020).

libération du Québec, kidnapped a British diplomat and a Québec cabinet minister, killing one of them. Following the kidnappings, the Canadian government had used the War Measures Act and deployed troops to Québec, arresting hundreds of people. The authors wrote that the cabinet minutes had become available in 2000 but that many parts had been blacked out in accordance with the Access to Information Act. The organization Canada Declassified had put online declassified documents related to the federal government's Task Force on Kidnapping. The key decision-making body during the crisis was the cabinet committee on security and intelligence, which received all the briefings from the Royal Canadian Mounted Police (RCMP), the Canadian Forces, and the solicitor-general as well as the written briefs and formal cabinet memoranda provided to the key ministers. Only a few documents from the committee had been made public. In the case of the RCMP records, transferred to the Canadian Security Intelligence Service (CSIS) in 1984, a disproportionate number of pages were blanked out. The location of many files on the crisis was unknown after the McDonald Commission had collected them in 1981 to report on the activities of the RCMP Security Service. On the 50th anniversary of the 1970 October Crisis, in October 2020, the Bloc Québécois submitted a resolution demanding an apology in parliament, but it was defeated.⁴⁴

In December 2020, the Yellowhead institute, a First Nation-led research center, found that the government and the Catholic Church had only implemented eight of the 94 recommendations made by the 2015 Truth and Reconciliation Commission (TRC). The TRC was created in 2008 to investigate how between the 1870s and 1996 the government removed about 150,000 aboriginal children from their homes and sent them to church-run "residential schools," in what the TRC described as a "culture of genocide" targeting Indigenous people. These schools were part of a cross-national network created to forcibly assimilate Indigenous children by removing them from their homes and communities, and forbidding them from speaking their native languages or performing cultural practices. Physical, emotional, and sexual abuse were rampant within these institutions, as was forced labor. The TRC calculated that at least 3,201 residential school children had died, although the true total may never be known due to unaccounted deaths and destroyed files.

On 27 May 2021, a mass grave containing the remains of 215 Indigenous children was discovered on the grounds of a former residential school near the town of Kamloops, British Columbia. The Kamloops Indian residential school was established in 1890 under the leadership of the Roman Catholic church and closed in 1978. Similar discoveries were made in other residential schools (Marieval Indian school, Saskatchewan province; St. Eugene's Mission, Cranbrook, British Columbia; Kuper Island industrial school, Penelakut Island, British Columbia) in June and July 2021. On 15 July 2021, the Tk'emlups te Secwepemc First Nation published its first full report on the discovery of the 215

⁴⁴ Robert Bothwell, John English, Paul Marsden, Timothy Sayle, "[October Surprise: Lack of Access to Historic Documents Leaves Canadians in the Dark about the FLQ Crisis](#)," *Globe and Mail* (20 November 2020).

unmarked graves at Kamloops. Stewart Phillip, president of the Union of British Columbia Indian Chiefs, and Kúkpi7 (chief) Rosanne Casimir called on the government to release attendance records to begin the process of identifying potential victims and on the Catholic church to release all its records.⁴⁵

On 6 June 2021, a group of people protesting at Ryerson University in Toronto over the discovery of the Kamloops mass graves (*see above*), toppled the statue of Egerton Ryerson (1803–1882), who was deemed one of the architects of the country’s residential school system. Leading up to the protest, calls to change the university’s name and remove the statue had grown, and the statue had been vandalized.⁴⁶

On 1 July 2021, Canada Day (the anniversary of the founding of the Canadian Confederation in 1867), a group of people, wearing orange shirt to honor the Indigenous children who were sent to residential schools, left a sign that read “we were children once. Bring them home” at a statue of Queen Victoria (1819–1901) in Winnipeg. The group then toppled the statue, as well as a smaller statue of Queen Elizabeth II (1926–). Both royals were seen as representatives of the country’s colonial history. The British Crown had negotiated treaties with indigenous First Nations in Canada and the government had enacted its residential schools policy during Queen Victoria’s reign.⁴⁷

See also Myanmar, Poland, United Kingdom.

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012, 2014–2020.

In September 2020, the Special Criminal Court, a United Nations-backed hybrid court mandated to investigate and prosecute crimes under international law and other serious human rights violations committed since 2003, confirmed that ten cases were under investigation. At least 21 people were arrested as a result of investigations in 2019 and 2020 and were in pre-trial detention at the end of 2020.

⁴⁵ Tracey Lindeman, “[Canada: Remains of 215 Children Found at Indigenous Residential School Site](#),” *Guardian* (28 May 2021); “[Canada Mourns as Remains of 215 Children Found at Indigenous School](#),” *BBC News* (30 May 2021); “[Canada: Hundreds More Unmarked Graves Found at Former Indigenous School](#),” *Guardian* (24 June 2021); Leyland Cecco, “[Canada Discovers 751 Unmarked Graves at Former Residential School](#),” *Guardian* (24 June 2021); Hillary Beaumont and Jillian Kestler-D’Amours, “[The Path to Accountability for Canada’s Residential School Graves](#),” *Al Jazeera* (27 June 2021); Leyland Cecco, “[Canada: At Least 160 More Unmarked Graves Found in British Columbia](#),” *Guardian* (13 July 2021); Leyland Cecco, “[First Nation Calls for Release of School Records to Identify Residential Victims](#),” *Guardian* (15 July 2021).

⁴⁶ “[Egerton Ryerson Statue Toppled at Canada Indigenous School Protest](#),” *BBC* (7 June 2021).

⁴⁷ Leyland Cecco, “[Queen Victoria Statue Toppled in Canada amid Anger at Deaths of Indigenous Children](#),” *Guardian* (2 July 2021); “[Statues of Queen Victoria and Queen Elizabeth II Torn Down in Canada](#),” *BBC News* (2 July 2021).

However, proceedings lacked transparency and the identities of those arrested were not publicly disclosed. There were also delays in the recruitment of international judges and the establishment of the Court's legal aid system.

The trial of Alfred Yekatom (1975–) and Patrice-Edouard Ngaïssona, Anti-Balaka leaders, began at the International Criminal Court (ICC) in February 2021. They were arrested for war crimes and crimes against humanity and transferred to The Hague in 2018 and 2019 respectively. On 24 January 2021, Mahamat Said Abdel Kani, accused of war crimes and crimes against humanity committed as a Seleka commander in Bangui in 2013, was flown to the ICC.

In February 2020, the criminal court of Bangui convicted five Anti-Balaka leaders for war crimes and crimes against humanity in relation to the 2017 attack in Bangassou, in which at least 62 civilians and ten UN peacekeepers were killed. It was the first conviction for crimes under international law since the conflict started in 2003. However, serious concerns arose during the trial over the rights of the defendants and protection of victims and witnesses.⁴⁸

CHAD

Previous *Annual Report* entries: 2000–2012, 2015–2016.

See France.

CHILE

Previous *Annual Report* entries: 1998–2020.

During 2020, Chilean courts continued to prosecute former police and military officers responsible for human rights abuses during Augusto Pinochet's dictatorship (1973–1990). On 6 March 2020, a Chilean court convicted 31 former agents for their roles in the 1974 disappearances of moviemakers Carmen Bueno Cifuentes and Jorge Muller Silva during the security forces' Operación Colombo, in which they forcibly disappeared 119 political prisoners. In September 2020, the House of Representatives passed a bill that would criminalize protected speech of people who "justify," "approve of," or "deny" the

⁴⁸ "[Yekatom and Ngaïssona Case](#)," *International Criminal Court*; Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 114; "[Central African Republic: First Seleka Suspect in ICC Custody](#)," *Eurasia Review* (28 January 2021).

human rights violations committed during the dictatorship, punishing them with up to three years in prison.⁴⁹

Chile maintained a 50-year secrecy order that sealed from the public testimony provided by victims before the National Commission on Political Imprisonment and Torture from November 2003 to May 2004. The testimony revealed places of detention and torture methods. Former President Michelle Bachelet's administration (2014–2018) submitted a bill to lift the secrecy order in 2017. In late 2020, the order had been set aside in approximately 15 cases, allowing access to files with testimonies, photographs, and press releases.⁵⁰

In January 2020, the Inter-American Court of Human Rights held a public hearing on Judge Daniel Urrutia Laubreaux's case. The judge had brought his case to the Inter-American Commission of Human Rights in 2005, arguing that the Supreme Court had violated his right to freedom of speech when it sanctioned him for criticizing in an academic paper the Court's actions during the Chilean military regime (1973–1990).⁵¹

On [1 October] 2020, the appeals court confirmed the indictment against retired military officers Eduardo Jara Hallad (director of Department II of Counterintelligence of the Military Intelligence Section DINE), Mercedes del Carmen Rojas Kuschevich (its former chief archivist), and General Carlos Patricio Chacón Guerrero for destruction in the Intelligence School of the Chilean army in 2000–2001 of microfilmed archives of the Central Nacional de Informaciones (CNI; National Information Center) covering the period 1980–1982 [See also NCH *Annual Report 2020*].⁵²

On 24 November 2020, the criminal complaint against Alejandra Araya, history professor, director of the Archivo Central Andrés Bello (Andrés Bello Central Archive) at the University of Chile and full professor of human rights at the University of Chile, was dismissed due to lack of evidence [See also NCH *Annual Report 2020*].⁵³

See also Israel.

⁴⁹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 155, 156, 159.

⁵⁰ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 155, 156.

⁵¹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 160.

⁵² Nicolás Díaz, "[Justicia confirma procesamiento de oficiales \(r\) del Ejército por destrucción de archivos de la CNI.](#)" *Biobio Chile* (1 October 2020).

⁵³ *Archives and Human Rights: News from the Section on Archives and Human Rights* (February 2021), 1.

CHINA

Previous *Annual Report* entries: 1995–2020.

Censorship and surveillance extended beyond national borders during 2020. Complying with strict domestic censorship standards, Chinese tech firms operating outside of the country blocked and censored content deemed to be “politically sensitive,” including topics relating to ethnic minorities, political unrest, and criticism of the government. TikTok, a video-sharing app, deleted numerous videos shared by Uyghurs living abroad to draw attention to their missing relatives. Leaked internal documents showed that the platform had instructed moderators to censor videos featuring “politically sensitive” topics, such as Falun Gong or the 1989 Tiananmen Square massacre. LinkedIn also blocked profiles from being viewed inside the country if they mentioned “politically sensitive topics” such as the 1989 Tiananmen Square massacre, including references to academic study.

On 11 June 2020, the online meeting platform Zoom confirmed that it ended at least four Zoom video meetings commemorating the 1989 Tiananmen Square massacre or dealing with religious and/or political activities, and terminated the host accounts associated with those meetings – in Hong Kong and the United States – after the Chinese government had informed it that the gatherings were illegal in China. The victims included Wang Dan and Zhou Fengsuo, two of the student leaders in 1989 [See for Wang Dan also NCH *Annual Reports 1995–1998, 2000, 2009, 2014*]. Zoom said the accounts had been reinstated. In December 2020, United States Justice Department prosecutors reported that the China-based executive, Jin Xinjiang (aka Julien Jin) ([1981]–), worked as Zoom’s primary liaison with Chinese law enforcement and intelligence services, sharing user information and terminating video calls at the Chinese government’s request. Zoom dismissed Jin for violating its policies. He was charged with “conspiracy to commit interstate harassment and unlawful conspiracy to transfer a means of identification.” Living in China, Jin faced up to ten years in prison [See also NCH *Annual Report 2020*].⁵⁴

In March 2017, Shen Zhihua ([1950–]), reputedly China’s foremost historian of the Cold War and specialist of the Korean War (1950–1953), criticized China’s official policy toward North Korea at a university lecture in Dalian. He declared, inter alia: “Judging by the current situation, North Korea is

⁵⁴ Elizabeth Redden, “[Scholars Raise Concerns about Using Zoom to Teach about China](#),” *Inside HigherEd* (12 June 2020); Ellen Nakashima & Drew Harwell, “[Federal Prosecutors Accuse Zoom Executive of Working with Chinese Government to Surveil Users and Suppress Video Calls](#),” *Seattle Times / Washington Post* (18 December 2020); “[US Charges Ex-Zoom Employee with Shutting Down Tiananmen Square Events](#),” *BBC News* (19 December 2020); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 174; Amnesty International, *State of the World’s Human Rights 2020/21* (London: AI, 2021), 122-123; Helen Davidson, “[LinkedIn Blocks Profiles from View in China if Sensitive Topics Mentioned](#),” *Guardian* (18 June 2021).

China's latent enemy and South Korea could be China's friend." His views and the debate about them were not reported in the state news media. But his speech remained on the website of the Center for Cold War International History Studies at East China Normal University in Shanghai, where Shen worked. He restated his views in lectures in Shanghai and, in mid-April 2017, in Xian. The son of Chinese Communist Party (CCP) officials, Shen previously used his earnings from gold trafficking business to pay for dredging archives in Russia, after serving a prison term (1983–May 1984) on a (reportedly groundless) charge of leaking state secrets.

In November 2020, Shen delivered a live-streamed speech on the rise and fall of the USSR at an academic seminar at Capital Normal University in Beijing, but an hour into the lecture, the feed was suddenly cut off. In a statement, the university blamed a malicious tip-off from students who acted as classroom informants to report "inappropriate speech" of teachers when they make statements allegedly challenging the CCP's or President Xi Jinping's official narratives. Ironically, Shen's lecture was the seventh in a "Four Histories" series at the Capital Normal University History Institute intended to carry out the spirit of Xi's speech on the study of the "Four Histories" (the history of the party, the history of the People's Republic of China, the history of reform and opening up, and the history of the development of socialism).⁵⁵

In late May 2019, Yuan Keqin, a Chinese professor of East Asian political history at Hokkaido University of Education (HUE), Japan, traveled to China to attend his mother's funeral. Days later, authorities arrested him and his wife under unknown circumstances. Authorities released her on the condition that she travel to Japan, retrieve Yuan's laptop and academic materials, and return to China with them. In March 2020, the Foreign Ministry stated that Yuan was "suspected of espionage and had been investigated by the national security authority in accordance with law," reported that he had "made a full confession," and that his case was transferred to the prosecutor. The espionage charge was widely regarded as spurious.⁵⁶

On 19 April 2020, Beijing police detained Chen Mei and Cai Wei for archiving censored news articles, interviews, and personal accounts related to the outbreak of the Covid-19 epidemic in Wuhan. They remained out of contact with their families. Chen and Cai were involved with Terminus2049, an online project working to archive articles that had been removed from mainstream media outlets and social

⁵⁵ Chris Buckley, "[Criticism of Beijing's North Korea Policy Comes From Unlikely Place: China](#)," *New York Times* (18 April 2017); "[Shen Zhihua](#)," *The China Story* (retrieved 19 April 2017); Dahai Han, "[Malicious Tip-Offs Stifle Academic Freedom in China, Analysts Say](#)," *VOA News* (20 November 2020).

⁵⁶ Scholars at Risk, *Free to Think 2020* (New York: SAR, 2020), 84.

media by state censorship. After the outbreak of the Covid-19 epidemic, numerous articles relating to the virus were censored.⁵⁷

In September 2020, the film *The Eight Hundred* premiered. The movie had been withdrawn from the Shanghai International Film Festival in June 2019, because it had used “historical debris to cover up the actual truth of history,” according to a published conference report. The cancellation came amid a broadening political crackdown on cultural works that were not sufficiently in tune with Xi Jinping’s ideology [See also NCH *Annual Report 2020*]. It remained unclear what was changed for the September premier.⁵⁸

On 16 December 2020, writer and photographer Du Bin was detained for “picking quarrels and provoking trouble,” ahead of the launch on 1 January 2021 of his book analyzing early Soviet Communism – indicating that historical inquiry that touches indirectly on the Chinese Communist Party’s governance may be subject to a governmental “veto” in the form of criminal charges. Authorities also questioned Du about his previous books, before eventually releasing him conditionally after 37 days. Du had been detained in 2013 after releasing a documentary on forced labor.⁵⁹

On 9 April 2021, the Cyberspace Administration of China launched a hotline to report online comments that defamed the ruling Chinese Communist Party (CCP) and its history, vowing to crack down on “historical nihilists” ahead of the Party’s 100th anniversary in July 2021. The tip line allowed people to report fellow netizens who “distorted” CCP history, attacked its leadership and policies, defamed national heroes and “denied the excellence of advanced socialist culture” online. “Historical nihilism” was a phrase used in China to describe public doubt and skepticism over the CCP’s description of past events. The 2018 law [See NCH *Annual Report 2018*] stipulated that people who “insulted, slandered, or infringed upon” the memory of China’s national heroes and martyrs faced prison time of up to three years. In early April, authorities in Jiangsu province detained a 19-year-old man after making “insulting” comments online about Japan’s 1937 occupation of Nanjing.⁶⁰

⁵⁷ [“COVID-19 Activist Faces Five Years in Prison,”](#) *Amnesty International* (18 September 2020); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 167; Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 122.

⁵⁸ Steven Lee Meyers, [“Patriotic Movie Apparently Falls Afoul of China’s Censors,”](#) *New York Times* (26 June 2019); Steve Rose, [“The Eight Hundred: How China’s Blockbusters Became a New Political Battleground,”](#) *Guardian* (18 September 2020).

⁵⁹ PEN America, [Freedom to Write Index 2020](#) (Washington: PEN, 2021).

⁶⁰ Cate Cadell, [“China Launches Hotline for Netizens to Report ‘Illegal’ History Comments,”](#) *Reuters* (11 April 2021).

In early May 2021, shares in food delivery giant Meituan fell sharply after its chief executive, Wang Xing, shared a 1,000-year-old poem, *The Book Burning Pit* by Zhang Jie (fl. 877), on the Fanfou social media platform. This Tang dynasty poem was a sarcastic criticism of the Emperor Qin Shi Huang (259 BCE–210 BCE), infamous for killing dissenting Confucian scholars and burning their books. It was interpreted as veiled criticism of President Xi Jinping’s government, comparing the current suppression of dissent with the emperor’s tyrannical rule. On 9 May 2021, Wang deleted the post, saying that the poem was a reference to his company’s competitors.⁶¹

On 4 June 2021, the social media account for the popular Chinese e-commerce app Xiaohongshu was blocked after it had issued a post on the anniversary of the 1989 Tiananmen Square massacre. It had posted “Tell me loudly: what’s the date today?” on microblogging platform Weibo. The post to its fourteen million followers was swiftly deleted and the Weibo page was replaced by a message saying that it was investigated for violations of laws and regulations. It was unclear whether the post was intended to reference the massacre. Xiaohongshu means Little Red Book, the same name as Mao Zedong’s book of quotations.⁶²

On 28 June 2021, an art performance titled *The Great Journey* was staged at the Bird’s Nest stadium in Beijing, where performers put on set-pieces detailing the history of the Chinese Communist Party. However, significant events such as the Cultural Revolution purges (1966–1976), the Tiananmen Square protests (1989), and the pro-democracy protests in Hong Kong (2014–) were reportedly missing.⁶³

Hong-Kong

Following the introduction of the national security law on 30 June 2020, the book project *Hong Kong on the Frontline 1997–2020*, written by Kent Ewing, columnist at the newspaper Hong Kong Free Press was annulled on 19 September 2020 by its publisher FormAsia Books despite the fact that lawyers had gone over the proofs to ensure compliance with the law. Not able to find a designer willing to be associated with the project, a printer willing to print it, and bookstores willing to sell it, the publisher dropped the project.⁶⁴

⁶¹ [“Meituan: China Tech Giant’s Shares Slide over Ancient Poem,”](#) *BBC News* (11 May 2021).

⁶² [“Xiaohongshu Social Media Account Blocked after Tiananmen Post,”](#) *BBC News* (7 June 2021).

⁶³ [“CCP 100: Xi Warns China Will not Be ‘Oppressed’ in Anniversary Speech,”](#) *BBC News* (1 July 2021).

⁶⁴ Kent Ewing, [“My Ill-Fated Book Deal Reveals Hong Kong Self-Censorship under the Security Law,”](#) *Hong Kong Free Press* (15 December 2020).

In early November 2020, a teacher at Ho Lap primary school was deregistered for giving a factually incorrect account of the Sino-British Opium War (1839–1842). He had told students in an online class that Britain waged the war in an attempt to destroy opium in China’s territories, while the British instead tried to sell massive amounts of opium in China whereas Qing dynasty officials tried to ban it. The teacher apologized for the mistake and recorded a correction on the video. On 6 October, Chief Executive Carrie Lam said that a small fraction of teachers was using their teaching responsibilities to “convey wrong messages to promote misunderstanding about the nation.”⁶⁵

On 19 November 2020, students who organized an unauthorized demonstration and procession in commemoration of the November 2019 student protests and campus sieges at the Chinese University of Hong Kong (CUHK) and Hong Kong Polytechnic University (PolyU), were threatened with prosecution under the new national security law. CUHK objected to a poster posted online by student groups advertising an exhibition of the 2019 events, saying that the “exhibition’s host has presented a biased portrayal of the [2019] incident.” The student union of CUHK New Asia College, one of the event’s organizers responded that the poster’s protest scenes were taken from major news media and merely depicted the “historical truth.” PolyU banned the screening on campus of two documentary films about the 2019 siege. PolyU student union member Joe Choi reacted saying that the films were “documentaries or histories of the siege of PolyU a year ago. We cannot let the government or the schools try to wipe out our history.” PolyU also objected to union plans for a front-page ad in the anti-government newspaper *Apple Daily* to commemorate the anniversary of the 2019 two-week campus siege.⁶⁶

On 25 January 2021, the University of Science and Technology (HKUST) suspended student union leaders Donald Mak Ka-chun and Lo Kai-ho for a semester for organizing a memorial event on campus amid the Covid-19 pandemic and refusing to remove protest-related materials from notice boards. They were also warned that they could be expelled if any further violations occurred. HKUST said that the union’s May 2020 memorial event – marking the six-month anniversary of computer science student Alex Chow Tsz-lok falling to his death in a car park near the site of a protest – posed public health concerns and violated management’s instruction to not hold the event.⁶⁷

⁶⁵ Rachel Wong, “[Hong Kong Teacher Struck Off for Allegedly Promoting Independence as Lam Vows More Action against ‘Bad Apples’](#),” *Hong Kong Free Press* (6 October 2020); Rachel Wong, “[Second Hong Kong Teacher Sacked, This Time for Opium War Blunder as Lawmaker Says Punishment too Harsh](#),” *Hong Kong Free Press* (13 November 2020).

⁶⁶ Mimi Leung & Yojana Sharma, “[Police Start ‘National Security’ Probe of Campus Protest](#),” *University World News* (19 November 2020).

⁶⁷ Chan Ho-him, “[Hong Kong University Suspends Student Leaders over Banned Memorial for Undergraduate Who Fell to His Death near Site of Protest](#),” *South China Morning Post* (25 January 2021); Scholars at Risk Academic Freedom Monitoring Project, [Factsheet](#) (25 January 2021).

In 2021, authorities for the second year banned a 4 June vigil in Victoria Park commemorating the 1989 Tiananmen Square massacre. Police again objected to the event because of social distancing restrictions, prohibiting large gatherings. They also warned that the new national security law could be wielded against Tiananmen mourners. On 6 May 2021, pro-democracy activist and student Joshua Wong [See also NCH *Annual Reports 2017, 2020*] was sentenced to ten months' imprisonment for participating in the 4 June 2020 vigil. On 30 April 2021, Wong had pleaded guilty for participating in the vigil. Three others were also sentenced. Already in August 2020, 25 Hong Kong democracy activists, including Wong, media tycoon Jimmy Lai and leaders of the Alliance in Support of Patriotic Democratic Movements of China, had been charged with "knowingly taking part in an unauthorized assembly." One of the organizers of the 2020 vigil was Mak Hoi-wah ([1951]–), chairman of the managing committee of a museum dedicated to the 4 June 1989 Tiananmen Square massacre (*see below*). Lee Cheuk-yan, chairman of the Alliance, was also charged with organizing the assembly.

On 31 May 2021, police arrested Alexandra Wong on suspicion of taking part in an unlawful assembly, after she staged a lone demonstration over the prohibition of the vigil. She had chanted slogans in a park holding a sign that read "32, June 4, Tiananmen lament" (32 meaning the thirty-second anniversary of the massacre) and a yellow umbrella, a symbol of Hong Kong's 2014 democracy movement, after which she walked toward Beijing's liaison office in Hong Kong.

On 2 June 2021, the operators of the 4 June Museum closed its doors, hours after officials from the Food and Environmental Hygiene department accused it of operating as a place of public entertainment without the required licenses. Three days before, the museum had started a public exhibition commemorating the 1989 Tiananmen Massacre. Since the promulgation on 30 June 2020 of the national security law criminalizing a broad spectrum of critical speech in Hong Kong, the only museum in the world dedicated to the 4 June 1989 Tiananmen Square massacre had embarked on a multi-lingual digitization and online archive program in order to preserve the museum's knowledge in case of confiscation and shutdown. These efforts were part of a wider movement in Hong Kong, reportedly initiated by journalism professor at the University of Hong Kong Fu King-wa to chronicle events and preserve history that the Chinese Communist Party would rather see expunged, including so-called Lennon Walls (public spaces where protesters wrote or pasted political messages). Established in 2012 by the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, the museum had been vandalized on a number of occasions. It had to move out of its last long-term home, in Tsim Sha Tsui, after the building's managers sued it for violating land-use regulations (ostensibly because the property was supposed to be an office space). Just days before it was scheduled to re-open in the Mong Kok area of Kowloon, in April 2020, a group of vandals broke into the venue and poured salt water into the electrical sockets and switch boxes.

On 4 June 2021, Hong Kong police arrested barrister and human rights activist Chow Hang Tung ([1984]–) for promoting unauthorized assembly. Chow was the vice chairwoman of the Hong Kong

Alliance in Support of Patriotic Democratic Movement in China which organized annual vigils for victims of the massacre. She continued to call on residents to commemorate the anniversary in their own ways. Chow had posted on Facebook the message “Turn on the lights wherever you are – whether on your phone, candles or electronic candles.” Pro-Beijing political figures and media put more pressure on the government to ban the Alliance on the grounds that the call for an end to one-party dictatorship in its manifesto was subversive.⁶⁸

Inner Mongolia

On 1 September 2020, authorities in Inner Mongolia issued a directive to reduce teaching in the Mongolian language in favor of Mandarin Chinese. Three core subjects in Inner Mongolian primary and secondary schools would be gradually taught in Mandarin: politics, history, and language and literature. If fully implemented, it would amount to eliminating the core of the Mongolian language teaching curriculum within the education system by 2022. The changes mirrored those already made in Xinjiang in 2017 and Tibet in 2018.

In the weekend before 1 September and until mid-September, crowds of students and parents across several cities in Inner Mongolia were seen protesting the change. Eight Mongols committed suicide, including a government official, a primary school principal, teachers, parents and a student. The protests were heavily repressed. Temtsiltu Shobtsood, chairman of the Inner Mongolian People’s Party and exile in Germany, said that the imposition of Mandarin and the majority Han Chinese culture on minorities in Inner Mongolia was a form of “cultural genocide.”⁶⁹

⁶⁸ [“Hong Kong Activists Charged Over Traditional Tiananmen Vigil,”](#) *The Guardian* (7 August 2020); Eric Cheung, [“Control, Alter, Delete: Hong Kong Activists and Academics Are Hurrying to Digitize Historical Records and Artifacts under Threat from Creeping Censorship,”](#) *Rest of World* (26 October 2020); Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 124; Helen Davidson, [“Hong Kong Court Jails Three on Riot Charges despite No Evidence of Rioting,”](#) *Guardian* (6 May 2021); [“Hong Kong: Joshua Wong Jailed over Banned Tiananmen Vigil,”](#) *BBC News* (6 May 2021); [“Hong Kong’s ‘Grandma Wong’ Arrested for Solo Tiananmen Protest,”](#) *Guardian* (31 May 2021); Kenji Kawase, [“Hong Kong’s Tiananmen Museum Forced to Close ahead of Anniversary,”](#) *Nikkei Asia* (2 June 2021); [“Hong Kong’s Tiananmen Museum Shuts Down amid Investigation,”](#) *Independent* (2 June 2021); Chris Yeung, [“Hong Kong Will Be Dark on the Anniversary of the Massacre this 4 June as the National Security Law Bites,”](#) *Index on Censorship* (3 June 2021); Helen Davidson, [“Hong Kong Vigil Leader Arrested as 7,000 Police Enforce Ban on Tiananmen Anniversary Protests,”](#) *Guardian* (4 June 2021); [“Tiananmen: Hong Kong Vigil Organiser Arrested on 32nd Anniversary,”](#) *BBC News* (4 June 2021).

⁶⁹ Helen Davidson, [“Inner Mongolia Protests at China’s Plans to Bring in Mandarin-only Lessons,”](#) *Guardian* (1 September 2020); [“Rare Rallies in China over Mongolian Language Curb,”](#) *BBC News* (1 September 2020); Leen Vervaeke, [“Uitzonderlijk groot protest in Binnen-Mongolië tegen ‘verchinezing’ onderwijs, overheid reageert keihard,”](#) *De Volkskrant* (2 September 2020); Uradyn Bulag, “Dying for the Mother Tongue,” *Index on Censorship*, 49 no. 4 (2020), 49–51; Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 161.

Xinjiang

Among the historians and related professionals imprisoned since 2015 were the following:

- On 1 August 2015, teacher Aminan Momixi ([1964]–) was detained along with 37 students with whom she was studying the Koran in her home. She was charged with “illegally possessing religious materials and subversive historical information.”⁷⁰
- In 2016, Ayshem Ehmet, a Uyghur writer, former editor of *Qumul Gazette* and chief editor of the magazine *Qumul Literature*, was sentenced to 18 years in prison. This occurred after his historical novel *Immortal Traces* (1987), depicting Uyghur peasant resistance to their harsh treatment under the Qing dynasty (1644–1911), was banned in 2016.⁷¹
- In 2016, Ablajan Memet (male), a history teacher at Peyzawat No.1 High School in Kashgar, was arrested. He had graduated from the history department of Xinjiang University.⁷²
- In April 2016, Uyghur writer, journalist, webmaster, and government official Omerjan Hasan (Hesen) (pen name: Omerjan Hasan Bozqir) (1965–) was arrested. Aksu prefecture’s Commission for Discipline Inspection announced on its website that Hasan had been expelled from the Chinese Communist Party (CCP) and was under investigation for writing essays attacking the CCP and government’s ethnic or religious policies in Xinjiang, distorting the history of Xinjiang, instigating ethnic hatred, and opposing China’s unity or territorial integrity. His whereabouts were unknown. Hasan, along with fellow web editor Tursun Memet Marshal, was reportedly sentenced to 15 years’ imprisonment the same year. He had published books and articles aimed at the promotion of equal civil and political rights for Uyghurs in China. He also owned and edited a Uyghur-language website and discussion forum “Bozqir” which was blocked shortly after his arrest.⁷³
- In October 2016, writer, educator, and historical researcher Yalqun [Yolqan] Rozi ([1965]–) was arrested without charge and held in an undisclosed location until he was formally arrested on sedition charges (“inciting splittism” or “incitement subversion of state power”) on 30 December 2016. On 3 January 2018, he was reportedly convicted of “inciting subversion of state power” and sentenced to 15 years’ imprisonment. Rozi had published several books, articles of literary criticism, and research papers. Between 2001 and 2015, while cultivating ties with state officials,

⁷⁰ Human Rights in China, “[Ethnic Minorities in Custody](#)” (no date); “[Hu Jintao: Let Your People Go](#),” *USCIRF* (20 January 2011); “[Xinjiang Authorities Detain More Than 40 for Possessing ‘Illegal Religious Materials’](#),” *CECC* (18 January 2006).

⁷¹ Uyghur Yardem, “[Detained & Imprisoned Literary Artists](#)”; Uyghur Human Rights Project, *Submission to the UN Universal Periodic Review People’s Republic of China* (Washington: Uyghur Human Rights Project, 2018), 3.

⁷² “[List of Uyghur Intellectuals Imprisoned in China from 2016 to the Present](#)” (Last up-dated by Abduweli Ayup on 13 November 2020).

⁷³ PEN International, *Case List 2018* (London: PEN, 2019), 62–63; International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 63.

he had served on the state-endorsed textbook compiling committee of Xinjiang Education Press. It is thought that the charges stemmed from concerns around the ideology presented in the literature textbooks (covering classic poems and folk tales) produced by him.⁷⁴

- In 2017, Reyhan Hamut (female), a history teacher at middle school no. 1 in Qizilsu prefecture with a master's degree in journalism from Xinjiang University, was reportedly detained in a concentration camp.⁷⁵
- On 10 March 2017, historian Omerjan (Ömerjan) Nuri (1968–) was arrested. In 1986, he embarked on a four-year history course at the Northeastern Pedagogical University, Changchun, and in 1992 became a history teacher at the Hotan [Khotan, Hetian] Pedagogical Institute. In the 2000s, he received a master's degree in history in Beijing. He went to Turkey in 2006 to obtain a PhD from the Faculty of Language, History and Geography of Ankara University, after which he returned.⁷⁶
- In April 2017, musician Abdurehim Heyit (1964–), a specialist of the *dutar* (traditional lute) and member of the Xinjiang Song and Dance Troupe who wrote many songs reflecting on Uyghur history and culture, was arrested and held without formal charge in Urumchi. The poet who wrote the lyrics, Abdurehim Abdulla, was arrested at the same time. Their arrest was most likely linked to the song “Atilar” (Forefathers). The song, which had previously been cleared by government censors, recalled past sacrifices made by the forefathers and appealed to younger generations to respect them. Due to the phrase “jenglerde shehit” (martyrs of war), however, it was interpreted as encouraging jihad and radicalism. Under the crackdown in Xinjiang, expressions of ethnic pride – even those previously approved by state censors – were conflated with ethnic separatism and criminalized as Islamic extremism. Heyit was reportedly sentenced to eight years' imprisonment.⁷⁷
- In May 2017, Uyghur historian Iminjan Seydin [Eminjan Saidin] ([1965]–) was arrested by the Public Security Bureau and imprisoned. Seydin had begun teaching courses on Chinese history at the Xinjiang Islamic Institute in Urumqi in 1988 upon graduating from Xinjiang University, and in 2012 formed the Imin Publishing House. He taught secular courses on revolutionary history, joined several government-sponsored hajj pilgrimages to Mecca, and in early 2017 was sent to Kokterek village, Guma (Pishan) county, Hotan prefecture, to join a work group with the Xinjiang Uygur Autonomous Region (XUAR) Bureau of Religious Affairs. He was called back and then arrested. In May 2019, a closed trial was held at which a book entitled *The Science of Rhetoric* (aka *Arabic*

⁷⁴ PEN International, *Case List 2018* (London: PEN, 2019), 63; Dake Kang, “[Correction: China-Xinjiang-Banished Textbooks Story](#),” *AP* (4 September 2019); Christina Shepherd, “[Fear and Oppression in Xinjiang: China's War on Uighur Culture](#),” *Financial Times* (12 September 2019); International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 63–64.

⁷⁵ Uyghur Yardem, “[Detained & Imprisoned \(Education\)](#).”

⁷⁶ Uyghur Yardem, “[Detained & Imprisoned \(Education\)](#)”; “[Enqere uniwersitetining oqughuchisi ömerjan nuri tutqun qilın'ghan](#),” *Radio Free Asia* (14 December 2018).

⁷⁷ Rachel Harris & Aziz Isa Elkun, “[‘Uyghur Dutar King’ Detained in China](#),” *Freemuse* (1 November 2017); Kurban Niyaz, “[Prominent Uyghur Musician Arrested amid Ideological Purge in Xinjiang](#),” *Radio Free Asia* (2 November 2017).

Grammar) (2014) – published by the Imin Publishing House and containing some references to Islam – was reportedly given as evidence. A document, entitled “Notice on the Censuring of Iminjan Seydin” and issued by the Xinjiang Islamic Institute in November 2019, reportedly mentioned that in February 2019 Urumqi’s Tengritagh (Tianshan) District Court found Seydin guilty of “inciting extremism” and sentenced him to fifteen years in prison, five years’ deprivation of political rights, and a fine of 500,000 yuan (U.S. \$71,000), although it cited no evidence of his crimes. In its notice, the institute also announced that it ended Seydin’s employment contract after he was detained and placed in a camp. In early May 2020, Seydin suddenly reappeared and praised the government in a video published by a state-run English language newspaper. His comments in the video appeared to have been scripted in an attempt to discredit his daughter’s public testimony about his arbitrary detention.⁷⁸

- At the end of 2017, Erkin Tursun, a history teacher by education, was detained. Tursun had graduated from the history faculty at Xinjiang University, hosted a show on Ili Television, and opened a school of music, arts, dance, and language for Uyghur children. Later, he directed a movie about the social problems facing Uyghurs, such as drug use and high divorce rates. In 2002 or 2003, he had gone to Japan on a cultural exchange program, traveling on a diplomatic passport. His wife, mathematics teacher Gulnar Telet, was also detained. In August 2018, their son Alfred, living in the United States, learned that Erkin Tursun received a prison sentence of between 9 and 11 years on an unknown charge and might be held in Xinyuan prison near Kanas.⁷⁹
- On or around 12 December 2017, Rahile Dawut ([1966]–), an anthropologist and ethnographer who studied Uyghur traditions and folklore, associate professor in the Human Science Institute and founder of the Minorities Folklore Research Center of Xinjiang University, Urumqi, and Gheyretjan Osman ([1958]–), a history and literature professor at the same university, disappeared together with three other academics after they had been called “the leading figures in Uyghur ideology” at Xinjiang University. Uyghur academics with foreign links and specializing in Uyghur Muslim culture, language, or religion were particularly targeted in the crackdown on the Uyghur Muslim population of Xinjiang, which began in April 2017 as a campaign to clamp down on religious extremism, separatism, and terrorism, but had since broadened in scope to include anyone who was critical. The government purged so-called “two-faced” Uyghur teachers, in particular those who paid lip service to the Chinese Communist Party line but were suspected of secretly resisting the

⁷⁸ Jilil Kashgary (with Elise Anderson and Joshua Lipos), “[Prominent Uyghur Historian Confirmed Jailed in Xinjiang Over Published Book](#),” *Radio Free Asia* (11 December 2019; updated 6 January 2020); Aysha Khan, “[A Daughter’s Duty: From Boston, a Uighur Woman Champions Her Father’s Release in China](#),” *Religion News Service* (13 February 2020); International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 62; PEN America, *Freedom to Write Index 2019* (Washington: PEN America, 2020), 14; Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 120.

⁷⁹ Uyghur Human Rights Project, *Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland* (Washington: UHRP, October 2019), 13–14.

hardline policies. Before 2017, Dawut's work was welcomed by Chinese officials: she had received grants and support from the Ministry of Culture. She had earned an international reputation as an expert on Uyghur shrines, folklore, music, and crafts neglected by previous generations of scholars. Osman was the author of a *Critique of Uyghur Historical Culture*. On 2 July 2021 it was confirmed that Dawut was imprisoned.⁸⁰

- In January 2018, Abdukerim Rahman (1941–2020), known as the father of folklore studies and a professor at Xinjiang University (1964–2011) in Urumqi, was arrested and taken to a “re-education camp,” apparently after charges of being a “two-faced” person. During the Cultural Revolution (1966–1976), he spent terms in prison and many of his collections were lost. In 1979, he was rehabilitated. In 1983, he started the first graduate program in Xinjiang Minority Literature at the university. In 2000 he became a founder of the Folklore Museum at Xinjiang University. He published more than twenty books, including *History of Uyghur Culture*. His book *Uyghur Folk Literature* was reprinted more than ten times. He published a 12-volume *Encyclopedia of Uyghur Folk Literature*, containing thousands of legends, folk tales, epic poems, ballads, and proverbs. In early 2019, Rahman was reportedly released. On or around 17 August 2020, Rahman died. His cause of death was not made public.⁸¹
- In February 2018, Abliz Orhun (male), the former editor in chief of *Xinjiang Difang Zhi* (a Xinjiang regional historiography) and editor of Minzu publishing House, was arrested.⁸²

⁸⁰ Yojana Sharma, “[Scholars Targeted as Uighur Purge Engulfs Universities](#),” *World University News* (28 September 2018); Chris Buckley & Austin Ramzy, “[Star Scholar Disappears as Crackdown Engulfs Western China](#),” *New York Times* (10 August 2018); Uyghur Human Rights Project, *The Persecution of the Intellectuals in the Uyghur Region: Disappeared Forever?* (Washington: UHRP, October 2018), 5–6; Uyghur Human Rights Project, *Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland* (Washington: UHRP, October 2019), 5; PEN International, *Case List 2018* (London: PEN, 2019), 64; Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: Scholars at Risk, 2019), 17; Darren Byler, “[‘Heaviness in the Stomach’: A Uyghur Daughter Alone in America on Her Birthday during a Pandemic](#),” *Supchina* (1 April 2020); “[Free Rahile Dawut](#)”; Abduweli Ayup, “[List of Uyghur Intellectuals Imprisoned in China from 2016 to the Present](#),” (15 June 2019); “[Petition for the Immediate Release of Professor Rahile Dawut and other Uyghur scholars](#)” (no date); International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 65; “[Jailed Uyghur Scholar Rahile Dawut to Receive ‘Courage to Think’ Award](#),” *Radio Free Asia* (11 November 2020); Joshua Freeman, “[China Disappeared My Professor; It Can’t Silence His Poetry](#),” *New York Times* (23 November 2020); [NCH Campaign](#) (2020).

⁸¹ Amy Anderson, “[How Is Abdukerim Rahman Surviving without his Books?](#)” *Art of Life in Chinese Central Asia* (2 October 2018); Uyghur Human Rights Project, *The Persecution of the Intellectuals in the Uyghur Region: Disappeared Forever?* (Washington: UHRP, October 2018), 6; PEN International, *Case List 2018* (London: PEN, 2019), 64; International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 65; Yojana Sharma, “[Alarm over Choice of New Leader for Xinjiang University](#),” *University World News* (15 October 2020); “[Abdikerim Rahman Death](#),” *The Arts of Entertainment* (18 August 2020).

⁸² Abduweli Ayup, “[List of Uyghur Intellectuals Imprisoned in China from 2016 to the Present](#)” (13 March 2021).

- In February 2018, Abduqeyum Hoja ([1941–]), an archaeology professor, stayed in a hospital in Urumqi when he was arrested, probably because his daughter, Gulchehra, worked for Radio Free Asia. He was released in the same month.⁸³
- In July 2018, police arrested and detained Uyghur publisher, editor, and writer Abdurahman Abey ([1953–]) at an undisclosed location on suspicion of “separatism and religious extremism activities.” Abey served as director of the official Xinhua Bookstore, and from 2005 to 2015 as director and Chinese Communist Party deputy secretary of the Xinjiang People’s Publishing House. In January 2015, he was appointed as the manager of the History Research Office of the Xinjiang Autonomous Political Expansion Committee, a post he “left” in January 2017.⁸⁴
- On 2 September 2018, Gulnar [Gülнар] Obul [Ubul] (female) [(1966)–], a professor at Kashgar University, was dismissed and reportedly charged with “two-faced activities.” Her name was deleted from the university’s website. Obul had been detained for publishing a 2016 article about Uyghur culture and history (entitled “Dialogue on Cultural Formation in Xinjiang”) that included her opinions on religious extremism in 2016. An official source said that Obul had been released from detention two to three weeks after the initial report and transferred to work in Urumqi at the XUAR Bureau of Farm Machinery.⁸⁵
- On 30 November 2018, Askar Yunus [Zhunus] ([1969]–), a leading Kyrgyz historian at the history department of the Academy of Social Sciences of Xinjiang, was arrested on undisclosed charges, probably at his home in Urumqi, and reportedly brought to a “training center.” A member of the Kyrgyz ethnic community and a member of the Chinese Intellectual Foreign Affiliation Society and the Xinjiang History Association, Yunus focused on the ethnic history of the region, the Kyrgyz “golden era” and Kyrgyz-Chinese relations. He published over forty articles and several books. His university confirmed his arrest but did not provide further details. In September 2020, it was reported that he was sentenced to eleven years’ imprisonment.⁸⁶

⁸³ Amnesty International, “[Separated Souls: Uighur Journalist’s Unbreakable Resolve to Help Her Detained Family](#)” (16 March 2018); Uyghur Yardem, “[Detained & Imprisoned \(Scholar\)](#).”

⁸⁴ Uyghur Yardem, “[Detained & Imprisoned \(Publishing\)](#)”; “[Abdurahman Abey](#),” CPJ (no date); Shohret Hoshur, “[Prominent Uyghur Publisher Arrested, under Investigation](#),” *Radio Free Asia* (15 October 2018).

⁸⁵ “[Xinjiang’s Kashgar University Sacks Four ‘Two-Faced’ Uyghur Professors](#),” *Radio Free Asia* (19 September 2018); Uyghur Human Rights Project, *The Persecution of the Intellectuals in the Uyghur Region: Disappeared Forever?* (Washington: UHRP, October 2018), 7; Profile of Askar Zhunus at [Xinjiang Victims Database](#) (11 November 2020); Uyghur Yardem, “[Detained & Imprisoned \(Scholar\)](#)”; “[China: Uyghur Group Defends Detainee Database after Xinjiang Officials Allege ‘Fake Archive’](#),” *HRWF* (13 February 2021).

⁸⁶ Scholars at Risk (Academic Freedom Monitoring Project), *Obstacles to Excellence: Academic Freedom & China’s Quest for World-Class Universities* (New York: SAR, 2019), 49; Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: Scholars at Risk, 2019), 46; “[Xinjiang Authorities Arrest Leading Kyrgyz Historian for ‘Undecided’ Crime](#),” *Radio Free Asia* (30 November 2018); Committee of Concerned Scientists, “[Prominent Historian at the History Research Department of the Academy of Social Sciences of Xinjiang Arrested, Cause Unknown, Whereabouts Unknown](#)” (10 April 2019).

- In 2019, (Haji) Mirzahid Kerim [Kerimi] ([1937]–), a writer and a retired editor at Kashgar Uyghur Press, was detained and sentenced to eleven years in prison, reportedly for writing about Uyghur history and historians and for a speech on an event which was dedicated to his life. In 1959, he had been sentenced to thirteen years in prison for the poem “The baby in the chest” (“Sanduq ichidiki bowaq”), and then kept for another seven years under house arrest. The Chinese government saw the poem as a separatist metaphor. He was released in the 1980s.⁸⁷
- Abdukerem Paltu, a historian working at the Department of History, Kashgar University, was mentioned on a 15 June 2019 *List of Uyghur Intellectuals Imprisoned in China from 2016 to the Present*.⁸⁸
- In 2020, Oblez Irehun, a historian working in a publishing house in Beijing was arrested.⁸⁹
- In April 2020, it was announced that Sattar Sawut (1948–) and his deputy at the Xinjiang education department, Shirzat Bawudun (1966–), had been given death sentences with a two-year reprieve, while five other Uyghur men, including editors of the same department, were given lengthy prison terms. In 2016, Sattar had been accused of building a team and planning with his deputy to incorporate content in primary and secondary school textbooks dating back as far as 2003 that was deemed by Xinjiang authorities to be “separatist” in nature and inciting ethnic hatred. The court did not publish its ruling or other documents, and state media did not detail what problems it saw in the texts. The son of one of the editors declared that the passages were about historical tales that had nothing to do with terrorism, and the prosecutions were aimed at cultural destruction and assimilation. The People’s Daily – an official newspaper of the Central Committee of the Chinese Communist Party providing direct information on the policies and viewpoints of the party – reported: “By changing and distorting history, [Sattar and his co-accused] tried to instill separatist ideas into students, increase national hatred and achieve the purpose of splitting the motherland.” The South China Morning Post described some sections and images in the textbook that referred to a 1940s chapter of Xinjiang history and the short-lived East Turkestan Republic government, or that depicted clashes between Uyghur fighters and Han-looking soldiers during the same period.⁹⁰

⁸⁷ Simina Mistreanu, “[The Capital of Xinjiang Is Now in Turkey](#),” *Foreign Policy* (30 September 2019); Uyghur Yardem, “[Detained & Imprisoned Literary Artists](#).”

⁸⁸ Abduweli Ayup, “[List of Uyghur Intellectuals Imprisoned in China from 2016 to the Present](#),” (15 June 2019).

⁸⁹ Yojana Sharma, “[Alarm over Choice of New Leader for Xinjiang University](#),” *University World News* (15 October 2020).

⁹⁰ Javier C. Hernández, “[A Hong Kong Newspaper on a Mission to Promote China’s Soft Power](#),” *New York Times* (31 March 2018); Helen Davidson, “[China Hands Death Sentences to Uyghur Former Officials](#),” *Guardian* (9 April 2021).

Other news from Xinjiang:

According to scholar of Uyghur history Rian Thum, a major sacred site in Khotan was bulldozed and turned into a parking lot in [April] 2020. The gravesite of the Uyghur national literary hero Lutpulla Mutellip (1922–1945) was destroyed and turned into a “Happiness Park,” while the grave was moved to an industrial zone in the desert.⁹¹

A September 2020 report of the Australian Strategic Policy Institute provided proof that since at least 2017 the Chinese government had embarked on a Sinicization campaign to rewrite the cultural heritage of the Xinjiang Uyghur Autonomous Region (XUAR) and to strip away any Islamic, transnational, or autonomous elements. Using satellite imagery, it estimated that approximately 16,000 mosques in Xinjiang (65% of the total) had been destroyed (8,450) or damaged (7,550) as a result of government policies, mostly since 2017. A further 30% of important Islamic sacred sites (shrines, burial grounds, and pilgrimage routes, including many protected under Chinese law) had been demolished across Xinjiang, mostly since 2017, and an additional 27.8% have been damaged or altered in some way. In total, 17.4% of sites protected under Chinese law have been destroyed, and 61.8% of unprotected sites were damaged or destroyed.

The authorities provided little justification for the demolition of burial grounds besides making way for urban reconstruction, ensuring “standardization,” or “sav[ing] space and protect[ing] the ecosystem.” Furthermore, authorities also set up crematoria, or “burial management centers,” to conduct the cremation of Xinjiang residents, in contravention of Muslim burial traditions.⁹²

See also France, Japan, Mexico, New Zealand, United States.

⁹¹ Magnus Fiskesjö, “[China Ravages Xinjiang Cultural Heritage](#),” (29 April 2020); Human Rights Watch, “*Break Their Lineage, Break Their Roots*” – *China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims* (Washington: HRW, 2021), 29.

⁹² Nathan Ruser (with James Leibold, Kelsey Munro & Tilla Hoja), *Cultural Erasure: Tracing the Destruction of Uyghur and Islamic Spaces in Xinjiang* (Policy Brief, Report No. 38/2020) (Barton Australian Capital Territory: Australian Strategic Policy Institute, September 2020), 3–5; Helen Davidson, “[Thousands of Xinjiang Mosques Destroyed or Damaged, Report Finds](#),” *Guardian* (25 September 2020); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 165; Human Rights Watch, “*Break Their Lineage, Break Their Roots*” – *China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims* (Washington: HRW, 2021), 29–30.

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2020.

Impunity for past abuses remained an important human rights concern during 2020. From 2002 through 2008, army brigades across Colombia routinely executed civilians in what were known as “false positives” killings. Under pressure from superiors to show “positive” results and boost body counts in their war against guerrillas, soldiers and officers abducted victims or lured them to remote locations under false pretenses – such as promises of work – shot them dead, placed weapons on their bodies, and reported them as enemy combatants killed in action. The number of allegations of unlawful killings by security forces fell sharply since 2009, though credible reports of some new cases continued to emerge. As of September 2020, the Attorney General’s Office had opened over 2,000 investigations into alleged unlawful killings by army personnel from 2002 through 2008, and had achieved over 900 convictions in cases against more than 1,600 mid- and low-level soldiers, including convictions of the same individual in various cases. Over 250 members of the Armed Forces had testified about their roles in “false positives” killings before the Jurisdicción Especial de Paz (JEP; Special Jurisdiction of Peace), a transitional justice mechanism through which members of the Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC–EP; Colombian Revolutionary Armed Forces), members of the Public Force and third parties who participated in the armed conflict (1964–2016) were investigated and put to trial. Authorities largely failed, however, to prosecute senior army officers involved in the killings and instead had promoted many of them through the military ranks. As of September 2020, cases against at least 29 army generals under investigation for false-positive killings had made scant progress. On 18 February 2021, the JEP made public that at least 6,402 people fell victim to “false positives” killings, nearly three times as much as the figure previously admitted by the attorney general’s office [See also NCH *Annual Report 2013*]. The findings came after two years of exhumation of mass graves across the country. Investigations by the JEP were to continue, focusing on provinces in the country not yet prioritized in its probe. On 6 July 2021, the JEP tribunal accused ten members of the military and one civilian of forcibly disappearing 24 people and murdering at least 120 civilians, representing the first charges announced by the JEP in relation to “false positives” killings.⁹³

In mid-September 2020, protesters from the indigenous Nasa and Pijao communities toppled the statue of Spanish conquistador Sebastián de Belalcázar (1479/1480–1551) in the south-western city of

⁹³ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 175, 178-179; Joe Parkin Daniels, [“Colombia Tribunal Reveals at Least 6,402 People Were Killed by Army to Boost Body Count,”](#) *Guardian* (19 February 2021); [“Colombian Court Accuses Soldiers of Murdering at least 120 Civilians,”](#) *Guardian* (6 July 2021).

Popayán which he had founded in 1537. The protestors “put Belalcázar on trial,” finding him guilty of genocide, enslavement, torture, rape, and stealing their ancestral lands. The mayor retorted that it was an act of violence against a symbol of a multicultural city. In April 2021, a statue of Belalcázar was pulled down in Cali. In Bogotá, members of the Misak indigenous group demolished statues of Gonzalo Jiménez de Quesada (1509–1579), the Spanish conquistador who founded the city in 1638; in June 2021, they daubed a statue of Queen Isabella of Castile (1451–1504), who sponsored Columbus’s 1492 voyage of exploration during which he first set foot in America, in red paint in Bogotá. The ministry of culture has since removed the statue of Queen Isabella and another one of Christopher Columbus nearby “for safety reasons.” On 30 June 2021, anti-government protesters toppled a statue of Christopher Columbus in Barranquilla and vandalized it.⁹⁴

Somewhere between 27 September and 30 September 2020, Campo Elías Galindo Álvarez ([1951]–2020), a retired historian and urban planning expert from the Universidad Nacional de Colombia, sede Medellín (National University of Colombia, Medellín location), was assassinated in his home with a knife. The murderer also burned a book and left it on Galindo’s chest. Galindo’s computer was stolen. Galindo had also been a left-wing political leader of the Colombia Humana movement in Medellín and a member of the Frente Amplio por la Paz y la Democracia (Broad Front for Peace and Democracy). It was widely believed that the murder was not a mere computer theft but rather a political assassination due to Galindo’s political activities.⁹⁵

On 3 October 2020, the Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC-EP; Colombian Revolutionary Armed Forces) admitted having killed historian Jesús Antonio Bejarano Ávila in 1999. In September 1999, Jesús Antonio Bejarano Ávila (1946–1999), an economist and economic historian from the Universidad Nacional de Colombia and member of the Academia colombiana de ciencias económicas (Colombian Academy of Economic Sciences), was shot dead while he was on his way to teach a class at the Faculty of Economics of the Universidad Nacional de Colombia (National University of Colombia) in Bogotá. He was an expert in conflict resolution and had been a key government adviser in the peace negotiations with guerrilla groups during the terms of Presidents Virgilio Barco (1986–1990) and César Gaviria (1990–1994) and a founding member of the Centro de Estudios de la Realidad Colombiana (Center of Studies of Colombian Reality) and an active participant in the negotiations with the guerrilla groups. During the Barco government, Bejarano played an

⁹⁴ [“Colombia: Indigenous Protesters Topple Conquistador’s Statue,”](#) *BBC News* (17 September 2020); [“Colombian Anti-government Protesters Topple Columbus Statue,”](#) *BBC News* (30 June 2021).

⁹⁵ César Augusto Duque Sánchez, personal communication (2 October 2020); [“Asesinan en Medellín a historiador y miembro de la Colombia Humana,”](#) *El Tiempo* (1 October 2020); [“Asesinan a Campo Elías Galindo, reconocido historiador de Medellín, cercano a Gustavo Petro,”](#) *Blu Radio* (1 October 2020); [“‘Creemos que fue por su actividad política’: familia de Campo Elías Galindo tras asesinato,”](#) *Blu Radio* (1 October 2020).

important role in the development of the National Plan of Rehabilitation, a foundational strategy for peacemaking in the country. During the early 1990s, Bejarano was a key player in the peace negotiations with the Coordinadora Guerrillera Simón Bolívar, the then guerrilla coalition of the FARC, the Ejército de Liberación Nacional (ELN; National Liberation Army), and the Ejército Popular de Liberación (EPL; Ejército Popular de Liberación). He was specialized in agricultural history (especially the history of tobacco).⁹⁶

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2020.

After his election as President in 2019, Félix Tshisekedi tasked his administration with delivering a proposal for transitional justice mechanisms, but he had yet to fully commit to ending impunity for past and current serious crimes. Some of the military courts and other tribunals adjudicating cases of war crimes and crimes against humanity faced serious shortcomings.⁹⁷

On 1 October 2020 protesters in Kisangani, the capital of Tshopo province, were beaten by police forces as they demanded justice for historic murders and rapes committed in the east of the country. The protest was part of a nation-wide protest calling for a 2010-United Nations (UN) report to be the basis for ensuring justice. This 2010 UN “mapping” report, commissioned after the discovery of mass graves in 2005, documented violent incidents between 1993 and 2003, that could amount to war crimes, crimes against humanity, and genocide. The investigation covered the first (1996–1997) and second Congo war (1998–2003), which killed millions and left a legacy of conflict.⁹⁸

See also Belgium, Rwanda.

⁹⁶ “Asesinado Jesús Antonio Bejarano,” *El Espectador* (16 September 1999); “[Jesús Antonio Bejarano Ávila \(1946-1999\)](#),” *Eumed.net. Enciclopedia virtual* (30 November 2011); Jurisdicción especial para la paz, “[Farc asume responsabilidad en homicidio de Álvaro Gómez Hurtado y en otros cinco casos](#)” (Comunicado 132) (3 October 2020); Memoria Histórica FCE [Facultad de Ciencias Económicas] 60 años (2012). “[Homenaje a Jesús Antonio Bejarano](#),” *YouTube* (2012); “Jesús Antonio Bejarano”; <http://faculty-staff.ou.edu/R/Clemencia.Rodriguez-1/altar/bejar.html>; “[Jesús Antonio Bejarano Ávila](#),” *Vidas silenciadas*.

⁹⁷ Ida Sawyer, “[DR Congo Rights Abusers Rewarded with Army Promotions](#),” *Human Rights Watch* (18 July 2018); Stanis Bujakera Tshiamala, “[DRC: Under Pressure from the US, Tshisekedi Reshuffles Army](#),” *The Africa Report* (20 July 2020); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 196.

⁹⁸ Kaamil Ahmed, “[DRC Protesters Demand Justice over Unprosecuted Rapes and Murders](#),” *Guardian* (2 October 2020); Amnesty International, *The State of the World’s Human Rights 2020/21* (London: AI, 2021), 141.

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012, 2019.

COSTA RICA

Previous *Annual Report* entries: 2010.

CÔTE D’IVOIRE

See Ivory Coast.

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2013, 2015–2020.

In 2020 war crimes were handled by county courts in Zagreb, Rijeka, Split, and Osijek, while state attorney’s offices were responsible for the investigation process. None of these institutions allowed access to war crimes case archives for journalists, researchers, or the general public. Due to the absence of a statute of limitations on war crimes, all public prosecutor’s office cases were permanently kept at its office, with all the evidence and relevant documents. On 22 February 2021, the Zagreb-based Documenta – Centar za suočavanje s prošlošću (Documenta – Center for dealing with the past) and the Osijek-based Centar za mir, nenasilje i ljudska prava (Center for peace, non-violence, and human rights) criticized the government for the “slow processing of war crimes.” They pointed out that in a number of ongoing war crimes trials, no hearings had been scheduled over 2020 and that hearings in war crimes trials at Osijek County Court were not being scheduled as often as prescribed by Croatia’s criminal code.⁹⁹

⁹⁹ Emina Dizdarevic, Serbeze Haxhijaj, Anja Vladislavjevic and Milica Stojanovic, “[Access Denied: Most Balkan War Crimes Case Files Not Public](#),” *Balkan Insight* (28 September 2020); Anja Vladislavjevic, “[Croatia Criticised for ‘Slow Justice’ in War Crime Trials](#),” *Balkan Insight* (22 February 2021).

In July 2020, Council of Europe Human Rights Commissioner Dunja Mijatović warned that many politicians continued to deny the truth about the Srebrenica genocide, deepening the suffering of the survivors and endangering peace.¹⁰⁰

In August 2020, in the lead-up to the 25th anniversary of Operation Storm (1995), President Zoran Milanovic called the prosecution of Croats at the International Criminal Tribunal of Yugoslavia (ICTY) a “stupid fabrication” to present the Croatian defense war as a “joint criminal enterprise,” adding that “not everyone who was sentenced in The Hague is a war criminal.”¹⁰¹

On 19 May 2021, Hrvoje Klasić, a professor of contemporary history at Zagreb University’s history department, received a letter entitled “Call to the Croatian People: Kill Klasić.” It called for the murder not only of Klasić “but also [of] other well-known traitors who openly and secretly act against the Croatian people” in parliament, the media, some university faculties, and anti-fascist and other non-governmental associations. The letter concluded with the World War II Ustaša movement’s slogan, “Za dom spremni” (“Ready for the Homeland”). In addition, Klasić received many signed letters varying from people recommending him to move out of Croatia to letters with vulgar and obscene wording [See also NCH *Annual Report 2020*].¹⁰²

See also Bosnia and Herzegovina, Montenegro.

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012, 2015–2016, 2018.

Between September 2019 and March 2020, the artist Luis Manuel Otero Alcantará was detained at least ten times, often without charge, for performance art pieces in which he wore the Cuban flag while going about daily activities. In March 2020, Law 128/2019 (aka the National Symbols Law) took effect, restricting use of the Cuban flag, seal, and national anthem. These symbols could be used “as a means of publicity only when the messages that are transferred contribute to fostering and developing in people

¹⁰⁰ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 103.

¹⁰¹ “[Milanovic: A Stupid Fabrication about a Joint Criminal Enterprise](#),” *HINA* (4 August 2020); “[Milanović: Nije svako ko je dobio kaznu u Hagu ratni zločinac](#),” *Nezavisne* (4 August 2020).

¹⁰² Anja Vladislavjevic, “[Croatian Historian: Threats Won’t Stop Me Criticising Nationalism](#),” *Balkan Insight* (21 May 2021).

patriotic values and to form a patriotic awareness of respect and veneration for them and the historical tradition of the nation.”¹⁰³

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011, 2013, 2015–2018.

Between 2006 and 30 November 2020, the remains of 993 missing individuals (711 Greek Cypriots and 282 Turkish Cypriots) were identified by the Committee on Missing Persons in Cyprus in its mission to establish the fate and whereabouts of individuals who were forcibly disappeared during the inter-communal fighting of 1963–1964 and the Turkish invasion of 1974 [See also NCH *Annual Reports* 2005, 2010–2011, 2013, 2016–2018].¹⁰⁴

See also Turkey.

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010, 2013–2020.

In September 2020, Dunja Mijatović, the Council of Europe Human Rights Commissioner, urged the adoption of a bill to bring justice and help women who had been affected by a government-led eugenics agenda from the early 1970s until it was officially abolished in 1993. It is unclear how many women were affected: the European Roma Rights Center said hundreds of women were systematically sterilized throughout the 1990s with the last-known case as recently as 2007. Sterilization was part of a wider social narrative to “discriminate, seclude and eradicate” the Roma population. A draft bill from 2019 proposing a £10,200 payment to victims never reached the statute books.¹⁰⁵

¹⁰³ [“Nueva ley de símbolos nacionales incluye prohibiciones de uso ‘en sayas, pañuelos y ropa interior’.”](#) *ADNCuba* (10 July 2019); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 188.

¹⁰⁴ Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 137.

¹⁰⁵ Anna Koslerova, [“‘I Always Wanted a Girl’: Scandal of Czech Roma Forcibly Sterilised.”](#) *Guardian* (8 March 2021).

DENMARK

Previous *Annual Report* entries: 2006–2007, 2013, 2016–2020.

DJIBOUTI

Previous *Annual Report* entries: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: 2013.

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2020.

In 2010, a truth commission created by the Rafael Correa administration (2007–2017) to investigate government abuses from 1984 to 2008 documented gross human rights violations against 456 victims. As of 2020, final rulings had been rendered in only two cases. Others appeared to be stalled.¹⁰⁶

On 16 March 2021, a broad coalition for the defense of Ecuador’s cultural heritage protested against the neglect and understaffing of the Archivo Metropolitano de Historia de Quito (AMH-Q; Metropolitan Archive of History-Quito), making access to it for historical research nearly impossible.¹⁰⁷

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2020.

On 23 January 2021, seven masked and armed policemen raided the home of the family of Ahmed Samir Santawy ([1992–]), a postgraduate anthropology and sociology student at Central European University in Vienna, Austria, when he was not there, and instructed him to present himself to the National Security Agency (NSA). When Santawy did so on 1 February 2021, security forces arrested him and subjected him to enforced disappearance and beatings until 6 February 2021. He was then brought for questioning before the Supreme State Security Prosecution (SSSP). The SSSP accused Santawy of “membership in a terrorist group,” “funding a terrorist organization,” “spreading false news,” and “using social media to spread disinformation.” The bogus charges were reportedly related to his academic work focusing on women’s rights, including the history of reproductive rights in Egypt and the comparison of Egyptian and Islamic abortion laws. In March 2021, Santawy’s lawyer received information that he had been moved out of solitary confinement to pre-trial detention at a maximum-security prison in Cairo. On 22 May, the SSSP opened a new criminal investigation into Santawy over social media posts for a charge of “publishing false news to undermine the state, its national interests and public order and spread panic among the people.” On 22 June 2021, the State Security Emergency Misdemeanor Court sentenced Santawy to four years in prison and a fine of 500 pounds on charges of

¹⁰⁶ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 205.

¹⁰⁷ *Carta abierta al alcalde del Distrito Metropolitano de Quito, Doctor Jorge Yunda Machado, sobre situación del Archivo Metropolitano de Historia (AMH-Q)* (16 March 2021); “[Atiendan urgentemente la situación del Archivo Metropolitano de Historia de Quito](#),” (petition; March 2021).

spreading false news and statements abroad about the domestic situation of Egypt. The conviction was reportedly based on social media posts critical of Egypt's violations of human rights, which Santawy denied writing. Verdicts given by State Security Emergency Courts cannot be appealed. On 23 June, Santawy began a hunger strike.¹⁰⁸

In May 2021, Waleed Salem, a political science doctoral candidate at the University of Washington, Seattle, USA, was stopped at the border. Salem was doing PhD fieldwork on how courts had tried to resolve political disputes in Egypt and Pakistan since the 1950s.

In May 2018, he had been arrested, blindfolded and handcuffed for five days and later accused of "joining a terror group," among other charges. He was then interrogated about the intricacies of the thesis (supervisor, chapter titles, field work) and told that his thesis was about the politicized nature of the Egyptian judiciary. After six months in prison, he was released in December 2018, having to report to a police station twice a week. In May 2020, his first attempt to leave Egypt ended in the confiscation of his passport.¹⁰⁹

EL SALVADOR

Previous *Annual Report* entries: 2001–2020.

The government failed to make public information related to military operations during the internal armed conflict (1980–1992) and denied judicial access to military operation files related to the 1981 El Mozote massacre. In November 2019, President Nayib Bukele had declared that the government would open the military archives related to the December 1981 El Mozote massacre (1725 victims of which almost 1000 dead; labeled "the largest single massacre in modern Latin American history") as requested by Jorge Guzmán, the magistrate in San Francisco Gotera, Morazán, who had been investigating the case since 2016. On 28 August 2020, Guzmán ordered an inspection of military archives at several barracks in his search for documents relating to "Operation Rescue," the army's sweep of the country's northeast in the final months of 1981 under the guise of countering subversion. The army had for years affirmed that no such documents existed, that they were all destroyed, or, alternatively, that they could not be divulged for reasons of national security. On 18 September 2020, the Ministry of Defense appealed to the Constitutional Court in an attempt to stop this court-ordered review of the military

¹⁰⁸ Scholars at Risk, "[Egypt: 74 NGOs Urge Egyptian Authorities to Release Ahmed Samir Santawy](#)," (14 April 2021); Anna Koslerova, "[A Student Researching Abortion Laws Is Now in One of the World's Strictest Prisons](#)," *Vice* (29 April 2021); "[Four Years' Imprisonment and a Fine of 500 EGP for Ahmed Samir Santawy](#)," *Afte* (22 June 2021); Scholars at Risk, "[Ahmed Samir Santawy, Egypt](#)" ([July] 2021).

¹⁰⁹ Farid Farid, "[Egypt Academics, Researchers Caught In State Crosshairs](#)," *Barron's* (5 June 2021).

archives. On 20 September 2020, the night before the inspections, Bukele unexpectedly ordered a public-health lockdown in San Francisco Gotera. The next day, the Ministry of Defense blocked the judge and inspectors from entering the armed forces headquarters and searching the archives. Guzmán tried again at different army and air force barracks over the next several weeks, always with the same result. On 9 October 2020, the Constitutional Court supported Guzmán but to no avail. Finally, the judge went to the national archives, which were open to researchers, to search for documents. Massacre survivors asked the Prosecutor General to charge Bukele and Defense Minister René Merino Monroy with arbitrary acts, dereliction of duty, and failure to comply with a judicial order for refusing access to the judge. On 9 November 2020, the court in San Francisco Gotera asked the prosecutor's office to investigate the possible theft, destruction, concealment, or displacement of documents and whether Bukele and Merino had blocked the judicial inspection of the archives.

In the absence of military documentation, the survivors had sought to use declassified U.S. documents from the era obtained by the National Security Archive at George Washington University to prove that the military high command had ultimate responsibility for the massacre. While U.S. President Bill Clinton had declassified a tranche of those documents, others remained inaccessible. The El Mozote massacre case had been reopened in 2016 after an amnesty law was annulled by the Constitutional Court.

In mid-January 2021, Archbishop José Escobar Alas refused to open the church archives on the El Mozote archives for judge Guzmán. Tutela Legal, the human rights office that housed the archives under the auspices of the Archdiocese of San Salvador, was active between 1977 and 2013, when it was abruptly closed. It was later reopened. A few days after a public outcry, the archbishop reversed his decision, citing a misunderstanding.¹¹⁰

In February 2020, the Legislative Assembly approved a decree containing the Special Law on Transitional Justice, Reparation, and Reconciliation. This law contained provisions that hindered the investigation and effective punishment of those responsible for crimes under international law. President Nayib Bukele vetoed the decree later that month.¹¹¹

¹¹⁰ Gabriel Campos Madrid, "[Gobierno dice que abrirá archivos militares](#)," *La prensa gráfica* (3 November 2019); Nelson Rauda, "[El Gobierno Bukele, como los anteriores, niega a las víctimas los archivos de El Mozote](#)," *El Faro* (21 September 2020); Washington Office on Latin America, "[El Salvador Ministry of Defense Should Comply With Court Orders in El Mozote Case](#)," (press release; 22 September 2020); Naomi Roht-Arriaza, "[On El Salvador's 1981 El Mozote Massacre, President Bukele Sides with Impunity](#)," *Just Security* (28 October 2020); Nelson Renteria, "[El Salvador President Faces Probe over Search for Wartime Massacre Files](#)," *Reuters* (10 November); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 219–220; Amnesty International, *State of the World's Human Rights 2020/21* (London: AI, 2021), 153; Rhina Guidos, "[Salvadoran Archbishop Refuses to Open Records on El Mozote Massacre](#)," *National Catholic Reporter* (19 January 2021); Rhina Guidos, "[After Outcry, Salvadoran Archbishop Will Grant Access to Archive on Massacre](#)," *National Catholic Reporter* (22 January 2021).

¹¹¹ Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 152–153.

On 11 September 2020, judges at Spain’s highest criminal court, the Audiencia Nacional, convicted Inocente Orlando Montano Morales (1943–), a former Salvadoran army colonel who served as a government security minister, to 133 years in prison after being found guilty of taking part in “the decision, design and execution” of the murder of six Jesuit priests, their housekeeper and her daughter in 1989, in one of the infamous atrocities of El Salvador’s 12-year civil war (1979–1992) [See also NCH *Annual Reports 2009, 2012, 2017–2018*].¹¹²

EQUATORIAL GUINEA

Previous *Annual Report* entries: 2019.

ERITREA

Previous *Annual Report* entries: 2008, 2016, 2018.

ESTONIA

Previous *Annual Report* entries: 2007, 2010, 2015, 2017.

ETHIOPIA

Previous *Annual Report* entries: 1998–2011, 2015–2020.

The government took some steps toward ensuring accountability for atrocities and grave human rights violations carried out since 1991, including extrajudicial executions, torture, and mass and arbitrary arrests. These measures offered little hope that victims would see justice for crimes, including killings, torture and other ill-treatment, and excessive use of force, carried out by security forces, including the Ethiopian National Defense Force, the Federal Police and regional police special force units.¹¹³

¹¹² Sam Jones, “[Ex-Salvadoran Colonel Jailed for 1989 Murder of Spanish Jesuits](#),” *Guardian* (11 September 2020).

¹¹³ Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 160–161.

In early May 2021, Patriarch Abune Mathias, head of Ethiopia's Orthodox Church, accused the government of committing genocide in Tigray since the conflict there began in November 2020. He also lamented the desecration of ancient Orthodox monasteries and said that massacres had been carried out on church grounds. His comments were made in a video reportedly recorded in April 2021 before being smuggled out of Ethiopia. Mathias also said that his earlier attempts to speak out had been censored. Breaking with the traditional hierarchy of the Ethiopian church, the Orthodox Synod distanced itself from the patriarch's statement.¹¹⁴

See also Zambia.

¹¹⁴ Mary Harper, "[Church Leader Accuses Ethiopia of 'Tigray Genocide'](#)," *BBC News* (9 May 2021); Alex de Waal, "[Ethiopia Tigray Crisis: Warnings of Genocide and Famine](#)," *BBC News* (29 May 2021).

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012, 2017, 2020.

See Liberia.

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2014, 2016–2018, 2020.

On [22] August 2020, images of an inscription at a memorial at the site in the village of Oradour-sur-Glane showed the word “martyr” in the text “martyr village” replaced with “liar.” The village had been destroyed by SS troops in 1944, with 642 inhabitants killed, and the ruin preserved in its entirety. President Emmanuel Macron condemned the defacing as “unspeakable.”¹¹⁵

On 9 March 2021, President Emmanuel Macron announced that the declassification of secret archives more than 50 years old would be accelerated, a decision that would facilitate access to documents related to the Algerian War (1954–1962). Under the new rules, authorities would be allowed to declassify archive boxes all at once, speeding up a declassification process for secret documents that had been carried out page by page [See also NCH *Annual Report 2020*]. Some historians, however, said that the new rules barely addressed their complaints. Central to the complaints by historians was the 2011 government instruction that all records between 1940 and 1971 labeled “secret” or “top secret” had to be reviewed for declassification prior to release to the public, contradicting a 2008 law that called for the immediate release of secret documents 50 years after they were produced. The 2011 instruction had been loosely enforced, or even ignored, by archivists in recent years, but the General Secretariat for Defense and National Security, a powerful unit inside the prime minister’s office, had started enforcing the rules in 2020. Tens of thousands of once-public documents were subsequently resealed, impeding historical research and reimposing secrecy on information that had been previously revealed. Already

¹¹⁵ [“Oradour-sur-Glane: Uproar after France Nazi Massacre Site Vandalised,”](#) *BBC News* (22 August 2020).

on 24 September 2020, the French Association of Archivists, the Association of Higher-Education Contemporary Historians and other associations and individuals, supported by the International Council on Archives, asked the Conseil d'état (Council of State) to repeal the inter-ministerial regulation.

Macron's decision came after Benjamin Stora (1950–), a professor of Maghreb history at the Institute of Oriental Civilizations and Languages (INALCO) and the Sorbonne, had advised to put an end to the page-by-page declassification process and to return “as soon as possible” to declassifying any secret document more than 50 years old, as required by the 2008 law, in the report *Les Questions mémorielles portant sur la colonisation et la guerre d'Algérie* (Questions related to the memory about the colonization of and war in Algeria), submitted on 21 January.

In 2020, ahead of Algeria's sixtieth anniversary of independence in 2022, Macron had commissioned Stora to write a report on “the progress made in France regarding the memory of the colonization (1830–1962) of, and war (1954–1962) in Algeria.” This project was the outcome of a dialogue between the heads of state of both countries, with Algerian President Abdelmadjid Tebboune appointing Abdelmadjid Chikhi (1945–), director-general of the National Center for Algerian Archives, as Stora's counterpart tasked with conducting research from an Algerian perspective. Stora's report focused on “the scars, lingering legacy and after-effects on French society of the memory of colonization and the Algerian War.” Additionally, it put forward a series of new initiatives that the government could implement to pave the way for a “reconciliation of memories.”

Stora's report, in turn, was criticized by a number of historians, including Algerian historians Afaf Zekkour and Nouredine Amara who attributed a certain “revisionism” to Stora for juxtaposing the 132 years of oppression on a population crushed by the military and political, economic, and cultural cycles of exploitation on the one hand and the outbursts of resistance or counter-violence mounted by this colonized society to alleviate its suffering or to try to end it on the other hand. Professor of political sciences Olivier Le Court Grandmaison (1960–) further criticized Stora's report for omitting significant factual data, particularly about the war of conquest (1830–1903) and the actions of the “infernal columns” of Marshal Thomas Bugeaud (1784–1849) (*see below*) committed as part of a scorched earth policy.¹¹⁶

¹¹⁶ Association des archivistes français, “[Accès aux archives classifiées ‘secret-défense’: Un collectif d’associations et de personnalités saisissent le Conseil d’état](#),” (Press release; 24 septembre 2020); International Council on Archives, “[Communiqué de presse du Conseil International des Archives relatif à la re-fermeture de l’accès aux archives 1940-1970 tamponnées ‘secret’](#),” (13 October 2020); Benjamin Stora, *Les Questions mémorielles portant sur la colonisation et la guerre d’Algérie* (157 pages; January 2021); Renaud de Rochebrune, “[Algeria – France: ‘Apologising Will Not Get to the Heart of the Issue,’ Says Historian Benjamin Stora](#),” *The Africa Report* (26 January 2021); Nabila Ramdani, “[Macron’s Algeria Report Isn’t Progress, It’s a Whitewash](#),” *Foreign Policy* (1 February 2021); Francois Burgat, “[Analysis – Stora Report: France Denies Algerian History Once Again](#),” *Anadolu Agency* (17 February 2021); Constant Méhuet, “[France Eases Access, a Little, to Its Secrets](#),” *New York Times* (9 March 2021); “[France Speeds Up Access to Secret Algeria War Archives](#),” *RFI* (10 March 2021); Hossam El Din Islam, “[French Move to Declassify Archive Draws Mixed Reactions in Algeria](#),” *Andalou Agency* (19 March 2021).

On 29 September 2020, Congolese activist Emery Mwazulu Diyabanza ([1979–]) and four others from the group Unité, dignité, courage (Unity, Dignity, Courage) went on trial charged with attempted theft of a registered artwork for trying to steal a nineteenth-century funeral staff from Chad at the Quai Branly-Jacques Chirac indigenous art museum in Paris on 12 June 2020. Diyabanza said on social media he had come to claim back Africa's stolen property, calling the Quai Branly Museum a museum of "stolen objects." His protest was live-streamed and published on YouTube. Diyabanza carried out similar actions at museums in Marseille and Berg en Dal in the Netherlands and he would be sued for them also (in November 2020 and January 2021 respectively). After his arrest in June, Diyabanza sued the French state accusing it of "theft and receiving state goods." He criticized the French government's speed in returning artefacts to African nations. On 14 October 2020, he was fined 1,000 euros for aggravated robbery; three others who joined him received suspended fines and a fourth was cleared of the charges. Diyabanza appealed the ruling.¹¹⁷

On 14 October 2020, the Château des ducs de Bretagne history museum in Nantes put an exhibition about the Mongol Emperor Genghis Khan (1155/1162–1227), planned in collaboration with the Inner Mongolia Museum in Hohhot, China (which would send some 225 pieces), on hold for over three years. It said that the Chinese Bureau of Cultural Heritage demanded that words such as "Genghis Khan," "Empire" and "Mongol" be taken out of the exhibition, that its emphasis would be on the Ming (1368–1644) rather than Mongolian period (1644–1911; also Manchu or Qing dynasty), and that it asked for power over exhibition brochures, legends, and maps. The museum called this censorship accusing the Bureau of wanting to include "elements of biased rewriting of Mongol culture in favor of a new national narrative."¹¹⁸

On 16 October 2020, Samuel Paty (1973–2020), a history and geography teacher, was attacked with a knife and beheaded near his school in Conflans-Sainte-Honorine, near Paris. Witnesses heard attacker Abdullakh Anzorov, an 18-year-old man of Chechen origin, shout "Allahu Akbar" ("God is the Greatest.") Anzorov then posted a picture of the beheaded Paty to a Twitter account, along with insults to President Emmanuel Macron and French "infidels" and "dogs." He later fired at police with an airgun before being shot dead in Éragny-sur-Oise, being hit nine times in all. On 5 and 6 October 2020, Paty had taught one or two classes of Enseignement morale et civique (EMS; moral and civic education) about freedom of expression to the fourth year (13- and 14-year-olds) and shown controversial cartoons of the Prophet Muhammad while talking about *Charlie Hebdo* (the satirical magazine that had

¹¹⁷ "[Activists on Trial over Attempt to Steal African Staff](#)," *BBC News* (30 September 2020); "[France Fines Congo Activist for Seizing Museum Artefact](#)," *BBC News* (14 October 2020); Gert van Langendonck, "[Elke Afrikaan is rechtmatig erfgenaam van roofkunst](#)," *NRC Handelsblad* (14 October 2020).

¹¹⁸ Agence France-Presse, "[China Insists Genghis Khan Exhibit Not Use Words 'Genghis Khan'](#)," *Guardian* (14 October 2020).

republished the cartoons in 2015) and the trial taking place relating to the deadly attack it had suffered for it. He had advised Muslim students to look away or leave the room if they thought they might be offended. The class caused an uproar among some Muslim parents with a few posting videos on social media asking for Paty's resignation and one lodging a formal complaint. Paty had also received a number of unspecified threats in the days following the class.

Sixteen people were arrested for interrogation, including four school students (who may have helped identify Paty to Anzorov in exchange for payment), relatives of the attacker, the father of a pupil at Paty's school, and the radical Islamist preacher Abdelhakim Sefrioui (who was accused of having issued a *fatwa* against Paty). Seven of them would appear before an anti-terrorism judge. Three of them, two minors (who took money in exchange for information on Paty) and the pupil's father, reportedly exchanged text messages with Anzorov prior to the attack. The 13-year-old pupil whose complaints induced her father to lodge a legal complaint and start a social media campaign over the incident in which he identified Paty and the school, later admitted that she did not attend the class in which Paty showed the cartoons and that she had lied about her presence.

President Emmanuel Macron called the beheading an "Islamist terrorist attack." In the National Assembly, deputies stood up to honor the teacher and condemn the "atrocious terror attack." On 18 October 2020, rallies with tens of thousands of people were held in Paris and several other cities in support of Paty. On 20 October 2020, Paty was posthumously awarded the Legion d'honneur, France's highest honor.

In the wake of the murder, police raided the homes of dozens of suspected Islamic radicals and Muslim associations, including the Collectif contre l'Islamophobie en France (CCIF; Collective against Islamophobia) and the Sheikh Yassin Collective (an Islamist group named after the founder of the Palestinian militant group Hamas). Some of those questioned had reportedly posted messages of support to Anzorov. The Pantin mosque near Paris was closed for sharing videos on Facebook calling for action against Paty and sharing his school's address in the days before his murder.

On 3 November 2020, two 18-year-old men (one French and one of Chechen origin) and a 17-year-old girl, suspected of having been in contact with Anzorov, were arrested and on 6 November charged with "criminal terrorist conspiracy." On 6 November 2020, prosecutors in Cambrai said three teenagers between the ages of 15 and 17 were charged with "supporting terrorism" for threats made during a national tribute to Paty on 3 November. About 400 such incidents were reported during the minute of silence observed for Paty at schools countrywide. An Algerian man was convicted by a court in Pontoise to six months' imprisonment for "glorifying" Paty's murder on social media and describing Anzorov as a "martyr."¹¹⁹

¹¹⁹ Jean-Michel Décugis, Jérémie Pham-Lê & Ronan Folgoas, "[Yvelines-Val-d'Oise: un professeur retrouvé décapité, un suspect abattu](#)," *Le Parisien* (16 October 2020); Elise Vincent & Nicolas Chapuis, "[Attentat de Conflans: neuf personnes en garde à vue, dont des parents d'élèves et des proches du meurtrier](#)," *Le Monde*

During the night from 31 October to 1 November 2020, the far-right Turkish group Grey Wolves, seen as allied to President Recep Tayyip Erdogan, daubed a memorial to the 1915 Armenian genocide near Lyon with yellow graffiti featuring the Grey Wolves' name alongside the letters "RTE" – for Recep Tayyip Erdogan. This action came amid growing tensions between France and Turkey over a territorial dispute in Nagorno-Karabakh since September 2020. France would ban the Grey Wolves.¹²⁰

In the aftermath of the murder of Samuel Paty (*see above*), Education Minister Jean-Michel Blanquer claimed that "left-wing Islamism" was "wreaking havoc" in French universities. In addition, he later said that it was necessary to "fight" intellectual currents coming from United States universities that viewed society through the lens of ethnic origin, religion, or gender – rather than the republican ideal of equality – because they risked the "fragmentation" of society and created a "vision of the world which converges with the interests of the Islamists." Researchers who focused on areas such as racism, Islamophobia, and French colonialism in particular felt targeted. One hundred academics publicly backed Blanquer's comments, accusing "racialist" and postcolonial scholars of "feeding an anti-white racism and a hatred of France." The Conference of University Presidents (CPU) denied that universities were complicit in terrorism. In early November 2020, an academic colloquium on feminism was canceled after online harassment by far-right trolls. One of the organizers, Sylvie Chaperon, a history professor at the University of Toulouse-Jean Jaurès, said that while it was hard to link the harassment directly to the minister's comments, universities had been weakened by them. In some ways, the debate mirrored developments in the United States and Britain. Both President Donald Trump and a minister

(17 October 2020); "[Macron Calls Paris Beheading 'Islamist Terrorist Attack'](#)," *BBC News* (17 October 2020); "[France Teacher Attack: Suspect 'Asked Pupils to Point Samuel Paty Out'](#)," *BBC News* (17 October 2020); Kim Willsher, "[Macron Speaks of 'Existential' Fight against Terrorism after Teacher Killed in France](#)," *Guardian* (17 October 2020); Kim Willsher, "[Teacher Decapitated in Paris Named as Samuel Paty, 47](#)," *Guardian* (17 October 2020); Gert van Langendonck, "['Er is een Frankrijk voor en een na de onthoofding'](#)," *NRC Handelsblad* (18 October 2020); "[France Teacher Attack: Police Raid Homes of Suspected Islamic Radicals](#)," *BBC News* (19 October 2020); "[France Teacher Attack: Four Pupils Held over Beheading](#)," *BBC News* (20 October 2020); Lucy Williamson, "[Samuel Paty: Beheading of Teacher Deepens Divisions over France's Secular Identity](#)," *BBC News* (20 October 2020); "[France Teacher Attack: Pupil's Father 'Exchanged Texts with Killer'](#)," *BBC News* (20 October 2020); "[France Teacher Attack: Seven People to Attend Court over Samuel Paty's Death](#)," *BBC News* (21 October 2020); "[France Teacher Attack: Macron Hails Murdered 'Quiet Hero'](#)," *BBC News* (22 October 2020); Article 19, "[France: Teacher's Murder a Shocking Attack on Freedom of Expression](#)," (press release; 20 October 2020); EuroClio, "[Statement on the Murder of Our French Colleague Samuel Paty](#)," (21 October 2020); Network of Concerned Historians, "[EuroClio Statement on the Murder of History Teacher Samuel Paty](#)," (21 October 2020); Ruth Smeeth, "[Samuel Paty: An Educator, a Father and a Free Speech Martyr](#)," *Index on Censorship* (blog) (23 October 2020); Norimitsu Onishi & Constant Méheut, "[A Teacher, His Killer and the Failure of French Integration](#)," *New York Times* (26 October 2020); Sarah Elzas, "[Paty Murder Puts Focus on Role of Teachers in Passing on French Values](#)," *RFI* (Radio France Internationale) (2 November 2020); "[Three Teens Charged in French Teacher's Beheading](#)," *BBC News* (6 November 2020); Ruth Smeeth, "Hey, Big Brother – We're Watching You," *Index on Censorship*, 49 no. 4, 52–53; Benjamin Lynch, "World Loses Titans of Free Speech," *Index on Censorship*, 49 no. 4, 97; Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 258; "[Samuel Paty: French Schoolgirl Admits Lying about Murdered Teacher](#)," *BBC News* (8 March 2021).

¹²⁰ "[Grey Wolves: Far-right Group To Be Banned in France](#)," *BBC News* (3 November 2020).

in Britain's Conservative government had attacked critical race theory, a framework in the social sciences that examined racism embedded in the law and legal institutions.¹²¹

On 19 March 2021, members of the group SOS Racisme defaced a street sign in Paris named after Marshal Thomas Bugeaud (1784–1849), a former military commander and the first colonial governor of Algeria (*see above*). They put up a sign in its place reading: “Avenue of the Butcher Bugeaud,” explaining below that he was a “war criminal” and “the executioner of Algeria’s conquest” who applied a scorched-earth policy and suffocated those who had taken refuge in caves with smoke.¹²²

In [April] 2021, Audrey Kichelewski, an associate professor of contemporary history at the University of Strasbourg who was writing a book about post-war trials of Poles, said she would be “very cautious with the vocabulary” she used and would not cite defendants’ names for fear of being sued by living relatives in Poland.¹²³

On 7 April 2021, President Emmanuel Macron made about 8.000 document linked to France’s role in the 1994 genocide in Rwanda publicly available. The decision followed a government-ordered report released in March, which found that French authorities remained blind to the preparations for genocide.¹²⁴

See also Algeria, Cameroon, Niger, Poland, Rwanda, Syria, Thailand.

¹²¹ David Matthews, “[French Academics Fear Being Scapegoated for Terrorism](#),” *Inside HigherEd* (4 December 2020); Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 164.

¹²² Ahmed Rouaba, “[Colonial Governor of Algeria’s Sign Defaced in Paris](#),” *BBC News* (19 March 2021).

¹²³ David Matthews, “[Polish Pressure Forces Holocaust Historian to Self-censor](#),” *The Times Higher Education Supplement* (15 April 2021).

¹²⁴ “[France Opens Archives on Rwanda Genocide](#),” *Deutsche Welle* (7 April 2021).

GABON

Previous *Annual Report* entries: 2016, 2018.

GAMBIA

Previous *Annual Report* entries: 2016–2018.

In November 2019, Fabián Salvioli, the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, published his preliminary observations on Gambia, stating that “numerous reports ... indicate that the government has made insufficient efforts to secure and archive documentary and on-site evidence of past violations, which could be used in criminal proceedings. An alarming example [was] that the headquarters of the National Security Agency (NIA [Agence nationale de renseignement]), now informally called State Security Service (SIS), was refurbished in 2017, which could have led to the destruction of possible evidence. The TRRC [Truth, Reconciliation and Reparations Commission] visited the SIS headquarters in 2018 and ordered it to stop the renovations ...” On 6 January 2021, NIA director Ousman Sowe (employed by the agency since its creation in 1995) testified on the destruction of evidence after the fall of the Yahya Jammeh dictatorship (1994–2017) before the TRRC. He was accused of burning NIA documents, a charge he denied.¹²⁵

See also Myanmar.

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012, 2014, 2016, 2019.

¹²⁵ [Preliminary Observations from the Official Visit to The Gambia by the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, Fabián Salvioli from 20 to 27 November 2019](#) (27 November 2019); Mustapha K. Darboe, “[Gambie: L’Espion qui en savait trop ou pas assez.](#)” *JusticeInfo.Net* (11 January 2021).

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2013, 2015–2017, 2019–2020.

In April 2021, Culture Minister Monika Grütters announced that Germany would start returning a “substantial” part of the Benin bronzes held in its museums to Nigeria from 2022 onward. The bronzes, which were looted by British soldiers and sailors on a punitive expedition to Benin City in 1897, were subsequently sold to museums in Europe and North America. About 1,100 artefacts ended up in Germany. The Benin bronzes could in the future be held at the Edo Museum of West African Art, a new museum in Benin City designed by the Ghanaian-British architect David Adjaye. The government said it would help fund a pavilion to hold some restituted artefacts until the museum was completed in 2025.

Jürgen Zimmerer, a historian of colonialism at Hamburg University, was critical, saying the government’s announcement amounted to a face-saving exercise rather than an emphatic gesture appropriate to the historic context. “Instead of unconditionally committing itself to returning all looted art, there is only vague talk of a substantial part,” said Zimmerer. “How this part is determined, and by whom, is left unsaid.”¹²⁶

See also Brazil, China, France, Poland, Russia, Syria.

GHANA

Previous *Annual Report* entries: 2002, 2004–2008, 2017, 2019.

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011, 2013–2019.

GRENADA

Previous *Annual Report* entries: 2007.

¹²⁶ Philip Oltermann, “[Germany First to Hand Back Benin Bronzes Looted by British](#),” *Guardian* (30 April 2021).

GUATEMALA

Previous *Annual Report* entries: 1995–2020.

In March 2019, the Inter-American Court of Human Rights ordered Guatemala, in a binding ruling, to shelve the proposed legislation that would provide amnesty for genocide and other atrocities. In late 2020, this had not happened [See also *NCH Annual Report 2020*].¹²⁷

On 15 October 2020, the Minister of Culture and Sports issued decree 934–2020 declaring the Archivo Histórico de la Policía Nacional (AHPN; Historical Archive of the National Police) part of the cultural patrimony of the nation. On 27 February 2021, the Constitutional Court confirmed the *amparo* (a request for the protection of legal rights), thereby rejecting the appeal of the Interior Ministry [See also *NCH Annual Reports 2019–2020*].¹²⁸

See also Israel.

GUINEA

Previous *Annual Report* entries: 2007, 2009–2020.

Eleven years after security forces on 28 September 2009 massacred over 150 peaceful opposition supporters and raped dozens of women at the Stade du 28 September – named after the day Guinea voted “no” in the French referendum in 1958, which ultimately led to the political independence on 2 October – those responsible had not been tried [See also *NCH Annual Reports 2010–2012, 2015, 2019–2020*]. In November 2019, then-Justice Minister Mohammed Lamine Fofana had stated that the trial would take place no later than June 2020. The International Criminal Court, which had an ongoing preliminary examination of the 2009 massacre, urged the government to meet the June deadline. Fofana was, however, replaced in June by a new minister, Mory Doumbouya, and the trial had yet to begin in late 2020. Five people charged in the case were detained beyond the legal limit while they waited for the trial to start.¹²⁹

¹²⁷ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 283.

¹²⁸ [Acuerdo ministerial 934–2020](#) (15 October 2020); Lourdes Arana, “[CC confirma amparo que garantiza protección del Archivo Histórico de la PN](#),” *La Hora* (27 February 2021); United Nations High Commissioner for Human Rights, *Situation of Human Rights in Guatemala* (UN Doc. A/HRC/46/74) (11 February 2021), paragraph 72.

¹²⁹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 293.

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012, 2015.

GUYANA

Previous *Annual Report* entries: 1997.

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2013–2020.

Re-opened investigations into arbitrary detentions, torture, disappearances, summary executions, and forced exile during the presidency of Jean-Claude Duvalier (1971–1986) remained pending. In 2014, a Court of Appeal had ruled that statutes of limitations were inapplicable to crimes against humanity, ordering investigations to continue for crimes committed during Duvalier’s presidency [See also NCH *Annual Reports 2000–2001, 2003, 2012–2020*].¹³⁰

On 23 June 2020, former Haitian death squad leader Emmanuel “Toto” Constant (1956–), was deported from the United States and detained. While on the payroll of the US Central Intelligence Agency, Constant founded a paramilitary organization that was complicit in murdering at least 3,000 Haitians in 1991–1994. In 2000, he was convicted in absentia for involvement in a 1994 massacre in the Raboteau neighborhood of Gonaïves [See also NCH *Annual Report 2009*]. Under Haitian law, Constant had the right to a new trial. The United Nations High Commissioner for Human Rights Michelle Bachelet urged Haiti to hold him accountable. Given the climate of impunity that characterized the regime of President Jovenel Moïse (1968–2021), lawyers and human rights groups voiced concerns that Constant would go free. In 2018, Jean-Robert Gabriel, who was also convicted in 2000 of involvement in the Raboteau massacre through command responsibility, had been named assistant chief of staff of the reinstated Haitian armed forces by Moïse.¹³¹

See also Israel.

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2015.

HONG KONG

Previous *Annual Report* entries: 1996. From 1997: *See* China.

¹³⁰ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 299, 300.

¹³¹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 300.

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2020.

In 2020, defamation and slander remained criminal offenses, along with desecrating the memory of deceased persons. The Criminal Code also prohibited dishonoring or degrading national symbols, while the prohibition on incitement to hatred problematically included incitement to hatred of the nation. Prohibitions on totalitarian symbols and open denial of Nazi or Communist crimes also raised free speech concerns, since they were not limited to contexts where this speech constituted hate speech and they did not include intent requirements.¹³²

In September 2020, the National Core Curriculum was rolled out in elementary and secondary schools. One of the curriculum's goals was for students to learn to be "proud of their people's past." The nation's historical wartime defeats were deleted from textbooks and replaced by portrayals of victorious battles; legends and myths were presented as historical facts. The authoritarian rule of Miklós Horthy (1868–1957) in 1920–1944 was to be portrayed in a positive light, despite the fact that he had passed anti-Jewish laws in 1920 and later became one of Adolf Hitler's close allies. The literature program further removed Nobel Laureate Imre Kertész (1929–2016), who wrote extensively about the Shoah, and German Peace Prize winning author Péter Esterházy (1950–2016) from the curriculum. It made works by József Nyíró (1889–1953), a member of the fascist Arrow Cross Party and an admirer of Nazi propaganda minister Joseph Goebbels, and Albert Wass (1908–1998), who was an avowed anti-Semite and convicted war criminal, mandatory readings. The government of Viktor Orbán's Fidesz party had been pushing the rehabilitation of these authors for years, erecting new monuments and naming streets after them [See also NCH *Annual Report 2020*].¹³³

Charles Kecskemeti (1933–2021) was a historian who went into exile during the 1956 Revolution. He went to France, where he began working at the National Archives in 1957. He joined the International Council on Archives in 1962 as Secretary and then as Executive Secretary (1969–1988), Executive Director (1988–1992), and Secretary-General (1992–1999). He passed away on 2 April 2021. He wrote extensively on archives and archival theory.¹³⁴

¹³² Centre for Law and Democracy, *Restrictions on Civic Space Globally: Law and Policy Mapping Series*, vol. 2, *Europe and Central Asia Region* (Halifax: CLD, July 2020), 28.

¹³³ Felix Schlagwein, "[New School Curriculum Raises Eyebrows in Orbán's Hungary](#)," *Deutsche Welle* (31 March 2021); Amnesty International, *State of the World's Human Rights 2020/21* (London: AI, 2021), 181.

¹³⁴ "[Remembering Dr Charles Kecskemeti](#)," Website International Council on Archives (Paris: ICA, s.d. [2021]).

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2020.

Throughout 2020, Romila Thapar (1931–), a preeminent historian of ancient India, was the subject of verbal attacks, accusing her of ignorance about ancient Indian history and quickly devolving into “pornographic and sexist” remarks, by supporters of the ruling Bharatiya Janata Party (BJP; Indian People’s Party) who viewed her as an opponent to be discredited. Her research and writings were seen by BJP supporters as an attempt to undermine BJP efforts to project a unified Hindu tradition stretching back thousands of years, and to paint Muslim rulers of India as nothing more than invaders or tyrants. In 2019, Delhi’s Jawaharlal Nehru University, where Thapar spent decades teaching, had sent her a letter asking her to submit her curriculum vitae so officials could “review” her status as an emeritus professor, an honorary title normally given for life [See also *NCH Annual Report 2015*].¹³⁵

In February 2020, the Modern College in Pune, Maharashtra, canceled the scheduled program for the Commemoration of the 150th anniversary of Mahatma Gandhi, including a lecture by Tushar Gandhi, after a letter with threats from the extremist Hindutva organization Patitpavan.¹³⁶

In [July] 2020, a PhD candidate (name unknown) at Jawaharlal Nehru University (JNU) claimed that faculty at his university labeled him as “separatist” for a research proposal on the political economy of Jammu and Kashmir (an Indian-controlled, Muslim-majority region that the governments of India and Pakistan have disputed for decades). They allegedly pressured him to retitle his research proposal and make it more benign, including by omitting decades from his proposed historical analysis.¹³⁷

On 11 July 2020, Mumbai-based stand-up comedian Agrima Joshua was forced to apologize for a joke made in a video in April 2019 in which she spoofed the naivety of commenters on the site Quora making outlandish claims about a statue for Marathi King Chhatrapati Shivaji (1627–1680) proposed by the government and being planned off the coast of Mumbai. Two men who issued death and rape threats were arrested days later and charged with criminal intimidation and obscenity. However, Maharashtra Home Minister Anil Deshmukh announced that further action would be taken against Joshua because

¹³⁵ Niha Masih, “[In the Battle over India’s History, Hindu Nationalists Square Off against a Respected Historian.](#)” *Washington Post* (3 January 2021).

¹³⁶ “[Six Tables that Tell the Story of Academic Unfreedom in India.](#)” *The Wire* (18 April 2021).

¹³⁷ *Scholars at Risk, Free to Think 2020* (New York: SAR, 2020), 51, 56.

she had supposedly made “offensive comments” on Shivaji [See also NCH *Annual Reports 2004, 2009–2011, 2014, 2020*].¹³⁸

On 26 July 2020, the Uttar Pradesh education board’s decision to drop portions related to Congress’s history, former Prime Ministers Jawaharlal Nehru (1889–1964) and Lal Bahadur Shastri (1904–1966) from the Class 12 civics syllabus angered Congress, which wrote a letter to Chief Minister Yogi Adityanath and Governor Anandi Ben Patel urging them to ensure that the relevant portions were reintroduced in the syllabus. Calling it a “conspiracy,” Congress leader Anil Shastri, son of Lal Bahadur Shastri, told the press that the central and state governments wanted to eliminate Congress’s contribution to the freedom struggle and to the post-independence nation building from the school curriculum. The portions dropped from the syllabus included the phase of single party (Congress) dominance, the first three general elections, the nature of Congress’s dominance at the national level, the general election of 1967, the division and re-organization of the Congress, and the party’s victory in the 1971 elections. Topics on “The Rise of Nazism,” Hitler and the Harappan civilization were also dropped from Class 12 history syllabus. Divya Kant Shukla, secretary of the Board of High School and Intermediate Education in Uttar Pradesh, said that all these topics had been removed from the syllabi and not from textbooks.¹³⁹

On 13 September 2020, historian and human rights activist Umar Khalid (1987–) was arrested for his alleged role in deadly riots in New Delhi in February 2020 [See also NCH *Annual Report 2020*], in what was condemned as a politically motivated investigation into anti-government figures. He was accused of masterminding the riots and making incendiary speeches under the counterterrorism Unlawful Activities Prevention Act and would be held in police custody for ten days. The riots, in which at least 53 people were killed and hundreds injured, triggered some of the worst religious violence in New Delhi in decades. Both Hindus and Muslims committed acts of violence, but Muslims were disproportionately affected. A report by Amnesty International alleged that Delhi police had “committed serious human rights violations” during the communal riots, including beating Muslim protesters and taking part in the violence alongside Hindu mobs. On 1 September 2020, Khalid had written to the Delhi police commissioner alleging that the investigators were putting pressure on his acquaintances to implicate him in the violence [See also NCH *Annual Report 2017*].¹⁴⁰

¹³⁸ “[Agrima Joshua: One More Arrested for Issuing Threat, but Minister Insists Comedian Will Face Action](#),” *The Wire* (13 July 2020).

¹³⁹ Prashant Srivastava, “[UP Congress Threatens to Protest after Topics on Nehru-Shastri Dropped from Class 12 Syllabus](#),” *The Print* (27 July 2020).

¹⁴⁰ Hannah Ellis-Petersen, “[Indian Student Activist Umar Khalid Arrested over Delhi Riots](#),” *Guardian* (14 September 2020); Human Rights Watch, “[India: Arrests of Activists Politically Motivated: Sedition, Counterterrorism Laws Used to Silence Dissent](#)” (press release) (16 September 2020); Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 183.

On 17 September 2020, Jawaharlal Nehru University students Devangana Kalita ([1990]–), studying at the Center for Women’s Studies, and Natasha Narwal ([1988]–), a PhD student at the Center for Historical Studies, were freed on bail but immediately re-arrested by the Crime Branch of the Delhi police on new charges ranging from Criminal Code sections 147 (rioting), and 307 (attempt to murder), to 302 (murder), among others, related to the north-east Delhi riots in February 2020 [See also NCH *Annual Report 2020*]. Their lawyers said that they had been maliciously implicated in the case. On 17 June 2021, they were granted bail two days after their release was ordered. The judges criticized the government for confusing the right to protest with terrorist activity. On 18 June 2021, the Supreme Court would hear the Delhi police appeal against their bail.¹⁴¹

On 25 September 2020, a petition by Lucknow resident Ranjana Agnihotri ([1969]–) and five other Hindus demanded a civil court in Mathura, Uttar Pradesh, to remove the Idgah Mosque (built in 1669–1670 during the rule of Mughal emperor Aurangzeb) from what they claimed was “Krishna’s birthplace” and to annul a 1968 court ruling, ratifying a land deal between the (Hindu) Shree Krishna Janmasthan Seva Sansthan and the (Muslim) Management Committee of the Shahi Masjid Idgah, perpetuating the existence of the mosque within the temple premises. The petition asked to excavate the deity’s birthplace. Agnihotri also moved the court as the “next friend of deities” Sri Krishna Virajman and the Asthan Shrikrishna Janam Bhoomi, claiming legal status on their behalf. The respondents of the petition included the Uttar Pradesh Sunni Central Waqf Board and the mosque’s Management Committee for the Muslim side and the two temple bodies Shree Krishna Janambhoomi Trust and Shree Krishna Janmasthan Seva Sansthan (arguing that they failed to protect the interests of the deities). The petition also stated that the provision in the Places of Worship Act (1991) that the religious character of a place of worship as it existed on 15 August 1947 would continue to be the same, was “not applicable in this case.”¹⁴²

On 30 September 2020, a court acquitted former Deputy Prime Minister L.K. Advani and Manohar Joshi and Uma Bharti, all top leaders of the governing Bharatiya Janata Party, of any wrongdoing in the destruction by Hindu mobs of the sixteenth-century Babri mosque in Ayodhya, Uttar Pradesh, in 1992 [See also NCH *Annual Reports 2002–2004, 2006–2007, 2010–2011, 2015, 2017, 2020*]. They were not found guilty of charges of “giving provocative speeches leading to demolition of the mosque, creating enmity between Hindus and Muslims and inciting people for riots and public mischief.” The verdict acquitted 32 of the 49 people charged – 17 had died while the case was under way. The court said that

¹⁴¹ “[Pinjra Tod Member Natasha Narwal Gets Bail in Delhi Riots Case](#),” *National Herald* (17 September 2020); “[Delhi Riots: Activists Held over Citizenship Law Protests Leave Jail](#),” *BBC News* (17 June 2021).

¹⁴² “[Petition Asks for Removal of Idgah Mosque From ‘Krishna’s Birthplace’ in Mathura](#),” *The Wire* (27 September 2020).

the destruction of the mosque in 1992 had been the work of unidentified “anti-socials” and had not been planned. The influential All India Muslim Personal Law Board, which represented Muslim social and political groups in India, said it would appeal the ruling in the high court. Many others criticized the ruling as well. Federal investigators had interviewed nearly 850 witnesses and examined 7,000 documents and television footage and photos of what happened on 6 December 2020 to help them frame charges against 49 people, including the BJP leaders. Among these sources, there were numerous credible eyewitness accounts that the tearing down of the mosque had been planned, rehearsed, and carried out with impunity and the connivance of a section of the local police in front of thousands of people. In 2019, the Supreme Court said the demolition had been a “calculated act” and an “egregious violation of law.” The Central Bureau of Investigation (CBI), which also investigated the case, had always maintained that the destruction was a planned event.¹⁴³

On 6 December 2020, Twitter suspended the account of prominent Indian journalist Salil Tripathi. Twitter’s decision, seen as censorship by a number of India’s most well-known writers, lawyers and journalists, came after Tripathi had tweeted on subjects including the 28-year commemoration of the demolition of the Babri Masjid (*see above*).¹⁴⁴

In early 2021, it became known that the annexe portions of the National Archives of India (NAI; established 1891, in Delhi since 1911) were scheduled to be demolished as part of the Central Vista project (a controversial rearrangement of Central Delhi), without it being clear where the hundreds of thousands of records in these annexe portions would be housed instead. The main heritage building would be retained or refurbished. A petition signed by numerous archivists, historians, and other academics aimed at preventing demolition until there was more transparency about a clear plan with proper oversight to regulate the possible relocation of and access to records. On 20 May 2021, Union Culture Minister Prahlad Singh assured researchers that records would be safely preserved while the annexe was being rebuilt. In June 2021, the Delhi High Court dismissed a public interest litigation against the project, saying that the land-use status of the existing building had been changed from “public and semi-public land” to “government land” as per March 2020.¹⁴⁵

¹⁴³ [“Babri Mosque: India Court Acquits BJP Leaders in Demolition Case,”](#) *BBC News* (30 September 2020); Soutik Biswas, [“Babri Mosque: India’s Muslims Feel More Abandoned than Ever,”](#) *BBC News* (1 October 2020).

¹⁴⁴ Hannah Ellis-Peterson, [“Twitter Accused of Censoring Indian Critic of Hindu Nationalism,”](#) *Guardian* (7 December 2020).

¹⁴⁵ [“Transparency on Demolition of National Archives of India and Transfer of Its Holdings”](#) (petition; 17 May 2021); [Letter about the petition](#) (17 May 2021); [“Transparency Urged in Proposed Demolition of National Archives of India Buildings,”](#) *The Wire* (19 May 2021); Sana Aziz, [“Demolition Squad: India’s Archives and the Central Vista Project,”](#) *Telegraph* (30 May 2021); Arnab Ganguly, [“100 Historians of the World Express Concern over Fate of National Archives,”](#) *Telegraph* (16 June 2021).

On 10 January 2021, the Godse Gyan Shala, a memorial library and “knowledge center” dedicated to Nathuram Godse (1910–1949), the man who shot Mahatma Gandhi (1869–1948) on 30 January 1948, was inaugurated in Gwalior, a city in the south of India. In recent years, as Hindu nationalism moved from an extremist fringe to mainstream politics, Godse’s public reputation steadily shifted from being condemned as traitor to being venerated as a misunderstood patriot. The library is just one of many recent efforts to memorialize and revere Godse. Hindu Mahasabha, a Hindu nationalist organization, erected several Godse statues, attempted to set up temples in his name, and celebrated Godse’s birthday as a holy day.¹⁴⁶

On 17 May 2021, the Masjid Gareeb Nawaz Al Maroof Mosque, was bulldozed in the district of Baranski in the Bharatiya Janata party (BJP)-led state of Uttar Pradesh. The demolition was in violation of an Allahabad high court order issued on 24 April, which stated that buildings in the state should be protected from any eviction or demolition until 31 May “in the wake of the upsurge of the pandemic.” The building of the mosque dated back to the time of British occupation.¹⁴⁷

See also Malawi, United Kingdom, United States.

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2013, 2015–2019.

In April 2020, police arrested 23 activists in Ambon. They had participated in flag-raising ceremonies commemorating the 70th anniversary of the declaration of independence of the Republik Maluku Selatan (RMS; Republic of South Moluccas). The Ambon court found three of them guilty, sentencing two to two years and a third to three years in prison. On 23 March 2020, the military had instructed every household in Maluku to raise Indonesia’s national flag [See also NCH *Annual Reports 2008–2011, 2014–2015*].¹⁴⁸

See also Australia, Netherlands.

¹⁴⁶ Hannah Ellis-Petersen, “[Mahatma Gandhi’s Killer Venerated as Hindu Nationalism Resurges in India](#),” *Guardian* (17 January 2021).

¹⁴⁷ Hannah Ellis-Petersen, “[Indian Mosque Bulldozed in Defiance of High Court Order](#),” *Guardian* (18 May 2021).

¹⁴⁸ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 333; Amnesty International, *State of the World’s Human Rights 2020/21* (London: AI, 2021), 188.

IRAN

Previous *Annual Report* entries: 1996–2020.

The authorities continued to systematically conceal the fate and whereabouts of several thousand political dissidents who were forcibly disappeared and extrajudicially executed in secret in 1988. On 3 September 2020, the United Nations (UN) Working Group on Enforced or Involuntary Disappearances and six UN Special Rapporteurs wrote to the government warning that past and ongoing violations related to prison massacres in 1988 may amount to crimes against humanity and that they would call for an international investigation if these violations persisted. They also wrote that they were “further alarmed by the authorities’ refusal to provide families with accurate and complete death certificates, the destruction of mass graves, the ongoing threats and harassment of the families, the lack of investigation and prosecution for the killings, and the statements from the government denying or trivializing the cases and equating criticizing the killings with support for terrorism.” The privately sent letter was published in December 2020.

Between late July and early September 1988, about 30,000 of imprisoned political dissidents across Iran had forcibly been disappeared and then extrajudicially executed in secret after Ayatollah Khomeini had issued a *fatwa* (religious edict) in the summer of 1988 to execute “those who waged war on God.” Death Commissions sent victims to the gallows after mock trials. In 2018 Amnesty International had compiled evidence of the involvement of several individuals who held high positions of power in the enforced disappearances and extrajudicial executions.

In late April 2021, the authorities ordered members of the minority Bahai religious community to bury their dead in a mass grave for political prisoners executed in 1988. Many felt outraged and feared that by burying people at the site, the regime was trying to destroy mass gravesites of victims of the 1988 prison massacres in a bid to eliminate crucial evidence of crimes against humanity. The site had been bulldozed multiple times in recent decades.

On 19 June 2021, Ebrahim Raisi (1960–) was elected President. As a member of the 1988 Tehran Death Commission, Raisi allegedly sent as many as 3,000 people, mostly members of the Mujahedin-e Khalq (MEK) opposition movement, to be killed.¹⁴⁹

¹⁴⁹ Amnesty International, [Blood-Soaked Secrets: Why Iran’s 1988 Prison Massacres Are Ongoing Crimes against Humanity](#) (London: AI, 2018); Hassan Mahmoudi, “[Call For Justice By Survivors Of Iran’s 1988 Massacre](#),” *Eurasia Review* (17 July 2019); United Nations Experts, [Letter](#) (Reference: AL IRN 20/2020) (3 September 2020); Amnesty International, “[Iran: UN Calls for Accountability on 1988 Prison Massacres Marks Turning Point in Three-Decade Struggle](#)” (9 December 2020); Amnesty International, *State of the World’s Human Rights 2020/21* (London: AI, 2021), 53, 190-193, 195; “[Iran ‘Orders Bahais to Bury Dead at Mass Grave for Executed Prisoners’](#),” *BBC News* (29 April 2021); Patrick Wintour, “[Iran’s President-Elect, Ebrahim Raisi, Is Hardliner Linked with Mass Executions](#),” *Guardian* (19 June 2021).

On 26 September 2020, three Iranian writers, Baktash Abtin, Reza Khandan-Mahabadi, and Keyvan Bazhan entered Evin prison to serve sentences related to their critical writings about successive Iranian governments. Members of the unauthorized Iranian Writers' Association (IWA), each of them had published numerous books of Iranian history, sociology and literary criticism. They had been convicted on charges of "spreading propaganda against the system" and "assembly and collusion against national security" on 15 May 2019. The charges related to their joint authorship of a book about the history of the IWA which for decades had been critical of successive Iranian governments. They were also accused of visiting the graves of dissident poets and writers. Khandan-Mahabadi and Abtin were each sentenced to six years' imprisonment, while Bazhan was sentenced to three and a half years in prison.¹⁵⁰

On 3 October 2020, Franco-Iranian Fariba Adelkhah (1959–), social and political anthropologist, specialist in Shia Islam, and director of research at Sciences Po's Center for International Studies (CERI) in Paris, was temporarily released from prison with an electronic ankle bracelet [See also NCH *Annual Report 2020*].¹⁵¹

See also Lebanon.

IRAQ

Previous *Annual Report* entries: 1998, 2000–2020.

In August 2020, Iraqi police arrested a suspected member of Islamic State (IS) and were led to a stockpile of 32 hidden Syriac books and manuscripts looted from Assyrian churches across Mosul during IS occupation (2014–2017). The texts were crucial to understanding and preserving ancient communities such as the Assyrians, an ethnic group indigenous to parts of Iraq, Turkey, Syria, and Iran.¹⁵²

See also Kuwait.

¹⁵⁰ PEN International, "[Iran: Three Writers Face Lengthy Prison Sentences](#)" (3 May 2019; with an update 17 May 2019); PEN International, "[Iran: Writers Baktash Abtin, Reza Khandan-Mahabadi and Keyvan Bazhan Imprisoned](#)" (Rapid Action Network, update 2: no. 02/2020) (30 October 2020).

¹⁵¹ "[Fariba Adelkhah: French-Iranian Academic Temporarily Released in Iran](#)," *BBC News* (3 October 2020); Scholars at Risk, *Free to Think 2020* (New York: SAR, 2020), 41.

¹⁵² Joe Snell, "[Syriac Manuscripts Recovered from Suspected Islamic State Fighter in Mosul](#)," *Al-Monitor* (30 September 2020).

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006, 2013, 2015–2016.

In the autumn of 2020, the new Minister for Education, Norma Foley (appointed in June 2020), proposed a controversial Retention of Records Bill that would seal the records with testimonies of abuse survivors submitted in the 2000s to state investigations into abuse in (Catholic) residential institutions, all administrative records, and evidence relating to all operations in general until at least 2095. The bill did not provide for survivors to be given a copy of their own testimonies or asked whether they wished their testimonies to form part of the national historical record during their lifetimes. In April 2019, Foley’s predecessor, Joe McHugh, had controversially claimed that the bill was needed in order to overturn current legislation which would see the destruction of the records. A joint parliamentary committee had deferred consideration of the bill in November 2019. Maeve O’Rourke, a lecturer at the Irish Centre for Human Rights, who had been working with and on behalf of survivors since 2009, said: “Denying survivors the opportunity to place their testimonies – if they wish, voluntarily – in a national archive creates a risk that future generations will not learn of this history.”¹⁵³

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2014, 2016–2020.

In 1953, Hungarian-Jewish journalist Malchiel Greenwald (Malkiel Grünwald) distributed a self-published pamphlet in which he accused Rezsó Kasztner (aka Rudolf or Yisrael Kastner) (1906–1957), one of the leaders of Hungarian Jewry and head of the Zionist Rescue Committee in wartime Budapest, of having made a deal with SS leader Adolf Eichmann in 1944 to allow the emigration of 1,684 Jews while the rest, hundreds of thousands of Jews, were led to the extermination camps. He declared that Kasztner was guilty of collaboration with the Nazis; of “preparing the ground for the murder” of Hungarian Jewry; of profiteering with Nazi war criminal S.S. Commander Kurt Becher; and of helping the latter to evade punishment after the war. Greenwald was charged with defaming Kasztner. In the June 1955 ruling of the District Court of Jerusalem, Kasztner was acquitted of the first, second, and fourth counts. The verdict triggered the fall of the cabinet of Prime Minister Moshe Sharett. Kasztner, who had moved to Israel after the war resigned his position as a spokesman for the Ministry of Trade and Industry (1952–1955). The Attorney-General appealed the district court’s judgment. On 3 March

¹⁵³ Jessica Ní Mhainín, “What Has the Government Got to Hide?” *Index on Censorship* (19 no. 3, 2020), 20–21.

1957, Kasztner was shot by right-wing extremist, former Irgun member and former Shin Bet informant Ze'ev Eckstein, immediately after the appeal hearings were concluded. He died of his injuries twelve days later. In January 1958, the Supreme Court reversed the verdict, accepting the main part of the appeal, stating that the lower court had “erred seriously”: Kasztner was convicted of the first two charges, his acquittal on the fourth charge remaining intact. In March 2021, historian Nadav Kaplan ([1945]–) who investigated the assassination and security agency Shin Bet’s involvement in it, filed a petition in the High Court to force the release of Shin Bet’s file on the case. One month after Kasztner’s assassination, Prime Minister David Ben-Gurion had placed a restriction order on the identity of the Shin Bet security agents to testify in a court case on the issue.¹⁵⁴

A State Comptroller report revealed that about 1,300,000 historical files in the Israel State Archives were hidden from the public eye, despite the fact that the confidentiality assigned to them by Israeli law had expired. The need to file an application, the complexity and duration of the document’s reclassification process, and the limited disclosure by various archives were serious barriers for researchers. In a series of freedom-of-information petitions filed in recent years, regarding Israeli defense exports to dictatorships (e.g. ties with the dictatorship in Haiti, with the government in Sri Lanka during the civil war, with the juntas in Argentina and Chile and with the Hutu regime during the civil war and 1994 genocide in Rwanda), courts accepted the official position that the documents should not be disclosed for fear of harming national security and foreign relations.

In late 2019, Italy Mack, a Jerusalem-based human rights defender, had demanded an inquiry from the chief prosecutor over Israel’s role in the Guatemalan civil war (1960–1996), which killed more than 200,000 people, but the prosecutor’s investigation progressed slowly due to the defense ministry’s stalling of the disclosure of sensitive documents.¹⁵⁵

On 18 January 2021, the Lod District Court in Israel banned the screening and distribution of the 2002 documentary *Jenin, Jenin* directed by Mohammed Bakri (1953–), a Palestinian citizen of Israel, in a defamation case filed in 2017 by Nissim Magnagi, an Israeli army officer who appeared in the film. The court also found that some of the representations in the film were untrue. In addition to prohibiting all screenings of the film in Israel, the court issued an order to confiscate 24 copies of the film and ordered Bakri to pay NIS (shekels) 175,000 (\$55,000) in damages as well as NIS 50,000 (\$15,500) in legal expenses. The film showed a set of interviews with Palestinians who lived in the Jenin refugee

¹⁵⁴ *Guardian* (23 April & 14 June 1999); Jenni Frazer, “[On Quest to Clear Kasztner, Historian ‘Shocked’ to Prove Nazi Collaboration](#),” *Times of Israel* (15 November 2016); Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (originally 1963; Harmondsworth: Penguin, 2006), xv, 143; Ofer Aderet, “[An Israeli Suspected of Nazi Collaboration Was Murdered: What Is Israel Hiding?](#),” *Haaretz* (21 March 2021).

¹⁵⁵ Eldad Ben Aharon & Eitay Mack, “[Israeli Archives Censorship Regulations and Oral History](#),” *Jerusalem Post* (22 August 2020); “[Israel’s Role in War Crimes Committed during the Guatemalan Civil War](#),” *TRT World* (18 February 2021).

camp, north of the occupied West Bank, at the height of the Second Intifada in April 2002 when it was invaded by the Israeli military for eleven days. The 54-minute film depicted without commentary the events which led to a massacre through stories of survivors. The film had already been banned by the Israel Film Council shortly after its release in 2002 after a complaint by five Israeli soldiers, but a Supreme Court ruling on 11 November 2003 had overturned that ban as an unlawful infringement on Bakri's freedom of expression. Bakri intended to appeal the 2021 District Court's decision and file a petition in the Israeli High Court. In 2002, Human Rights Watch had reported that at least 52 Palestinians, including women, children and elderly, and 23 Israeli soldiers were killed in the assault, accusing Israel of war crimes.¹⁵⁶

See also Belgium, Palestinian Territories, Poland, United Kingdom.

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012, 2016–2019.

Impunity remained for many of the crimes committed by mafia organizations. On 21 March 2021, a report by the anti-mafia association Libera – an organization that fights for mafia victims' right to be remembered – concluded that almost 80% of the approximately 600 cases of innocent victims of organized crime had remained unsolved or had been only partially solved. Most investigations were closed for lack of evidence, while many others were trapped in endless trials and dozens were awaiting judicial action.¹⁵⁷

See also Poland.

¹⁵⁶ [“Israeli Court Bans Screening of ‘Jenin, Jenin’ Documentary,”](#) *Court House News* (12 January 2021); [“Israel Bans Screening of ‘Jenin, Jenin’ after Soldier’s Lawsuit,”](#) *Al Jazeera* (12 January 2021); Mustafa Abu Sneineh, [“Filmmakers Denounce Israel Ban on Palestinian Documentary ‘Jenin, Jenin’,”](#) *Middle East Eye* (20 January 2021); [“Lift the Ban on Mohammed Bakri’s ‘Jenin, Jenin’”](#) [[Petition](#)] (no date [January 2021]); [NCH Campaign](#) (2021); Documentary “Jenin, Jenin” on [Vimeo](#) (53’55 minutes); Human Rights Watch, *Israel, The Occupied West Bank and Gaza Strip, and the Palestinian Authority Territories: Jenin, IDF Military Operations* (New York: HRW, May 2002); Daphne Barak-Erez, “The Law of Historical Films: In the Aftermath of *Jenin, Jenin*,” *Southern California Interdisciplinary Law Journal* (Spring 2007), 495–522; Supreme Court of Israel sitting as High Court of Justice, [Bakri and Others versus Israel Film Council. Ministry of Science, Culture and Sport](#), Petition for an Order Nisi (11 November 2003).

¹⁵⁷ Libera, [Dirriti Viv!](#) (Rome: Libera, 2021); Lorenzo Tondo, [“‘No Peace Without Justice’: Families of Italy’s Mafia Victims Wait for Closure,”](#) *Guardian* (12 July 2021).

IVORY COAST (Côte d'Ivoire)

Previous *Annual Report* entries: 2004, 2006–2020.

The Supreme Court was yet to rule on a 2019 petition from human rights organizations to cancel a 2018 law granting an amnesty to hundreds of people accused or convicted of crimes committed in 2010 and 2011.¹⁵⁸

The appeal against the 2019 acquittal of former President and historian Laurent Gbagbo and former Minister Charles Blé Goudé by the International Criminal Court remained pending.¹⁵⁹

¹⁵⁸ Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 132–133.

¹⁵⁹ Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 132–133.

JAMAICA

Previous *Annual Report* entries: 2017–2018.

JAPAN

Previous *Annual Report* entries: 1995–2020.

In mid-September 2020, former prime minister Shinzo Abe visited the controversial Yasukuni war memorial (established in 1869) just days after stepping down. The shrine honored Japan's war dead, but also convicted war criminals. Abe declared that he had gone there to inform the spirits of the shrine of his resignation. His 2013 visit to the shrine had angered China and South Korea. Visits by Japan's leaders to the shrine had previously been seen as a lack of remorse for its militaristic past [See also *NCH Annual Reports 2002, 2010*].¹⁶⁰

On 1 October 2020, in an unprecedented move, the new Prime Minister Yoshihide Suga refused to appoint six scholars as new members to the Science Council of Japan (a representative organization of the Japanese scientist community founded in 1949 and consisting of 210 scholars that makes policy recommendations independent from the government). It was the first time that such a rejection was made public since the nomination system was introduced in 2004. No explanation was given. Some of the six scholars had voiced opposition to the controversial national security legislation (2015; permitting Japan to deploy military forces to respond to foreign attacks under certain conditions) and the anti-conspiracy legislation (2017). Critics saw the action as a political intervention in academic freedom. The six rejected academics included Sadamichi Ashina at Kyoto University and Shigeki Uno at the University of Tokyo, who were members of the Association of Scholars Opposed to the Security-related Laws, and Yoko Kato, a professor of Japanese modern history at the University of Tokyo. On 3 October 2020, the Japanese Historical Council issued a statement calling on Suga to rescind the decision. On 6 November 2020, 226 academic societies of liberal arts (including philosophy, literature, and historical science) jointly demanded that the government explain why it refused to appoint the six scholars. In the November 2020 extraordinary session of the Diet (Japanese parliament), Suga reiterated that he would not reappoint the rejected scholars. He insisted that his actions were "relevant and legal."¹⁶¹

¹⁶⁰ "[Yasukuni Shrine: Japan's Ex-PM Abe Visits Controversial Memorial](#)," *BBC News* (19 September 2020).

¹⁶¹ "[PM Suga Refuses to Appoint 6 Scholars to Science Council of Japan in Unprecedented Move](#)," *The Mainichi* (2 October 2020); "[Academic Societies in Japan Issue Joint Statement](#)," *NHK* (6 November 2020); Suvendrini Kakuchi, "[Pressure Piling Up against PM's Science Council Decision](#)," *University World News* (8 December 2020).

See also China; Korea, South; Netherlands, Russia, Singapore, United States.

JORDAN

Previous *Annual Report* entries: 2003–2004, 2015, 2018.

2020); Edward Vickers, "[Undermining Social Sciences and Humanities](#)," *University World News* (29 January 2016); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 374.

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2018, 2020.

Extrajudicial killings, abusive evictions, and lack of accountability for serious abuses remained significant challenges throughout 2020. Arrest warrants remained pending before the International Criminal Court against three persons on allegations of witness tampering in cases relating to the 2007/2008 election violence [See also NCH *Annual Report 2020*]. Killings by police remained largely unaddressed, with the Independent Policing Oversight Authority (IPOA), a civilian police accountability institution, unable to investigate and prosecute most of the over 2,000 incidents of police killings currently on its files. IPOA managed only six successful prosecutions since its establishment in 2011.¹⁶²

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011, 2013–2015, 2017, 2019.

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012–2013, 2016–2020.

On 1 January 2021, the Seoul Central District Court ordered the Japanese government to pay 100 million won (\$91,800) each to twelve Korean women forced into sexual slavery for Japan’s troops during World War II, saying the Japanese government committed “intentional, systematic and wide-ranging criminal acts against humanity.” It also granted a provisional execution of the compensation order, making it possible to immediately seize Japanese government assets. The Japanese government said the same day that “under the principle of exemption from sovereignty under international law” the court had no

¹⁶² Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 390.

jurisdiction over Japan and that it would “never accept” the order. The court replied that the immunity claim was not valid because the case involved “anti-humanity acts systematically planned and perpetrated by the accused.” The case had been filed in 2013 by the Korean Council for Justice and Remembrance for the Issues of Military Sexual Slavery by Japan. It was the first time that a South Korean court held the Japanese government responsible for the sexual slavery system.

A decision on another case, in which eleven former “comfort women” were seeking similar compensation, was scheduled for March 2021. Japan accused South Korea of undermining the 1965 treaty that established diplomatic ties between the two nations, under which Japan provided South Korea with \$500 million in aid and cheap loans. It insisted that all claims arising from its colonial rule (1910–1945), including those involving forced laborers and sexually enslaved women, had been settled by the treaty. The South Korean government reacted to the court order by vowing to seek an “amicable solution.” On 21 April 2021, the same Seoul Central District Court (but with a different panel of judges and plaintiffs) ruled that Japan had sovereign immunity in the case, and as a foreign state, was not liable to pay compensation in the civil suit.¹⁶³

See also Japan, United States.

KOSOVO

Previous *Annual Report* entries: *See* Serbia.

Neither the Serbian government nor the Kosovan government was doing enough to ensure that the remaining 1,600 people who went missing as a result of the Kosovo War (1998–1999) were found. Between 2016 and 2020, the remains of 18 people who disappeared during the Kosovo War were identified in Serbia, while another 32 missing persons were identified in Kosovo. Both governments had asked each other to open up wartime military archives, but no concrete steps had yet been taken.

On 27 August 2020, associations of Serb and Kosovo Albanian missing persons’ families (the Association of Kosmet Victims and the Missing Persons Resource Center in Pristina) told a press conference that both countries must open up wartime archives and reveal information about people who were still listed as missing from the Kosovo War. They demanded the opening of all the archives and evidence related to potential graves, comprehensive and professional investigations, and witness

¹⁶³ Choe Sang-Hun, “[South Korean Court Orders Japan to Pay Compensation for Wartime Sexual Slavery](#),” *New York Times* (7 January 2021); “[South Korea Seeks “Amicable Solution” to Comfort Women Issue with Japan](#),” *Kyodo News* (23 January 2021); Nicolas Rocca, “[Seoul Court Decision Reignites Japan-Korea War of Memory](#),” *JusticeInfo* (15 February 2021); “[South Korea Court Sides With Japan in ‘Comfort Women’ Case](#),” *Newsmax* (21 April 2021).

protection. They said that at the moment there were 1,643 people still listed as missing from the Kosovo War. On 30 August 2020, International Day of the Disappeared, families of missing Kosovo Serbs and Kosovo Albanians in both Belgrade (the Serbian capital) and Pristina (the Kosovan capital) together called on their governments to open military archives to help identify burial sites.

On 25 March 2021, the European Parliament (EP) adopted a report calling on Kosovo to do more to investigate suspected wartime gravesites and resolve the remaining missing persons cases from the Kosovo War. The report also called on the authorities in Pristina to open all wartime archives.¹⁶⁴

In 2020, the Kosovo Judicial Council, the country's highest judicial body, did not yet have a specific archive of evidence of war crimes committed during the Kosovo War (1998–1999). As late as 2018, the European Union's rule-of-law mission EULEX handed over around 900 war crimes files and around 2,000 files on missing persons to the Kosovo Prosecutorial Council, but these were spread around in court archives and only a few of the war crimes cases had been registered at the Criminal Records Center, a database of completed criminal cases in Kosovo. These files were not accessible to journalists, researchers, or the general public. The situation was made more complicated because Kosovo and Serbia did not cooperate; the evidence that EULEX and UNMIK (the United Nations mission in Kosovo responsible for investigating serious crimes cases before EULEX) had been able to obtain from Serbia had often been insufficient to prove criminal responsibility, which resulted in a considerable number of investigations being dropped or suspects being acquitted.¹⁶⁵

Impunity persisted for those responsible for the transfer of bodies of over 900 Kosovo-Albanians from Kosovo to Serbia in 1999. In November 2020, human remains, believed to be Kosovo Albanians, were discovered in a quarry in Kizevak.¹⁶⁶

Proceedings began at the Kosovo Specialist Chambers (KSC) established in The Hague in 2016. On 24 June 2020, the Hague-based Specialist Prosecutor's Office (SPO) filed a ten-count indictment with the KSC, charging President Hashim Thaçi along with former Kosovo Liberation Army (KLA) General Staff Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi with war crimes and crimes against humanity, including the murder of around hundred civilians, including Serbs, Roma and ethnic Albanian

¹⁶⁴ Milica Stojanovic, "[Serbs, Kosovo Albanians Make Joint Appeal for Missing Persons](#)," *Balkan Insight* (27 August 2020); European Parliament, *2019-2020 Reports on Kosovo* (2019/2172(INI), 25 March 2021), § 70; Milica Stojanovic, "[European MPs Urge Serbia, Kosovo to Intensify War Grave Search](#)," *Balkan Insight* (26 March 2021); Milica Stojanovic, "[Serbia, Kosovo Must Make Missing Persons a Priority: Report](#)," *Balkan Insight* (27 April 2021); Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 217–218, 315.

¹⁶⁵ Emina Dizdarevic, Serbeze Haxhijaj, Anja Vladisavljevic, and Milica Stojanovic, "[Access Denied: Most Balkan War Crimes Case Files Not Public](#)," *Balkan Insight* (28 September 2020).

¹⁶⁶ Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 315.

opponents. Following the indictment, Taçi travelled to The Hague on 13 July, where he was questioned for four days over his role as a KLA-leader during the Kosovo War (1998–1999). On 5 November Taçi announced that he stepped down as president, after war crimes charges against him were confirmed by a pre-trial judge at the KSC.

In September 2020, the SPO summoned Agim Çeku, former Prime Minister and KLA commander, for questioning. In the same month, proceedings opened against former KLA commander Salih Mustafa, indicted for the arbitrary detention, cruel treatment, torture, and murder of civilians at Zllash detention camp in April 1999. Confidential SPO files naming protected witnesses were anonymously leaked to the KLA War Veterans' Organization; subsequently two officials were transferred to the court, and publicly indicted in December 2020 for the obstruction of justice, witness intimidation, and secrecy violations.¹⁶⁷

See also Montenegro, Serbia.

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005, 2018.

On 28 March 2021, eight tons of documents and other items taken during the 1990 invasion by Iraq, were returned by the Iraqi government, in the third shipment that the country received since 2019. The shipment contained archives from Kuwait University, the information ministry, and other institutions [See also NCH *Annual Report 2003*].¹⁶⁸

¹⁶⁷ Marija Ristic, "[Kosovo Specialist Prosecutor Charges Thaci with War Crimes](#)," *Balkan Insight* (24 June 2020); Xhorxhina Bami and Xheneta Murtezaj, "[Hague War Crime Prosecutors Quiz Kosovo President Thaci](#)," *Balkan Insight* (13 July 2020); Xhorxhina Bami, "[Kosovo President 'Pleased' after Four-Day War Crimes Questioning](#)," *Balkan Insight* (17 July 2020); "[Kosovo War Crimes Court Arrests First Suspect](#)," *Al Jazeera* (24 September 2020); Xhorxhina Bami, "[Hague Prosecutors Publish Kosovo Guerrilla's War Crimes Indictment](#)," *Balkan Insight* (25 September 2020); Xhorxhina Bami, "[Kosovo President Thaci Resigns to Face War Crimes Charges](#)," *Balkan Insight* (5 November 2020); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 396; Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 217–218.

¹⁶⁸ "[Kuwait Receives Tonnes of National Archives from Iraq](#)," *France24* (28 March 2021).

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2013, 2016–2017.

Ten June 2020 marked ten years since the outbreak of the 2010 South Kyrgyzstan riots, a period of ethnic violence between ethnic Kyrgyz and ethnic Uzbeks following the ousting of former President Kurmanbek Bakiyev, in which 400 people were killed and nearly 2,000 homes destroyed. Authorities failed to ensure accountability for crimes committed during the violence, or justice for the people arbitrarily arrested and convicted in trials marred by widespread allegations of ill-treatment and torture in the aftermath [See also NCH *Annual Report 2011*].¹⁶⁹

See also China.

¹⁶⁹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 406, 407.

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008, 2015–2016, 2019.

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2020.

On 18 August 2020, the Special Tribunal for Lebanon (STL) found guilty Salim Jamil Ayyash, a senior member of Hezbollah, of the bombing of former Prime Minister Rafik Hariri on 14 February 2005 [See also NCH *Annual Reports 2010–2011, 2013–2015*]. Another Hezbollah figure, the group's former military commander Mustafa Badreddine, who was killed in Syria in May 2016, was initially accused of being the link to Ayyash [See also NCH *Annual Report 2019*]. However, the STL could not verify Badreddine's involvement.¹⁷⁰

On 4 February 2021, Lokman Mohsen Slim (1962–2021), a Shiite publisher and archivist who criticized Iran-backed Hezbollah, was found shot dead in a car near Sidon in southern Lebanon, an area reportedly controlled by Hezbollah. Slim had accused the Shia Islamist militant group of intimidation tactics and intolerance of other political views. Slim had made documentaries with his wife and led efforts to build an archive on Lebanon's sectarian civil war (1975–1990). In an interview on Saudi's al-Hadath television shortly before his death, Slim had said he believed Hezbollah had a role in the port blast that ripped through Beirut in August 2020, killing 205 people and wounding more than 6,500. In December 2019, he had declared that his family home and offices were targeted by people gathering in the garden, chanting slurs and threats, holding Hezbollah's leader Hassan Nasrallah and Amal's leader Nabih Berri responsible. At the time, Slim had also said he had received death threats after speaking in a debate at an anti-government Beirut camp. On 22 March 2021, three United Nations experts called on the government to ensure a credible and effective investigation into Slim's death.

In 1990, Slim had founded the independent publishing house Dar al-Jadeed which published Arabic literature and articles that stirred controversy. Some were censored and banned by the Lebanese General Security, including the first Arabic translations of former Iranian reformist president Muhammad Khatami's writings. In 2001, he established UMAM Productions, a film company which produced films

¹⁷⁰ Special Tribunal for Lebanon, *The Prosecutor v. Ayyash et al.: Amended Indictment* (Leidschendam: STL, 2013), 2; Special Tribunal for Lebanon, *The Prosecutor v. Ayyash et al.: Summary of Judgement* (Leidschendam: STL, 2020), 148-149; Martin Chulov, "[Hezbollah Member Found Guilty over Killing of Rafik Hariri](#)," *Guardian* (18 August 2020); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 419.

such as *Massaker*, about the crimes of six perpetrators in the 1982 Sabra and Shatila massacre. In 2004, he co-founded the UMAM Documentation and Research center, an open archive about Lebanese history, including the missing from the civil war (1975–1990). He published several historical documents and acquired the film footage of a major producer of Lebanese motion pictures and advertising. In 2005, he launched Hayya Bina (Let's Go), a project to promote citizen involvement throughout the political process and to criticize the sectarian system; it gave rise to several public advocacy projects within Shia areas. Slim was also an outspoken critic of Lebanon's political class, of the repression of the 2011 uprising in Syria, and of Iran's regional involvement. In recent years, he also helped many Syrian groups collect important materials on the war in Syria [See also NCH *Annual Report 2020*].¹⁷¹

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2015, 2018.

Despite the Final Report of the Truth and Reconciliation Commission (TRC) issued in June 2009, which recommended criminal prosecutions and the establishment of a Specialized Tribunal for war crimes committed in Liberia, no one had yet been prosecuted or tried for crimes committed during the First and Second Liberian civil wars (1989–1997 and 1999–2003) that left more than 250,000 dead and hundreds of thousands of refugees. In 2012, former President Charles Taylor (1948–) had been sentenced to fifty years' imprisonment for carrying responsibility for crimes committed by rebel forces during Sierra Leone's civil war (1991–2002) by the Special Court for Sierra Leone (SCSL). He was, however, not charged with crimes committed in Liberia, as the competence of the SCSL was limited to crimes committed in Sierra Leone [See also NCH *Annual Reports 2008–2012, 2015*].

On 3 December 2020, the trial against Alien Kosiiah started in Switzerland. Kosiiah, a teenager when the conflict began, became one of the “big men” in the United Liberation Movement of Liberia for Democracy (ULIMO), which fought against the troops of Charles Taylor in the First Liberian civil war

¹⁷¹ “[Lokman Slim, Prominent Hezbollah Critic, Shot Dead in South Lebanon](#),” *France 24* (4 February 2021); Tala Michel Issa, “[Who Is Lokman Slim: A Profile on Lebanese Activist, Hezbollah Critic Shot to Death](#),” *Al Arabiya English* (4 February 2021); “[Lokman Slim: Prominent Hezbollah Critic Shot Dead in Lebanon](#),” *BBC News* (4 February 2021); *Archives and Human Rights: News from the Section on Archives and Human Rights* (no. 134, January 2021), 1; Benjamin Lynch, “[The Murder of Publisher and Activist Lokman Slim Is a Stark Warning to Media in the Country](#),” *Index on Censorship* (24 February 2021); [Website UMAM Documentation & Research](#); United Nations Office of the High Commissioner on Human Rights, “[Lebanon: Intellectual's Murder Needs In-depth Inquiry to Dispel Doubts over Justice System, Say UN Experts](#)” (press release; 22 March 2021); Maha Yahya, “[The Assassination of Lokman Slim – Silencing No Lamb](#),” *Qantara* (5 February 2021); Sune Haugbolle & Henrik Andersen, “[Political Assassinations and the Revolutionary Impasse in Lebanon and Iraq](#),” *Middle East Report Online* (11 May 2021).

(1989–1997) [See also NCH *Annual Report 2018*]. Kosiiah was sentenced to twenty years. On 1 February 2021, the trial of Gibril Massaquoi began in Tampere, Finland. Massaquoi, a Sierra Leonian national who held leading positions as Lieutenant-Colonel and spokesman within the Revolutionary United Front (RUF) during the Sierra Leonian Civil War (1991–2002) and worked closely with Charles Taylor, was charged with war crimes and crimes against humanity, including murder and aggravated rape, committed during the Second Liberian Civil War (1999–2003).¹⁷²

LIBYA

Previous *Annual Report* entries: 2003, 2005–2020.

Officials and members of militias and armed groups responsible for crimes under international law and other serious human rights violations enjoyed near total impunity, while judges and prosecutors were targeted by militias and armed groups. Saif al-Islam Gaddafi, a son of Muammar Gaddafi who was sentenced to death in absentia by a Libyan court in 2015, was wanted by the International Criminal Court (ICC) for his alleged role in attacks on civilians, including peaceful demonstrators, during the 2011 uprising. Gaddafi's whereabouts remained unknown. Two others continued to be subject to ICC arrest warrants: Al-Tuhamy Khaled, former head of the Internal Security Agency under Muammar Gaddafi, for war crimes and crimes against humanity committed between February and August 2011, and Libyan Arab Armed Forces commander, Mahmoud El-Werfalli, for the war crime of murder related to several incidents in and around Benghazi between June 2016 and January 2018. Al-Werfalli remained a senior leader in the Saiqa Force of the Libyan Arab Armed Forces [See also NCH *Annual Reports 2014, 2018–2020*].¹⁷³

See also United Kingdom.

¹⁷² [“Liberian Rebel Commander Accused of Cannibalism Goes on Trial in Switzerland,”](#) *Guardian* (3 December 2020); [“Liberia: Trial of former RUF Commander Set to Begin before Finnish Court,”](#) *Front Page Africa* (26 January 2021); Saira Huusko and New Narratives, [“Frustration Shows on Final Day of Massaquoi Trial in Finland,”](#) *Premium Times* (13 February 2021); [“Swiss Court Convicts Liberian Rebel of Rape, Killings and Cannibalism,”](#) *Guardian* (18 June 2021).

¹⁷³ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 423; Amnesty International, *State of the World's Human Rights 2020/21* (London: AI, 2021), 231.

LITHUANIA

Previous *Annual Report* entries: 2005, 2009, 2015, 2018.

On 1 February 2021, four historians (Alvydas Nikžentaitis, director of the Institute of History; Loreta Skurvydaitė, dean of the Faculty of History of Vilnius University; Vasilijus Safronovas, director of the Institute of Baltic Region History and Archaeology at Klaipėda University in Klaipėda and Vytautas Magnus University in Kaunas; and Marius Sirutavičius, Department of History of Vytautas Magnus University) expressed concern to the Seimas (national parliament) over the appointment in June 2020 of a new director of the Genocide and Resistance Research Center of Lithuania (LGGRTC). They stated that the choice for Adas Jakubauskas (1964–) “was not driven by the scholarly opinion of scientists, but by a politicized approach to sensitive, socially disruptive past events, ignoring basic criticism of historical sources,” and proposed setting up a scientific council at the LGGRTC, to which Lithuania’s academic institutions carrying out historical research would delegate their representatives.

Upon his installment, Jakubauskas had appointed new members to the LGGRTC, who openly started to push historians into the “right way”: the latter were told how to work with sources, how to present the “right history” and how to “fight in the propaganda war.” One of the new members, for whom a special post was created, was Vidmantas Valiušaitis (1956–), a long-time journalist, publicist, and author of books with an ultra-nationalist view of Lithuanian history. Valiušaitis’s views on history had been criticized by historians from Lithuania and around the world who study the period of the Nazi-occupation (June 1941–January 1945), and by the Lithuanian Jewish Community, that released a statement “to point out that in several recent publications Vidmantas Valiušaitis intentionally distorted the facts and publicized falsehoods concerning the anti-Semitic activities of the Lithuanian Activist Front and the Lithuanian Provisional Government of 1941.”

On 12 March 2021, Mingailė Jurkutė, a historian working at the Faculty of History of Vilnius University and specializing in the Lithuanian guerilla war against the Soviet occupation during its early years (1944–1953), was dismissed from the LGGRTC after accusations of disclosing “secret information.” The dismissal followed an online opinion piece in which she had criticized Jakubauskas and others, for attempting “to spread propaganda.” Jurkutė is the author of, among others, *CIA Intelligence in the Baltics (1947–1953)* (2020) and co-editor of *Democracy in Lithuania: Civil Spirit versus Totalitarianism at the Defining Moments of the Twentieth Century* (2011).

On 19 March 2021, a Seimas working group that examined the situation at the LGGRTC expressed doubts about whether Jakubauskas could continue to lead it and proposed that the Seimas resolve the issue. On 1 April 2021, the Seimas voted to dismiss Jakubauskas.¹⁷⁴

¹⁷⁴ Modesta Gaučaitė, “[Valiušaitis’s Appointment Worries Historians and Jewish Community](#),” *Lithuanian Jewish Community* (28 July 2020); “[Representatives of the Institute of History and Three Universities Refuse to](#)

Valdas Rakutis, a history professor affiliated to the Genocide and Resistance Research Center of Lithuania (LGGRTC) and a former adviser to the armed forces who was elected to the Seimas in 2020, resigned as chairman of the Seimas commission on the state's historical memory and apologized to "all the people who felt offended" after he had declared in a statement published on the public broadcaster's website on 27 January 2021 (Holocaust Memorial Day) that there had been "no shortage of Holocaust perpetrators among the Jews themselves."¹⁷⁵

[Cooperate with the LGGRTC,](#)” *Penkiolika minučių* (1 February 2021); “[Lithuanian Media Respond to Changes at Genocide Center,](#)” *Lithuanian Jewish Community* (9 February 2021); Mingailė Jurkutė, “[Two Noreikas: Laser Sight against Flintlock Musket in Information Wars,](#)” *Lithuanian Jewish Community* (12 February 2021); Loreta Skurvydaitė, personal communication (15 March 2021); “[It Is Proposed to the Seimas to Decide whether Jakubauskas Can Continue to Lead the Genocide Center, the Working Leader Welcomes such a Step,](#)” *Baltic News* (19 March 2021).

¹⁷⁵ Gil Skorwid & Patrick Smith, “[How a Chicago Teacher Sparked a ‘Memory war,’ Forcing Lithuania to Confront Its Nazi Past,](#)” *NBC News* (4 April 2021).

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2015, 2017–2018.

See North Macedonia.

MADAGASCAR

Previous *Annual Report* entries: 2018.

MALAWI

Previous *Annual Report* entries: 2011–2012, 2019.

In October 2018, the High Court in Blantyre granted an injunction temporarily suspending work on a statue for the Indian non-violent resistance leader Mahatma Gandhi (1869–1948). The case had been initiated by the Gandhi Must Fall group, which accused Gandhi of using racial slurs against black Africans. It cited quotes from his writings, in which he described Africans as “savages” or “the Natives of Africa” and “kaffirs” (an racial slur for a black African). On 1 October 2020, the Indian High Commission unveiled a bust of Gandhi in the capital Lilongwe [See also *NCH Annual Report 2019*].¹⁷⁶

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011, 2016–2017, 2019–2020.

In July 2020, the home minister banned *Rebirth: Reformasi, Resistance and Hope in New Malaysia* under the Printing Presses and Publications Act after claims that the book’s cover resembled the country’s coat of arms. The book, compiled by editor Kean Wong, contained a collection of writings about the 2018 general election and subsequent events. Police raided the publishing company and

¹⁷⁶ “[Malawi Court Halts Work on Gandhi Statue after Critics Brand Him Racist](#),” *BBC News* (31 October 2018); Peter Jegwa, “[Gandhi Bust Put Up in Malawi Despite Previous Protests](#),” *BBC News* (2 October 2020).

questioned journalist Tashny Sukumaran and seven Malaysiakini journalists who had authored chapters.¹⁷⁷

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010, 2013, 2020.

On 23 October 2019, a transitional justice bill was submitted to parliament, but no justice mechanism for investigating past incidence of torture and other abuses had been set in place. Shortly after President Ibrahim Mohamed Solih (1962–) assumed power, in November 2018, the United Nations (UN) Committee against Torture applauded the new government’s plans to include transitional justice in its legislative agenda [See also NCH *Annual Report 2020*]. However, the government was also said to turn a blind eye to repeated calls by the UN’s human-rights mechanisms.¹⁷⁸

A government-appointed commission investigating deaths and enforced disappearances found that groups affiliated with Al-Qaeda were responsible for the murder of several prominent activists and politicians, including journalist Ahmed Rilwan in 2014 and blogger Yameen Rasheed in 2017. The commission also recommended that the police charge former Vice President Ahmed Adeeb for intervening to release two suspects. After accusing the justice system of shielding suspects from prosecution, the commission announced in June 2020 that it was unable to proceed further with its investigations. No convictions were made.¹⁷⁹

MALI

Previous *Annual Report* entries: 2011, 2013–2020.

The International Commission of Inquiry, established under the 2015 peace accord to investigate serious violations between 2012 and January 2018, submitted its report to the United Nations Secretary-General on 16 June 2020. By early 2021, the report has remained confidential. Public hearings scheduled for 2020 by the Truth, Justice and Reconciliation Commission, established in 2014 to investigate crimes

¹⁷⁷ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 429.

¹⁷⁸ Mushfiq Mohamed, “[Maldives’ Rocky Road to Transitional Justice](#),” *Himal Southasian* (28 October 2020); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 436.

¹⁷⁹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 436.

and root causes of violence since 1960, were delayed because of the Covid-19 pandemic. The National Commission for Human Rights investigated some abuses and issued numerous communiqués but appeared reluctant to investigate abuses by the security forces.¹⁸⁰

In July 2020, the trial of Al Hasan ag Abdoul Aziz ag Mohamed before the International Criminal Court started. He was accused of crimes against humanity and war crimes committed in Timbuktu while he was a member of the Ansar Eddine, an armed group which controlled the city during the Islamist occupation of northern Mali between 2012 and 2013 [See also NCH *Annual Reports 2016–2018*].¹⁸¹

MALTA

Previous *Annual Report* entries: 2012.

A memorial to Daphne Caruana Galizia (1964–2017) in Valletta – a journalist, writer, and anti-corruption activist murdered on 16 October 2017 – was torn down every night by authorities and put back every day by her supporters.¹⁸²

In January 2021, Kevin Cassar, a former candidate for the Partit Nazzjonalista (PN; Nationalist Party), criticized the deficient record-keeping by the former government led by Prime Minister Joseph Muscat (2013–2020), reportedly enabling impunity for lies, corruption, and crimes. According to Cassar, the missing records were non-existent, private, secret, lost, concealed, destroyed, or “in the process of being collated,” including some cabinet minutes.¹⁸³

MARSHALL ISLANDS

Previous *Annual Report* entries: 2013, 2015.

¹⁸⁰ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 445.

¹⁸¹ Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 20, 241.

¹⁸² Ifex, *Annual Report 2019* (Toronto: Ifex, 2020), 11.

¹⁸³ Matthew Mirabelli, “[Absent Records Hide Culpability – Kevin Cassar](#),” *Times of Malta* (24 January 2021).

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011, 2017, 2019–2020.

MAURITIUS

Previous *Annual Report* entries: 2012.

See United Kingdom.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2020.

The administration of President Andrés Manuel López Obrador took steps to determine and publish the true number of people disappeared. In 2019, human rights defender Karla Quintana was appointed to head the Comisión Nacional de Búsqueda (CNB; National Search Commission). She created a national forensic assessment to address obstacles to identifying and storing bodies. In March 2020, the Extraordinary Mechanism for Forensic Identification – an autonomous, interdisciplinary task force – was created by decree to identify the more than 38,000 unidentified bodies awaiting forensic analysis. In August 2020, the government recognized the supervision of the United Nations Committee on Enforced Disappearances to consider cases in Mexico. Families of victims would be able to submit cases to the committee once they had exhausted their legal options domestically. Federal authorities declared that 6,957 people had been registered missing during 2020. The total number of people reported disappeared since 1964 was 82,647, with 63,939 disappearances recorded in the past decade.¹⁸⁴

On 26 September 2020, the Attorney General’s Office for the first time issued arrest warrants for members of the military and federal police force in relation to the abduction and disappearance of 43 students in 2014. That day marked the six-year commemoration of the students’ disappearance from the Raul Isidro Burgos Teachers’ College in Ayotzinapa, Guerrero state, prompting a massive outcry and demonstrations demanding justice and accountability [See also NCH *Annual Report 2015*].¹⁸⁵

¹⁸⁴ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 454–455; Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 244.

¹⁸⁵ “[Mexico Issues New Warrants in 2014 Students’ Disappearance Case](#),” *Al Jazeera* (26 September 2020).

On 10 October 2020, the government removed a prominent bronze statue of Christopher Columbus and surrounded another with high metal fencing ahead of an annual protest that marks the explorer's arrival in the Americas in 1492. Authorities said the statue was taken away for restoration work, but added that it was also time for reflection on Columbus's legacy.¹⁸⁶

On 7 January 2021, President Andrés Manuel López Obrador (1953–) announced a proposal to eliminate several autonomous government agencies, including the independent Instituto Nacional de Acceso a la Información Pública y Datos Personales (INAI; National Institute of Access to Public Information and Personal Data). The INAI played an important role in ensuring that journalists and human rights defenders could obtain the necessary information to document and expose human rights violations and corruption scandals. Prior to the 2002 creation of the Federal Institute for Access to Information (IFAI, which later became the INAI) and the 2013 reform that granted it autonomy and made its resolutions legally binding, official secrecy was the norm, posing a major obstacle to the defense of human rights. Journalists, activists, and citizens had no recourse when denied access to basic public information needed to reveal abusive practices. The INAI played a significant role in documenting the accountability for past crimes: in 2015, an INAI ruling forced the Attorney General to release the records of its investigation into the 2014 disappearance of 43 students in Iguala, Guerrero (*see above*), revealing major inconsistencies, including that key suspects had been tortured. Moreover, hundreds of freedom of information requests made through the INAI enabled activists to determine the location of more than 2,000 mass graves across the country.¹⁸⁷

In May 2021, writer Julián Herbert was unable to organize an event in Torreón, state of Coahuila de Zaragoza, to promote his book *The House of the Pain of Others: Chronicle of a Small Genocide*, because his conclusions proved too controversial. The book described how during the Mexican Revolution (1910–1917), upon conquering the railway town Torreón on 13–15 May 1911, revolutionaries led by their commander Benjamín Argumedo massacred 300 Chinese in an anti-Chinese pogrom executed with the help of local mobs. It also disputed the local narrative that the pogrom was a spontaneous uprising by poor Mexicans, arguing instead that anti-Chinese racism was rife in Torreón and across Mexico. The victims of the massacre were buried in common graves, nobody was tried for the crime, no monument was erected, and the genocide remained largely unmentioned for 110 years. Commemoration attempts met resistance: a commemorative plaque was stolen and a statue erected in a

¹⁸⁶ [“Mexico Removes Christopher Columbus Statue before Annual Protest,”](#) *Al Jazeera* (12 October 2020).

¹⁸⁷ [“Mexico: Public Accountability, Privacy under Threat,”](#) *Human Rights Watch* (28 January 2021); Arturo Ángel, [“AMLO ataca la transparencia... y la democracia,”](#) *New York Times* (18 January 2021).

public park in 2007 was vandalized and later removed. On 17 May 2021, President Andrés Manuel López Obrador commemorated the event in Torreón.¹⁸⁸

See also United States.

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010.

MONGOLIA

Previous *Annual Report* entries: 2007, 2013.

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2013, 2015–2017.

On 5 September 2020, the parliament-backed Documentation Center, which would archive statements, indictments, judgments, and other source material related to the country's role in the 1990s wars (1991–1995), opened in the capital Podgorica. Since the country became independent in 2006, it had held just eight trials for war crimes committed in Croatia, Bosnia and Herzegovina, and Kosovo during the War of Yugoslav Succession (1991–1995) and the Kosovo War (1998–1999). No new war crimes cases were initiated in 2020, while senior wartime officers suspected of offenses were not prosecuted.¹⁸⁹

In December 2020, the Bošnjačka stranka (BS; Bosniak Party) proposed a parliamentary resolution to recognize the 1995 Srebrenica genocide, but the ruling majority voted against it. In 2009, the parliament had issued a declaration accepting a European Parliament resolution on Srebrenica, which declared 11 July a day of remembrance for the victims of the genocide, but although the declaration condemned the

¹⁸⁸ David Agren, "[Mexico Faces Up to Uneasy Anniversary of Chinese Massacre](#)," *Guardian* (16 May 2021); Sergio Mendoza, "[Sobre la matanza de chinos, hay diversas versiones: Jorge Zermeño Infante](#)," *El Sol de la Laguna* (10 February 2021).

¹⁸⁹ Samir Kajosevic, "[Montenegro Parliament Opens War Crimes Documentation Centre](#)," *Balkan Insight* (5 October 2020); Samir Kajosevic, "[Montenegro 'Failing to Deal with Wartime Crimes': Survey](#)," *Balkan Insight* (6 May 2021).

crimes, as well as other crimes committed during the conflicts in the former Yugoslavia (1991–1995, 1998–1999), the word genocide was not mentioned. On 17 June 2021, parliament adopted an amended resolution that recognized the 1995 Srebrenica genocide. The amendment called for condemnation of all war crimes committed in the former Yugoslavia and disapproved singling out parties in the attribution of responsibility for such crimes.¹⁹⁰

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2013, 2015–2018, 2020.

On 7 October 2020, the Public Prosecutor at the Court of First Instance in Rabat announced that historian, journalist, and human rights activist Maâti Monjib ([1961]–) was charged with money laundering and embezzlement [See also NCH *Annual Reports 2016* and *2020*]. The national brigade of the judicial police (BNPJ) summoned him for interrogation in Casablanca on 19 and 26 October and on 2 November 2020. Four of his female family members were subjected to questioning and harassment as well. Monjib said that the purpose of these lawsuits was to punish him because of a recent radio interview in which he criticized the General Directorate of Territorial Surveillance (DGST; internal intelligence) for its repression of political opponents. In October 2020, he launched a three-week hunger strike in protest of a travel ban imposed by Moroccan authorities when he attempted to board a flight to Norway to hold a seminar.

On 29 December 2020, eight plainclothes security forces arrested Monjib at a restaurant in Rabat and placed him in pre-trial detention in El Arjat prison to be investigated for embezzlement and money laundering. The charges apparently stemmed from the receipt of foreign funds to conduct training workshops for citizen journalists in the Ibn Rochd Center. Reporters without Borders said that Monjib was subjected to “an all-out campaign of judicial, police, and media harassment.” On 27 January 2021, Monjib was sentenced to one year in prison and a penalty of 15,000 dirhams (1,380 euros) on charges of “fraud” and “undermining state security.” Monjib and his lawyer were absent during the trial and only informed about the judgment through its publication on the ministry of justice website. On 4 March 2021, Monjib went on hunger strike. After nearly three weeks, he was temporarily released on 23 March 2021. His passport was confiscated. His appeal was due to be heard in April 2021.¹⁹¹

¹⁹⁰ Samir Kajosevic, “[Montenegrin Minister Criticised for Srebrenica Genocide Denial](#),” *Balkan Insight* (29 March 2021); Samir Kajosevic, “[Montenegro Minister Sacked for Querying Srebrenica Genocide Rulings](#),” *Balkan Insight* (17 June 2021).

¹⁹¹ Website: <https://maatimonjib.net/>; Middle East Studies Association of North America, [Letter to King Mohamed VI and Prime Minister Saadeddine Othmani](#) (3 November 2020); Intissar Fakir, “[Interview with Moroccan Human Rights Activist Maâti Monjib](#),” *Carnegie Endowment for International Peace* (29 October 2020); Committee to Protect Journalists, “[Moroccan Authorities Arrest Journalist Maati Monjib](#)” (29

Western Sahara

The Polisario Front (Frente Popular de Liberación de Saguía el Hamra y Río de Oro; Popular Front for the Liberation of Saguia el-Hamra and Río de Oro – a Sahrawi (Saharawi) movement aiming to take control over the Western Sahara), considered by the United Nations to be the legitimate representative of the Sahrawi people and their right to self-determination, failed to ensure that those responsible for committing human rights abuses in previous decades in refugee camps it administered in Tindouf, Algeria, were brought to account.¹⁹²

See also Spain.

MOZAMBIQUE

Previous *Annual Report* entries: 2018, 2020.

December 2020); Thomas Borst, “Kritische journalist en activist gearresteerd in Marokko,” *NRC Handelsblad* (30 December 2020); Reporters without Borders, “[Leading Moroccan Journalist Held on Money-Laundering Charge](#)” (5 January 2021); “Prominent Moroccan Historian and Human Rights Activist Arrested in Rabat,” *Middle East Eye* (30 December 2020); Amnesty International, *Morocco: Human Rights Defenders Targeted with NSO Group’s Spyware* (London: AI, 2019); Amnesty International, “[Urgent Action: Academic Arbitrarily Detained: Maati Monjib](#)” (UA: 001/21) (Index: MDE 29/3481/2021); Abdellah Hammoudi & Richard Falk, “[Freedom for Professor Maati Monjib](#)” [petition] ([7] January 2021); Koen Greven, “‘Sacharov van Marokko’ als crimineel voor de rechter,” *NRC Handelsblad* (19 January 2021), C3–4; Scholars at Risk Academic Freedom Database, [Monjib](#) (17 September 2015) and [Monjib](#) (29 December 2020); “[Amnesty International exhorte le Maroc à libérer l’historien Maati Monjib](#),” *Le Monde* (28 January 2021); “[Au Maroc, l’historien Maati Monjib condamné à un an de prison pour ‘fraude’ et ‘atteinte à la sécurité de l’Etat’](#),” *Le Monde* (28 January 2021); Comité de soutien à Maâti Monjib, Communiqué de presse (1 February 2021); Présentation synthétique de l’affaire Maâti MONJIB (Maroc), [www.maatimonjib.net](#) (no date); Movement for Solidarity with Maati Monjib in America, “Update about Dr. Maati Monjib’s Imprisonment” (4 February 2021); *La Détention politique au Maroc: Dossier préparé par le Comité de soutien à l’historien Maâti Monjib et à tous les détenus politiques et d’opinion au Maroc* (Paris, February 2021); Maâti Monjib, *Communiqué : Maâti Monjib en grève de la faim* (Prison Al Arjat 2, Salé, 4 March 2021); Amnesty International, Urgent Action: Academic Arbitrarily Detained (UA: 001/21; Index: MDE 29/3481/2021) (5 January 2021); Adel Abdel Ghafar, “[The Arrest of Maati Monjib and the Continued Retreat of Human Rights in Morocco](#)” *Brookings Institution* (9 March 2021); Comité de soutien à Maâti Monjib, “Communiqué de presse” (10 March 2021); “[Statement from U.S. Committee for the Defense of Maâti Monjib](#)” (14 March 2021), *Jadaliyya Reports* (17 March 2021); Comité France de soutien à Maâti Monjib, *Communiqué* (22 March 2021); Koen Greven, “Marokko laat vooraanstaand journalist Monjib alsnog vrij,” *NRC Handelsblad* (24 March 2021), 13; Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 50, 253; Reporters without Borders, “[Moroccan Journalist Freed after 20 Days on Hunger Strike](#)” (24 March 2021); Reporters without Borders, “[European Union Urged to Take Action to Secure Release of Moroccan and French Journalist Maâti Monjib](#)” (24 March 2021 – Updated on 26 March 2021); [NCH Campaign](#) (2021).

¹⁹² Amnesty International, *State of the World’s Human Rights 2020/21* (London: AI, 2021).

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2020.

In April 2019, authorities charged seven members of poetry troupe the Peacock Generation with “online defamation” under Section 66(d) of the 2013 Telecommunications Law and Sections 505(a) and 505(b) of the Penal Code for posting online videos of their peaceful Thangyat street performances criticizing the military. Thangyat is a traditional art form fusing poetry, comedy, and music for satirical ends often with a political twist, performed during the New Year water festival in April; it was banned between 1989 and 2013. One member was acquitted, but six members of the group were sentenced in October and November 2019 to between two and six years’ imprisonment. On 17 April 2021, the last three members were pardoned and released from prison.¹⁹³

On 2 September 2020, Canada and the Netherlands joined Gambia’s legal bid to hold Myanmar accountable over allegations of genocide against its mostly Muslim Rohingya minority. They urged other states to support Gambia’s legal fight, which was launched in November 2019 [See also NCH *Annual Report 2020*].¹⁹⁴

On 13 March 2021, Ko Phone Maw, a 23-year-old chemistry student shot dead by riot police on the campus of the Rangoon Institute of Technology during the March 1988 uprising, was commemorated. When students protested by sitting down near Pyay University, Bago region, soldiers used tear gas and live ammunition against them. One 19-year-old first-year student at Maritime University was shot dead and other students were seriously injured.¹⁹⁵

Among those detained after the military coup of 1 February 2021 were:

- (Daw) Nan Sandar Cho (female), assistant archivist at Hpan-An University, detained in Hpan-an Township, Karen State, on 9 February 2021 for her involvement in the Civil Disobedience Movement (CDM). On 28 May 2021, she was sentenced to two years with hard labor.
- (Ma) Chue Chit Chit Kyaw (female), history student (distance education), detained in Insein Prison on 27 February 2021 for protesting against the military coup, later released.

¹⁹³ Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 258; *Wordt Vervolgd* (June/July 2021), 47.

¹⁹⁴ “[Canada, Netherlands Join Gambia’s Genocide Case against Myanmar](#),” *Al Jazeera* (4 September 2020).

¹⁹⁵ Naw Say Phaw Waa, “[Military Invades Campuses, Student Leaders Tortured](#),” *University World News* (18 March 2021); Kyaw Phyoo Tha, “[Remembering Two Deaths that Changed the Course of Myanmar’s History](#),” *The Irrawaddy* (13 March 2018).

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- (Mg) Zwe Htet (male) history student (distance education), detained in Yangon Region on 27 February 2021 for protesting against the military coup, later released.
 - (Ko) Sai Win Htut (male), history student, detained in Monywa Township, Sagaing Region, on 27 February 2021, released on 28 February 2021.
 - (Mg) Phyo Pyae Soe (male), first-year history student at Mawlamyine University, detained in Yangon region on 3 March 2021 for protesting against the military coup.
 - (Mg) Thar Linn Oo (male), third-year history student, detained on 3 March 2021.
 - (Mg) Htoo Eaint Sithu (male), third-year archaeology student, detained in Yangon Region on 3 March 2021 for protesting against the military coup.
 - (Ko) Myo Htet Naing Linn (male), second-year history student at Myitkyina University, detained on 20 April 2021.
 - Saw Min Naing (male), history student, detained in Insein Prison on 12 April 2021.¹⁹⁶

¹⁹⁶ Assistance Association for Political Prisoners, [Under Detention List \(Last Updated on 31 March 2021\)](#), and updates 17 May and 27 June 2021.

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011, 2016–2018.

NEPAL

Previous *Annual Report* entries: 2007–2020.

More than 14 years since the November 2006 Comprehensive Peace Agreement promised justice to victims, hardly any perpetrator had been held accountable for crimes committed during the Nepalese Civil War (1996–2006). Since their establishment in 2014, the Truth and Reconciliation Commission (TRC) had received 63,718 complaints, and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) had received 3,223 complaints from family members saying their loved ones had disappeared during the war, but neither had completed any case. The government failed to address concerns that the TRC and the CIEDP lacked independence. In January 2020, new commissioners were appointed to both bodies following a process that was rejected by victims' groups after authorities failed to hold meaningful consultations. The government further failed to amend the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act 2014 to bring it in line with international human rights law and standards, as repeatedly ordered by the Supreme Court. On 27 April 2020, the Supreme Court rejected a government petition seeking to overturn a landmark 2015 ruling, which required the government to remove amnesty provisions from the 2014 Transitional Justice Act. The ruling party also continued to appoint people implicated in conflict-era crimes to positions of power without thorough and independent investigations. In October 2020, the National Human Rights Commission named 286 alleged individual perpetrators and highlighted the government's failure to implement the Commission's recommendations and hold perpetrators to account.¹⁹⁷

¹⁹⁷ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 485, 487; Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 261; Binod Ghimire, "[Tenure of Two Transitional Justice Bodies To Be Extended but This Is Not Enough, Stakeholders Say](#)," *The Kathmandu Post* (4 February 2021).

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2020.

On 14 August 2020, Aliansi Mera Putih (AMP), an Indonesian activist group, protested against the commemoration of the victims of the Japanese occupation (1942–1945) of the Dutch East Indies (now Indonesia), by painting *Kami belum lupa* (“We have not forgotten”) and *4 juta korban* (“4 million victims”) on the Indies Monument in The Hague. According to AMP, no attention was paid to the four million Indonesian victims of violence and oppression and the event neglected the Indonesian war of Independence (1945–1949) that follow the Japanese capitulation.¹⁹⁸

On the night of 3 December 2020, a mural called “The Wall of Surinamese and Black Heroes” was besmirched and vandalized by unknown perpetrators. The mural was part of the building that housed The Black Archives (established in 2016 to document the history of black emancipation in the Netherlands) and the *Keti Koti* festival organizers in Amsterdam, among others. Some of its archivists, such as cultural anthropologists Jessica de Abreu (1989–) and Mitchell Esajas (1988–), had been victims of real-time and online intimidation, including an extreme-right attack that took place in November 2019 during a work meeting of *Kick Out Zwarte Piet* (Kick Out Black Pete; established 2014) in The Hague. Nobody was arrested for the attack. The mural had been created by artists Hedy Tjin and Dewi “Butterfingas” Elsinga in the summer of 2020 as an extension of the exhibition “*Surinamers in Nederland: 100 jaar emancipatie en strijd*” (“Surinamese People in the Netherlands: 100 Years of Emancipation and Struggle”).¹⁹⁹

In January 2021, former Minister for Development Cooperation Jan Pronk and Member of Parliament Sadet Karabulut criticized in a radio interview the fact that the Dutch archives about the military coup that brought Desi Bouterse to power in Suriname in 1980 (five years after independence from the Netherlands) were closed until 2060. The question whether Dutch Colonel Hans Valk (1928–2012), military assistant of the Dutch embassy at the time, assisted in the coup, and if so, alone or on Dutch instructions and in what capacity, had been investigated by parliament [in the 1980s] but two crucial supplements were never made public for privacy reasons, and on expiry of the term, for national security reasons. Answering Karabulut’s questions in the matter, Minister of External Relations Stef Blok said

¹⁹⁸ Bastiaan Nagtegaal, “[Indisch Monument in Den Haag daags voor herdenking beklad](#),” *NRC Handelsblad* (14 August 2020).

¹⁹⁹ The Black Archives, “[Vandalizing the Building of Vereniging Ons Suriname and The Black Archives Is an Attempt to Racist Intimidation](#)” (press release; [3] December 2020); Koninklijk Nederlands Historisch Genootschap (Royal Netherlands Historical Society), [Verklaring KNHG t.a.v. aantasting pand van The Black Archives](#) (press release; 4 December 2020); Thijs Niemantsverdriet, “Interview Mitchell Esajas en Jessica de Abreu – Black Archives,” *NRC Handelsblad* (29 December 2020), 12–13.

that the two supplements had been accessible for strictly confidential scrutiny by Members of Parliament and historians. On 2 February 2021, the House of Representatives demanded more archival openness and less secrecy in a vote. In late February 2021, researcher Ellen de Vries published *Hans Valk: Over een Nederlandse kolonel en een coup in Suriname* (Hans Valk: Regarding a Dutch Colonel and a Coup in Suriname), a book that contained the eight secret documents as annexes. Her analysis questioned Valk's alleged central role in the 1980 coup.²⁰⁰

On 21 March 2021, Nadia Bouras (1981–), a historian of immigration at the University of Leiden and a member of the Netherlands Institute in Morocco (NIMAR) who actively participated in the public debate about migration, found a sticker from the radical right-wing platform Vizier op Links (Watch the Left; established June 2020) on her door. The sticker contained the following text: “Location Watched. This location is being watched by followers of Watch the Left. Go to vizieroplinks.org to pass on tips and map left-wing activism.” Vizier op Links also shared her address data online (“doxing”). Bouras filed a report about this intimidation with the police. Around a week before Vizier op Links targeted Bouras's home, it published online photos of the home of historian Geert Mak (1946–), who had given a televised lecture warning about the dangers of modern-day fascism and later allegedly received messages from “angry people” threatening to go to his home. Among the politicians, writers, and academics targeted were also politician Huub Bellemakers and artist Yuri Veerman who were harassed after they had compared radical right-wing political leader Thierry Baudet to a Dutch national-socialist and Hitler respectively.²⁰¹

On 11 May 2021, a court in Amsterdam ruled in summary proceedings that the film “De Oost” (The East) – a film about atrocities committed by the Dutch during Indonesia's independence war (1945–1949; in the film 1946–1947 in particular) made by Jim Taihuttu – did not need a new disclaimer as demanded by the Federatie Indische Nederlanders (FIN; Federation of Dutch-Indonesians) and that the film makers, New Ams Film Company, did not act unlawfully by refusing to incorporate such a new disclaimer in their film. The actual disclaimer stated at the end: “This film is inspired by true events. Certain events, characters, and dialogues were fictionalized for dramatic purposes.” FIN had demanded that a new disclaimer precede the film, saying that Dutch military intervention followed the Bersiap (a

²⁰⁰ “[Archieven over Surinaamse coup 1980 nog steeds gesloten](#),” *BNN Vara: Redactie De Nieuws BV* (28 January 2021); “Tweede Kamer wil dat documenten over staatsgreep van Bouterse openbaar worden,” *NRC Handelsblad* (4 February 2021), 11; Hans Buddingh’, “‘Het plan voor de coup van Desi Bouterse kwam niet van Nederland’,” *NRC Handelsblad* (1 April 2021), 11.

²⁰¹ “Vizier Op Links plakt stickers op voordeuren ‘ter observatie’,” *NRC Handelsblad* (22 March 2021), 3; “[Zeker vier aangiftes in twee maanden tegen Vizier op Links vanwege intimidatie](#),” *Nu.nl* (22 March 2021); Steven Derix & Kees Versteegh, “Dreigende sticker op de voordeur,” *NRC Handelsblad* (23 March 2021), 3; Scholars at Risk, [Academic Freedom Monitoring Project](#) (21 March 2021).

period of extreme anti-Dutch violence in 1945–1946, that the film did not intend to give a complete or truthful version of history, and that the film mixed facts and fiction.²⁰²

Curaçao

In June 2020, the Plataforma Sklabitut i Herensha di Sklabitut (PSHS; Platform for Slavery and the Heritage of Slavery) based in Curaçao (an Antilles island in the Caribbean that is part of The Netherlands), sent a letter to Prime-Minister Mark Rutte, asking to rehabilitate Curaçao's freedom fighter Tula (aka Tula Rigaud) (?–1795). On 17 August 1795, Tula led a rebellion against the Dutch colonial regime, a day that is still remembered on Curaçao as the *Dia di Lucha pa Libertad* ("Day of struggle for freedom"). For a long time, Tula was described as a villain, an image that slowly changed from the 1970s onward, resulting in Tula being mentioned in 2020 in the revised Dutch canon – a set of historical topics officially recommended for secondary school education. It was unknown whether the Dutch government had plans for Tula's official rehabilitation.²⁰³

See also France, Myanmar.

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007, 2017, 2019–2020.

In June 2021, three university lecturers in Chinese politics and history spoke out about their classes being observed and sometimes photographed by unenrolled individuals. They suspected that the information was channeled to the Chinese Communist Party. The Chinese embassy called claims that spies were infiltrating New Zealand universities groundless.²⁰⁴

²⁰² Rechtbank Amsterdam, [Stichting Federatie Indische Nederlanders versus New Ams Films Company: Summary Proceedings](#) (2011); Frank Vermeulen, "Analyse: Westerling en de Celebes-Affaire," *NRC Handelsblad* (12 May 2021), 6.

²⁰³ Frank Quirindongo, "Rappelbrief aan de Regering van het Koninkrijk der Nederlanden m.b.t. de Rehabilitatie van onze Nationale Held Tula," (Curaçao 17 June 2020).

²⁰⁴ Craig McCulloh, "[Chinese Embassy Dismisses Claims Spies Infiltrating NZ Universities](#)," *RNZ (Radio New Zealand)* (29 June 2021).

NICARAGUA

Previous *Annual Report* entries: 1998, 2020.

In April 2020, police arrested at least five and injured two demonstrators commemorating the 2018 protests in Esquipulas, Moyogalpa.²⁰⁵

On 31 July 2020, an unidentified hooded man threw a petrol bomb into the chapel of the Blood of Christ of the Cathedral of the Immaculate Conception in Managua, severely damaging the chapel and destroying a 382-year-old crucifix. Cardinal Leopoldo José Brenes called it an act of terrorism. The attack came after tensions between some Catholics and supporters of President Daniel Ortega. Ortega's government had accused many bishops and priests of siding with his opposition. Supporters of Ortega had led actions against some churches, including Managua's cathedral, when critics of Ortega took refuge there in November 2019. The protests had been part of a crisis which began in April 2018 after Ortega had announced social security and pension reforms. The Archdiocese said the attack was the most recent "in a series of sacrilegious acts, violations of Church property, and attacks on churches." On 29 July 2020, unidentified people had vandalized the chapel of Our Lady of Perpetual Help in Nindiri, Masaya. On 25 July 2020, there had been an attack on the chapel of Our Lord of Veracruz parish in Masaya district.²⁰⁶

NIGER

Previous *Annual Report* entries: 2009, 2013.

In 2020, the sultan of Birnin Konni told a BBC film crew directed by writer Femi Nylander and documentary film-maker Rob Lemkin that the crimes against humanity committed during the 1899 French invasion of the country, had been covered up by the French authorities for decades. The French commander, Paul Voulet (1866–1899), had captured the sultan's town, killing between 7,000 and 15,000 of its Hausa inhabitants. The invasion, which lasted for six months until Voulet was shot, was the subject of the BBC film *African Apocalypse* (2020).²⁰⁷

²⁰⁵ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 493.

²⁰⁶ "[Nicaragua Catholic Cathedral Attacked with Firebomb](#)," *Catholic News Agency* (31 July 2020); "[Crucifix in Managua Cathedral Torched in 'Hatred of the Church'](#)," *Vatican News* (1 August 2020).

²⁰⁷ Femi Nylander & Rob Lemkin, "[Will Macron's New Commission Face Up to All of France's Colonial Atrocities?](#)," *Guardian* (16 February 2021).

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2013, 2016–2020.

There was little progress on accountability for security force abuses within the context of the conflict with Boko Haram in the northeast. The report of the Presidential Judicial Panel set up in August 2017 to investigate the military's compliance with human rights obligations, allegations of war crimes, and other abuses had still not been made public despite repeated calls from civil society and international actors.²⁰⁸

In September 2020, followers of Osun, the Yoruba goddess of fertility, accused filmmaker Tobiloba Jolaosho of desecrating the Osun Osogbo sacred grove in western Nigeria. Jolaosho was arrested on charges of breach of peace for allegedly recording a pornographic movie at the site, a United Nations-designated World Heritage Site since 2003. Every year, thousands of people attend the Osun Osogbo festival, a traditional celebration that is thought to be 600 years old.²⁰⁹

On 1 June 2021, President Muhammadu Buhari tweeted “Many of those misbehaving today are too young to be aware of the destruction and loss of lives that occurred during the Nigerian Civil War. Those of us in the fields for 30 months, who went through the war, will treat them in the language they understand.” The tweet followed a spate of attacks on offices, mainly in the south-east, blamed on regional secessionists. It referred to the Biafran secession war (1967–1970) which took place in the south-east and ended in 1970 with the defeat of the secessionist forces with more than a million people, mostly civilians, killed through starvation. Some users saw the post as a veiled threat toward the secessionist movement. Twitter removed the post. On 4 June 2021, the government suspended Twitter's operations in the country and said it would prosecute anyone found to have breached the ban. Twitter had played a crucial role in the #EndSars anti-police brutality protests which shook Nigeria in 2020.²¹⁰

See also Germany.

²⁰⁸ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 503.

²⁰⁹ “[Nigerian Porn Star Arrested ‘for Filming’ at Sacred Osun Osogbo Ground](#),” *BBC News* (14 September 2020).

²¹⁰ “[Muhammadu Buhari: Twitter Deletes Nigerian Leader’s ‘Civil War’ Post](#),” *BBC News* (2 June 2021); “[Nigeria’s Twitter Ban: Government Orders Prosecution of Violators](#),” *BBC News* (5 June 2021).

NORTH MACEDONIA

Previous *Annual Report* entries: *See* Macedonia.

On 25 December 2020, Prime-Minister Zoltan Zaev said in an interview that “Bulgaria is not a fascist country; Bulgaria is our friend,” adding that his government had removed some plaques on historical wartime monuments that contained the words “Bulgarian fascist occupation.” The comments were part of an interview in which Zaev talked about North Macedonia’s efforts to persuade Bulgaria to lift its blockade on the start of North Macedonia’s European Union membership talks. A number of historians objected to Zaev’s words. Ljubica Spaskovska, a member of the North Macedonian team in the joint North Macedonia-Bulgaria history commission, distanced herself from the remarks. She was soon joined by her colleague on the same commission, Ognen Vangelov. In 1941, the then Kingdom of Bulgaria had joined the Axis powers, and as such was given much of today’s North Macedonia, which it had long claimed as Bulgarian territory.²¹¹

NORWAY

Previous *Annual Report* entries: 2009, 2012, 2016–2017.

See also Morocco.

²¹¹ Sinisa Jakov Marusic, “[North Macedonia PM’s Remarks About History Hit a Nerve](#),” *Balkan Insight* (26 November 2020).

OMAN

Previous *Annual Report* entries: 2010, 2017, 2019.

In 2020, authorities censored 51 literary works from the 25th annual Muscat International Book Fair, either due to the authors' political activities or the content of their works. Among the books was Said bin Sultan Al-Hashimi's *Al-Rabee' al-Omani* (the Omani Spring), in which he documented the Omani Protests of 2011. *Al-Rabee' al-Omani* had already been banned for the annual Muscat International Book Fair in 2018 and 2019, together with a number of other works by al-Hashimi. The list further included *Hara'ir al-Rabee'* (Heroines of the Spring), written by Habiba al-Hinaiya, a women's rights activist and founder and executive director of the Omani Association for Human Rights (OCHR) [See also NCH *Annual Report 2010*].²¹²

In 2013, writer and activist Musallam Al-Ma'ashani ([1960]–) was sued after publishing a book entitled "Dhofar: The Diary of February 25" (after the 25 February 2011 protests in the Dhofar governorate that initiated the Omani Spring). Although not printed or distributed in Oman, it included three chapters documenting with pictures the protests in Salalah, the capital of the Dhofar governorate. Al-Ma'ashani was sentenced to five months' imprisonment and a fine of 500 Omani Rials (US\$1,300) for distributing a book without a license and to six months' imprisonment, later reduced to two months, and a fine of 500 Rials for writing publications that incited hatred and spread discord in society. The book was confiscated. In November 2019, Al-Ma'ashani was again arrested on unclear charges, after having crossed the border from Yemen. Due to Covid-19 his trial was postponed indefinitely. He was released on 25 April 2020 with a bail of 3,000 Rials (\$7,800).²¹³

²¹² "[Omani Human Rights Activist Silenced and Pushed into Exile](#)," *CIVICUS* (25 April 2017); "[Radio Programme Banned from Hosting Omani Writer Said Sultan Al Hashimi](#)," *Omani Association for Human Rights* (15 April 2019); "[Censorship Continues under Oman's New Sultan at Muscat International Book Fair 2020](#)," *Omani Association for Human Rights* (2 March 2020); "[Habiba – Oman](#)," *Equality Now*; Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 515.

²¹³ "[Writer and Civil Activist Musallam Al-Ma'ashani Must Be Freed](#)," *Gulf Center for Human Rights* (18 November 2019); "[Trial of Writer and Civil Society Activist Musallam Al-Ma'ashani Postponed Indefinitely](#)," *Gulf Center for Human Rights* (2 June 2020); Human Rights Watch, *World Report 2021: Events of 2020* (Washington: HRW, 2021), 515.

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012, 2014, 2016, 2018–2019.

In the week of 15 March 2021, the Lahore University of Management Sciences (LUMS) canceled without explanation an online conference to commemorate the 50th anniversary of the Bangladesh War of Liberation, planned from 23 to 27 March in collaboration with the National Institute of Pakistan Studies (NIPS) of Quaid-i-Azam University in Islamabad. The conference, spearheaded by the LUMS School of Humanities and Social Sciences, was to be titled, “War, Violence & Memory: Commemorating 50 Years of the 1971 War.” According to LUMS politics professor Hassan Javid concerns had been raised over scheduling the conference on 23 March, which was also the day when Pakistan officially adopted its first constitution and became a republic in 1956.²¹⁴

See also Egypt.

PALESTINIAN TERRITORIES

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2013–2015, 2018.

Between 11 and 25 June 2020, authorities in Gaza arbitrarily arrested more than fifty Fatah-affiliated activists in relation to their plans to organize demonstrations to mark the fourteenth anniversary of the in-fighting between Fatah and Hamas. The Palestinian Center for Human Rights reported that most of the activists said they were tortured and otherwise ill-treated in detention. None of the detained was charged and all were subsequently released.²¹⁵

On 21 May 2021, the Palestinian Ministry of Culture in Ramallah said that during the recent violence between Israel and Gaza Palestinians 44 cultural institutions (including cultural centers, bookstores, and publishing houses) were affected in the Gaza Strip, with many buildings associated to them demolished or damaged by Israeli airstrikes. Gaza-based author Mahmoud Joudeh said that “Destroying cultural institutions in Palestine is ... an attempt to obliterate Palestinian culture.” Tahseen Alyan, a researcher

²¹⁴ [“Lahore University Stokes Outrage for Cancelling Event on Bangladesh’s Liberation from Pakistan,”](#) *The Print* (21 March 2021).

²¹⁵ Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 283.

at the Al-Haq human rights organization in the West Bank said that the attack on cultural institutions violated article 53 of the First Protocol Additional to the Geneva Conventions.²¹⁶

See also France, Israel, United Kingdom.

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2013, 2015–2017.

PAPUA NEW GUINEA

Previous *Annual Report* entries: 2014.

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012, 2015, 2020.

PERU

Previous *Annual Report* entries: 2001–2020.

Efforts to prosecute grave abuses committed during the armed conflict (1980–2000) have had mixed results. Almost 70,000 people were killed or subject to enforced disappearance by the Shining Path, other armed groups, or state agents during the armed conflict, the Truth and Reconciliation Commission estimated. The vast majority of those killed were low-income peasants; most spoke indigenous languages. Authorities had made slow progress in prosecuting abuses committed by government forces during the conflict. As of September 2019, courts had issued 46 convictions in 88 cases. In 2018, then-President Martin Vizcarra established a genetic profile bank to help search for those disappeared during the armed conflict.

²¹⁶ Hanady Salah, "[Israeli War Adds Scars to Palestinian Psyche](#)," *Al-Monitor* (26 May 2021).

An investigation into former President Alberto Fujimori's role in forced sterilizations of mostly poor and indigenous women during his presidency was ongoing. As of November 2019, 5,247 people had registered as victims of forced sterilizations committed between 1995 and 2001, the Ministry of Justice reported. In February 2021, Congress passed a law that would allow the compensation of victims of forced sterilizations that occurred during his administration (1990–2000). Over 350,000 women and 25,000 men were sterilized against their will as part of a plan to reduce the birth rate in the rural and Indigenous communities. At least 18 people died during the surgery. The law was part of the Programa de Inversión Responsable (PIR; Integral Reparation Plan) created in 2006 to compensate victims of human rights violations.

Courts had made little progress in addressing abuses, including extrajudicial killings, enforced disappearances, and torture committed by security forces during the earlier administrations of Fernando Belaunde (1980–1985) and Alan Garcia (1985–1990). Criminal investigations continued into the role of former President Ollanta Humala (2011–2016) in killings and other atrocities committed in 1992 at the Madre Mia military base, in the Alto Huallaga region, and in their cover-up.²¹⁷

Throughout 2020, the archeological site of Caral, the oldest city in the Americas dating back to ca. 2600 BCE and a UNESCO world heritage site since 2009, was invaded at least nine times by illegal squatters reportedly belonging to one family. They claimed that the site of the ruins was given to them during the agrarian land reform legislated by President Juan Francisco Velasco Alvarado's government (1968–1975). In addition to the invasions, Ruth Martha Shady Solís (1946–) – professor at the Faculty of Social Sciences of the Universidad Nacional Mayor de San Marcos (National University of San Marcos) and the archaeologist who discovered the Caral-Supe civilization in 1994 – and her lawyer received multiple death threats mostly via telephone calls and messages to various workers at the archeological site. She accused the police and local prosecutor of insufficiently protecting her and the site, especially during the last three years. She was not threatened for the first time: in 2003, when she started her work as director of the site, she was shot in the chest during an assault on the site, for which she had surgery. From 2006 to 2012, she had been president of ICOMOS–Perú (International Council on Monuments and Sites–Peru).²¹⁸

²¹⁷ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 532–533; [“Peru to Compensate Victims of Forced Sterilizations,”](#) *TeleSUR* (25 February 2021).

²¹⁸ [“Ruth Shady denuncia indiferencia policial frente a invasiones en Caral,”](#) *La República* (7 December 2020); [“Ruth Shady denuncia inacción de la PNP ante invasiones en Caral,”](#) *El Popular* (7 December 2020); Dan Collins, [“Squatters Issue Death Threats to Archaeologist Who Discovered Oldest City in the Americas,”](#) *Guardian* (3 January 2021); [“Ruth Shady: conoce a una de las 100 mujeres más influyentes del mundo,”](#) *La República* (24 November 2020).

PHILIPPINES

Previous *Annual Report* entries: 2011–2015, 2019–2020.

On 18 March 2021, Potenciano Malvar, physician, local historian, and chairman of the Butuan Calagan Historical and Cultural Foundation, filed a criminal complaint for defamation against the members of the Mojares-panel – tasked with conducting queries and recommendations to determine the site of the first Catholic Mass in the country in 1521. Malvar alleged that the panel had produced a falsified report with libelous claims and with conclusions that caused dishonor and discredit to his person, reputation, and years of research. He demanded 20 million Philippine pesos in moral damages.

In May 2018, President Rodrigo Duterte had issued Executive Order No. 55 that created the National Quincentennial Commission (NQC) to organize commemorative activities for the quincentenary anniversary of the first celebration of Easter Sunday Mass on the country's shores in 1521. The location of the first Easter Sunday Mass had been a topic of debate for a long time, some believing that it was celebrated in Butuan (Mindanao), as the Spanish tradition held, other in Limasawa (Southern Leyte), as historical research asserted. To solve the issue, the NQC had formed an investigating panel led by Resil Mojares, the National Artist for Literature, and consisting of five well-known historians. This Mojares-panel was the fourth official panel to solve the issue following the 1980 Workshop Panel, the 1995 Gancayco Committee; and the 2008 panel led by historian Benito Legarda Jr. All three panels had found that the site of the First Easter Sunday Mass was Limasawa Island.

After a year-long research process, the Mojares-panel concluded that, despite arguments presented by proponents of the Butuan thesis, there was no evidence to reverse previous conclusions. It also concluded that Malvar's position paper, arguing for the Butuan-thesis, was "based on conjectures from ideas derived from secondary sources including a fictional account of the Magellan Expedition." In July 2020, the National Historical Commission of the Philippines (NHCP) adopted the Mojares-panel recommendations and decided that the commemoration of the first Catholic mass was to be held in Limasawa. In June 2021, the panel members were acquitted.²¹⁹

²¹⁹ Alexander Lopez, "[Quest to Name Butuan Site of First Catholic Mass Takes Legal Turn](#)," *Philippine News Agency* (19 March 2021); Ben Serrano, "[Raps Filed vs Panel over 1st Philippine Mass Claim](#)," *Philippine Star* (21 March 2021); Jenny Ortuoste, "[The 'Limasawa 6' Case: Criminalizing Research?](#)," *Manila Standard* (14 June 2021); John Nery, "[Weaponizing the Law... against History](#)," *Inquirer.net* (15 June 2021); Bob Couttie, personal communications (18–21 June 2021).

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011, 2014–2020.

Over 2019 and 2020, historian Dariusz Stola, the first director of the Polin Museum of the History of Polish Jews (2014–2019), was still awaiting the confirmation of his renewed contract, despite having been chosen in a selection process. In 2021, he was a history professor at the Institute of Political Studies of the Polish Academy of Sciences [See also NCH *Annual Reports 2019–2020*].²²⁰

In [October] 2019, Filomena Leszczyńska ([1940/1941]–) sued Jan Grabowski (1962–), a Polish-Canadian history professor at the University of Ottawa, and Barbara Engelking (1962–), a historian with the Polish Center for Holocaust Research in Warsaw, for defamation of her late uncle Edward Malinowski in the District Court of Warsaw. In their 2018 co-edited, 1,700-page, two-volume book *Dalej Jest Noc: Losy Żydów w Wybranych Powiatach Okupowanej Polski* (Night Without End: The Fate of Jews in Selected Counties of Occupied Poland), the historians had written as a side note that Malinowski had contributed to the death of 22 Jews hiding in a forest near the village of Malinowo, north-east Poland, of which he was an elder (sołtys). However, Malinowski had been acquitted from a charge of collaboration with the Nazis in a Communist court trial in 1950. At the center of the case was testimony given by Maria Wiltgren (née Estera Siemiatycka) to the USC Shoah Foundation in 1996. A Jewish woman, she had described how Malinowski had helped her to survive under an assumed “Aryan” identity by putting her in a group of Poles sent to work in Germany, adding, however, that he had cheated her out of money and possessions. In *Dalej jest noc* Wiltgren was quoted as saying that she “realized that he was an accomplice in the deaths of several dozen Jews who had been hiding in the woods and had been turned over to the Germans, yet she gave false testimony in his defense at his trial after the war.” Ahead of Malinowski’s trial in 1950, an anti-Communist gang intimidated and beat up witnesses, some of whom then changed their testimony.

Supported by the Polish League against Defamation (Reduta Dobrego Imienia, RDI), Leszczyńska argued that the book provided “inaccurate information” and harmed her good name and that of her family. Leszczyńska demanded 100,000 zlotys (\$27,000) in damages and an apology in the newspapers. On 9 February 2021, the District Court ruled that Grabowski and Engelking had to issue a written apology to Leszczyńska for “providing inaccurate information” in suggesting that Malinowski had helped killing Jews in World War II, and had to publish an apology on the website of the Polish Center

²²⁰ United Nations Special Rapporteur in the Field of Cultural Rights, *Visit to Poland: Report to the Human Rights Council* (21 February 2020), paragraph 26; Madeline Roache & Olivia Waxman, “[World War II in Europe Ended 75 Years Ago—But the World Is Still Fighting Over Who Gets to Say What Happened](#),” *Time* (8 May 2020).

for Holocaust Research, conceding that the claimant's right to "respect for the memory of a relative" had been infringed. The court, however, did not award damages and also rejected that the apology describe Malinowski as a "Jew-saving hero." Engelking and Grabowski appealed the ruling.

International organizations and academics condemned the judgment. Sascha Feuchert, director of the Arbeitsstelle Holocaustliteratur at the University of Giessen, Germany, summarized a more general opinion: "For many incidents in the Holocaust, we only have the testimonies from survivors. Of course they need to be checked and discussed in academic debates as far as possible. But this court ruling and its conclusions not only threaten the foundations of research based on survivor testimony, it could also be a gift for Holocaust deniers" [See also NCH *Annual Reports 2017–2020*].²²¹

On 4 February 2021, Katarzyna Markusz, a journalist and PhD candidate at the Polish Academy of Sciences, was questioned by police in Warsaw on suspicion of "slandering the good name of the Polish nation." A researcher of Polish-Jewish history, anti-Semitism, and World War II, and an organizer of commemorations for Polish Jews who died in the Holocaust, Markusz had written an article on the left-wing news website *Krytyka Polityczna*, in which she asked: "Will the day come when the Polish authorities admit there was widespread hostility to the Jews among Poles, and that Polish participation in the Holocaust is a historical fact?" The case was dropped.²²²

In March 2021, an ultra-conservative Polish Catholic group threatened to sue a French radio station for "infringing the reputation of the republic of Poland" by supposedly implicating Poland in Nazi war crimes during a program. The Polish League Against Defamation launched lawsuits against newspapers

²²¹ ["The Trial against Barbara Engelking and Jan Grabowski,"](#) *Polonia Institute* (1 November 2019); United Nations Special Rapporteur in the Field of Cultural Rights, *Visit to Poland: Report to the Human Rights Council* (21 February 2020), paragraphs 37, 76; Madeline Roache & Olivia Waxman, ["World War II in Europe Ended 75 Years Ago—But the World Is Still Fighting Over Who Gets to Say What Happened,"](#) *Time* (8 May 2020); Wojciech Czuchnowski, ["The Plan to Destroy Holocaust Scholars: Polish Anti-Defamation League Goes after the Authors of the Book 'Night Without End',"](#) *Gazeta Wyborcza* (23 January 2021); ["Fears Rise that Polish Libel Trial Could Threaten Future Holocaust Research,"](#) *Guardian* (3 February 2021); Vanessa Gera, ["Future of Holocaust Research in Poland Hinges on Libel Case,"](#) *AP News* (4 February 2021); Vanessa Gera & Monika Scislowka, ["Holocaust Scholars Ordered to Apologize in Polish Libel Case,"](#) (9 February 2021); ["Polish Court Tells Two Holocaust Historians to Apologise,"](#) *BBC* (9 February 2021); Andrew Higgins, ["Polish Court Orders Scholars to Apologize Over Holocaust Study,"](#) *New York Times* (9 February 2021); ["U of O Holocaust Scholar Ordered to Apologize in Polish Libel Case,"](#) *CBC News* (9 February 2021); ["Statement by Prof. Barbara Engelking and Prof. Jan Grabowski,"](#) *Polish Center for Holocaust Research* (10 February 2021); Jo Glanville, ["A Gift for Holocaust Deniers': How Polish Libel Ruling Will Hit Historians,"](#) *Guardian* (12 February 2021); Daniele Boschi, ["La storia in tribunale,"](#) *Historia ludens* (19 February 2021); Masha Gessen, ["The Historians Under Attack for Exploring Poland's Role in the Holocaust,"](#) *The New Yorker* (26 March 2021); Anna Wójcik, ["Historians on Trial,"](#) *Verfassungsblog* (11 March 2021).

²²² Ofer Aderet, ["Polish Journalist Quizzed by Police for Writing that Poles Were Involved in the Holocaust,"](#) *Haaretz* (7 February 2021); David Matthews, ["Polish Pressure Forces Holocaust Historian to Self-censor,"](#) *The Times Higher Education Supplement* (15 April 2021).

and broadcasters in Spain, Italy, and Germany, invoking concepts such as a right to “national pride” for Poles.²²³

On 13 April 2021, philosopher Stanisław Krajewski (1950–) resigned from the Auschwitz-Birkenau Museum advisory council after Culture Minister Piotr Gliński had appointed Beata Szydło (1963–), a former prime minister and member of the ruling Prawo i Sprawiedliwość (PiS; Law and Justice) party, to serve on the council. His resignation was followed by those of historians Marek Lasota (1960–) and Krystyna Oleksy, the latter a former deputy director of the museum.

Krajewski, who was to begin his third four-year term on the advisory council, feared that the appointment of Szydło was another move in the direction of making “the Auschwitz-Birkenau museum part of their historical policy.” After PiS took power in 2015, its leaders launched what they described as a “historical policy offensive” aimed at building pride in the nation’s past, by using museums, state media and other tools to promote a patriotic view of history.²²⁴

Despite having adopted the Terezin Declaration in 2009 to ensure “assistance, redress, and remembrance for victims of Nazi persecution,” Poland remained the only in the European Union that had not legislated on Jewish property restitution. Experts, commissioned by the Israeli government in 2006, estimated that about 170,000 private properties had been wrongfully seized from Jewish victims of the Shoah and nationalized by the communist government.

In 1997, the government had passed legislation to enable restitution claims for certain types of properties. However, a majority of claims still had not been resolved, and most of the resolved claims had not led to restitution or compensation. Additionally, the regulatory commission had applied a narrow interpretation of the law to exclude many Jewish properties. In October 2017, the government published draft legislation, which would have enabled claims to be made by some original owners and their families, but not by Shoah survivors and their families. On 24 June 2021, the lower house of parliament passed a draft legislation that would set a statute of limitations of ten to thirty years, depending on the case. The move was widely criticized as it could bar owners and their descendants from receiving compensation after a certain date.²²⁵

See also France, Russia.

²²³ David Matthews, “[Polish Pressure Forces Holocaust Historian to Self-censor](#),” *The Times Higher Education Supplement* (15 April 2021).

²²⁴ Vanessa Gera, “[Three Resign from Auschwitz Council after Politician Appointed](#),” *Associated Press* (16 April 2021).

²²⁵ “[Around the Bloc – 9 December](#),” *Transitions* (9 December 2019); Jo Harper, “[Nationalized Jewish Property: Warsaw’s Restitution Problem](#),” *Der Welt* (27 January 2020); “[Poland Defends Law That Could Block Jewish Restitution Claims](#),” *Der Welt* (25 June 2021).

PORTUGAL

Previous *Annual Report* entries: 2017.

In February 2021, prominent anti-racism activist Mamadou Ba was the target of a petition asking for his deportation for stating that the death of a colonial officer should not be commemorated. André Ventura, a lawmaker for and president of the far-right Chega political party made public derogatory remarks against him and against ethnic minorities.²²⁶

²²⁶ Victoria Waldersee & Catarina Demony, "[Council of Europe Urges Portugal to Confront Its Colonial Past](#)," *Business Day* (24 March 2021).

QATAR

Previous *Annual Report* entries: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010, 2019.

Despite a 2001 law for the protection of the national heritage, the country remained an important source for black market antiquities in the European Union, with the authorities recovering 3,423 heritage items in 2020, according to police statistics.²²⁷

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2020.

In 2020, the authorities opened a criminal case under Article 354.1 of the Criminal Code against Nikolay Gorelov, a Kaliningrad blogger, for a satirical piece from 2014–2015 about World War II. The piece explored various controversial themes, including crimes committed by the Soviet Red Army against the civilian population. It contained fictional monologues by contemporary and historical figures, including Adolf Hitler, who said that the Soviet Union’s victory in World War II “strengthened Stalin’s regime,” that “Russians ha[d] nothing to be proud of,” and that therefore “the victory [...] would ... remain the only thing that would give Russians at least some sense of their own significance.” In June 2020, the case was closed due to the expiry of the statute of limitations.²²⁸

In 2020, authorities arrested at least four people for supposed affiliation with Nurdzhular, a group of followers of the late Turkish theologian Said Nursi (1877–1960), banned as extremist in 2008, even though it had no history of incitement or violence. Experts repeatedly questioned the existence of such an organization in Russia and stated that the works of Said Nursi did not contain any extremist views. At least seven Nursi followers remained on Russia’s “List of Terrorists and Extremists,” their assets frozen, and travel restricted [See also *NCH Annual Report 2012* under Turkey; *NCH Annual Report 2014* under Russia; *NCH Annual Report 2019* under Turkmenistan].²²⁹

In 2020, Memorial – an international historical educational charitable and human rights society – requested that the Prosecutor General’s Office provide information about eleven prosecutors who had

²²⁷ Marcel Gascón Barberá, “[From Icons to Gold Detectors: How Romania’s Heritage Crime Went Underground](#),” *Balkan Insight* (23 April 2021).

²²⁸ International Federation for Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), § 23.

²²⁹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 566.

sat on the extrajudicial “troikas” of the Great Terror (1936–1938). Memorial needed their biographies for a historical reference book about all “troika” members, a joint project of Memorial, the Russian State Archive of Social and Political History, the State Archive, and the Federal Security Service (FSB) Central Archive. The Prosecutor General’s Office refused, relying on the Federal Law “On the Protection of Personal Data” that required the consent of any individual for the disclosure of his or her personal data. Memorial challenged that decision in court, arguing that personal data laws were inapplicable to archival materials. Ian Rachinsky, head of Memorial, told the media that the new policy of the authorities “would make the creation of any encyclopedias and biographical reference books impossible.” According to Memorial lawyer Marina Agaltsova, the representative of the Prosecutor General’s Office justified shielding Stalin-era prosecutors based on the fact that they “had served the Homeland.” Memorial lost at trial in July 2020 and on appeal in March 2021, but the case was still ongoing. Separate requests to copy materials in FSB archives, addressed by Memorial to the FSB Central Archive and to the FSB of the Karelia region, were denied with the explanation that the FSB internal rules did not permit the copying of materials in the FSB archives. Memorial challenged the refusals in courts but so far lost every appeal in both of these cases. It planned to take the matter to the Supreme Court.²³⁰

In 2020, the Moscow directorate of the Federal Security Service (FSB) denied Sergey Prudovsky, a historian doing research on the 1937–1938 operation by the NKVD (the FSB’s predecessor) against former personnel of the Chinese Eastern Railway, access to the minutes of “troika” meetings from that case in order to compile the list of victims. The officials said that the document contained “confidential information,” specifically the names of “troika” members. The FSB representative said that disclosure of their names “could harm both the living relatives of those officials and the objective assessment of the 1937–1938 historical period.” Prudovsky commented that the names of “troika” members were in the public domain already, and that the FSB argument was a pretext to frustrate identifying the victims. He challenged the FSB decision in court and lost at trial, but his case was still ongoing.²³¹

In May 2020, Alexander Zhuravlev, a Duma deputy, proposed to add a new Article 354.2 to the Criminal Code. The proposed provision would make it a crime to “declare the USSR responsible for starting World War II,” “deny the leading role of the USSR in the victory over the Axis countries in World War II,” or equate Communism and Nazism. The bill largely duplicated the already existing provisions of Article 354.1, and it was doubtful whether it would become law. Yet its ideas kept

²³⁰ International Federation for Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), § 54.

²³¹ International Federation for Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), § 56.

circulating in official circles, ostensibly as a potential response to the European Union's September 2019 Resolution, which effectively equated the Nazi and Soviet totalitarian regimes.²³²

In June 2020, the government's effort to cement the official historical narrative culminated in a series of amendments to the Constitution of Russia. It declared the Russian Federation the "successor" of the Soviet Union (Article 67.1 §1); proclaimed that the Russian Federation "honors the memory of defenders of the Homeland" and "protects historical truth" (Article 67.1 §3); warned that "diminishing the significance of the people's heroism in defending the Homeland is not permitted" (Article 67.1 §3); and directed the government to "inculcate patriotism" in children (Article 67.1 §4). Russian historians voiced serious concerns about the impact of the amendments.²³³

In July 2020, the Duma (parliament) adopted presidential amendments to the law "On Education in the Russian Federation" which defined the concept of *vospitaniye* (moral education) and prescribed that education at schools and universities should include not only knowledge and skills, but also spiritual and moral values. The new version of the Federal Law mandated that educational institutions inculcate in their students, "the sense of patriotism and civil consciousness, respect toward the memory of the Homeland's defenders and courageous acts of the Homeland's heroes."²³⁴

In July 2020, Svetlana Prokopyeva from Pskov became the first journalist in Russia convicted under Article 205.2 of the Criminal Code for condoning terrorism. The prosecution asked that she be imprisoned for six years, but following an outcry, she was instead fined 500,000 rubles (about EUR 5,600). Prokopyeva had expressed her opinion on the radio about the underlying causes of a suicide bombing attack by a 17-year-old anarchist against a local Federal Security Service (FSB) office in Arkhangelsk. She had argued that a "ruthless state" had raised someone who saw violence as the only path, and she compared the young man to the Narodnaya Volya revolutionaries of 19th-century Russia. One of the witnesses against Prokopyeva lambasted her for using that historical analogy. He drew a parallel between 19th-century press coverage of Narodnaya Volya and Prokopyeva's reporting: "I see such condoning terrorism by the 19th-century press as one of the steps in the destruction of Russia's statehood, its weakening, and the pursuit of geopolitical interests by other States-competitors."²³⁵

²³² International Federation for Human Rights, *Russia: "Crimes against History"* (Paris: FIDH, 2021), § 29.

²³³ International Federation for Human Rights, *Russia: "Crimes against History"* (Paris: FIDH, 2021), §§ 3, 99.

²³⁴ International Federation for Human Rights, *Russia: "Crimes against History"* (Paris: FIDH, 2021), § 103; Katrin Kinzelbach, ed., *Researching Academic Freedom: Guidelines and Sample Case Studies* (Erlangen: FAU University Press, 2020), 120–121.

²³⁵ International Federation for Human Rights, *Russia: "Crimes against History"* (Paris: FIDH, 2021), § 39.

In September 2020, during an incident at the Moscow International Book Fair, prosecutors charged Memorial for failing to mark all its books with a “Foreign Agent” stamp, even those that had been printed before the passing of the “Foreign Agent” law in 2012. Memorial argued that the law could not be applied retroactively, yet courts sided with the prosecutors. Following the incident, the organizers of the book fair marked the Memorial stand with four signs announcing that Memorial was a “Foreign Agent.” The combined amount of fines under the “foreign agents” law against Memorial by mid-2020 was 5.3 million rubles (approximately US\$69,000).²³⁶

In a joint September 2020 communication, the United Nations (UN) Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence, and the UN Special Rapporteur on adequate housing, said that the Russian authorities should ensure the return of Soviet-era deportees within two years. Russia’s parliament had yet to implement the judgment of the Constitutional Court.²³⁷

On 29 September 2020, after an appeal by the prosecutors, the Karelian Supreme Court increased the prison term for Karelian historian Yuri Dmitriev (1956–) to thirteen years. On 16 February 2021, the court rejected Dmitriev’s appeal. Dmitriev would take his appeal to the Supreme Court [See also NCH *Annual Reports 2018–2020*]. On 29 September 2020, historian Anatoly Razumov, head of the Restored Names Center at the Russian National Library in Saint Petersburg, was detained outside the Petrozavodsk court building during the Dmitriev hearings as he was giving an interview to a journalist holding a sign in support of Dmitriev that read: “Let’s not allow a second Sandormokh to happen.”²³⁸

In November 2020, Duma deputy Alexey Chepa proposed revoking the 2010 statement by the Duma that had officially recognized Soviet responsibility for the 1940 Katyń massacre, although that statement had been accompanied by the disclosure of key original Soviet-era documents, and had built on the 1990 admission of responsibility by the Soviet government. In the same month, the government-funded Russian Military Historical Society (RMHS) held a conference to deny the responsibility of the USSR for the 1940 Katyń massacre. According to the conference’s final document, the historical consensus

²³⁶ International Federation for Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), § 73; Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 563.

²³⁷ International Federation for Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), § 129.

²³⁸ Website about Yuri Dmitriev: <https://dmitrievaffair.com>. “Yuri Dmitriyev: Russian Historian’s Sex Abuse Sentence Increased,” *BBC News* (29 September 2020); Olivier Rolin, “Yuri Dmitriev: Historian of Stalin’s Gulag, Victim of Putin’s Repression,” *New York Review of Books* (7 October 2020); American Historical Association, [Letter to Anatoly Vladimirovich Nakvas, Chairman of the Supreme Court of Karelia](#) (20 October 2020); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 563, 571; “[Russian Court Rejects Jailed Gulag Historian’s Appeal against Long Sentence](#),” *Reuters* (16 February 2021); International Federation for Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), §§ 53, 80–82, 105; United Nations Mandates, [Allegations Letter Regarding Yuri Dmitriev](#) (2021); [NCH Campaign](#).

around Katyń “should be considered as one element of a more general propaganda campaign to declare the USSR responsible for starting the Second World War.” Reacting to the announcement of the conference, Alexander Guryanov, a historian and the head of the Polish Program at International Memorial, wrote a letter to conference organizers expressing his view about the responsibility of the USSR for the war crimes at Katyń, and identifying the underlying political nature of RMHS’s conclusions. In response, conference delegates threatened him with prosecution under Article 354.1 of the Criminal Code.

In Tver, the 2020 removal of the plaques in memory of Polish prisoners of war executed there in 1940 [See NCH *Annual Report 2020*] was accompanied by statements from the local prosecutor and the regional government denying that historical fact. Meanwhile, the federal authorities had neither rebutted those claims nor rebuked the revisionists.²³⁹

On 12 November 2020, Defense Minister Sergei Shoigu issued an order (published 23 March 2021) canceling earlier orders from 2007 and 2009 that declassified archival documents about World War II (1939–1945). The order effectively blocked almost all access to Russian military archives from the World War II period. On the same day, another order (published 1 January 2021) required “expert opinions” on all World War II documents before they were released for access. The opinions would be given by “expert commissions” that would work on them until late 2024. Critics feared that anything which gave a negative impression regarding the Red Army and Soviet authorities would be blocked, including information about the real losses of the Soviet armed forces and about the greatest military failures of the Red Army.²⁴⁰

In January 2021, President Vladimir Putin formally urged the Duma to adopt a law that would “prohibit making public statements that equate the role of the USSR and Fascist Germany during the Second World War (1939–1945),” and a bill to that effect was formally introduced in the Duma on 5 May 2021. On 9 June 2021, the Duma adopted the bill banning the identification of the goals and actions of the USSR with those of Nazi Germany in World War II, and prohibiting the denial of “the decisive role of the Soviet people in the defeat of Nazi Germany and the humanitarian mission of the USSR in the liberation of European countries.” The authors of the initiative emphasized the inadmissibility of mixing and equating the actions of “defenders of the Fatherland” with “the actions of soldiers aimed at the

²³⁹ International Federation for Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), §§ 96, 119.

²⁴⁰ Halya Conash, “[Russia Blocks Military Archives in Further Effort to Distort the Truth about World War II.](#)” *Kharkiv Human Rights Protection Group* (31 March 2021).

destruction of peoples, and persons found guilty of committing crimes in accordance with the verdict of the Nuremberg Tribunal.”²⁴¹

In their January 2021 communication to the Russian authorities, nine independent experts of the United Nations Human Rights Council juxtaposed the welcome creation of the government-sponsored Wall of Grief in Moscow in 2017, with the 2018–2019 government-sanctioned desecration of the Sandarmokh mass graves, and concluded that “symbolic measures lack[ed] merit if their purpose [was] to create a one-sided interpretation of events, or worse still, to give birth to a false memory of the nature and circumstances of past crimes, whatever their scale.”²⁴²

In February 2021, the Russian Military Historical Society (RMHS) requested that the authorities prosecute Alexander Nevzorov, a journalist and publicist, under Article 354.1 of the Criminal Code, for his remarks about Zoya Kosmodemyanskaya (1923–1941), an iconic Soviet partisan executed by the Nazis for acts of sabotage. In 1941, Kosmodemyanskaya had burned Russian villages in which the occupying German army was garrisoned. Nevzorov said on the radio that Kosmodemyanskaya was not a hero, but rather a “fanatic who followed an unlawful order.” The RMHS claimed that Nevzorov’s statement “amount[ed] to slander against the Soviet State and falsification of historical truth.”²⁴³

In February 2021, Duma member Irina Yarovaya proposed an amendment to Article 354.1 of the Criminal Code that would criminalize defamatory or denigrating statements about World War II veterans, punishable by up to five years’ imprisonment. The amendment built upon two earlier proposals to criminalize speech “insulting the sentiments of the Great Patriotic War veterans,” brought by the Communist Party and the Parliament of the Chechen Republic in 2016 and 2017, respectively. Yarovaya emphasized that the law would apply to statements not only about living but also deceased veterans. This would practically outlaw any discussion of crimes committed by Soviet soldiers during World War II. In March 2021, the Duma adopted the amendment. All amendments became law on 5 April 2021.²⁴⁴

In [February] 2021, World War II veteran Ignat Artemenko ([1927]–) sued opposition leader Aleksey Navalny for defamation. Navalny had made a public comment over a video clip advertising the 2020 constitutional amendments which allowed President Vladimir Putin to stand for election for two further

²⁴¹ International Federation for Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), § 29; “Госдума запретила «отождествлять цели и действия» СССР и Германии во Второй мировой войне,” *Novaya Gazeta* (9 June 2021); “Дума приняла закон о запрете отождествлять роль СССР и нацистской Германии,” *Tass* (9 June 2021).

²⁴² International Federation for Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), § 179.

²⁴³ International Federation for Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), § 25.

²⁴⁴ International Federation for Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), § 28.

terms. In his comment, Navalny had been dismissive of Artemenko's part in this video, without directly mentioning the veteran or the latter's role in World War II. However, the comment, accusing Artemenko and others appearing in the video of being traitors, was widely used on state propaganda channels as supposed proof of Navalny's disrespect for veterans. On 20 February 2021, a court found Navalny guilty. He received a huge fine (the equivalent of \$11,500 or £8,200). On 29 April 2021, the court rejected Navalny's appeal against the fine. In appearing before the court via a video-link from prison, Navalny accused President Vladimir Putin of attempting to rule Russia "forever" and caring only about "clinging to power."²⁴⁵

On [3 February] 2021, Alexander Ryabchuk, a history and social science teacher from Rostov-on-Don, was arrested for five days under Art. 20.2 of the Administrative Code ("participation in an unauthorized rally, resulting in interference with the functioning of life support facilities"). During the arrest, his house was searched. On 23 January 2021, Ryabchuk had stated on his Instagram account that he was broadcasting live from an unauthorized rally in support of opposition leader Alexei Navalny in Rostov-on-Don. The same day, he had recorded a half-hour video in which he had shared his view of the political situation in Russia and told how the rally went. On 25 January, the director of Lyceum N11, where Ryabchuk had been teaching for seven years, asked him to remove all videos about the action from his Instagram page, and warned about the possible consequences of public coverage of the protest. On 26 January, the director of a private school, where he had only worked for two days, told him about a call from "influential people from law enforcement agencies or the Ministry of Education" and terminated his contract. On 29 January, Ryabchuk was forced to resign from Lyceum N11.²⁴⁶

In March 2021, a group of Russian senators and other top government officials held a roundtable discussion at the Federation Council (the upper house of Russia's parliament). Its participants said that Russian history must become a key weapon in a "mental war" or "memory war" against the West. They called for enhanced "censorship, [State] ideology, and propaganda." Vladimir Medinsky proposed the adoption of an official State History Policy.²⁴⁷

²⁴⁵ ["Alexei Navalny: Putin Critic Loses Appeal against Jailing,"](#) *BBC News* (20 February 2021); Halya Coynash, ["Russia Exploits War Veterans for Offensive against Opposition Activists and Historical Truth,"](#) *Kharkiv Human Rights Protection Group* (1 March 2021); Sarah Rainsford, ["Gaunt Navalny Attacks Putin as Network Is Disbanded,"](#) *BBC News* (29 April 2021).

²⁴⁶ ["«Учитель года» из Ростова-на-Дону арестован за участие в митинге,"](#) *Kommersant* (4 February 2021); ["Teacher of the Year in Rostov-on-Don, Fired from School and Arrested for 5 Days after Participating in the Action on January 23,"](#) *Chernaya Kobra* (7 February 2021); ["Russians Risk Jobs for Supporting Navalny,"](#) *Borneo Bulletin* (21 February 2021).

²⁴⁷ International Federation for Human Rights, *Russia: "Crimes against History"* (Paris: FIDH, 2021), § 100.

On 3 March 2021, Denis Karagodin ([1983–]) was sued by Sergei Mityushov for defamation of his deceased father. Mityushov demanded to shut down Karagodin’s website, the online museum karagodin.org. Denis Karagodin was the great-grandson of Stepan Karagodin (1881–1938), a prosperous peasant farmer and village leader who had resisted the Bolsheviks after the 1917 Russian Revolution. During his research into his great-grandfather’s fate, Denis Karagodin discovered that his great-grandfather had secretly been shot by the secret police in Tomsk in January 1938 on fabricated charges of espionage for Japan – to be posthumously exonerated in 1955 only. On his website, Denis Karagodin documented how local authorities had obstructed his research, which had started in 2012, at every step. He also mentioned that Alexei Mityushov (?–1967), an inspector of the NKVD (secret service) in Novosibirsk, had signed a document stating that Stepan Karagodin’s execution had taken place. Sergei Mityushov, Alexei Mityushov’s son, declared that karagodin.org discredited his father and “crossed a political line,” saying that the NKVD’s job was to “fight criminals and their relatives,” working in “a hard, harsh time.” A few weeks later, a separate complaint by an unknown veteran from Ryazan was filed with police against Denis Karagodin for allegedly violating the privacy of NKVD employees and committing libel.²⁴⁸

On 14 April 2021, four students from the Higher School of Economics and Moscow State University of Civil Engineering – Armen Aramyan, Alla Gutnikova, Vladimir Metelkin, and Natalia Tyshkevich – were arrested. They were journalists at online magazine *Doxa* – an independent student magazine about the realities of modern university life, founded in 2017 – and their arrest came after reporting on protests in support of opposition leader Alexei Navalny and publishing a video on 22 January 2021 in which they argued that the expulsion of students from the university for participating in actions in support of Navalny was illegal. The video prompted media watchdog Roskomnadzor to order its removal, a decision which *Doxa* subsequently challenged. They were charged with “involving a minor in committing acts that pose a danger to the life of a minor.” Natalia Tyshkevich ([1994]–) was a history graduate and she worked in a museum for architecture. *Doxa*’s offices were searched along with the homes of each of the four on trial, with their equipment seized. The journalists were put under heavy pre-trial restrictions, which prevented them from leaving their homes or using the internet.²⁴⁹

See also China, France, Ukraine.

²⁴⁸ Robyn Dixon, “[He Spent Years Uncovering the Stalin-era Execution of His Great-Grandfather – Lawsuits Seek to Bury the Evidence](#),” *Washington Post* (9 May 2021); Benoît Vitkine, “Denis Karagodin: enquêteur-citoyen,” *Le Monde* (11 June 2021), 4.

²⁴⁹ Benjamin Lynch, “[Russia: Index Expresses Concern over the Arrest of Doxa Journalists](#),” *Index on Censorship* (16 April 2021); “[Doxa Solidarity Statement](#)” ([14] April 2021); Eva Cukier, “Russische autoriteiten zitten niet te wachten op *doxa*,” *NRC Handelsblad* (11 May 2021), 14–15.

RWANDA

Previous *Annual Report* entries: 1998, 2000–2017, 2019–2020.

On 17 February 2020, gospel musician Kizito Mihigo (1981–2020) was found dead in a police cell in Kigali. On 13 February 2020, he had been charged with attempting to illegally cross the border with Burundi, joining terrorist groups, and corruption after he was arrested during an attempt to flee Rwanda. Police accused him of trying to join rebel groups fighting against Rwanda, but government critics said Mihigo had no such intention and in fact wanted to get to Belgium where he had lived before. They also dismissed the police version of his death as suicide by hanging, believing instead that he was murdered.

An ethnic Tutsi, Mihigo had fled the country after his father and some relatives were killed in the 1994 genocide. He returned home once the Rwandan Patriotic Front (RPF), the mainly Tutsi rebel movement led by Paul Kagame, had taken power. As a Catholic, he became well-known for his reconciliation work and religious songs and he was initially embraced by the government. His concerts drew tens of thousands of fans. In his 2014 song *Igisobanuro Cy'urupfu* (The Meaning of Death), released to coincide with the twentieth anniversary of the genocide, Mihigo suggested that everyone killed during the 1994 genocide should be remembered whether they were ethnic Hutus or Tutsis. The authorities saw this as openly challenging the official narrative that the 1994 genocide was a genocide of the Tutsis and viewed it as a reference to the post-genocide revenge killing of ethnic Hutus by the RPF in and outside the country. Although the RPF said that the revenge killings took place on a small scale and those who committed them had been punished, the government viewed comparing these killings with the mass slaughter of Tutsis as a form of genocide denial.

On 7 April 2014, the twentieth anniversary of the genocide, Mihigo was reported missing and days later the police paraded him in front of the media, accusing him of plotting terrorist attacks and working with opposition movements with the aim of toppling the government. His music was then banned on all local radio and television stations. In February 2015 he was sentenced to ten years in prison for planning to kill the president and conspiring against the government. Although Mihigo pleaded guilty to all charges, his lawyer later told the court his client had been speaking emotionally and that there was no evidence to convict him. Mihigo said later that he was coerced into pleading guilty. He was convinced that his song got him into trouble. "I was told that I had to plead guilty. They said if I didn't plead guilty, they would kill me," he told an activist on the phone from prison in 2018. In September 2018, Mihigo was pardoned by Kagame but his movements were restricted and he had to report regularly to the police. Shortly before his death, he told Human Rights Watch that "he was being

threatened to provide false testimony against political opponents” and that he wanted to flee the country.²⁵⁰

The government continued with extradition requests for suspects of the 1994 genocide [See also NCH *Annual Report 2020*]. On 25 August 2020 the authorities issued an international arrest warrant for former Rwandan spy chief Aloys Ntiwiragabo who had been identified by the International Criminal Tribunal for Rwanda (ICTR) as one of the architects of the genocide. France had opened a probe into alleged crimes against humanity by the ex-military official on 25 July. In May 2020, the International Residual Mechanism for Criminal Tribunals had announced that the remains of another high profile genocide suspect – Augustin Bizimana, the minister of defense in 1994 – were identified in a grave in Pointe-Noire, Republic of Congo. In 1998, the ICTR had indicted Bizimana on 13 counts of genocide and other related crimes.²⁵¹

The Penal Code criminalized direct and indirect incitement to genocide. The latter could be problematic, particularly when considered in light of a 2018 law targeting genocide ideology [See also NCH *Annual Reports 2009–2011, 2013–2014*]. Some crimes under the 2018 law were either ambiguous or risked silencing legitimate discussions about national history, such as prohibitions on minimizing the gravity of genocide, distorting the facts of genocide, or claiming that there was a double genocide in Rwanda. While Rwanda’s history made genocide denial particularly serious, watchdog groups alleged that such laws had been applied in a politicized manner and that the current legal framework facilitated such misuse. Numerous critics, defectors, and journalists, as well as international human rights organizations, alleged that the Rwandan Patriotic Front (RPF) had facilitated, allowed, or conducted war crimes and crimes against humanity of its own during the civil war. These allegations personally implicated President Paul Kagame as RPF leader during the conflict, and called into question his personal mythology as a peace bringer and hero. A 2021 report by Freedom House concluded that the government systematically targeted individuals who questioned its version of Rwandan history.²⁵²

²⁵⁰ Amnesty International, “[Rwanda: Shocking Death of Gospel Singer in Custody Must Be Effectively Investigated](#)” (17 February 2020); “[Kizito Mihigo: Singer Found Dead in Rwandan Police Cell](#),” *BBC News* (17 February 2020); Abu-Bakarr Jalloh, “[Rwanda Gospel Singer Kizito Mihigo’s Death Likely a ‘Political Assassination’](#),” *Deutsche Welle* (21 February 2020); “[Kizito Mihigo: The Rwandan Gospel Singer Who Died in a Police Cell](#),” *BBC News* (29 February 2020); “[Rwanda Singer Kizito Mihigo Planned to Kill Paul Kagame](#),” *BBC News* (27 February 2015); Amnesty International, *State of the World’s Human Rights 2020/21* (London: AI, 2021), 307; “[Igisobanuro Cy’urupfu](#)” (song), *YouTube*.

²⁵¹ “[Rwanda Issues Warrant for 1994 Genocide Suspect in France](#),” *Al Jazeera* (26 August 2020); “[Le Rwanda a émis un mandat d’arrêt international contre Aloys Ntiwiragabo, accusé de genocide](#),” *Le Monde* (26 August 2020); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 577; “[Deceased - Bizimana, Augustin \(MICT-13-39\)](#),” *International Residual Mechanism for Criminal Tribunals*; Amnesty International, *State of the World’s Human Rights 2020/21* (London: AI, 2021), 308.

²⁵² Centre for Law and Democracy, *Restrictions on Civic Space Globally: Law and Policy Mapping Series*, vol. 5, *Sub-Saharan Africa* (Halifax: CLD, July 2020), 73; Nate Schenckan & Isabel Linzer, *Out of Sight, Not Out*

SAINT VINCENT

Previous *Annual Report* entries: 2014.

SÃO TOMÉ

Previous *Annual Report* entries: —.

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011, 2013, 2017–2020.

On 11 November 2020, several people were wounded after a bomb attack at a Remembrance Day ceremony on a cemetery for non-Muslims in Jeddah. The ceremony commemorated the end of World War I.²⁵³

See also Lebanon.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009, 2013, 2017–2018, 2020.

SERBIA

Previous *Annual Report* entries: *See* Serbia / Kosovo; Serbia / Montenegro.

In 2020, cases of war crimes committed in Serbia during the wars of 1991–1999 were only dealt with by the War Crimes Prosecutor’s Office and the Special Department for War Crimes of the Belgrade Higher Court. The latter refused to make first-instance verdicts public, although the Commissioner for

of Reach: The Global Scale and Scope of Transnational Repression (Washington: Freedom House, 2021), 22, 23.

²⁵³ “[Several Wounded in Remembrance Day Bomb Attack at Saudi Cemetery](#),” *BBC News* (11 November 2020).

Information of Public Importance and Personal Data Protection had recommended this. Journalists and members of the public were able to submit Freedom of Access to Information requests for case documents, but there were limitations and sometimes the information provided by the court depended on the wording of the request.²⁵⁴

No progress was made toward implementing the national war crimes strategy, opening investigations into the backlog of more than 2,500 war crimes cases, or indicting senior police or military officials for command responsibility. Prosecutions of low-level perpetrators in cases transferred from Bosnia and Herzegovina (BiH) were extremely slow. New legislation providing reparation to victims of war (1991–1995) discriminated against civilian victims. A series of cumulative conditions required a higher percentage of bodily injury, only applied to those injured in Serbia and discriminated between physical and psychological damage. An estimated 15,000 people, including relatives of the missing and survivors of sexual violence, still had no right to reparation.

The first trial in Serbia for war crimes in Srebrenica was marred by further delays, because the defendants, who were not being held in custody during the proceedings, failed to show up in court. Eight Bosnian Serb former police officers resident in Serbia were charged with the killing of more than 1,300 Bosniak civilians in July 1995. The trial had been postponed 18 times since it began in December 2016 because the accused claimed to have poor health. Since 2019, 30 percent of all hearings in war crimes cases had been postponed at Belgrade Higher Court – the only court that dealt with such trials.²⁵⁵

Students in Serbia were reportedly given a one-sided view of the War of Yugoslav Succession (1991–1995) in history textbooks. The topic was taught in the eighth grade of primary schools (age 14) and the third or fourth grade in secondary schools (ages 17 or 18). A September 2020 policy paper by the Belgrade-based NGO Fond za humanitarno pravo (FHP; Humanitarian Law Center) outlined how war crimes committed during the 1990s were presented “with a selective choice of information used to portray the Serbian nation as the main victim of the armed conflicts.” It also suggested that “[w]hen the lesson deals with human losses, human rights violations and war crimes, it either does not specify who the victims were or only discusses crimes against ethnic Serbs.” Teachers were specifically recommended to “condemn the still ongoing murders and executions of Serbs in Kosovo and Metohija, who are allegedly protected by agreements which are not applied in practice.” Additional research by *Balkan Insight* in October 2020 found that a history textbook for 14–15 year olds, written by Momcilo Pavlovic and Djordje Djuric, did not acknowledge the 1995 genocide in Srebrenica, instead describing

²⁵⁴ Emina Dizdarevic, Serbeze Haxhiaj, Anja Vladislavljevic & Milica Stojanovic, “[Access Denied: Most Balkan War Crimes Case Files Not Public](#),” *Balkan Insight* (28 September 2020).

²⁵⁵ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 586; Milica Stojanovic, “[Justice on Hold: War Trial Delays Jeopardise Serbia’s Progress to EU](#),” *Balkan Insight* (1 February 2021); Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 315.

it as “a war crime and crime against humanity” of which “[t]he information about the total number of victims is disputable.”²⁵⁶

On 25 March 2021, the European Parliament adopted a report urging the government to increase efforts against hate speech and the glorification of war criminals, expand support for domestic prosecutors in bringing perpetrators to justice, and tackle “falsification of the facts established by the ICTY [International Criminal Tribunal for the Former Yugoslavia].” The report further appealed to the government to step up efforts in recognition and implementation of court verdicts on war crimes, and in investigations of gravesites. The government continued to deny that the 1995 Srebrenica genocide had been a genocide, rejecting international court verdicts and accusing them of anti-Serb biases.²⁵⁷

On 9 May 2021, the Austrian writer and 2019 Nobel Literature Prize Peter Handke (1942–) was given the Order of Karadjordje’s Star of the First Degree, one of the state’s highest honors, by President Aleksandar Vučić for his “special merits and successes in representing the state (Serbia) and its citizens.” Many in the Balkans saw Handke as an apologist for Serb war crimes committed during the Yugoslav War of Succession (1991–1995) [See also NCH *Annual Report 2020*].²⁵⁸

On 9 May 2021, a picture of Četnik movement leader Dragoljub “Draža” Mihailović (1893–1946) was displayed alongside that of Partisan leader Josip Broz Tito (1892–1980) at a state-sponsored event at the National Theater in Belgrade to commemorate Victory Day in World War II. Milovan Pisarri, a historian from the Belgrade-based Center for Public History, said that “unfortunately, this is not strange” because the Serbian authorities have sought to repaint the nationalist Četnik as anti-Fascists, despite the fact that they had collaborated with Axis occupation forces. Mihailović’ Četnik forces were accused of committing war crimes against Bosnian Muslims and Croats as well as against Communists during World War II. The Četniks were banned during the Communist era, but gained more popularity in Serbia in the 1990s. In 2004, Serbia adopted a law that gave World War II veterans from the Partisan and Četnik movements equal rights. Mihailović was rehabilitated by Belgrade High Court in 2015.²⁵⁹

²⁵⁶ Milica Stojanovic, “[Serbian History Textbooks ‘Give One-Sided View’ of 1990s Wars](#),” *Balkan Insight* (8 September 2020); Mladen Obrenovic, “[Bosnian, Serbian Schoolbooks Teach Rival Versions of History](#),” *Balkan Insight* (30 October 2020).

²⁵⁷ European Parliament, *2019–2020 Reports on Serbia* (2019/2175(INI), 25 March 2021), §71; Milica Stojanovic, “[European MPs Urge Serbia, Kosovo to Intensify War Grave Search](#),” *Balkan Insight* (26 March 2021); Milica Stojanovic and Samir Kajosevic, “[In Serbia and Montenegro, Srebrenica is Still Politically Toxic](#),” *Balkan Insight* (8 July 2021).

²⁵⁸ “[Serbia Honors 2019 Nobel Prize-Winner For Literature, Who Denies Srebrenica Genocide](#),” *Radio Free Europe / Radio Liberty* (10 May 2021).

²⁵⁹ Milica Stojanovic, “[Serbia Displays Chetnik’s Image at World War II Victory Event](#),” *Balkan Insight* (11 May 2021).

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2020. *See* Serbia.

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007. *See* Montenegro and Serbia. *See* Montenegro.

SEYCHELLES

Previous *Annual Report* entries: 2019.

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012, 2016.

On 9 September 2020, the Residual Special Court for Sierra Leone, based in The Hague, said in a statement that Augustine Gbao was granted conditional early release. Gbao, a former leader of the Revolutionary United Front (RUF), had been given a 25-year sentence in 2009 for crimes against humanity, including terrorism, extermination, murder, rape and sexual slavery [See also NCH *Annual Reports 2008–2011*]. During the civil war (1991–2002), the RUF carried out a series of atrocities in an attempt to gain control over the lucrative mining districts. The conflict, financed largely by so-called “blood diamonds,” left 120,000 people dead and tens of thousands mutilated.²⁶⁰

See also Liberia.

²⁶⁰ [“Sierra Leone ex-Rebel Leader Augustine Gbao Granted Early Release,”](#) *Al Jazeera* (9 September 2020).

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011, 2015–2016, 2018–2020.

On 20 March 2020, the National University of Singapore (NUS) canceled the contract to publish *Coup, King, Crisis: A Critical Interregnum in Thailand*, edited by Pavin Chachavalpongpun (1971–), probably due to political pressure, although the book, submitted as a manuscript in October 2018, had already been peer-reviewed, revised, designed and available for pre-order online. The collection of essays dealt critically with the Thai monarchy in the transitional period between the 2014 military coup and the 2019 elections. It was subsequently published by Yale University’s Council on Southeast Asia Studies in December 2020. The self-exiled dissident political scientist Pavin has been an associate professor in Kyoto University’s Center for Southeast Asian Studies since 2012. He was also the administrator of the million-member Royalist Marketplace Facebook group (blocked in Thailand on 24 August 2020) [See also NCH *Annual Report 2017*].²⁶¹

See also Thailand.

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011, 2013–2015, 2017.

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2013, 2015–2018.

An open letter circulating among artists and academics, published on 17 November 2021 and bearing more than 1,000 signatures at the beginning of December, took aim at a project to build a Museum of Slovenian Independence, for which the government had allocated funds in its draft budget for 2022. The museum, the letter stated, would be a “propaganda institution, promoting a nationalist narrative

²⁶¹ Joyce Lau, “[Academic Calls for Press Boycott Over Cancellation of Book on Thailand](#),” *Inside HigherEd* (28 January 2021); Concerned Scholars of Southeast Asian Studies, [Petition to Peter Schoppert, Director, NUS Press](#) ([2020]); “[Facebook Blocks Thai Access to Group Critical of Monarchy](#),” *BBC News* (25 August 2020); Joyce Lau, “[Thai Protests Raise Academic Freedom Issues](#),” *Inside HigherEd* (28 August 2020); Ang Hwee Min, “[NUS Press Says It Chose Not to Publish Essays on Thai Politics after Consulting with ‘Stakeholders Inside and Outside the University’](#),” *CNA (Channel News Asia)* (25 January 2021).

about the past aimed mainly at buttressing the ideological agenda of the ruling Slovene democratic party.” In a press release published on 13 December the government said that these characterizations were incorrect, claiming that the museum would be “subject to international standards and curated by professional historians with no political affiliations.”²⁶²

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012–2014, 2019.

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012–2020.

On the eight anniversary of what had become known as the Marikana massacre, the government still failed to release a report on recommendations on policing that a commission of inquiry published in July 2018. On 16 August 2012 police shot dead 34 striking miners outside the Marikana mine, owned by Lonmin Mine Plc, near Rustenburg, North West province. Overall, some 47 people were killed in Marikana on 12–16 August 2012, including miners, four security guards, and two police officers. There had been no convictions and the families were still waiting for reparations, including adequate compensation for their loss.²⁶³

See also Zambia.

SOUTH SUDAN

Previous *Annual Report* entries: 2013, 2015–2020.

In February 2020, the parties to the 2018 peace deal formed a transitional government of national unity led by President Salva Kiir, with Riek Machar as first vice president, and four other vice presidents from opposition groups. However, the parties did not implement most of the major provisions of the

²⁶² Dorian Batycka, “[Concerns Rise about Cultural Freedom in Slovenia](#),” *Apollo* (23 December 2020).

²⁶³ Mia Swart, “[South African Gov’t Urged to Release Marikana Recommendations](#),” *Al Jazeera* (16 August 2020); Amnesty International, *State of the World’s Human Rights 2020/21* (London: AI, 2021), 327.

peace deal including security arrangements or establishing accountability mechanisms. In September 2018, rival factions had re-committed to a 2015 peace deal that called for the establishment of a Commission for Truth, Healing and Reconciliation, the Hybrid Court for South Sudan, and the Compensation and Reparations Authority, each with a distinct function but with the joint purpose of addressing past abuses.

In June 2020, the United Nations Human Rights Council renewed the Commission on Human Rights in South Sudan, which reported human rights abuses and impunity for widespread atrocities committed in South Sudan's conflict (2013–2020), despite the 2018 peace agreement and formation of a unity government. In July, local missions of the European Union, France, Germany, Netherlands, Sweden, Canada, and the United Kingdom deplored the high levels of sexual and gender-based violence affecting children and women and highlighted the ongoing impunity for past abuses.

On 29 January 2021, the government approved the establishment of the Hybrid Court for South Sudan. The court, to be staffed with South Sudanese judges as well as judges assigned by the African Union, was envisioned in the peace agreement of 2018 to try perpetrators of war crimes and possible crimes against humanity committed during the South Sudanese Civil War (2013–2020), which killed nearly 400,000 people and forced four million South Sudanese to flee their homes. Since the 2018 peace deal, leaders had repeatedly sought to block the establishment of the court: a memorandum of understanding to be signed with the African Union was still pending and communications on next steps between the African Union and South Sudan were lacking.²⁶⁴

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2020.

On 23 February 2021, the last statue of General Francisco Franco on Spanish soil was removed, after the enclave of Melilla had voted to take down the monument, which had stood at the gates of the city on the north-west coast of Africa. Members of the far-right Vox party had voted against its removal, saying that the statue, erected in 1978, commemorated Franco's role as commander of the Spanish Legion in the Rif War (1920–1927; a conflict Spain fought against Berber tribes in Morocco).²⁶⁵

See also Afghanistan, Philippines, Poland.

²⁶⁴ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 611, 616, 617; Jale Richard, "[Cabinet Approves Establishment of Hybrid Court](#)," *EYE Radio* (30 January 2021); Nyagoah Tut Pur, "[A Glimmer of Hope for South Sudan's Victims](#)," *Human Rights Watch* (31 January 2021).

²⁶⁵ "[Franco: Melilla Enclave Removes Last Statue of Fascist Dictator on Spanish Soil](#)," *BBC News* (24 February 2021); "[Last Public Statue of Spanish Dictator Franco Is Removed](#)," *Guardian* (23 February 2021).

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2020.

On 26 February 2020, Sri Lanka announced at the United Nations (UN) Human Rights Council in Geneva that it was withdrawing from its commitments to provide justice and accountability for war crimes and other grave violations committed during and since the civil war between the government and the separatist Liberation Tigers of Tamil Eelam (LTTE) (1983–2009). President Gotabaya Rajapaksa (1949–), who ran on a platform of protecting “war heroes” from prosecution, was defense secretary during the administration of his brother, then-President (now Prime Minister) Mahinda Rajapaksa (1945–), when the alleged abuses took place. Several senior members of his government, including the defense secretary, Kamal Gunaratne, and army chief General Shavendra Silva, were also implicated.

Since 2020, Rajapaksa had appointed at least 28 serving or former military and intelligence personnel to key administrative posts, among which senior military officials who were implicated in UN reports in alleged war crimes and crimes against humanity during the final years of the conflict. Families of the disappeared and human rights defenders reported heightened surveillance and threats from the intelligence services. The core group on Sri Lanka at the Human Rights Council (Canada, Germany, North Macedonia, Montenegro, and the United Kingdom) called for “an end to impunity for the violations and abuses of the past,” but did not show leadership in presenting a new resolution to advance international accountability. On 27 January 2021, the UN Office of the High Commissioner on Human Rights (OHCHR) released a report, stating that nearly twelve years after the armed conflict ended, impunity for grave human rights violations and abuses by all sides was more entrenched than ever, with the current government proactively obstructing investigations and trials, and reversing the limited progress that had been previously made. On 23 March, the UN Human Rights Council passed a resolution mandating the OHCHR to gather and preserve evidence for future prosecutions and make recommendations to the international community on steps they can take to deliver on justice and accountability.²⁶⁶

On 2 June 2020, President Mahinda Rajapaksa established a Presidential Task Force for Archaeological Heritage Management in the Eastern Province, consisting almost entirely of Sinhalese members, including security officials and Buddhist monks, raising fears that it would disadvantage the

²⁶⁶ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 625, 626, 629; “[Sri Lanka on Alarming Path towards Recurrence of Grave Human Rights Violations – UN Report](#),” OHCHR (27 January 2021); “[Sri Lanka: UN Rights Chief Decries Mounting Abuses](#),” *Human Rights Watch* (29 January 2021); Karen McVeigh, “[UN Resolution Hailed as ‘Crucial Turning Point’ for Victims of Sri Lanka Civil War](#),” *Guardian* (24 March 2021).

predominant Tamil and Muslim communities. Rajapaksa said the purpose of the task force was to “preserve our Buddhist heritage.” The government declined to include the national anthem in the Tamil language on national occasions, such as the Independence Day celebrations on 4 February 2020, despite the preceding years’ practice of singing it in two languages as a significant gesture toward reconciliation.²⁶⁷

On 1 December 2020 the Supreme Court of Sri Lanka refused to hear the appeal and dismissed the case of eleven families, both Muslim and Christian, that had taken up a legal battle against a mandatory cremation policy for all bodies suspected to be infected with Covid-19, accusing the government of violating their freedom of religion and fundamental rights under the constitution. The policy was seen by several human rights activists as part of an ongoing attack on the Muslim community, led by President Gotabaya Rajapaksa, who was elected in 2019 on a wave of anti-Muslim sentiments, following the Easter suicide bombings by Islamist militants in April 2019, which left 267 dead. Political, religious, and community leaders representing the Muslim community repeatedly requested the government to change its “cremate only” policy, pointing to the more than 190 countries allowing burials and World Health Organization advice. The government argued that burials could contaminate ground water, based on the authority of an expert committee, the composition and qualifications of which were unknown. On 1 January 2021, the Sri Lanka Medical Association, a Sri Lankan expert committee, accepted that burial was permissible. United Nations special rapporteurs wrote twice to the government, in April 2020 and January 2021, urging it to respect the wishes of those who seek burial, and to recognize that the disregard of Muslims’ feelings may lead them not to present bodies for cremation. On 24 February 2021, the government reversed its mandatory cremation policy. It was alleged that as many as 200 Muslims had been cremated.²⁶⁸

See also Israel.

²⁶⁷ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 628; Office of the High Commissioner for Human Rights, *Promotion Reconciliation, Accountability and Human Rights in Sri Lanka: Report* (27 January 2021), paragraphs 22, 30; Office of the High Commissioner for Human Rights, “[Sri Lanka on Alarming Path towards Recurrence of Grave Human Rights Violations – UN Report](#)” (press release) (27 January 2021).

²⁶⁸ “[Another Nail in the Coffin for Religious Tolerance in Sri Lanka](#),” *Daily FT* (18 April 2020); Meera Srinivasan, “[Sri Lanka SC Rejects Petitions against Covid-19 Cremation](#),” *The Hindu* (2 December 2020); Hannah Ellis-Petersen, “[Muslims in Sri Lanka ‘Denied Justice’ over Forced Cremations of Covid Victims](#),” *Guardian* (4 December 2020); “[Covid-19: Sri Lanka Forcibly Cremates Muslim Baby Sparking Anger](#),” *BBC* (26 December 2020); Patrick Wintour, “[Muslim Families Complain to UN over Sri Lankan Covid Cremations](#),” *Guardian* (9 February 2021); “[Covid-19: Sri Lanka Reverses ‘anti-Muslim’ Cremation Order](#),” *BBC* (25 February 2021).

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2020.

The Attorney General’s Office formed several committees to investigate past crimes and rights abuses, including in Darfur, but no investigation had yet led to prosecutions. Authorities announced the discovery of two mass graves during 2020 they said contained the remains of military personnel killed during former President Omar al-Bashir’s rule (1989–2019). The National Committee of Inquiry, established to investigate the killing and injuring of protesters on 3 June 2019, had not concluded its work. On that day, members of the Rapid Support Forces and other security forces fired live ammunition at peaceful protesters outside the military headquarters in Khartoum, killing at least 100 and injuring 700 others.²⁶⁹

On 11 February 2020, a member of the sovereign council, a collective presidency body composed of both civilians and military, announced the government’s commitment to cooperate with the International Criminal Court (ICC), which officials reaffirmed throughout 2020. On 22 August 2020, Prime Minister Abdalla Hamdok affirmed that the government had reached a deal with rebel groups in February that all five Sudanese ICC suspects, including former President Omar al-Bashir (1944–), should appear before the court in The Hague, on charges related to war crimes, crimes against humanity, and genocide carried out in Darfur. The ICC had issued arrest warrants for al-Bashir in 2009 and 2010. However, the transitional government continued to fail to meet its obligation to surrender them to the ICC, and still had not ratified the ICC Rome Statute. In June 2020, Ali Muhammad Ali Abd-Al- Rahman (also known as Ali Kushayb), a former senior commander of the Janjaweed militia, surrendered to the ICC to answer charges of war crimes and crimes against humanity committed in Darfur.²⁷⁰

In July 2020, illegal gold diggers destroyed the 2,000-year-old Jabal Maragha archaeological site (dating from the Meroitic period between 350 BCE and 350 CE) in the eastern region of the Sahara desert. Earlier, at Sai, a river island in the Nile, hundreds of graves, some dating back to the times of the pharaohs, had been raided and destroyed by looters. “Out of a thousand more or less well-known sites in Sudan, at least a hundred have been destroyed or damaged,” said Hatem al-Nour, Sudan’s director of antiquities and museums.²⁷¹

²⁶⁹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 631; Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 341.

²⁷⁰ “[Sudan’s Omar al-Bashir a Step Closer to Facing War Crimes Charges](#),” *Al Jazeera* (23 August 2020); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 631; Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 341.

²⁷¹ “[Sudan’s Jabal Maragha: Illegal Gold Diggers Destroy Ancient Site](#),” *BBC News* (24 August 2020).

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012–2013, 2015–2016, 2018.

See The Netherlands.

SWAZILAND

Previous *Annual Report* entries: 2011, 2013, 2016–2018.

SWEDEN

Previous *Annual Report* entries: 1998, 2017–2018, 2020.

See Syria.

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009, 2014, 2016–2018.

See Liberia.

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2020.

In April 2020, the trial of two alleged former Syrian intelligence officials began in Koblenz, Germany, in a landmark case on torture in one of Syria’s detention facilities (*see below*). The same month, the first trial addressing genocide by an ISIS suspect against the Yazidi minority began in Frankfurt. Other countries, including France and Sweden, were pursuing similar cases under their universal jurisdiction laws. On 24 February 2021, Eyad al-Gharib, a former colonel in the Syrian intelligence service, who carried out orders in one of President Bashar al-Assad’s notorious prisons, was found guilty of being

an accomplice to crimes against humanity by the Koblenz court, in the first victory for efforts worldwide to bring legal accountability for atrocities committed in Syria's civil war (2011–).²⁷²

On the third year commemoration of the regime's chemical attack on Khan Sheikhoun, on 4 April 2017, and the second of its attack on Douma City, on 7 April 2018, victims were still awaiting accountability. The Syrian Network for Human Rights (SNHR) noted that despite the accurate and highly credible investigations, which confirmed the occurrence of the Khan Sheikhoun and Douma attacks, the United Nations Security Council had so far failed to take economic, political or military sanctions to implement its relevant resolutions. Regime forces perpetrated crimes against humanity, ranging from extrajudicial killing to sexual violence and torture, with all these crimes being perpetrated in a systematic and widespread manner, and war crimes, through indiscriminate shelling, and the destruction of building and facilities, since 2011. All of these had yet to be addressed with any form of accountability.²⁷³

On 9 February 2021, Syrian authorities announced that they believed having found the body of archaeologist and historian Khaled al-Asaad (1934–2015) in Kahloul, east of Palmyra [See also NCH *Annual Report 2016*].²⁷⁴

In [February 2021], Aleppo's city council announced that bodies buried in one of the biggest makeshift graveyards, in a park next to the Salah al-Din mosque, would be relocated to a large state cemetery on the outskirts of the city. In 2018, the Aleppo authorities first began to relocate bodies from the city's informal cemeteries, but identifying and documenting the inhabitants of all of the irregular gravesites proved to be a serious challenge which was soon abandoned. It appeared the city council paid no attention to the dignity of the dead: unverified pictures circulated widely on social media, showing skulls and bones lying haphazardly among red soil, and graveyards left with earth and makeshift headstones disturbed. According to Mohamed Kaheel, who directed the Aleppo opposition's forensic medicine commission, the purpose of transferring the graves was so that in the future, when criminal investigations would be carried out, a lot of important forensic evidence would be lost.²⁷⁵

²⁷² Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 646; Bethan McKernan, "[Germany Convicts Former Assad Regime Agent in Historic Syria Torture Verdict](#)," *Guardian* (24 February 2021).

²⁷³ "[On the 3rd Anniversary of the Syrian Regime's Chemical Attack on Khan Sheikhoun and the 2nd of Its Attack on Douma City, the Victims Still Await Accountability](#)," *SNHR* (7 April 2020); Syrian Network for Human Rights, *Tenth Annual Report: The Most Notable Human Rights Violations in Syria in 2020* (London: Syrian Network for Human Rights, 2021), 83.

²⁷⁴ "[Syria 'Finds Body of Archaeologist Khaled al-Asaad Beheaded by IS'](#)," *BBC News* (9 February 2021).

²⁷⁵ Bethan McKernan and Ahmad Haj Hamdo, "['A Crime on Top of a Crime': Assad Regime Reburies Aleppo's War Dead](#)," *Guardian* (15 March 2021).

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012, 2016–2020.

TAJIKISTAN

Previous *Annual Report* entries: 2017–2018, 2020.

TANZANIA

Previous *Annual Report* entries: 2010, 2016–2017.

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2020.

Despite evidence showing that soldiers were responsible for most casualties during the 2010 political confrontations with the United Front for Democracy Against Dictatorship (the “Red Shirts”) that left at least 99 dead and more than 2,000 injured, no military personnel or officials from the government of then-Prime Minister Abhisit Vejjajiva had been charged for killing or wounding demonstrators or bystanders.²⁷⁶

On 19 August 2020, the authorities filed a complaint against historian Pavin Chachavalpongpun (1971–), an associate professor of politics at the Center for Southeast Asian Studies, Kyoto University, Japan [See also NCH *Annual Report 2017*], for opening a popular Facebook page with commentary on the monarchy. On 24 August 2020, after the Thai government threatened legal action, Facebook blocked access in Thailand to this page, “Royalist Marketplace,” on which a million-member group discussed the monarchy. The page could still be accessed from outside Thailand. A new Facebook group set up by Pavin on 24 August 2020 in the evening gained more than 400,000 followers overnight. Pavin was one of three dissidents the Thai government had warned its citizens to stay away from. The other two were British journalist Andrew MacGregor Marshall, who had published a book critical of the Thai

²⁷⁶ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 658.

monarchy, and Thai political history professor Somsak Jeamteerasakul [See also NCH *Annual Reports 2011, 2014–2015, 2017*] who was an outspoken critic of the monarchy and lived in exile in France.²⁷⁷

On 20 September 2020, in a context of ongoing student-led protests since February, anti-government demonstrators cemented a commemorative “People’s Plaque” close to a field known as Sanam Luang (Royal Field), near Bangkok’s Grand Palace, in a challenge to Thai King Maha Vajiralongkorn. The plaque proclaimed in Thai: “The people have expressed the intention that this country belongs to the people, and not the king.” Organizers said the plaque was a replacement for another marking the end of absolute monarchy in the 1930s, which went missing in 2017 [See also NCH *Annual Reports 2018–2019*]. The demands of protesters took an unprecedented turn in August 2020, when a 10-point manifesto for reform to the monarchy was read out at a rally. The sociology student who delivered the manifesto, Panusaya Sithijirawattanakul, had said that its intention was “not to destroy the monarchy but to modernize it, to adapt it to our society.” However, she and her fellow activists were accused of “chung chart” (“hatred of the nation”).²⁷⁸

On 19 October 2020, police searched the publishing house Fah Diew Kan and interrogated founding editor Thanapol Eawsakul. The police warrant reportedly cited three books: one written in 2013 by emeritus historian Thongchai Winichakul that was found to be “dangerous” in the context of the ongoing protests and to incite “hatred of the institution of the monarchy”; and two by political scientist and historian Nattapol Chaiching (*see below*). The warrant also said that “it is ... believed that the ... books were produced with the aim of creating agitation and resistance among the people, which is an offense against state security.”²⁷⁹

On 5 March 2021, Priyanandana Rangsit filed a THB50 million (US\$1.6 million) civil lawsuit against Nattapol Chaiching [Nattapol Chaiching] (a political scientist and historian teaching at the Faculty of Humanities and Social Sciences of Suan Sunandha Rajabhat University in Bangkok and head of its Local Government Program), his thesis supervisor Kullada Kesboonchu-Mead (a lecturer in political science at Chulalongkorn University), and academic publisher Fah Diew Kan (Same Sky Books) for harming the reputation of the clan of her grandfather Prince Rangsit Prayurasakdi (1885–1951), the son of King Chulalongkorn Rama V (1853–1910). She further requested a temporary injunction to immediately stop the distribution of a 2013 book based on Nattapol’s thesis, and the 2020 book *Khun Seuk Sakdina Phraya Insi* (“The Junta, the Lords, and the Eagle”). The lawsuit followed the ban of

²⁷⁷ “[Facebook Blocks Thai Access to Group Critical of Monarchy](#),” *BBC News* (25 August 2020); Joyce Lau, “[Thai Protests Raise Academic Freedom Issues](#),” *Inside HigherEd* (28 August 2020).

²⁷⁸ “[Thailand Protests: Activists Challenge Monarchy by Laying ‘People’s Plaque’](#),” *BBC News* (20 September 2020).

²⁷⁹ Scholars at Risk, “[Thailand: End Crackdown on Peaceful Student Protesters](#)” (2 November 2020).

Nattapol's PhD thesis, entitled "Thai Politics in Phibun's Government under the US World Order (1948–1957)," by Chulalongkorn University (CU), where Nattapol had obtained his PhD with distinction in 2009. The widely praised thesis had investigated how the United States had intervened in Thailand in 1948–1957 to support police and military groups and the resurgence of the monarchy. Eventually, the intervention led to the 1957 coup by Field Marshal Sarit Thanarat (1908–1963) and the establishment of a royalist authoritarian regime.

In [2017], while doing research on Thai politics under King Bhumibol Adulyadej Rama IX, royalist political philosopher Chaiyan Chaiyaporn at CU had found a mistake in Nattapol's PhD thesis, as evidence did not support a conclusion he had drawn on Prince Rangsit's interference in the government during his regency (1947–1951). Chaiyan Chaiyaporn reported this to CU claiming that Nattapol had falsified the fact in order to tarnish the monarchy, and demanded revision. When Nattapol subsequently wanted to revise the thesis, he was told that university regulations did not allow amendments to theses that were approved and published. After a CU investigation in 2018, the thesis examination committee and the faculty of political science concluded that Nattapol's mistake was unintentional and that the passage containing it could be removed without affecting the argument in that chapter or the thesis as a whole. Yet, despite this conclusion, CU blocked access to the dissertation.

In the meantime, interest in the historical role of the monarchy in politics made Nattapol's second book *The Junta, the Lords and the Eagle* a bestseller in 2020. His books became influential among youth and student protesters demanding reform of the monarchy. In February 2021, a petition signed by some 400 alumni and submitted to CU demanded further action against Nattapol, resulting in CU setting up an investigation committee to review the latter's academic integrity. Depending on its findings, the investigation could lead to a revocation of Nattapol's degree or other disciplinary action under research misconduct rules.

On 26 March 2021, 279 Thai scholars signed a petition asking CU to halt its attack on Nattapol and uphold academic freedom, stating that in *The Junta, the Lords, and the Eagle* he had rectified the mistake that could not be altered in his PhD thesis, and that it did "not directly alter the theme or main proposal of Dr Nattapol's thesis." The petition was followed by an international statement on 5 April calling for policies to provide protection to students and faculty members. The Association for Asian Studies, in a separate statement on 7 April, joined the call and urged the Bangkok Civil Court to dismiss the lawsuit.²⁸⁰

²⁸⁰ Thongchai Winichakul & Tyrell Haberkorn, "[A Censored Thesis, Then a Defamation Lawsuit: Academic Freedom in Thailand](#)," *New Mandala* (19 March 2021); Thongchai Winichakul & Tyrell Haberkorn, "[International Scholars Appeal to Chulalongkorn University to Defend Academic Freedom](#)," *Prachatai* (5 April 2021); Association for Asian Studies, "[AAS Statement on Academic Freedom in Thailand](#)," (7 April 2021); Sulakshana Lamubol, "[Historian Influential with Protesters Is Investigated](#)," *University World News* (13 April 2021).

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2013, 2015–2018.

See Australia.

TOGO

Previous *Annual Report* entries: 2002, 2008–2013, 2017–2018.

In September 2020, security forces killed one person and injured several others when they used tear gas canisters to disperse a traditional celebration in the Prefecture of Doufelgou.²⁸¹

TRINIDAD and TOBAGO

Previous *Annual Report* entries: 2018.

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2020.

On 24 June 2020, the government took a step for transitional justice by publishing in its Official Journal, the final report of the Truth and Dignity Commission, a body tasked by a 2013 transitional justice law to investigate and expose serious human rights violations that took place in Tunisia from 1955 to 2013. On 26 March 2019, the commission had published its five-volume 2000-page report. It analyzed and exposed the multi-layered and intricate system of oppression and corruption prevalent for sixty years, and included recommendations for political, economic, administrative, and security sector reforms to safeguard against a return to repression. Trials of people accused of human rights violations perpetrated between 1955 and 2013, referred by the Commission, continued before specialized criminal chambers, albeit at a slow pace with frequent adjournments, while security force and police unions continued to boycott the process. Also in June, the government established a reparations fund for victims, and

²⁸¹ Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 358.

relatives of victims who had died between 1955 and 2013. The reparations included financial compensation, rehabilitation, professional integration or education, the restitution of rights and official apologies. The fund was activated on 24 December [See also NCH *Annual Reports 2015–2020*].²⁸²

TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2020.

On 16 June 2021, the International Press Institute (IPI) and eighteen international freedom of expression organizations sent open letters to Justice Minister Abdulhamit Gül and a number of political parties to urge authorities to investigate the unsolved murder of Kutlu Adalı (1935–1996), after allegations by convicted mob leader Sedat Peker that former Interior Minister Mehmet Ağar had organized Adalı's killing.

On 17 March 1996, Adalı, a Turkish-Cypriot journalist and peace activist who wrote critically about the government of the unrecognized Turkish Republic of Northern Cyprus, had penned a newspaper article about the alleged involvement of the Directorate of Civil Defense Organization in Northern Cyprus in the smuggling of historical artifacts taken from a tomb in the monastery of St. Barnabas. He was killed by unknown assailants in his house on 6 July 1996. From 1980 onward, Adalı and his wife had repeatedly been subjected to harassment, varying from threatening phone calls to an attack on his house with machine guns. In 2005, the European Court of Human Rights found that Turkey had violated Article 2 of the European Convention on Human Rights (the right to life) for its “failure to carry out an adequate and effective investigation into the circumstances surrounding the killing” of Adalı.²⁸³

On 30 June 2020, the government canceled the operating license of Şehir University in Istanbul (founded in 2009) based on a presidential decree of April 2020. Among the libraries that were confiscated in the process was the one of historian of the Ottoman empire Fuat Köprülü (1890–1966).²⁸⁴

See also France, United States.

²⁸² Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 663; Amnesty International, *State of the World's Human Rights 2020/21* (London: AI, 2021), 53, 360, 362.

²⁸³ European Court of Human Rights, *Case of Adali v. Turkey (Application no. 38187/97): Judgement in the Case of Adali v. Turkey* (Strasbourg: ECHR, 2005); “[International Groups Call on Turkey to Investigate New Allegations Related to Journalists' Unsolved Murders](#),” *IFEX* (16 June 2021).

²⁸⁴ Kaya Genç, “Tearing Down the Ivory Tower,” *Index on Censorship*, 49 no. 4 (2020), 29–31.

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012, 2015–2019.

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2013, 2015–2017, 2019–2020.

On 4 February 2021, Dominic Ongwen, a former commander in the Lord’s Resistance Army (LRA), was found guilty on charges of war crimes and crimes against humanity, including murder, rape, sexual slavery, abduction and torture, at the International Criminal Court (ICC) in The Hague. Analysts in Uganda said the judgment suggested progress toward ending impunity in a country with a long history of conflict. On 6 May, the ICC sentenced Ongwen to 25 years in prison. Two ICC warrants remained outstanding for the arrest of LRA leaders Joseph Kony and Vincent Otti. The latter was presumed dead. [See also NCH *Annual Reports 2016–2017, 2019–2020*].²⁸⁵

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011, 2014–2020.

On 16 April 2015, historian and journalist Oleg Buzyna (–2015), a long-time contributor of controversial opinion pieces about Ukrainian history in the *Segodnya* newspaper and a pro-Russian commentator who publicly denounced Ukrainian nationalism, was shot dead by two masked attackers near his house in Kyiv. He had been frequently attacked verbally and physically by nationalists in the past. On 18 June 2015, Interior Minister Arsen Avakov announced that police had arrested two suspects, Andriy Medvedko and Denys Polischchuk, two Donbas war veterans from the ultra-nationalist group Sich C14. Both denied the killing, saying that they did not know each other before their arrest, that numerous witnesses confirmed they were both not in Kyiv that day, and that police planted evidence in the case and had taken DNA samples by force. In 2017, the Kyiv Prosecutor’s Office sent all case materials to the court where, despite dozens of hearings, the case was still pending as of late January 2020. Buzyna had a reputation as a provocateur who publicly denounced almost every person, tradition, tragedy, or event sacred to most Ukrainians (including national poet Taras Shevchenko [See also NCH *Annual Reports 2014, 2016, 2018*] in his 2000 book “Taras Shevchenko the Ghoul”). He openly opposed Ukrainian nationalism and called Russia’s war against Ukraine in the Donbas “a civil conflict.”

²⁸⁵ Jason Burke and Samuel Okiror, “[Ugandan ex-Child Soldier Guilty of War Crimes and Crimes against Humanity](#),” *Guardian* (4 February 2021).

Born in the family of a KGB officer, Buzyna used to dress in the Russian Empire's White Guard uniform for historical reconstruction events.²⁸⁶

No justice, truth or reparation was attained for any of the victims of enforced disappearance, secret detention and torture of civilians by the Security Service of Ukraine (SBU) from 2014 to 2016, and not a single suspected perpetrator was prosecuted. The new SBU head noted in June 2020 that the agency currently had no secret prisons, but said nothing of such practices in the past, and denied torture. The four-year-old investigation into this practice was handed over by the Military Prosecutor's Office to the State Investigation Bureau in December 2019, but by the end of 2020, had yielded no tangible results.²⁸⁷

Although Ukraine was not a member of the International Criminal Court (ICC), it accepted the court's jurisdiction over alleged crimes committed on its territory since November 2013. The ICC prosecutor's preliminary examination as to whether it should open an investigation into abuses committed during the armed conflict (2014–) remained ongoing.²⁸⁸

In March 2020, members of Russian law enforcement agencies visited the homes of several Crimean Solidarity members, including its current coordinator Mustafa Seydaliyev, and human rights defender Abdureshit Dzhepparov, and served them with an official written warning against taking part in future “unsanctioned actions” (any protest or commemorative events).²⁸⁹

In October 2020, Viktor Medvedchuk, an influential Ukrainian politician and friend of Vladimir Putin, sued journalist Vakhtang Kipiani for his 2019 book *The Case of Vasyl Stus* because it suggested that Medvedchuk had been complicit in Stus's 1980 prosecution. Vasyl Stus (1938–1985) was a dissident poet, historian, archivist, and human rights activist who died in Soviet labor camp Perm 36 after many years of imprisonment. During a trial in 1980, he had been sentenced to ten years' labor camp for “anti-Soviet activity.” Medvedchuk had been his defense lawyer. In 1981, Yuriy Lytvyn, a poet and human rights activist imprisoned with Stus and also defended by Medvedchuk, had declared that the case against Stus was fabricated and that the “passivity” of Medvedchuk was due to “instructions from above.” The court in Kiev banned references to Medvedchuk in the book, especially in the chapter “Did Attorney Viktor Medvedchuk kill Vasyl Stus?” Despite the censorship order, the book continued to be printed in its entirety in Ukraine and topped the bestseller lists shortly after the judgment.²⁹⁰

²⁸⁶ “[No Conclusions in 2015 Murder of Reviled Pro-Russian Journalist Buzyna](#),” *Justice for Journalists* (24 January 2020).

²⁸⁷ Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 373.

²⁸⁸ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 698.

²⁸⁹ Amnesty International, *Report 2020/21: The State of the World's Human Rights* (London: AI, 2021), 376.

²⁹⁰ Stephen Komarnyckyj, “Poet Who Haunts Ukraine,” *Index on Censorship*, 50 no. 1 (2021), 90.

UNITED ARAB EMIRATES

Previous *Annual Report* entries: 2013, 2016.

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2020.

In March 2020, the government introduced legislation in the Overseas Operations Bill creating a “presumption against prosecution” for members of the armed forces accused of crimes, including torture, committed overseas more than five years ago. In April 2021, the bill was voted down in the House of Lords, because it undermined “some of the most basic legal standards.” The peers wanted torture and war crimes to be excluded from the five-year limit on prosecutions.²⁹¹

On 20 June 2020, James Furlong ([1984]–2020), a history and politics teacher at Holt School, Wokingham, and two others were stabbed to death in a terrorist attack at the Forbury Gardens in Reading. At least three others were injured. The perpetrator was Khairi Saadallah ([1994]–). A former teenager member of the Islamist militia Ansar al-Sharia during and after the uprising against Muammar Gaddafi in Lybia, Saadallah had fled the civil war (2011–) there in 2012 and he was granted asylum for five years in 2018 after lying about his past. With a history of debt and homelessness, alcohol, and substance misuse, and “suffering from post-traumatic stress disorder,” he had six previous convictions for some 16 offenses (including two for racially or religiously aggravated harassment, eight for offenses of violence, and two for the possession of a knife). He had only been released from prison for another offense fifteen days before the attack. He was charged with three counts of murder and three counts of attempted murder. In November 2020, he pleaded guilty. On 11 January 2021, Saadallah was sentenced to life imprisonment. The judge said that it was a terrorist attack and that the purpose was to advance an extremist Islamic cause.²⁹²

²⁹¹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 705; Dan Sabbagh, “[Peers Vote to Halt Plans to Limit UK Soldiers’ Accountability for War Crimes](#),” *Guardian* (13 April 2021).

²⁹² Phil Creighton, “[Holt School History Teacher Killed in Forbury Gardens Stabbing](#),” *Wokingham.today* (21 June 2020); “[Reading Terrorist Attack: First Victim Named as ‘Wonderfully Talented’ Teacher James Furlong](#),” *Grimby Telegraph* (21 June 2020); Luke Powell & Flora Thompson, “[Park Terror Suspect Khairi Saadallah’s History Revealed in Court Papers](#),” *Grimby Telegraph* (22 June 2020); “[2020 Reading Stabbings](#),” *Wikipedia* (3 May 2021); Costas Pitas, “[Libyan Jailed for Life for UK Attack that Killed Three](#),” *Reuters* (11 January 2021); Lizzie Dearden, “[Reading Terror Attacker Khairi Saadallah Given Whole-Life Prison Sentence for Murdering Three Victims](#),” *Independent* (11 January 2021); Central Criminal Court, [The Queen versus Khairi Saadallah: Sentencing Remarks](#) (11 January 2021).

In August 2020 the United Kingdom-based Institute for Strategic Dialogue (ISD) found that Facebook algorithms “actively promote” Holocaust denial content. According to the ISD typing “holocaust” in the Facebook search function brought up suggestions for denial pages, which in turn recommended links to publishers which sold revisionist and denial literature, as well as pages dedicated to the notorious British Holocaust denier David Irving. The results followed a Facebook decision to ban conspiracy theories about Jewish people “controlling the world” and content depicting blackface. On 12 October this decision was followed by a ban on content denying the Holocaust.

Also in October, the Institute for Research of Genocide Canada sent an open letter to the social network’s CEO, Mark Zuckerberg, asking for a similar ban on the denial of the 1995 Srebrenica genocide. Numerous groups distorting the facts about the Srebrenica genocide remained on the social network, spreading misinformation, using hate speech in posts and allowing hate speech in comments. The phenomenon was particularly prominent around the anniversary of the genocide in July each year. Facebook could not give an official statement on the initiative to ban Srebrenica genocide denial, but pointed out that it already had policies that prohibited the praise of any hate crime or mass murder²⁹³

In January 2021, the United Nations (UN) International Tribunal for the Law of the Sea ruled the historical claim of the United Kingdom (UK) to sovereignty over the Chagos Islands to be an “unlawful occupation.” The UK retained possession of the Chagos archipelago after Mauritius gained independence in 1968, paying Mauritius more than £4 million for the islands. In the early 1970s, between 1,500 and 2,000 islanders were forcibly deported so that the largest island, Diego Garcia, could be leased to the United States to use as an airbase. None of them were ever able to return. In 2019 an advisory opinion by the International Court of Justice (ICJ), endorsed by the UN General Assembly, had found the UK in breach of international law by seeking to maintain its claim to the archipelago. The UK ignored the ICJ and the UN opinions, dismissing them as advisory, which prompted Mauritius to go to the international maritime court to press its claim.²⁹⁴

On 23 February 2021, Secretary of Culture Oliver Dowden and Heritage Minister Nigel Huddleston organized a round table with leaders of 25 heritage charities, museums and art galleries, with the aim of warning organizations against focusing too much on Britain’s imperial history. In the months leading up to the round table, Corrine Fowler, a professor of postcolonial literature at Leicester University and the director of the Colonial Countryside project (exploring links between national properties and

²⁹³ Alex Hern, “[Facebook and Instagram Ban Antisemitic Conspiracy Theories and Blackface](#),” *Guardian* (12 August 2020); Mark Townsend, “[Facebook Algorithm Found to ‘Actively Promote’ Holocaust Denial](#),” *Guardian* (16 August 2020); James Clayton, “[Facebook Bans Holocaust Denial Content](#),” *BBC* (13 October 2020); Nejra Dzaferagic, “[Facebook Urged to Ban Srebrenica Genocide Denial](#),” *Balkan Insight* (27 October 2020).

²⁹⁴ Patrick Wintour, “[UN Court Rejects UK Claim to Chagos Islands in Favour of Mauritius](#),” *Guardian* (28 January 2021).

colonialism) and a National Trust project (investigating the African, Caribbean, and Indian connections of eleven country houses) had been at the center of a growing row over Britain's approach to history.

In September 2020, a National Trust-commissioned 115-page interim report entitled *Connections between Colonialism and Properties now in the Care of the National Trust, Including Links With Historic Slavery* (co-edited by Fowler) had highlighted that 93 trust properties were linked to wealth from plantations and the slave trade, while others were important to understanding Britain's colonial history. Many Members of Parliament (MPs) and several right-wing historians and newspaper columnists took exception to the report's references to Winston Churchill's role in colonial administration and his opposition to Indian independence. Historian Andrew Roberts accused the trust of "wokery" and of "trying to imply a moral equivalence between colonialism and slavery." In December 2020, Fowler and several other academics working on another trust project, *Colonial Countryside: National Trust Houses Reinterpreted*, had been accused of holding "biased" views about colonialism.

In January 2021, the Common Sense Group of more than fifty Tory MPs had asked Dowden to investigate how funding was agreed for the Colonial Countryside project, which it described as an "ideologically motivated endeavor" to rewrite history.²⁹⁵

On 16 March 2021, the British Committee for Universities for Palestine (BRICUP), John Chalcraft, a professor of Middle East history and politics at the London School of Economics, and James Dickins, a professor of Arabic at the University of Leeds, produced a report listing 294 revisions to the secondary education textbooks *Conflict in the Middle East c. 1945–1995* (2016), and *The Middle East: Conflict, Crisis and Change 1917–2012* (2017), aimed at changing what they saw as favoring the Israeli point of view.

In 2019, the Zionist Federation had launched an online petition for the removal of the textbooks published by Pearson. Following the petition, Pearson commissioned Parallel Histories, an organization that provided material for students to understand conflicts from different sides, to examine their accuracy. They suggested some changes in terminology but found "no overall bias." However, the Board of Deputies of British Jews and UK Lawyers for Israel continued to protest. The books were taken off the shelves until 2020, when Pearson published a revised edition.²⁹⁶

In May 2021, a row erupted over the publication of *The History Maker*, a book by Robert Cohen (1965–). Cohen was asked by his United States (US) publisher Random House to rewrite part of the 800-page

²⁹⁵ Jamie Doward, "[I've Been Unfairly Targeted, Says Academic at Heart of National Trust 'Woke' Row](#)," *Guardian* (20 December 2020); Jessica Murray, "[Politicians Should not 'Weaponise' UK History, Says Colonialism Researcher](#)," *Guardian* (22 February 2021).

²⁹⁶ Liz Lightfoot, "['Serious Concerns': UK Education Row as Israel-Palestine Textbooks Pulled](#)," *Guardian* (8 June 2021).

book after failing to take into account enough black historians, academics, and writers. Cohen added an 18,000-word chapter, plus extra material in existing chapters, to include individuals such as the abolitionist Frederick Douglass (1818–1895), the sociologist W.E.B. DuBois (1868–1963) and the author Toni Morrison (1931–2019). Upon hearing about Random House’s request, Julieanna Richardson, the founder and executive director of The HistoryMakers, a US-based non-profit educational institution set up to collate oral and video records of the experiences of African Americans as well as their family histories, was furious that Cohen had largely omitted black history until prompted to write more, and claimed that he had appropriated the name of her organization. She sent “cease and desist” letters to Random House, to Weidenfeld & Nicolson, the book’s British publisher, and to Cohen. In June, Random House cancelled Cohen’s contract following “editorial differences.” Weidenfeld & Nicolson and his new US publisher Simon & Schuster postponed the publication until March 2022, aiming for a “cooling-off period.” Cohen suggested that his book bear the new title of *Making History*.²⁹⁷

Northern Ireland

In March 2020, the government issued proposals to address the legacy of the conflict in Northern Ireland (1969–1998) which were not compatible with human rights standards and departed from commitments made in the 2014 Stormont House Agreement and subsequent government statements and agreements. The proposals would limit prosecutions of those suspected of criminal responsibility for crimes under international law and human rights violations and abuses during the conflict [See also NCH *Annual Report 2016*].²⁹⁸

The government refused to launch a public inquiry into the murder of Patrick Finucane, a Belfast lawyer killed in 1989, despite a 2019 Supreme Court ruling, which found that his murder was not effectively investigated in line with human rights standards [See also NCH *Annual Reports 2010, 2016*].²⁹⁹

See also Australia, France, Nigeria, Thailand.

²⁹⁷ Richard Brooks, [“Publication Delayed of Epic History Book Amended after Being Called ‘Too White’”](#), *Guardian* (19 June 2021).

²⁹⁸ Amnesty International, *Report 2020/21: The State of the World’s Human Rights* (London: AI, 2021), 381.

²⁹⁹ Amnesty International, *State of the World’s Human Rights 2020/21* (London: AI, 2021), 381.

UNITED STATES

Previous *Annual Report* entries: 1995–2020.

Between 31 May and 1 June 1921, in a span of about 24 hours, a white mob invaded the Black community of Greenwood in Tulsa, Oklahoma, resulting in the Tulsa Race Massacre. The trigger of the attack had been a call to lynch a black man for assaulting a white woman based on flimsy evidence. No one was held accountable for the massacre. Some historians put the massacre's death toll at 300, but it took one century for a search for mass graves to be underway. For decades, the story of the massacre was largely erased from history: official records were lost or destroyed, the Tulsa newspapers did not mention it, and Oklahoma history books did not teach it (although from the fall of 2020, the massacre would be a part of the Oklahoma school curriculum).

In 2001, Oklahoma's "Tulsa Race Riot Commission" had recommended that Oklahoma and Tulsa issue reparations to the survivors of the massacre and their descendants but it was ignored. However, the Tulsa Reparations Coalition, formed in April 2001, began to gain national traction. In 2003, a legal team filed a civil lawsuit (Alexander versus Oklahoma) against Tulsa, the Tulsa Police Department, and Oklahoma on behalf of more than 200 survivors and descendants of victims of the massacre. The federal district and appellate courts in Oklahoma dismissed the claims because the statute of limitations had expired. The United States Supreme Court declined to hear the case. A June 2020 petition tried to persuade Congress to lift the statute of limitations from any reparations claim. On 1 September 2020, a group of Oklahomans, led by 105-year-old survivor Lessie Benningfield Randle, filed a lawsuit demanding reparations and arguing that racial inequality in Tulsa today can be traced back to the 1921 massacre. In 2021, the Library of Congress changed its subject heading for the historical event from "Tulsa Race Riot" to "Tulsa Race Massacre."

On 11 May 2021, Governor Kevin Stitt of Oklahoma was ousted from the 1921 Tulsa Race Massacre Centennial Commission (established 2015), after he had signed H.B. 1775, a bill that claimed to combat racism and sexism in the state's public schools but that commission members said would undermine their goal of teaching the state's painful history of racial discrimination. The legislation would ban the teaching of certain concepts about race in Oklahoma schools, a measure that was seen as part of a larger conservative backlash to the teaching of "critical race theory." Among others, the law banned teaching that a person, "by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex." On 1 June 2021, President Joe Biden flew to Tulsa to mark the 100th anniversary of the massacre; he became the first sitting president to do so.³⁰⁰

³⁰⁰ ["Reparations for 1921 Tulsa Race Massacre Survivors and Descendants"](#) (petition to State of Oklahoma, City of Tulsa, and U.S. Congress) ([June] 2020) [see also [NCH Campaign](#)]; Ed Pilkington, "[Trump Rally in Tulsa Spurs Renewed Call for 1921 Racial Massacre Reparations](#)," *The Guardian* (18 June 2020); Adam Gabbatt,

A decade after dozens of detainees were held in a CIA-operated secret detention program – authorized from 2001 to 2009 – during which systematic human rights violations were committed, including enforced disappearance, torture and other ill-treatment, no person suspected of criminal responsibility had been brought to justice for these crimes. The limited investigations conducted into those crimes were closed without charges being brought against anyone.³⁰¹

On 18 August 2020, President Donald Trump announced he would pardon Susan B. Anthony, who had been arrested in 1872 for voting, in violation of laws permitting only men to do so. The act of executive clemency was announced at a White House ceremony marking the 100th anniversary of the 19th amendment to the United States constitution, which expanded the right to vote to women. Anthony was fined \$100 for her illegal act. Historians doubted whether Anthony may have wanted presidential clemency, which historians said had likely been available to her during her own lifetime, both because it would have admitted guilt and because she wore her conviction with pride.³⁰²

On 2 September 2020 sanctions were imposed on Fatou Bensouda, chief prosecutor of the International Criminal Court (ICC), and Phakiso Mochochoko, its director of jurisdiction, complementary, and cooperation division. The sanctions came after the ICC decision to open an inquiry into alleged war crimes and crimes against humanity committed in Afghanistan since 1 May 2003. On 2 April 2021, President Joe Biden lifted the sanctions. The sanctions were preceded by a peace agreement between the government and the Taliban. Under the agreement, no mention was made of human rights, and impunity was preserved for serious crimes under international law by all parties.³⁰³

On 12 September 2020, a bronze statue of a Confederate soldier known as “At Ready” in front of the Albemarle County courthouse, where it had stood since 1909, was taken down in Charlottesville, Virginia, the scene of a far-right rally in 2017. Albemarle County had voted to dismantle the statue in

[“Woman, 105, Leads Lawsuit Seeking Reparations for 1921 Tulsa Massacre,”](#) *The Guardian* (1 September 2020); Human Rights Watch, *The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument* (New York: HRW, 2020; 73 pages); Maurice Willows, *Disaster Relief Report – Riot June 1921* ([Washington: American Red Cross, 30 December 1921; 100 pages); District Court for Tulsa County, State of Oklahoma, *Joe Lockard versus T.D. Evans, Mayor and Others* (petition 23 August 1921); Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 708–709; Michael Levenson, [“Tulsa Race Massacre Commission Ousts Oklahoma Governor,”](#) *New York Times* (14 May 2021); Kathryn Schumaker, [“What Is Critical Race Theory and Why Did Oklahoma Just Ban It?”](#) *Washington Post* (19 May 2021); Rebecca Jones, [“Tulsa Massacre: The Search for Victims, 100 Years On,”](#) *BBC News* (27 May 2021).

³⁰¹ Amnesty International, *State of the World’s Human Rights 2020/21* (London: AI, 2021), 385.

³⁰² Tom McCarthy, [“Trump to Pardon Women’s Suffrage Leader Susan B Anthony,”](#) *Guardian* (18 August 2020); Kevin Liptak, [“Trump’s Pardon May Be Undermining Anthony’s Wishes, Historians Say,”](#) *CNN* (18 August 2020).

³⁰³ [“Afghanistan”](#) *International Criminal Court*; Julian Borger, [“US Imposes Sanctions on Top International Criminal Court Officials,”](#) *Guardian* (2 September 2020); [“US Lifts Trump Administration’s Sanctions on Top ICC Prosecutor,”](#) *Guardian* (2 April 2021); Amnesty International, *State of the World’s Human Rights 2020/21* (London: AI, 2021), 59.

August, the first decision to be made under a new law for removing Civil War monuments in Virginia introduced earlier in 2020.³⁰⁴

On 14 October 2020, ten Senators wrote to the Librarian of Congress to endorse a proposal to change the Library of Congress Subject Heading from “Armenian massacres, 1915–1923” to “Armenian Genocide, 1915–1923.” They argued that neither the Constitution nor any legislation provided that the President or Secretary of State was the primary authority on making historical genocide determinations. The Proxmire Act of 1988 (implementing the 1948 Genocide Convention) included no mention of genocide determinations, whether by the President, Secretary of State, or any other Cabinet member. The presidential memorandum delegating certain authorities from the 2018 Elie Wiesel Act to the Secretary of State only referred to reporting on “ongoing atrocities” and “countries and regions at risk of atrocities,” not historical cases like the Armenian genocide. Both houses of Congress had passed resolutions recognizing the Armenian genocide. They also argued that the scholarly consensus was that “Armenian Genocide,” not “Armenian massacres,” was the most accurate description of the tragedy.

On 23 April 2021, the 106th anniversary of the Armenian Genocide, Joe Biden became the country’s first President to declare formal recognition of the genocide.³⁰⁵

On 1 December 2020, the National Security Archive, the Society for Historians of American Foreign Relations, the American Historical Association, and the Citizens for Responsibility and Ethics in Washington filed suit against President Donald Trump, seeking to enforce the Presidential Records Act and prevent any destruction of records during the presidential transition. The lawsuit cited the inadequacy of White House policies that only required a screenshot of instant messages to be saved, preserving only the graphic content, when the law required “a complete copy” to be preserved, including digital links and attachments. As the Biden White House, in power since 20 January 2021, formally rescinded the screen shot policy and required complete electronic copies to be preserved in official records systems, the plaintiffs on 11 February 2021 informed the judge that they voluntarily dismissed the suit, leaving open the possibility of re-filing if any Trump records destruction came to light in the future.³⁰⁶

³⁰⁴ “[Charlottesville: Confederate Soldier Statue Removed](#),” *BBC News* (12 September 2020); “[Tulsa Race Massacre: President Biden Commemorates 100-year Anniversary](#)” (1 June 2021).

³⁰⁵ Ten United States Senators, [Letter to Carla Hayden, Librarian of Congress](#) (14 October 2020); Julian Borger and Martin Chulov, “[Biden Becomes First US President to Recognise Armenian Genocide](#),” *Guardian* (24 April 2021).

³⁰⁶ National Security Archive, “[Archive, Historians, CREW Sue White House, Seek to Preserve Presidential Records During the Transition](#)” (1 December 2020); US District Court for the D.C., NSA, SHAFR, AHA, CREW *versus* Donald Trump, Executive Office of the President, Jared Kushner, David Ferriero, NARA, [Complaint](#) (1 December 2020); “[Historians Having to Tape Together Records That Trump Tore Up](#),” *Guardian* (17 January 2021); National Security Archive, “[Lawsuit Saves Trump White House Records](#)” (11 February 2021).

On 10 December 2020, two senators introduced two Smithsonian museum bills –regarding a National American Latino Museum and an American Women’s History Museum – and sought a unanimous vote of all hundred senators. However, Republican Senator Mike Lee, from Utah, cast a dissenting vote, thus blocking unanimous approval. Lee condemned politics based on identity and said that the museums would “further divide an already divided nation.” He argued that stories of Latinos and women should be told in the existing American History Museum. Measures supporting the museums had already been overwhelmingly passed earlier in 2020 by the House of Representatives.³⁰⁷

On 10 December 2020, Garrett Felber, a tenure-track assistant professor in the Arch Dalrymple III Department of History at the University of Mississippi (UM), received a letter from the department chair, Noell Wilson, informing him that she had recommended the non-renewal of his employment contract as per 31 December 2021. The reason she gave was that Felber had repeatedly refused to meet by phone or Zoom (although they had communicated in writing). The tension leading to the dismissal began in late October 2020, when Felber, an outspoken critic of the university administration, tweeted that Wilson had rejected a \$42,000 grant he had been awarded to support “Study and Struggle,” a political education project on mass incarceration and immigrant detention in Mississippi, while months earlier, another grant for the same project had been accepted and promoted by UM. Wilson, he also tweeted, had called the project political rather than historical and said that it could potentially harm the history department’s ability to procure funding but that the real reason for the rejection was that the university would lose its “racist donors” if it supported an antiracist program such as his project. In a letter to the UM Chancellor hundreds of historians supported Felber’s views, calling the contract non-renewal an assault on academic freedom and pledging not to speak at UM until he was reinstated. The UM confirmed the contract non-renewal in a response to the American Historical Association.³⁰⁸

On 26 December 2020 a statue of Breonna Taylor ([1994] –2020), which was erected about two weeks earlier to honor her memory after she was shot and killed on 13 March 2020 during a police raid of her apartment, was smashed in Oakland, California.³⁰⁹

³⁰⁷ [“Mike Lee: Lone US Senator Blocks Women’s and Latino Museums,”](#) *BBC News* (11 December 2020); Savannah Behrmann, [“‘Hyphenated Identity Groups’: Utah GOP Sen. Mike Lee Blocks Legislation for Latino and Women History Smithsonian,”](#) *USA Today* (no date [10 December 2020]); Stephen Pitti, [“What Americans Don’t Know about Latino History Could Fill a Museum,”](#) *Los Angeles Times* (16 December 2020); Stephen Pitti (and 210 signatories), [“Historian Letter to Senate Rules Committee”](#) (16 December 2020).

³⁰⁸ Christian Middleton, [“UM Fires History Professor Who Criticizes ‘Powerful, Racist Donors’ and ‘Carceral State,’”](#) *Mississippi Free Press* (15 December 2020); [“Letter to Chancellor Boyce and Chair Wilson \[of University of Mississippi\]”](#) (Google Doc; 16 December 2020); Megan Zahneis, [“His University Celebrated His Success, Then It Fired Him,”](#) *Chronicle of Higher Education* (17 December 2020); Foundation for Individual Rights in Education (FIRE), [Letter to Chancellor Boyce](#) (18 December 2020); Colleen Flaherty, [“Ole Miss Doubles Down on Professor’s Termination,”](#) *Inside HigherEd* (12 January 2021).

³⁰⁹ [“Oakland Police Investigate Smashed Statue of Breonna Taylor,”](#) *Guardian* (29 December 2020).

On 15 January 2021, in an announcement to students enrolled in his course of Chinese Politics, Rory Truex, an assistant professor of politics and international affairs at Princeton University, said that he would “recommend that students who are currently residing in China should not take the course this year.” The reasons given were that the course contained “material that the Chinese government would find sensitive.” Examples given included Western sources about the 1966–1976 Cultural Revolution and the 1989 Tiananmen Square massacre which were banned in China. Students participating in the course would not be permitted to record lectures or precepts, all written assignments would be submitted for blind grading without students’ names to preserve anonymity, and students’ faces would be edited out of lecture recordings. Truex also emphasized that he would not self-censor the content of his course. Reactions within the university praised Truex for his sensitive approach.³¹⁰

On 29 January 2021, three United Nations Special Rapporteurs wrote a so-called allegations letter to the United States (US) government about the impact of the increased US military presence on the island of Guam, Micronesia, and the failure to protect the indigenous Chamorro people from the loss of their traditional lands, territories, and resources; from serious adverse environmental impact; and from the loss of ancient cultural artifacts, sacred places, burial grounds, and ancestral remains. The US military buildup reportedly endangered as many as 269 historic properties.³¹¹

On [4] February 2021, the Arkansas Art Academy in Rogers fired history and social sciences teacher Josh Depner for sending an email to state legislatures objecting to legislation that would punish schools mentioning the 1619 Project in their curriculum (*see below*). The school said that Depner had violated their “personal technology agreement” and “code of ethics” by sending the email from his professional address.³¹²

On 4 February 2021, the Korean Association of Harvard Law School (KAHLS) issued a statement in response to the article “Contracting for Sex in the Pacific War” by J. Mark Ramseyer, the Mitsubishi Professor of Japanese Legal Studies at Harvard Law School, and his accompanying editorial (“Recovering the Truth about the Comfort Women”), in which he described the coercive sexual slavery system organized by Japan during the Pacific War (1931–1945) as a “consenting, contractual process.”

³¹⁰ Kathy Smail, “[Amid Digital Crackdown, Chinese Politics Professor Recommends Students in China Avoid His Class](#),” *Daily Princetonian* (15 January 2021).

³¹¹ Mandates of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the rights of indigenous peoples; and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, [Allegations Letter AL USA 7/2021](#) (29 January 2021).

³¹² Max Brantley, “[Rogers Teacher Fired for Hot Email to Legislators over Pending Legislation to Restrict Social Studies Teaching](#),” *Arkansas Times* (4 February 2021; Zack Linly, “[Students Protest Firing of Arkansas Teacher Who Called Lawmakers Out for Being Fragile AF Over 1619 Project Curriculum](#),” *The Root* (6 February 2021).

The statement said that Ramseyer's denialist arguments were factually inaccurate and misleading, ignoring and going against decades of Korean scholarship, primary sources, and third-party reports. The review in which Ramseyer's article was published (online in December 2020; printed version pending) also issued a statement of concern about its use of historical evidence. Alexis Dudden, a history professor at the University of Connecticut, described Ramseyer's article as "academic fraud" analogous to Holocaust denialism.³¹³

On 25 February 2021, the contract of Lora Burnett, a history professor at Collin College, a community college in McKinney, Texas, was not renewed, after she had sent critical tweets about the college's handling of the Covid-19-pandemic and about the vice-presidential debate held in the run-up of the presidential elections of November 2020. On 28 January 2021, president of Collin College, H. Neil Matkin – who had called the pandemic "blown out of proportion" – had also ended the contracts of professor in humanities Audra Heaslip and professor in developmental studies Suzanne Jones after both had raised concerns about the college's Covid-19 reopening. Jones was also criticized for her participation in an open letter calling for the removal of Confederate statues in 2017.³¹⁴

On 5 March 2021, judge Camille Sarrouf ruled that ownership of the images of two enslaved people taken in the 1850s belonged to the photographer [See also NCH *Annual Report 2020*]. Harvard University said the photographs were "powerful visual indictments of the horrific institution of slavery." Descendant Tamara Lanier said that the judge missed the humanitarian aspect and intended to appeal the decision.³¹⁵

On 8 March 2021, Audrey Truschke, an American historian teaching South Asian history at Rutgers University, Newark, New Jersey, was subjected to online harassment and threats by the Hindu right-wing group Hindu on Campus who also wrote an open letter, reportedly signed by 5,000 persons, to Rutgers expressing "concerns" over Truschke's views on Twitter. Hindu on Campus was a student-led

³¹³ ["KAHLS Statement in Response to Professor J. Mark Ramseyer's Article 'Contracting for Sex in the Pacific War'"](#) (4 February 2021); Elizabeth Redden, ["Harvard Law Professor Accused of Denialism in Rewriting 'Comfort Women' Narrative,"](#) *Inside HigherEd* (16 February 2021); Ariel H. Kim & Simon J. Levien, ["Journal Delays Print Publication of Harvard Law Professor's Controversial 'Comfort Women' Article Amid Outcry,"](#) *The Harvard Crimson* (14 February 2021); Mark Ramseyer, ["Recovering the Truth about the Comfort Women,"](#) *Japan Forward* (12 January 2021); Alexis Dudden, ed., ["Supplement to Special Issue: Academic Integrity at Stake: The Ramseyer Article – Four Letters,"](#) *The Asia-Pacific Journal*, 19 no. 5 (1 March 2021), 2 pages; Youmi Kim & Mike Ives, ["A Harvard Professor Called Wartime Sex Slaves 'Prostitutes' – One Pushed Back,"](#) *New York Times* (26 February 2021); Jeannie Suk Gersen, ["Seeking the True Story of the Comfort Women: How a Harvard Professor's Dubious Scholarship Reignited a History of Mistrust between South Korea and Japan,"](#) *New Yorker* (26 February 2021).

³¹⁴ ["Dallas' Confederate Memorials Scream 'White Supremacy',"](#) *Dallas Morning News* (4 August 2017); Adam Steinbaugh, ["Collin College Fires Third Professor in Transparent Campaign to Cull Its Critics,"](#) *FIRE* (26 February 2021); Hady Mawajdeh & Bill Zeeble, ["Collin College Professors' Fight for COVID-19 Protocols Shifts to a Fight over Free Speech,"](#) *KERA News* (17 March 2021).

³¹⁵ ["Judge Dismisses Suit over 'Slave Ancestor' Photos at Harvard,"](#) *BBC News* (5 March 2021).

group wanting to create “a safe space for diaspora Hindus to share their experiences with anti-Hindu bigotry and standing together against racism.” Truschke said she had been facing an “avalanche of hate speech, anti-Muslim sentiments, misogyny, violent threats, things endangering my family ... and aggression toward my students.” Rutgers issued a statement in support of Truschke.

On 11 August 2018, one of Truschke’s lectures in Hyderabad, titled “Unpopular Stories: Narrating the Indo-Islamic Past and Navigating Present-day Prejudices” and organized by the Krishnakriti Foundation, had been canceled after members of the Bajrang Dal, Rashtriya Swayamsevak Sangh, and Bharatiya Janata Party had written letters to the police, in which they complained about Truschke’s views on Hinduism. Truschke had planned to speak on three topics: Mughal Emperor Aurangzeb (1618–1707), the purported role of Islam in the death of Indian Buddhism, and Sanskrit narratives of Indo-Islamic rule. According to Truschke, she had “lightly” self-censored her book *Aurangzeb: The Man and The Myth* (2017) after Hindu nationalist pressure in order to comply with Indian laws that protected religious sentiments.³¹⁶

On 15 April 2021, the virtual annual meeting of the Society for American Archaeology (SAA) erupted in controversy after members realized that one of the sessions, “Curation, Repatriation, and Accessibility: Vital Ethical Conversations,” had allowed a talk arguing against the Native American Graves Protection and Repatriation Act (1990; NAGPRA). The NAGPRA gave Native Americans rights to the human remains and cultural artifacts of their ancestors. The presentation was given by Elizabeth Weiss, a physical anthropologist at San José State University, SAA member, and co-author with James Springer of the controversial book *Repatriation and Erasing the Past* (2020). Its title was “Has Creationism Crept Back into Archaeology?” Her argument was that NAGPRA gave “control of research over to contemporary American Indian communities,” who may request repatriation or refuse to participate in certain research partly because of religious beliefs. Many archaeologists were reportedly shocked that the SAA gave a platform to what they considered anti-Indigenous views. Some were considering leaving the SAA and starting a new society.³¹⁷

In 2021, a number of proposed measures, largely ignoring the role of slavery and campaigns of anti-Mexican violence and aiming to promote patriotism in the classrooms and public spaces of Texas, was expected to become law. One bill that passed the House on 25 May 2021 banned teaching the 1619 Project (aiming to reframe U.S. history by placing the consequences of slavery and the contributions of Black Americans at the center of the national narrative [*see below*]) and limited how teachers in Texas

³¹⁶ “[Rutgers University Stands by Audrey Truschke after Online Attacks, Statement from Hindu Group](#),” *The Wire* (9 March 2021); Audrey Truschke, “[Silencing Scholarly Voices, One Event at a Time](#),” *The Wire* (20 August 2018).

³¹⁷ Lizzie Wade, “[An Archaeology Society Hosted a Talk against Returning Indigenous Remains: Some Want a New Society](#),” *Science Magazine* (19 April 2021).

classrooms discuss the ways in which racism had influenced the legal system in the state, long a segregationist bastion, and elsewhere. More than 220 Texas historians and teachers across the state signed a letter opposing the bill. Another bill would create a committee to “promote patriotic education” about the state’s secession from Mexico in 1836 largely by men who were fighting to expand slavery. A third bill would block exhibits at San Antonio’s Alamo complex from explaining that major figures in the Texas Revolution were slave owners (*see below*).

The proposed measures came as nearly a dozen other Republican-led states sought to ban or limit how the role of slavery and pervasive effects of racism were taught. Idaho was the first state to sign into law a measure that would withhold funding from schools that teach such lessons. Lawmakers in Iowa, Louisiana, New Hampshire, and Tennessee had introduced bills that would ban teaching about the enduring legacies of slavery and segregationist laws, or that any state or the country is inherently racist or sexist. In South Dakota, a vague “act to prohibit the use of curricular materials that promote racial divisiveness” appeared, and in Arkansas HB1231 was named “To Prohibit the Use of Public School Funds to Teach the 1619 Project.”

Senate Minority Leader Mitch McConnell had singled out the 1619 Project in a letter condemning the Biden administration’s proposal to teach about racism and slavery’s legacy in the nation’s public schools. Todd Rokita, Indiana Attorney General, wrote to the Biden administration to argue that they should not be “imposing the deeply flawed and radical teachings of critical race theory into the classroom.” The Attorneys General of at least nineteen other states signed it.³¹⁸

In late April 2021, Nikole Hannah-Jones, a Pulitzer Prize-winning writer for *The New York Times Magazine*, was appointed to the Knight Chair in Race and Investigative Journalism at the Hussman School of Journalism and Media at the University of North Carolina (UNC) at Chapel Hill on a five-year contract. Despite support from the UNC-Chapel Hill chancellor and faculty, she was denied a tenured position after the board of trustees failed to approve the journalism department’s recommendation, contrary to the fact that the last two people in the position were granted tenure upon their appointment. Critics pointed to political and donor pressure of conservative groups who had been concerned about Hannah-Jones’s founding role in *The New York Times Magazine*’s 1619 Project, launched in August 2019 and named for the year that slavery began in the colonies that would become the United States: Hannah-Jones won the 2020 Pulitzer Prize for commentary for her introductory essay to the Project. The successful 1619 Project ignited a continuing debate about the legacy of slavery, but had also faced criticism from historians over certain claims, and from conservatives who labeled it

³¹⁸ Simon Romero, “[Texas Pushes to Obscure the State’s History of Slavery and Racism](#),” *New York Times* (20 May 2021); Ta-Nehisi Coates, Glenda Elizabeth Gilmore & Martha S. Jones, “[We Stand in Solidarity With Nikole Hannah-Jones](#),” *The Root* (25 May 2021); Kate McGee, “[Texas Educators Worry Bill Limiting the Teaching of Current Events and Historic Racism Would “Whitewash History](#),” *Texas Tribune* (26 May 2021).

“propaganda,” “unpatriotic,” and “too focused on racism.” Hannah-Jones threatened to sue UNC-Chapel Hill.

On 30 June, amid mounting pressure, the board of trustees granted her tenure during a special closed session. The vote, which happened in public, was nine to four. On 7 July 2021, however, Hannah-Jones announced that she declined the offer of tenure. In a letter she explained that she could not imagine working at a school named after “a man who ignored ... all of my credentials ... because he believed that a project that centered Black Americans equaled the denigration of white Americans.” Leading up to the vote on the board of trustees, Walter Hussman Jr., after whom UNC’s Hussman School of Journalism and Media was named and who was one of the most important donors of UNC Chapel Hill, had reportedly opposed Hannah-Jones’s appointment, writing to the chancellor and at least one board member to express his worries “about the controversy of tying the UNC journalism school to the 1619 project.”³¹⁹

In May 2021, Tennessee became the first state to pass what queer-rights advocates branded as “Don’t Say Gay” laws, which either forbade the teaching of LGBTQ+ history in K-12 schools (schools from Kindergarten to twelfth grade) outright, or allowed parents to choose whether their children would participate in lessons that included it. Within days, Montana followed, while similar bills were under consideration in Arkansas, West Virginia, Iowa, and Missouri.³²⁰

Thirteen May 2021 marked the thirty-sixth anniversary and the first official day of remembrance for the 1985 bombing of the Black liberation group MOVE. On 13 May 1985, a police helicopter flew over a communal house occupied by members of MOVE, a separatist organization that bore comparison to the Black Panthers combined with back-to-nature environmental activism, and dropped on to its roof a bomb. At the same time, Philadelphia police fired over 10,000 rounds of ammunition at the house in which children were known to be present. The bomb ignited a fire that was allowed to burn for almost an hour before emergency responders were called in. Eleven people linked to the group were killed, among them five children, some 61 houses were razed to the ground, and 250 people left homeless. No

³¹⁹ Katie Robertson, “[Nikole Hannah-Jones Denied Tenure at University of North Carolina](#),” *New York Times* (19 May 2021); Joe Killian & Kyle Ingram, “[After Conservative Criticism, UNC Backs Down from Offering Acclaimed Journalist Tenured Position](#),” *NC Policy Watch* (19 May 2021); Ta-Nehisi Coates, Glenda Elizabeth Gilmore & Martha S. Jones, “[We Stand in Solidarity With Nikole Hannah-Jones](#),” *The Root* (25 May 2021); Colleen Flaherty, “[A Breach of Trust?: UNC Chapel Hill Professors Demand a Vote on Nikole Hannah-Jones’s Tenure Case](#),” *Inside HigherEd* (25 May 2021); Wallace Hettle, “[Keep History Teachers Free to Teach, in Iowa and the Nation](#),” *History News Network* (20 June 2021); Colleen Flaherty, “[Tenure for Hannah-Jones](#),” *Inside HigherEd* (30 June 2021); “[Nikole Hannah-Jones Issues Statement on Decision to Decline Tenure Offer at University of North Carolina-Chapel Hill and to Accept Knight Chair Appointment at Howard University](#),” *NAACP Legal Defense and Educational Fund* (6 July 2021); Scott Jaschik, “[Hannah-Jones Turns Down UNC Offer](#),” *Inside HigherEd* (7 July 2021).

³²⁰ Gabriel Arana, “[The Republican Plot to Ban LGBTQ History in Public Schools](#),” *The New Republic* (28 June 2021).

Philadelphia official ever faced criminal consequences for the atrocity. The only person held criminally liable was Ramona Africa, one of only two MOVE members who managed to escape the attack – she was charged with riot and conspiracy, and served seven years in prison.

In November 2020, Philadelphia’s governing council approved a resolution that apologized for the “immeasurable and enduring harm.” The 2021 anniversary was overshadowed by the discovery in April 2021, that the bones of two of the children had been held for almost four decades in the anthropology collection of the University of Pennsylvania. The bones were being used as a “case study” in an online course, entitled *Real Bones: Adventures in Forensic Anthropology*, focusing on “lost personhood” – cases where an individual cannot be identified due to the decomposed condition of their remains. Since 2019 the bones had also been used for teaching purposes without permission of the parents.

On 13 May 2021, mayor of Philadelphia Jim Kenney announced that he had dismissed the city’s health commissioner, Thomas Farley, after it was revealed that the bones of an undisclosed number of MOVE victims had been incinerated and dumped by the city without the knowledge or permission of living relatives. Farley had become aware of the bones’ existence in 2017 and instead of attempting to identify and returning them to the families made the decision to “cremate and dispose them.” On 14 May, Kenney stated that the remains had actually been stored at the medical examiner’s office for 35 years.³²¹

On 14 May 2021, President Joe Biden revoked two executive orders (EO) issued by former President Donald Trump to punish vandals who destroy monuments (EO 13933 of 26 June 2020) and to build a sculpture garden to honor American heroes (EO 13934 of 3 July 2020).³²²

On 4 June 2021, the Microsoft search engine Bing blocked image and video results for the phrase “tank man,” a reference to the iconic image of the lone protester facing down tanks during the 1989 protests in Tiananmen Square, in countries including the United States, Germany, Singapore, France, and Switzerland. It prompted accusations of possible censorship on the protest anniversary, but Microsoft spoke of an “accidental human error.” Microsoft Bing was one of the few foreign search engines that were accessible in China, because the company has agreed to censor results for sensitive terms such as the Dalai Lama, Tiananmen Square, or Falun Gong. In 2009, New York Times columnist Nicholas Kristof had received censored results on Bing when he searched for some of the topics censored in

³²¹ Ed Pilkington, “[Philadelphia City Council Apologises for Deadly 1985 Move Bombing](#),” *Guardian* (13 November 2021); Ed Pilkington, “[Bones of Black Children Killed in Police Bombing Used in Ivy League Anthropology Course](#),” *Guardian* (23 April 2021); “[Philadelphia Holds Day of Remembrance for 1985 Move Bombing That Left 11 Dead](#),” *Guardian* (13 May 2021); Ed Pilkington, “[Philadelphia Incinerated Remains of Police Bombing Victims Without Telling Families](#),” *Guardian* (13 May 2021); “[Philadelphia Says Remains of 1985 Bombing Victims Were Not Destroyed](#),” *Guardian* (15 May 2021).

³²² “[Biden Revokes Trump Order to Punish Statue Vandals](#),” *BBC News* (15 May 2021).

China, using simplified Chinese language characters. In 2014, Bing was censoring results for Chinese-language users in the United States for many of the same search terms that Bing censored in China.³²³

On 16 June 2021, PEN America, the American Historical Association, the American Association of University Professors, and dozens of history associations signed a *Joint Statement on Legislative Efforts to Restrict Education about Racism and American History*. They opposed the legislative proposals being introduced in at least twenty states across the United States that targeted the teaching of racism and related issues in American history in universities and aimed at prohibiting the teaching of so-called “divisive concepts.” The associations argued that these bills risked infringing academic freedom by suppressing teaching and learning about the role of racism in the history of the United States and sought to substitute the judgment of politicians for the judgment of professional educators. “A white-washed view of history cannot change what happened in the past,” the statement said.³²⁴

On 1 July 2021, the Bullock Texas State History Museum canceled a book event hours before it was supposed to start. The event centered around the book *Forget the Alamo: The Rise and Fall of an American Myth* by Bryan Burrough, Chris Tomlinson, and Jason Stanford. It dealt with the so-called “Texas creation myth,” which assumed that in 1836 around 200 Texians fought against thousands of Mexican troops, buying General Sam Houston enough time to defeat the tyranny of Mexican President Antonio López de Santa Anna and win freedom for Texas. This narrative, refuted by historical research, omitted that Texians specifically opposed Mexican laws that would free enslaved workers needed to farm their cotton. *Forget the Alamo* explored the 1836 Battle of the Alamo as a fight to ensure the preservation of slavery, as enshrined in the original Texas Constitution. The book event had to be canceled following an order from the museum board, made up of Governor Greg Abbott, Lieutenant Governor Dan Patrick and state House Speaker Dade Phelan (all Republicans), and three others.

In 2018, a panel reviewing the state history curriculum had suggested not to require seventh-graders to learn that those who died at the Alamo were “heroic.” The panel was fiercely criticized by Abbot and other Republican leaders. In June 2021, Abbot had signed into law an act establishing “the 1836 Project” to “promote patriotic education” and had put the discussion on whether critical race theory should be taught on the agenda for an upcoming special legislative session. In the days leading up to the event, the conservative Texas Public Policy Foundation had compared *Forget the Alamo* to the 1619 Project

³²³ Julia Carrie Wong, “[Microsoft Blocks Bing from Showing Image Results for Tiananmen ‘Tank Man’](#),” *Guardian* (5 June 2021); “[Microsoft Says Error Caused ‘Tank Man’ Bing Censorship](#),” *BBC News* (5 June 2021).

³²⁴ PEN America and others, [Joint Statement on Legislative Efforts to Restrict Education about Racism and American History](#) (Washington: PEN America, 16 June 2021).

(see above), calling it “an effort to diminish the great figures of history and place slavery at the center of every story.”³²⁵

On 10 July 2021, the statue of General Robert Lee (1807–1870) was removed from Market Street Park in Charlottesville, Virginia. In August 2017, plans to remove the statue had prompted a “Unite the Right” march that drew hundreds of neo-Nazis, white nationalists, and Ku Klux Klan members to Charlottesville. Heather Heyer, an anti-racism protester, was killed by a neo-Nazi who drove into her. After the protests, officials had continued to push for the removal of the statue, but they were prevented from acting by legal action and changes to the law. In April 2021, Virginia’s highest court ruled that the statue could be taken down. The statue of General Thomas “Stonewall” Jackson (1824–1863) was also removed. Local officials said they planned to redesign the park spaces where the statues had been located “in a way that promotes healing and that tells a more complete history of Charlottesville” [See also NCH *Annual Reports 2017, 2020*].³²⁶

See also China, Egypt, El Salvador, France, Haiti, Thailand, United Kingdom.

URUGUAY

Previous *Annual Report* entries: 2001–2013, 2015–2018, 2020.

Over the weekend of 1–2 May 2021, intelligence reports and orders belonging to two extinct repressive bodies of the dictatorship (1973–1985) were found in Artillery Group number 5, a military unit which functioned as a detention and torture center for political prisoners in 1972–1974. They belonged to the Information and Defense Service (SID) and the Coordinating Body for Anti-Subversive Operations (COCA), which were repressive institutions before and after the 1973 military coup. As of May 2020, 197 people were still reported missing. At least 380,000 Uruguayans were forced into exile during the dictatorship.³²⁷

³²⁵ Peter Weber, “[Texas State History Museum Abruptly Cancels Speech by Authors of New Book on the Alamo](#),” *The Week* (2 July 2021); Jason Stanford, “[Opinion: Texas Republicans Rush to Guard the Alamo from the Facts](#),” *Washington Post* (5 July 2021); Heather Cox Richardson, “[July 7, 2021 Entry](#),” *Letters from an American* (7 July 2021).

³²⁶ “[Charlottesville Takes Down Robert E Lee Statue that Sparked Rally](#),” *BBC* (11 July 2021).

³²⁷ “[Uruguay: Military Withheld Information on Dictatorship Crimes](#),” *teleSUR* (13 May 2021).

UZBEKISTAN

Previous *Annual Report* entries: 2005–2014, 2016, 2020.

See Kyrgyzstan.

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011, 2015, 2019–2020.

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012, 2014, 2017–2020.

Impunity for human rights abuses remained the norm in 2020. In July 2020, the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) reported that contributing factors included security forces tampering with crime scenes and withholding information; conflicts of interest; and security forces' intimidation, threats, and reprisals against victims and their families. In September 2020, the Independent International Fact-Finding Mission created by the UN Human Rights Council to investigate allegations of atrocities since 2014 concluded that there were reasonable grounds to believe that pro-government groups and high-level authorities, including disputed-President Nicolas Maduro, had committed violations amounting to crimes against humanity, including extrajudicial executions, politically motivated detention and torture, and abuses against protesters. The mission found that the judiciary contributed to arbitrary arrests, impunity for egregious abuses, and denial of justice to victims.³²⁸

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2013, 2016–2017, 2019–2020.

³²⁸ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 736, 739-740.

WESTERN SAHARA

See Morocco / Western Sahara.

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010, 2013–2016, 2018–2020.

In October 2020, the United Nations (UN) Human Rights Council renewed and strengthened the mandate of the Group of Eminent International and Regional Experts on Yemen. In their third report, the group of experts urged the international community to address the longstanding impunity for serious crimes, including by recommending the creation of a “criminally focused investigation body” and calling on the UN Security Council to refer the situation to the International Criminal Court.³²⁹

³²⁹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 755.

ZAMBIA

Previous *Annual Report* entries: 2009, 2015.

On 26 April 2021, Sishuwa Sishuwa, a lecturer in modern history at the University of Zambia with a focus on nineteenth and twentieth century African history, was accused of sedition in a letter by the Zambian ambassador to Ethiopia and permanent representative to the African Union, Emmanuel Mwamba, to the Inspector General of Police. Since 2018, Sishuwa had been on temporary research leave at the University of Cape Town's Institute for Democracy, Citizenship, and Public Policy in South Africa. On 19 March 2021, he had written an opinion article in the independent local newspaper *News Diggers* (republished on 22 March 2021 in South Africa's *Mail & Guardian*) on the potential for unrest in Zambia after the general elections, entitled "Zambia may burn after the August election." The next day, the University of Zambia released a statement dissociating itself from his views, suggesting that Sishuwa was not currently employed by the university because he was on a temporary research leave. Mwamba initially responded to Sishuwa's article with a March 29 Facebook post in which he accused the columnist of "being a hired gun," calling the opinion piece an attempt to "scandalize Zambia, harm its reputation and impose a false and alarming international narrative." In April 2021, Sishuwa sued Mwamba, seeking damages for defamation and malicious falsehood in connection with the Facebook post. Mwamba retaliated by laying the sedition charge against Sishuwa with police. A letter signed by more than hundred academics from Zambia, Africa, and the rest of the world rejected the sedition allegation and called on the university to guarantee his continued employment and his right to academic freedom. The sedition charge was pending.³³⁰

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2015, 2018.

The Mnangagwa administration had so far failed to implement recommendations of the Motlanthe Commission of Inquiry, established to investigate widespread violence in the aftermath of the August 2018 elections. The commission presented its report to President Mnangagwa in December 2018, and found that six people had died and 35 others were injured as a result of actions by state security forces.

³³⁰ ["International Academics Reject Sedition Charge against Zambia's Dr Sishuwa,"](#) *Mail & Guardian* (30 April 2021); ["Zambian Columnist Sishuwa Sishuwa Could Face Sedition Charge for Opinion Piece on Election,"](#) *Committee to Protect Journalists* (12 May 2021); Scholars at Risk, ["Sishuwa Sishuwa"](#) (26 April 2021).

It recommended that perpetrators be held accountable and that compensation be paid to families of the deceased and those who lost property.³³¹

³³¹ Human Rights Watch, *World Report 2021: Events of 2020* (New York: HRW, 2021), 758.

INTRODUCTION

This **twenty-sixth *Annual Report of the Network of Concerned Historians* (NCH)** contains news about the domain where history and human rights intersect, in particular about the censorship of history and the persecution of historians, archivists, and archaeologists around the globe, as reported by various human rights organizations and other sources. It mainly covers events and developments of 2019 and 2020.

Disclaimer. The fact that the NCH presents this news does *not* imply that it shares the views and beliefs of the historians and others mentioned in it.

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				2020	2019	2018	2017	2016	2015
2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
2004	2003	2002	2001	2000	1999	1998	1997	1996	1995

All *Annual Reports* (1995–2020) were compiled by [Antoon De Baets](#). This year's report was co-edited by Ruben Zeeman.

Please send any comments to antoondebaets@concernedhistorians.org

AFGHANISTAN

Previous *Annual Report* entries: 2000–2016, 2018.

See Iran, United States.

ALBANIA

Previous *Annual Report* entries: 1996, 2012, 2015–2019.

In mid-July 2019, ten members of parliament from the ruling Socialist Party (PS/PPSh) wanted to prevent the Institute for the Study of the Crimes of Communism (ISKK), created in 2010 to probe Communist-era crimes in Albania, from studying incidents that happened during World War II. The parliament was reviewing the law that regulated the study of Communism with the aim of banning the study of World War II as part of the Communist period; it also demanded that the fifteen institute employees get security clearance. Institute director Agron Tufa (1967–) said that the proposed changes demonstrated a “Communist-era mentality” to the writing of history. A few months earlier, Spartak Braho, a Socialist Party member of parliament who had been a judge in the Communist era, had accused Tufa of insulting the anti-Fascist resistance during World War II through the publication of books that claimed that war crimes were committed by Communist guerrilla fighters.¹

On 31 October 2019, the International Commission on Missing Persons (ICMP) announced in Tirana that it had successfully identified two people who disappeared under the Communist regime. Further progress was impeded because prosecutors did not approve exhumations at Mount Dajti near Tirana and at another known grave site in Ballshi in southern Albania. They did not give reasons. In 2017, a project was started to find and identify some of the 6,000 missing victims of the Communist regime (1944–1991). In 2010, family members of some of those who disappeared under the Communist regime conducted private research at a known unmarked graveyard at Mount Dajti, finding the remains of thirteen people. The two persons identified by the ICMP belonged to these thirteen [see NCH Annual Report 2017].²

¹ Gjergj Erebara, “[BIRN Wins Appeal to Declassify Albanian Secret Police Files](#),” *Balkan Insight* (29 May 2019).

² Gjergj Erebara, “[Search for Victims of Albanian Communism Impeded by Prosecutors](#),” *Balkan Insight* (31 October 2019).

In December 2019, Albanian-Canadian historian Olsi Jazexhi, a history lecturer at the Alexander Moisiu University of Durrës, was barred from teaching his courses the next semester. In August 2019, Jazexhi had visited re-education camps in Xinjiang, China, where in video-recorded interviews he documented the attempts to suppress the language, culture, and religion of the Uyghurs. Jazexhi was accused of lying and spreading “fake news” by Chinese Communist Party media and the Chinese ambassador in Albania. Jazexhi declared that his university had ties to Beijing and believed that his suspension was in retaliation for his outspokenness about the plight of the Uyghurs.³

See also Austria.

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2019.

ANGOLA

Previous *Annual Report* entries: 2003, 2009, 2017.

In 2019, the crackdown on peaceful protesters and activists in the Cabinda enclave continued. Between 28 January and 1 February 2019, police arrested 63 Cabinda pro-independence activists ahead of an announced protest to celebrate the anniversary of the signing of the Treaty of Simulambuco (1885) that gave Cabinda the status of a protectorate of former colonial power Portugal. Many of the activists were members of the Movimento Independista de Cabinda (MIC; Independence Movement of Cabinda), a peaceful separatist group that wanted independence or autonomy from Angola.

The crackdown started when Angolan security forces arrested eight MIC activists at their homes on 28 January, where they were preparing leaflets for a peaceful protest scheduled for 1 February. Zenaida Machado, Angola specialist at Human Rights Watch, told AFP that “[u]nlike other parts of Angola where we have seen progress in the right to protest and in freedom of expression, the situation in Cabinda remains tense.”⁴

³ Tom Blackwell, “[Canadian Academic Denied University Work, Called Liar by Chinese Media after Exposing Uyghur Camps](#),” *National Post* (11 December 2019).

⁴ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 27; “Thirteen Protesters Freed, Fifty Held Arbitrarily,” *Amnesty International* (3 April 2019); “In Angola’s Oil Region, Separatists Accuse President of Crackdown,” *France24* (18 May 2019).

ARGENTINA

Previous *Annual Report* entries: 1997–2019.

On 26 February 2020, the Appeals Court in Resistencia, the capital of Chaco Province in the north of Argentina confirmed a first-instance ruling that the massacre of members of the indigenous community of Pilagá, carried out by forces of the Gendarmería Nacional on 10 October 1947 in the La Bomba zone, Formosa, was a genocide. The court accorded collective reparations to the Pilagá people. In the absence of many archival records, the massacre had long been denied until new documents were discovered by a documentary filmmaker (possibly Valeria Mapelman) in the Interior Ministry archives.⁵

Pardons and amnesty laws shielding former officials implicated in the crimes of the dictatorship (1976–1983) were annulled by the Supreme Court and federal judges in the early 2000s. As of March 2019, the Attorney General’s Office reported 3,161 people charged, 901 convicted, and 142 acquitted. Of 611 cases alleging crimes against humanity, judges had issued rulings in 221. As of September 2019, 130 people illegally taken from their parents as children during the dictatorship had been identified and many were reunited with their families. The large number of victims, suspects, and cases made it difficult for prosecutors and judges to bring those responsible to justice while respecting their due process rights. Argentine law allows judges to send inmates age seventy and older to serve their time under house arrest. The Attorney General’s Office reported in March 2019 that 650 pretrial detainees and convicted prisoners were under house arrest.⁶

Twenty-four years after the 1994 bombing of the Argentine Israelite Mutual Association (AMIA) in Buenos Aires that killed 85 people and injured more than 300, allegedly at the hands of Iranian suspects, no one had been convicted of the crime. In March 2018, an appeals court upheld a decision ordering the pretrial detention of former President Cristina Fernández de Kirchner for allegedly participating in a conspiracy with Iranian officials to undermine investigation of the bombing. It was not implemented because she had parliamentary immunity as a senator and she is currently Argentina’s vice president. Alberto Nisman, a prosecutor in charge of investigating the bombing, was found dead in his home in January 2015 with a single gunshot wound to the head and a pistol matching the wound beside him. In June 2018, an appeals court held that Nisman’s death appeared to be a murder. In February 2019, a court acquitted former President Carlos Menem of alleged interference in the initial investigation into

⁵ [“La Cámara Federal consideró como un genocidio la matanza de Rincón Bomba,”](#) *El Comercial* (4 March 2020); *Archives and Human Rights: News from the Section on Archives and Human Rights* (March 2020), 10–11.

⁶ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 31.

the AMIA bombing but convicted a former head of intelligence and a judge of interfering. An appeal of the acquittal was pending.⁷

See also Myanmar.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010, 2014–2016.

See Turkey.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009, 2014–2016, 2018–2019.

In February 2020, the Returned Service League of Western Australia (RSLWA), a veterans' organization, decided to ban the Aboriginal flag and other forms of recognition, such as Welcome to Country and Acknowledgement of Country, from the ceremonies on Anzac Day (a remembrance day on 25 April for the 1915 Gallipoli battle in which the Australian and New Zealand Army Corps participated). The decision sparked widespread criticism. The Returned Service League (RSL) had previously been criticized for ignoring and diminishing the service of Aboriginal soldiers in World War I and other conflicts. According to the Australian War Memorial, at least 1,000 indigenous Australians were recorded to have fought for their nation in World War I.⁸

On 24 May 2020, mining firm Rio Tinto destroyed the 46,000-year-old Juukan Gorge caves, in the Pilbara region, Western Australia, as it expanded an iron ore project agreed with the authorities. The remote heritage site, of which the Puutu Kunti Kurrama and Pinikura People (PKKP) were the traditional owners (a link confirmed by scientific research), contained many prehistoric caves and artefacts dating back to the last Ice Age. A few days later, Rio Tinto apologized for the distress it caused, saying it was a mistake. It had obtained permission to expand an existing iron ore mine in 2013 – before the significance of the caves was known and the artefacts were discovered.

On 2 August 2013, mining firm OM Manganese had been found guilty of desecrating, in July 2011,

⁷ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 33–34.

⁸ [“Anzac Day: Aboriginal Flag Row in Western Australia,”](#) *BBC News* (21 February 2020).

an Aboriginal site known as Two Women Sitting Down (including a distinctive rocky outcrop known as the Horse's Head) at Bootu Creek, north of Tennant Creek, Northern Territory, which was owned by the Kunapa people. It was the first time a company has been successfully prosecuted in Australia for desecration of a sacred site. The firm was fined A\$150,000 (\$134,000; £88,000). The CEO said: "The company never intended to harm, damage or disrespect the sacred site. We sincerely regret the damage and the hurt caused and I unreservedly apologize to the site's custodians and traditional owners."⁹

On 29 May 2020, in an appeal brought by historian Jenny Hocking, the High Court ruled 6 to 1 to make public letters between Queen Elizabeth II and her representative Governor-General Sir John Kerr (stored at the National Archives of Australia in Canberra since 1978) that would reveal what knowledge she had, if any, of the dismissal of an Australian government in 1975. The decision overturned lower court rulings that 211 letters between the Queen and Kerr before he dismissed the government of Prime Minister Gough Whitlam on 11 November 1975 were personal and could never be made public. Kerr dismissed Whitlam's reforming government and replaced him with opposition leader Malcolm Fraser as prime minister to resolve a month-old deadlock in parliament. Fraser's conservative coalition won an election weeks later. On 13 July 2020, the letters were released and they reportedly indicated that Queen Elizabeth II had not been informed in advance about Whitlam's dismissal. In a letter dated 4 November 1975, the Queen's private secretary, Martin Charteris, had told Kerr that his powers to dismiss the government were a "last resort and then only for Constitutional – and not for political – reasons." Whitlam and his supporters consistently claimed that he was the victim of a conspiracy between Kerr and Fraser to remove him from office.

A Monash University academic and Whitlam biographer who had launched the case in 2016, Hocking said that she expected to read the 211 letters at the National Archives of Australia in Canberra soon after a coronavirus lockdown was lifted. In a similar case, the Supreme Court of the United Kingdom had ruled in 2015 that 27 memos written by Prince Charles, the queen's son and heir, to British government ministers could be made public despite objections that their publication might damage public perceptions of the future king's political neutrality.¹⁰

On [10] June 2020, the social media site Facebook incorrectly removed a historical photo from the 1890s of Aboriginal prisoners in chains in Western Australia on grounds of nudity, and then for three days blocked it and even banned users who attempted to posted links to an article that reported the

⁹ "[Mining Firm Rio Tinto Sorry for Destroying Aboriginal caves](#)," *BBC News* (31 May 2020); "[Mining Firm Desecrated Australia Aboriginal site](#)," *BBC News* (2 August 2013); Tiffanie Turnbull, "[Destruction of Ancient Aboriginal Site Sparks Calls for Reform in Australia](#)," *Thomson Reuters Foundation News* (29 May 2020).

¹⁰ Rod McGuirk, "[Australian Court Rules Queen's Letters Can Be Made Public](#)," *AP News* (29 May 2020); "[Gough Whitlam: Queen not Told in Advance of Australia PM's Sacking, Letters Show](#)," *BBC News* (14 July 2020).

removal. Facebook apologized for the mistake. The user had published the photograph in the context of Prime Minister Scott Morrison's claim that there had been no slavery in Australia, before he backed down on those comments a day later.¹¹

In July 2019, the minister for Indigenous Australians, Ken Wyatt, announced plans to hold a referendum in the next three years on whether to enshrine constitutional recognition of Australia's indigenous people. In May 2017, Aboriginal and Torres Strait Islanders had issued the "Uluru Statement from the Heart," but their recommendations to establish a First Nations voice in the constitution and a truth and justice commission had not been implemented.¹²

See also New Zealand.

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009, 2018.

When in 2019 the exhibition "Lest We Forget" – a Holocaust remembrance project by Luigi Toscano which included photographs of Holocaust survivors – was on outdoor display in Vienna, it was repeatedly subjected to anti-Semitic vandalism. In response, members of the public repaired the works and began holding vigils to protect them.¹³

In December 2019, the Nobel Prize for Literature was awarded to Austrian writer Peter Handke. The ceremony in Stockholm was boycotted by diplomats from Albania, Bosnia and Herzegovina, Croatia, and Kosovo among others, while North Macedonia did not send any representatives. In 1997, Handke had written a reportedly pro-Serb book about the Balkan wars entitled "A Journey to the Rivers: Justice for Serbia," and in 2006, when Slobodan Milosevic died, he had made a speech at the Serbian leader's funeral in his hometown Pozarevac in Serbia. Kosovo's Foreign Minister Behgjet Pacolli said that the boycott was a protest to support human rights, while Albania's Acting Foreign Minister Gent Cakaj wrote on Twitter that "justification of war atrocities during the Yugoslavia break-up must not be

¹¹ Josh Taylor, "[Facebook Blocks and Bans Users for Sharing Guardian Article Showing Aboriginal Men in Chains](#)," *The Guardian* (15 June 2020).

¹² Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 43.

¹³ "[International Day of Commemoration in Memory of the Victims of the Holocaust '75 years after Auschwitz – Holocaust Education and Remembrance for Global Justice'](#)" *Statement by Michelle Bachelet, UN High Commissioner for Human Rights* (27 January 2020); "[Lest We Forget](#)."

rewarded.” The Croatian foreign ministry said meanwhile that its ambassador would not be attending because an award was being given to someone who was “politically engaged in supporting Slobodan Milosevic’s Greater Serbian policies in the 1990s.” Mats Malm, the head of the Swedish Academy, said that Handke had made “provocative, unsuitable and unclear comments” but had not glorified violence or supported the 1995 Srebrenica genocide.¹⁴

See also Croatia.

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2013, 2015–2019.

In December 2017, a collected volume of personal correspondence and diary entries of historian Leyla Yunus [see NCH Annual Reports 2015–2018] was published, in an apparent attempt to discredit her. The book, *Splendor and Misery of Leyla Yunus*, was authored by her former defense lawyer. Excerpts were published on pro-government websites. The appeal of human rights activists and historians Leyla and Arif Yunus was reportedly ongoing as of late 2019.¹⁵

¹⁴ Anja Vladislavljevic & Sinisa Jakov Marusic, “Four Balkan States Boycott Nobel Ceremony to Protest Handke,” *Balkan Insight* (10 December 2019).

¹⁵ Website of the Institute for Peace and Democracy: http://www.ipdthinktank.org/about_en.html; *PEN International, Case List 2018* (London: PEN, 2019), 85–86; International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 85.

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012, 2015–2017.

On 29 January 2020, the Public Prosecutor ordered the arrest of Jassim Al-Abbas, a historian from Al-Ma'amir village, and detained him for seven days pending investigation over the charge of “publishing false information about a historical incident” (probably a blog about the history of an ancient Bahraini mosque). Al-Abbas was taken into custody after he was summoned for interrogation on 30 January 2020. In 2004 or 2008, al-Abbas had established the critical historical website “Sanawat Al-Jareesh” (Years of Al-Jareesh) containing unofficial accounts of Bahraini history; as Bahrain’s most popular website, it had been a frequent target of hacking attempts. After 2011, he had created an Instagram account with the same name (250,000 followers) and posted historical information and documents he had obtained about Bahrain scholars, figures, mosques, and other historical sites. The website was closed. Al-Abbas was released on 4 February 2020.

Al-Abbas wrote several historical works. In January 2020, the Awal Center published his latest book, *Dohat Al-Farisiya*, a study of the extinct Farisiya village.¹⁶

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2019.

See Myanmar.

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011, 2014–2019.

On 1 February 2019, journalists Ales Kirkevich and Ales Dzianisau were fined 765 Belarusian rubles (about \$370) each in the Leninski district court of Hrodna. The charge followed their story entitled

¹⁶ [“Blogger of ‘Sanawat Al-Jareesh’ Jassim Al-Abbas Arrested,”](#) *Bahrain Mirror* (3 February 2020); [“Historian Jassim Al-Abbas's Crime: Documenting ‘Non-Official’ History,”](#) *Bahrain Mirror* (7 February 2020); [“Bahrain: Arrest of the Historical Researcher Jassim Al Abbas,”](#) *Bahrain Center for Human Rights* (4 February 2020); [“Bahrain: Arresting Al-Abbas and the Ongoing Suppression of Freedom of Expression,”](#) *Sky Line International* (4 February 2020); [“Jassim Hussein Al-Abbas,”](#) Scholars at Risk Academic Freedom Monitoring Project (no date).

Historians Exploring the Ancient Hrodna Cellars which was broadcast on Belsat Television. Both were charged with offenses stipulated in Article 22.9 of the Administrative Code (“illegal production and/or distribution of media content”).¹⁷

In March 2019, the unofficial Dzen Voli (Freedom Day) celebrations, commemorating the establishment of the Belarusian People’s Republic of 1918–1919, seen by the opposition as the foundation of an independent Belarus, were restricted. On 25 March 2019, independent media and civil society representatives were prevented from holding a peaceful commemorative event at Kastyryčnickaja Square in Minsk amidst heavy policing. At least fifteen people were detained in unmarked police vehicles. All those detained on both days were later released without charge.¹⁸

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012.

In June 2020, there were calls and online petitions for statues of King Leopold II (1835–1909) to be dismantled. His statues in Ghent and Ostend were daubed with red paint, with cloth over its head marked with the words “I can’t breathe” (the last words spoken by United States black man George Floyd [1973–2020] as a white police officer knelt on his neck, unleashing renewed protests against racism and inequality). On 9 June 2020, a 150-year old statue of the king was set on fire by protesters in Antwerp and later removed by officials, who said it had been transferred to the Middelheim Museum for public safety reasons. In Brussels, a statue was marked with the word “assassin.” Between 1885 and 1908 Leopold owned the Congo Free State and reigned over the mass deaths of an estimated ten million Congolese. There were at least thirteen statues to Leopold II in Belgium and numerous parks, squares, and street names with his name. The Universities of Mons and Louvain removed busts of the king, following the circulation of student-led petitions. The cities of Kortrijk, Dendermonde and Sint-Niklaas renamed their Leopold II streets (the first two already in 2019). Statues of King Baudouin I (1930–1993) were daubed with red paint in Antwerp and Brussels; in Antwerp, a photograph of the first Congolese Prime Minister, Patrice Lumumba (1925–1961) was left at the statue. In 2002, Belgium had formally apologized for its role in Lumumba’s assassination [see NCH Annual Reports 2000, 2002, 2014]. On 17 June 2020, it was announced that a parliamentary commission would investigate

¹⁷ Kira Tverskaya, [“In a Country that Keeps Its Media under a Dome, Belarus’s Independent Journalists Face Mounting Fines,”](#) *Index on Censorship* (18 September 2019).

¹⁸ Amnesty International, *Human Rights in Eastern Europe and Central Asia: Review of 2019* (London: AI, 2019), 12; [“Protesters Arrested in Belarus during Opposition Rally,”](#) *The Guardian* (25 March 2018).

Belgium's colonial past.¹⁹

On 30 June 2020, the sixtieth anniversary of Congo's independence, King Philippe unexpectedly expressed his "deepest regrets" to Congo for Belgium's colonial abuses between 1885 and 1960 in a letter to Congolese President Félix Tshisekedi, saying that there had been "painful episodes" in their history. It was the first time that a Belgian monarch formally expressed remorse for his country's colonial rule. The remarks, however, fell short of an official apology with legal implications. Protesters and black communities argued that much more needed to be done. For decades, colonial history was barely taught in the country. The education minister announced that secondary schools would teach colonial history from 2021.²⁰

See also Democratic Republic Congo, Ivory Coast, Rwanda.

BELIZE

Previous *Annual Report* entries: 2014.

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2019.

Bolivia prosecuted only a few of the officials responsible for human rights violations committed under authoritarian governments from 1964 through 1982, partly because the armed forces at times refused to share information with judicial authorities about the fate of people killed or forcibly disappeared. A truth commission established by the government in August 2017 to conduct non-judicial investigations of grave human rights abuses during that period was intended to provide information to prosecutors and judges to convict those responsible. The armed forces had made limited progress in declassifying military files and releasing information about victims of enforced disappearance. In April 2019, the Commission received declassified documents from the Ministry of Foreign Relations and the Ministry

¹⁹ "[George Floyd Protests: The Statues Being Defaced](#)," *BBC News* (10 June 2020); Monika Pronczuk & Mihir Zaveri, "[Statue of Leopold II, Belgian King Who Brutalized Congo, Is Removed in Antwerp](#)," *New York Times* (9 June 2020); Anouk van Kampen, "'Kolonistenkoning' Leopold II wankelt plots op zijn sokkel," *NRC Handelsblad* (12 June 2020), 11; Georgina Rannard, "Leopold II: Belgium 'Wakes Up' to Its Bloody Colonial Past," *BBC News* (13 June 2020).

²⁰ Anouk van Kampen, "België onderzoekt koloniaal verleden," *NRC Handelsblad* (18 June 2020), 1; "Belgian King Expresses 'Deepest Regrets' for DR Congo Colonial Abuses," *BBC News* (30 June 2020).

of Justice and historical files from the Plurinational Assembly. The Commission was due to present a final report in 2020.²¹

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2019.

In 2018, the education ministry of the Canton Sarajevo of the Federation of Bosnia and Herzegovina (FBiH) re-introduced history into classrooms, with other FBiH cantons following suit. Thus, a history textbook moratorium in place since 2000 came to an end. In 2000, the Council of Europe had issued a recommendation that Bosnian schools refrain from teaching about the Bosnian War (1992–1995) “to enable historians from all communities ... to develop a common approach.” In response to a 2017 petition submitted by the FBiH Academy of Sciences and Arts, however, a committee of experts was established by the Canton Sarajevo education ministry; it worked from July 2017 until January 2018 to create five new history curriculum units about the war (military-political developments of the 1992–1995 war; military-political developments of the 1992–1996 Siege of Sarajevo; everyday life in the Siege of Sarajevo; war crimes and ethnic cleansing; the Srebrenica genocide). The materials were circulated to teachers in April 2018 and implemented the next month. The Bosnian War became the final topic of twentieth-century history to be taught in the ninth grade of the primary school in Sarajevo.²²

A revised National War Crimes Processing Strategy to improve the process of allocating cases from the war in 1992–1995 across courts has awaited approval by the Council of Ministers since February 2018, made no progress in 2019, slowing down the rate at which war crimes cases were prosecuted. According to information provided by the Organization for Security and Co-operation in Europe (OSCE), in August 2019 there were 250 war crimes cases against 512 defendants in the post-indictment phase pending before all courts in Bosnia and Herzegovina (BiH). Between January and June 2019, BiH courts rendered first instance judgments in 26 cases. In total, 29 of 42 defendants were convicted. In March 2019, the United Nations Mechanism for International Criminal Tribunal (MICT) ruled against the appeal of Radovan Karadzic, former Bosnian Serb wartime president, confirming his 2016 conviction for genocide and other crimes and extending his initial 40-year sentence to life in prison. In a positive move, in July 2019 BiH signed agreements with Serbia and Croatia to facilitate better cooperation in

²¹ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 72; Amnesty International, *Human Rights in the Americas: Review of 2019* (London: AI, 2020), 22.

²² Catherine Savitsky, “[Bosnian War Moratorium Lifted in Sarajevo Schools](#),” *EuroClio* (19 August 2019).

the search for missing persons from the 1990s wars.²³

On 12 April 2019, the Serb member of the Bosnian Presidency, Milorad Dodik, called the Srebrenica genocide a myth, stating that the massacre was “something that does not exist,” at a conference discussing war crimes committed during the Bosnian conflict. “[Bosnian Muslims] did not have a myth, so they decided to construct one around Srebrenica,” he said. Dodik had repeatedly downplayed the Srebrenica genocide [see NCH Annual Report 2019]. Other Bosnian Serb politicians have also denied the genocide, including Mladen Grujicic, the current mayor of Srebrenica, who referred to July 1995 as “the moment that Srebrenica was finally liberated. Liberated from the Bosniaks.”²⁴

See also Austria.

BOTSWANA

Previous *Annual Report* entries: 2018.

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2019.

Inês Etienne Romeu (1942–2015) studied history and went to work in the bank sector. She became a member of the student movement and the Bank Workers’ Union, and of the armed group A Vanguarda Armada Revolucionária Palmares (VAR-Palmares) and the Organização Revolucionária Marxista Política Operária (ORM-Polop). On 5 May 1971, she was arrested on suspicion of participating in the kidnapping of the Swiss ambassador Giovanni Enrico Bucher and until September imprisoned clandestinely in the torture house Casa da Morte (“House of Death”) in Petrópolis. While there, she tried to commit suicide three times. She managed to get out of the clandestine center alive by pretending to have been “turned” by her captors, agreeing to their demand that she spy on her fellow left-wing activists. Due to international pressure, she was released and transferred to a regular prison in Rio de Janeiro where she stayed for eight years. She was released due to the 1979 Amnesty Law and became

²³ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 78–79.

²⁴ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 79; Zamira Rahim, “Srebrenica massacre is ‘fabricated myth’, Bosnian Serb leader says,” *The Independent* (14 April 2019); Emilie van Outeren, “De kinderen van Srebrenica leren thuis elk hun eigen waarheid over de genocide,” *NRC Handelsblad* (10 July 2020), 24, 25.

engaged in research into the perpetrators of the dictatorial repression. On 14 August 2019, a federal tribunal in Rio de Janeiro ruled that former army sergeant, Antônio Waneir Pinheiro de Lima (arrested in 2014), should stand trial for the alleged rape of Romeu and other crimes, such as kidnapping, and that these were crimes against humanity not covered by the 1979 Amnesty Law.²⁵

On 31 March 2019, during a Mass celebrated by the Bishop of the Brazilian Military Archdiocese, Dom Francisco Falcão commemorated the 31 March 1964 military coup and referred to musician Caetano Veloso (1942–) as “a moron who sang in the ‘70s whom it is forbidden to ban,” adding: “I would like to give you mouse poison.” Among those present was Joseita Brilhante Ustra, the widow of notorious torturer colonel Carlos Alberto Brilhante Ustra. Veloso was a political exile during the dictatorship and during Jair Bolsonaro’s presidential campaign, he had criticized the ultra-right-wing measures Bolsonaro promised to implement.²⁶

In 2019, history teacher Valeria Borges and several other teachers were vilified in a YouTube campaign (in an online practice known as “linchamento” – lynching) which accused them of spreading Communism. Borges said that they had been overwhelmed with messages of hate, creating a climate of fear.²⁷

On 1 August 2019, President Jair Bolsonaro appointed Retired Colonel Wesley Antonio Maretti and army officer Vital Lima Santos to the seven-member Special Commission on Political Deaths and Disappearances set up in 1995 to investigate crimes during the military dictatorship (1964–1985) and to pay compensation to the victims’ families. He also appointed two legislators from the Social Liberal Party (PSL; his own party) to the commission. On 30 July 2019, Bolsonaro had also said that the debate about the 2014 truth commission report was “hot air.”²⁸

The perpetrators of human rights abuses during the dictatorship (1964–1985) were shielded from justice by a 1979 Amnesty Law that the Supreme Court upheld in 2010, a decision that the Inter-American Court of Human Rights ruled was a violation of Brazil’s obligations under international law. Since 2010, federal prosecutors had charged about sixty former agents of the dictatorship with killings, kidnappings, and other serious crimes. Lower courts dismissed most of the cases, citing the Amnesty Law or the statute of limitations. A few such cases were pending before the Supreme Court. In August

²⁵ Comissão dos Familiares dos Mortos e Desaparecidos Políticos, Instituto de Estudo da Violência do Estado (IEVE) & Grupo Tortura Nunca Mais-RJ e PE, *Dossiê dos Mortos e Desaparecidos Políticos A Partir de 1964* (Recife 1995), 6; “[Inês Etienne Romeu](#),” *Wikipedia* (8 April 2013); “[Brazil Torture Victim’s Testimony Triggers Landmark Case](#),” *BBC News* (15 August 2019).

²⁶ International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 29.

²⁷ Max Fischer & Amanda Taub, “[How YouTube Radicalized Brazil](#),” *New York Times* (11 August 2019).

²⁸ “[Bolsonaro Appoints Military Men to Investigate Dictatorship Abuses](#),” *France24* (1 August 2019).

2019, a federal court for the first time approved charges of rape against an agent of the military regime [see item above about Inês Etienne Romeu].

President Bolsonaro praised the dictatorships in Brazil and other South American countries. He had called a convicted torturer “a national hero” [see item above about Carlos Alberto Brilhante Ustra and NCH Annual Reports 2009, 2019]. He denied that journalist Miriam Leitão had been tortured by the military and that Fernando Santa Cruz, father of the president of Brazil’s Bar Association, had been killed by the regime, but offered no evidence. The Bolsonaro administration packed with allies, some of whom had publicly defended the dictatorship, two commissions that examined requests of compensation for victims of the dictatorship and sought to locate the bodies of the disappeared. From January through September 2019, the amnesty commission had denied 92 percent of the compensation requests.²⁹

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012, 2015–2017, 2019.

In April 2019, officials in Plovdiv, which were co-hosting the 2019 edition of the European capital of culture with Matera in Italy, said a “Balkan Pride” photo exhibition, opening in July, must be stopped. The exhibition, featuring photographs from past gay pride events that had taken place across the Balkan region, was organized by the Glas foundation, an LGBT rights group. “We don’t want them to do it. And we will stop them, using all legal and, if required, illegal means,” said Alexander Sidi, a member of parliament from the nationalist Bulgarian Nationalist Movement party (VMRO). Svetlana Kuyumdzhieva, artistic director of the Glas Foundation, said the intervention by local councilors was an “ugly provocation.” “This could seriously damage the reputation and image that we’ve been building in the past five years. Such interference with the program can only be treated as discrimination and censorship,”³⁰

Upon visiting Bulgaria in November 2019 Dunja Mijatović, Commissioner for Human Rights at the Council of Europe, expressed alarm when she learned about the “Concept for the Integration of the Unsocialized Gypsy (Roma) Ethnicity” proposed to Prime Minister Boyko Borissov. In February 2019,

²⁹ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 88–89; Antoon De Baets, “The Censorship of History and Fact-Finding in Brazil (1964–2018),” in Nina Schneider, ed., *The Brazilian Truth Commission in the Latin American Context: Local, National, and Global Perspectives* (New York and Oxford: Berghahn, 2019), 73–74.

³⁰ Martin Dimitrov & Shaun Walker, “Homophobia Scandal Hits Plovdiv, Bulgaria’s European Capital of Culture,” *The Guardian* (7 April 2019); Dimitar Pizhev, “The GLAS Foundation Opened the Exhibition “Balkan Pride # Balkan Pride” in Plovdiv,” *GLAS Foundation* (9 July 2019).

Bulgaria's Defense Minister and Deputy Prime Minister, Krasimir Karakachanov, who was also the leader of the nationalist VMRO party, proposed controversial measures aimed at the ethnic Roma minority. They defined Roma as "asocial Gypsies," a term used by the Nazis, and called for limits to the number of children some Roma women could have; the introduction of compulsory "labor education schools" for Roma children and forced work programs for sections of the community. They also depicted the Roma as "non-native Europeans" left over from the Ottoman empire.

Karakachanov's party's manifesto also called for the creation of "reservations" for Roma based on the model used for Native Americans or Indigenous Australians, claiming that they could become "tourist attractions."³¹

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005, 2013, 2015–2018.

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2015, 2017–2019.

On 8 June 2020, outgoing president of Burundi Pierre Nkurunziza died unexpectedly. When Nkurunziza first came to power following the 1993–2005 Burundian civil war, which pitted Hutu rebels against the Tutsi-led army, he had seemed genuinely committed to the ideals of peace and democracy. As the leader of the National Council for the Defense of Democracy (CNDD–FDD) Hutu rebel group, he had begun negotiating a peace deal in 2001. Two years later he signed the Arusha agreement, which ended the civil war in which 300,000 people died. However, after being re-elected with 92% of the vote in the 2010 poll, which was boycotted by many opposition candidates, Nkurunziza became increasingly authoritarian.

In 2015, Nkurunziza's decision to run for an unconstitutional third term led to an outbreak of protests and violence that spread across the country. He responded with brutal violence. Over the next two years, his youth-led militia group, known as the Imbonerakure, as well as various state security forces, killed more than 1,200 Burundians in an attempt to quash street protests. Four hundred thousand more fled

³¹ "Bulgarian Nationalists' Roma 'Integration' Plan Dismays Rights Advocates," *Balkan Insight* (8 February 2019); Atanas Zahariev, "Democracy under Siege: Bulgaria's Parliament to Vote on Fascist Anti-Roma Strategy," *European Roma Rights Centre* (14 May 2019); Vivek Chaudhary, "'Everybody Hates Us': On Sofia's Streets, Roma Face Racism Every Day," *The Guardian* (20 October 2019); Dunja Mijatović, *Report of the Commissioner for Human Rights of the Council of Europe Following Her Visit to Bulgaria on 25–29 November 2019* (Strasbourg: Council of Europe, 2020), 12, 13.

the country. When the international criminal court (ICC) opened an investigation into crimes against humanity in 2017, he responded by withdrawing Burundi from the Rome statute; the first nation ever to do so [see NCH Annual Report 2018]. In 2019, he went a step further and shut down the United Nations human rights office in the country after 23 years, claiming he had made sufficient progress in human rights.³²

³² Vava Tampa, "Pierre Nkurunziza Obituary," *The Guardian* (12 June 2020).

CAMBODIA

Previous *Annual Report* entries: 1999–2018.

In July 2019, authorities detained two youth activists, Kong Raya [Raiya] and Soung Neakpoan, for participating in a commemoration ceremony on the third anniversary of the murder of prominent political commentator and government critic Kem Ley in Phnom Penh. In November 2019, Raya was denied bail by the Supreme Court. Authorities charged both with “incitement to commit a felony.” They arrested seven people for commemorating the anniversary; and disrupted or canceled commemorations around Cambodia.³³

On 4 August 2019 Nuon Chea (1926–2019), born Lao Kim Lorn, a lifelong revolutionary who served as “Brother No 2” in the Cambodian communist movement for almost half a century, died. He presided over extensive purges of suspected enemies within and outside the ruling party, resulting in the execution of more than 300,000 Cambodians between 1975 and 1979, when the Khmer Rouge regime of Pol Pot controlled what was then known as Democratic Kampuchea. On 7 August 2014, he was found guilty on crimes against humanity by the Extraordinary Chambers in the Country of Cambodia (ECCC) and sentenced to life imprisonment [see NCH Annual Report 2015]. On 16 November 2018, the ECCC found Chea guilty on separate charges, convicting him of genocide, crimes against humanity and grave breaches of the Geneva Conventions of 1949 [see NCH Annual Report 2018].³⁴

See also China.

CAMEROON

Previous *Annual Report* entries: 2010, 2012–2014, 2016.

On 24 September 2019, Rapid Intervention Battalion (BIR) soldiers attacked a UNESCO World Heritage site, the Royal Palace in Bafut, shot and wounded one man, and looted the palace museum, taking several precious artifacts.³⁵

³³ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 101; Amnesty International, *Human Rights in Asia-Pacific: Review of 2019* (London: AI, 2020), 15.

³⁴ David Chandler, “Nuon Chea Obituary,” *The Guardian* (4 August 2019); Extraordinary Chambers in the Courts of Cambodia, [Nuon Chea: Profile](#).

³⁵ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 106.

On 20 April 2020, the Minister of Higher Education sent a letter to the vice-chancellor of the University of Buea (an English-speaking university in a predominantly French-speaking region), ordering him to take measures against Felix Agbor Nkongho Balla, a lecturer in the faculty of law and political science since 2015, for infringing on the “apolitical character of the university.” Wilfred Gabsa, a ministry official, accused Agbor-Balla of turning his classroom “into a political space.” The accusations were based on an examination question in a class called “Political & Constitutional History of Cameroon,” which Agbor-Balla and two other professors had taught on 3 March 2020. The question asked students to think critically about the reasons behind the Anglophone crisis, reading: “The Anglophone crisis and ensuing violence since 2016 was caused by the lawyers’ and teachers’ strike. Assess the validity of this statement.”

The Cameroonian government claimed that armed English-speaking separatists who wanted to create a new state called Ambazonia had terrorized civilians and attacked government forces, prompting the military to retaliate against them. However, English speakers displaced by military raids on their villages recounted how Cameroonian troops opened fire on unarmed civilians and burned down their homes. The university launched disciplinary procedures against Agbor-Balla (but not against his two co-lecturers) for breach of its code of ethics and conduct. He was suspended from teaching and on 5 May 2020 summoned before a disciplinary panel for “non-compliance of professional obligations.” The university formally dismissed him on 6 May 2020 after he protested the unfair treatment and boycotted the hearing.

Agbor-Balla was the founder of the Center for Human Rights and Democracy in Africa, which documented human rights violations in the Anglophone crisis ongoing since 2016. In 2017, a military court had imprisoned him for eight months on charges of terrorism and incitement of civil war for organizing a peaceful protest in Buea.³⁶

Between 2003 and 2020, activist Andre Blaise Essama repeatedly vandalized the statue of French World War II hero General Philippe Leclerc (1902–1947) in Douala. He decapitated Leclerc’s head seven times and toppled the statue at least twenty times. Each time, the statue, erected in 1948, was restored. Essama was imprisoned several times for it, serving up to six months at a time, sometimes paying a fine to avoid prison. He occasionally took the seven heads of Leclerc on to the streets to “sensitize Cameroonians about the country’s history.” He said that he was inspired by nationalist Mboua Massock, who once graffitied the general’s statue with the words: “Our own heroes and martyrs first.” Essama

³⁶ Siobhán O’Grady, “Divided by Language: Cameroon’s Crackdown on Its English-speaking Minority Is Fueling Support for a Secessionist Movement,” *Washington Post* (5 February 2019); Lewis Mudge, “[No Room for Debate in Cameroon Classrooms](#),” *Human Rights Watch* (1 May 2020); Human Rights Foundation, “[Cameroon Pressures University To Fire Anglophone-Rights Advocate and Lecturer](#)” (13 May 2020); Tunde Fatunde, “[Law Lecturer’s Dismissal over Exam Question Raises Concerns](#),” *University World News* (26 May 2020).

also targeted a statue of Gustav Nachtigal (1834–1885), who arrived in Cameroon in 1884 to establish a German empire. Essama dismissed the argument that statues should be protected because of their historical significance: “If your statue is history, the indigenous people are saying: ‘But you wrote your history on top of my history. It is overshadowing our own histories.’”³⁷

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012–2019.

There remained considerable challenges to undoing decades of structural and systemic discrimination against Indigenous people. While Canada officially removed its objector status to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2016 and vowed to implement UNDRIP in accordance with the Canadian Constitution, a private member’s bill to ensure that Canadian laws were in harmony with UNDRIP failed to pass in the Senate in June 2019. In September 2019, the Canadian Human Rights Tribunal found that the federal government wilfully and recklessly discriminated against Indigenous children living on reserves by failing to provide funding for child and family services. The Justin Trudeau government filed an application seeking a judicial review of the ruling in October 2019.

In January 2019, the United Nations Human Rights Committee found that Canada, through the long-controversial Indian Act, was still discriminating against First Nations women and their descendants. In August, the Trudeau government announced that First Nations women would be treated equally under the Indian Act, enabling them to retain their Indigenous status if they marry non-Indigenous men.

In June 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls – launched by the government in 2016 to address endemic levels of violence against Indigenous women and girls – released its final report. The inquiry made 231 recommendations and concluded that acts of violence against Indigenous women and girls amounted to “genocide.” Prime Minister Trudeau vowed that the government would develop a national action plan to “turn the inquiry’s calls to justice into real, meaningful, Indigenous-led action.”³⁸

See also Albania, Turkey.

³⁷ Dickens Olewe, “[The Cameroonian Waging War against a French War Hero’s Statue](#),” *BBC News* (1 July 2020).

³⁸ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 111–113; “[Deaths of Indigenous Women ‘a Canadian Genocide,’ Leaked Report Says](#),” *BBC News* (1 June 2019); “[Canada ‘Complicit in Race-based Genocide’ of Indigenous Women](#),” *BBC News* (3 June 2019); Ian Austen and Dan Bilefsky, “[Canadian Inquiry Calls Killings of Indigenous Women Genocide](#),” *New York Times* (3 June 2019).

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012, 2014–2019.

A Political Agreement for Peace and Reconciliation was signed between the government and fourteen armed groups in Bangui in February 2019. As part of the agreement, a new government was formed, with several members of armed groups appointed to senior positions, including rebel leaders against whom there was credible evidence of responsibility for atrocities in recent years. The deal was the sixth signed since the crisis started in late 2012. Rendering justice for serious crimes continued to be a key challenge in 2019. After a slow start since the Special Criminal Court (SCC) was established in 2015, the court's special prosecutor opened four investigations from 22 priority cases he identified, and the judges conducted investigations into three cases, which were transferred from the ordinary courts. The special prosecutor also examined 27 complaints that individuals submitted to the SCC. The level of court staff overseeing investigations was limited, and additional prosecutors and judges were needed. Ensuring adequate security for court premises, staff, and witnesses and victims remained one of the most significant challenges during 2019, as much of the country remained under the control of armed groups.

The Office of the Prosecutor at the International Criminal Court (ICC) continued its second investigation into the situation in the Central African Republic, into alleged war crimes and crimes against humanity committed since 2012. The ICC combined proceedings against Alfred Yékatom, known as “Rambhot,” and Patrice-Edouard Ngaïssona began in September 2019. The authorities surrendered Yékatom, an anti-balaka leader, to ICC custody in November 2018. Ngaïssona, also an anti-balaka leader, was transferred to ICC custody in January 2019, after he was arrested in France in December 2018. A decision on whether to confirm the charges against Ngaïssona and Yékatom was expected by the ICC judges in early 2020.³⁹

CHAD

Previous *Annual Report* entries: 2000–2012, 2015–2016.

³⁹ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 119, 122–123.

CHILE

Previous *Annual Report* entries: 1998–2019.

On 5 November 2019, Alejandra Araya, history professor, director of the Archivo Central Andrés Bello (Andrés Bello Central Archive; established 1994) at the University of Chile and full professor of human rights at the University of Chile, was participating in a workshop in high school (liceo) 7 Teresa Prats, Santiago, during a peaceful student occupation of the school building when the Carabineros (Carabinieri; national police) reportedly entered it shooting. The mayor of Santiago Felipe Alessandri charged Araya with being “an accomplice of disruption and burglary.” The move, coming during the social protests which began on 18 October 2019 and in which universities participated, was criticized as intimidation.⁴⁰

On 7 February 2020, appeals court judge Mario Carroza indicted retired military officers Eduardo Jara Hallad (director of Departamento II of the Counterintelligence of the Military Intelligence Section, DINE), Mercedes del Carmen Rojas Kushevich (its former chief archivist), and General Carlos Patricio Chacón Guerrero for destruction in the Intelligence School of the Chilean army in 2000–2001 of microfilmed archives of the Central Nacional de Informaciones (National Information Center) covering the period 1980–1982. These included records proving the surveillance of former (1964–1970) President Eduardo Frei Montalva, who was assassinated in 1982.⁴¹

Chilean courts continued to prosecute former police and military officers responsible for human rights abuses during Augusto Pinochet’s dictatorship (1973–1990). In December 2018, a judge convicted 53 former agents of the Chilean secret police (DINA) for the kidnapping, torture, and enforced disappearance of seven communist leaders in 1976, and the murder of former Communist Party leader, Victor Díaz, in 1977. In January 2019, a judge convicted six men for poisoning to death the former president of Chile, Eduardo Frei Montalva, in 1982 [see item above]. Chile maintained a 50-year veil of secrecy over testimony by victims before the National Commission on Political Prison and Torture from November 2003 to May 2004. The testimony revealed places of detention and torture methods used by the dictatorship and identified former political prisoners and torture victims. The Bachelet administration (2014–2018) submitted a bill to lift the secrecy order in 2017, which generated heated

⁴⁰ [“Declaración de solidaridad con la académica Alejandra Araya, profesora de la Cátedra de Derechos Humanos, Universidad de Chile”](#) (Santiago 12 January 2020); Javier García, [“ACAB, la sigla de la polémica: una escuela de autodefensa y el Archivo Andrés Bello de la U. de Chile,”](#) *La Tercera* (15 January 2020); Valentina Rojas Rojo, Personal communication to Trudy Huskamp Peterson (16 & 22 January 2020).

⁴¹ Sergio Jara Román, [“Histórico: Procesan a tres militares en retiro que participaron en la quema de microfilms de la dictadura,”](#) *El Desconcierto.cl* (7 February 2020).

debate between those who believed revealing the testimony would violate victims' rights to privacy, and those who believed revealing it was necessary to fully punish the guilty and bring justice to victims. In December 2018, a commission of the House of Representatives approved a bill that would punish anyone who "justified," "approved" of, or "denied" human rights violations committed during the dictatorship with up to three years in prison. The bill, which violated freedom of speech provisions of international human rights law, remained pending at the end of 2019.⁴²

CHINA

Previous *Annual Report* entries: 1995–2019.

In 2019, the Chinese Communist Party (CCP) marked the 70th anniversary of its rule by deepening repression. Under President Xi Jinping's leadership, the one-party government tightened its grip over sectors of society it found threatening, such as internet activists and nongovernmental organizations. It strengthened ideological control, particularly in higher education, among religious and ethnic minorities, and within the bureaucracy. It devoted massive resources to new technologies for social control, adding artificial intelligence, biometrics, and big data to its arsenal to monitor and shape the minds and behaviors of 1.4 billion people. Government censorship extended far beyond its borders; its mix of typically financial incentives and intimidation were manipulating discourse about China around the world. Thirteen million Uyghur and other Turkic Muslims in Xinjiang were suffering particularly harsh repression. The government's "Strike Hard Campaign against Violent Extremism" entailed mass arbitrary detention, surveillance, indoctrination, and the destruction of the region's cultural and religious heritage. Credible estimates indicate that about one million Turkic Muslims were being indefinitely held in "political education" camps, where they were forced to disavow their identity and become loyal government subjects. Others were prosecuted and sent to prison, and some received lengthy and even death sentences for crimes that violated fundamental rights, "splittism" or "subversion."⁴³

On 14 January 2019, Jin Andi (1953–), a freelance writer and probably also a historian, was reportedly released upon the expiry of his sentence [see NCH Annual Report 2013].⁴⁴

⁴² Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 125–126.

⁴³ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 130.

⁴⁴ International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 58–59.

In [2019–2020], Guo Yuhua ([1956–]), a sociologist and historian at Tsinghua University, spoke in defense of her colleague Xu Zhangrun, a law professor, who was interrogated and suspended from teaching after publishing essays critical of President Xi Jinping. Guo was reprimanded by the university’s party officials and blocked from social media. She struggled to get copies of her own books, only published in Hong Kong and repeatedly confiscated at customs. Her fieldwork consisted in collecting oral histories from Chinese farmers who had been forbidden to flee their villages amid the famine (1959–1961) following the Great Leap Forward (1958–1960).⁴⁵

In March 2019, Hong Kong Polytechnic University officials handed down disciplinary orders to four students in connection with their commemoration of the 2014 pro-democracy movement.⁴⁶

In April 2019, a Sichuan court sentenced activist Chen Bing to three-and-a-half years for commemorating the 1989 Tiananmen Square massacre.⁴⁷

In April 2019, Sun Peidong, a lecturer at Fudan University, Shanghai, who was under surveillance when she taught a course about the Cultural Revolution, was turned in by her students. Sun had been invited to join Fudan’s history department in 2013 by its party secretary, himself a scholar of the Cultural Revolution. From 2015, several of her articles about the Cultural Revolution were rejected by academic journals. Secret police questioned her about her research and her Western connections. After completing fellowships at Harvard and Stanford universities, she returned in September 2018. Meanwhile, a new party secretary was in charge and Sun was blocked from giving public lectures and asked to change the name and content of her course, which she refused. In April 2019, students posted sheets of paper on her office door – printouts of her social media posts and accusations that she was supporting a female student to subvert state power. They also reported her to her department, the university president and university-level party secretary, and attacked her personally online. Anonymous users joined in, cursing her as a traitor and threatening her family in private messages. The department party secretary ordered Sun to write a personal statement pledging that she would stop speaking to foreign media. He threatened to block her from traveling abroad if she did not comply. In 2020, Sun quit her job and left China. Only two other history professors were teaching the Cultural Revolution at Fudan: one retired in 2020, the other was pressured into changing what he taught.⁴⁸

⁴⁵ Alice Su, “[Spied on. Fired. Publicly Shamed. China’s Crackdown on Professors Reminds Many of Mao Era.](#)” *Los Angeles Times* (27 June 2020).

⁴⁶ Scholars at Risk (Academic Freedom Monitoring Project), *Obstacles to Excellence: Academic Freedom & China’s Quest for World-Class Universities* (New York: SAR, 2019), 60.

⁴⁷ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 134.

⁴⁸ Alice Su, “[Spied on. Fired. Publicly Shamed. China’s Crackdown on Professors Reminds Many of Mao Era.](#)” *Los Angeles Times* (27 June 2020).

A study published in May 2019 by Sheena Chestnut Greitens, University of Missouri, and Rory Truex, Princeton University, surveying over five hundred China scholars, pointed to several problems facing domestic and foreign scholars, including increasing difficulties in accessing archives. According to their survey results, scholars cited more than 150 separate instances of being denied access to archival materials in the past ten years; these included 26% of foreign academics who reported using archives for their research. Respondents reported being denied access to particular materials and sections of archives and having access permissions revoked.

According to historian Charles Kraus, of the Wilson Center, Washington DC, in 2016, the 1988 Archives Law of the People's Republic of China, gave state authorities an ambiguous and broad level of control over the declassification and accessibility of state records. Once declassified and available, materials could later be reclassified or subject to other forms of removal, including digitization and "appraisal" processes. Foreign researchers hoping to gain access to archives needed letters of introduction from a Chinese university and a passport.⁴⁹

In mid-June 2019, the film "*The Eight Hundred*" was withdrawn last-minute from the 22nd Shanghai International Film Festival, where it was scheduled to premiere on 15 June. On 25 June, the 5 July opening of the film was suddenly canceled. The film was based on a historical event: the four-day defense of Sihang Warehouse during the Japanese invasion of Shanghai in October 1937. A battalion with 400 soldiers (the commander leaked disinformation that there were 800) held the building long enough to let the bulk of Chinese forces withdraw from the city before the Japanese entered. At a conference organized by the NGO China Red Culture Research Association on 9 June 2019 in Beijing, participants (including researchers, critics, and a former propaganda official with the general staff of the People's Liberation Army) attacked the film for excessively glorifying the Republic of China, then led by Chiang Kai-shek and his party, the Kuomintang. The published conference report said that the film used "historical debris to cover up the actual truth of history." The battalion's actions had been lauded previously by the Communist government. Although no explicit reason was given by the Chinese Communist Party (CCP), the cancellation came amid a broadening political crackdown on cultural works that were not sufficiently in tune with Xi Jinping's ideology.⁵⁰

In September 2019, *The Guardian* revealed that TikTok, the popular social network owned by the Chinese company ByteDance and launched in 2017, instructed its moderators to censor videos that mentioned certain topics, according to leaked documents detailing the site's moderation guidelines.

⁴⁹ Scholars at Risk (Academic Freedom Monitoring Project), *Obstacles to Excellence: Academic Freedom & China's Quest for World-Class Universities* (New York: SAR, 2019), 23–25.

⁵⁰ Steven Lee Meyers, "[Patriotic Movie Apparently Falls Afoul of China's Censors](#)," *New York Times* (26 June 2019).

Among the “taboos” were: the Tiananmen Square massacre, Tibetan independence, Taiwanese independence, the 2014 and 2019 Hong Kong protests, Falun Gong, criticism of China’s socialist system, the demonization or distortion of local or other countries’ history such as the May 1998 riots of Indonesia and the Cambodian genocide; and separatism, conflicts between religion sects and between ethnic groups (for instance inciting the independence of Northern Ireland, Republic of Chechnya). The service also banned a specific list of twenty “foreign leaders or sensitive figures” including Kim Jong-il, Kim Il-sung, Mahatma Gandhi, Vladimir Putin, Donald Trump, Barack Obama, Kim Jong-un, Shinzo Abe, Park Geun-Hye, Joko Widodo, and Narendra Modi.⁵¹

On 8 September 2019, Chinese authorities detained Iwatani Nobu ([1977]–), a professor of modern Chinese history at Hokkaidō University graduate school of law, Japan, while visiting Beijing, on suspicion of spying (under the 2014 Counter-Espionage Law). Invited by the Chinese Academy of Social Sciences (CASS) Institute of Modern History, Iwatani had traveled to China to participate in two weeks of research activities. Upon arrival at his hotel, national security authorities raided his room and seized materials related to state secrets. These were reportedly old books and journals relating to the Sino-Japanese war (1937–1945) and the history of the Chinese Nationalists (the Kuomintang) – Iwatani’s area of expertise – that he had purchased at a second-hand bookstore in Beijing. On 15 November 2019, Iwatani reportedly confessed under questioning to illegally collecting a large quantity of state secrets in the past and expressed remorse. He was granted bail and released the same day; he returned to Japan. In the past, Iwatani had worked for the National Institute for Defense Studies at the Japanese Defense Ministry. He specialized in the history of the Second Sino-Japanese War (1937–1945) and collected historical documents around the world, including Taiwan and the United States. It was his second invitation from CASS; the previous visit in 2018 incurred no problems.⁵²

On 11 June 2020, the online meeting platform Zoom confirmed that it ended three Zoom meetings commemorating the Tiananmen Square massacre and terminated the host accounts associated with those meetings – one in Hong Kong and two in the United States – after the Chinese government informed it that the gatherings were illegal in China. Zoom said the accounts have been reinstated.⁵³

⁵¹ Alex Hern, “[Revealed: How TikTok Censors Videos that Do Not Please Beijing](#),” *The Guardian* (25 September 2019).

⁵² Scholars at Risk, [Data Sheet](#) (21 October 2019); “[Academics Protest China’s Detention of Japanese](#),” *NHK World-Japan* (30 October 2019); Jiji Kyodo, “[China Frees Japanese Law Professor Accused of Spying after Obtaining Confession](#),” *Japan Times* (15 November 2019); Shin Kawashima, “[China Releases Professor, but Travel Concerns Persist](#),” *The Diplomat* (2 December 2019); Suvendrini Kakuchi, “[China Research Trips Cancelled over Scholar Spy Charge](#),” *University World News* (4 December 2019); Andrea Fischetti & Antoine Roth, “[Why Did China Detain a Japanese History Professor?](#)” *Tokyo Review* (30 December 2019).

⁵³ Elizabeth Redden, “[Scholars Raise Concerns about Using Zoom to Teach about China](#),” *Inside HigherEd* (12 June 2020).

Hong Kong

On 1 June 2020, Hong Kong police banned a planned vigil marking the Tiananmen massacre on 3–4 June 1989 for the first time in thirty years. Authorities said that the decision was due to health concerns over the coronavirus. Hitherto, Hong Kong and Macau were the only places in Chinese territory where people could commemorate the deadly 1989 crackdown on pro-democracy protesters. Whether the commemoration would be allowed to go ahead in Hong Kong in 2021 – when the new anti-terrorism and anti-subversion law will most likely be in force – remained unclear. Despite the ban, tens of thousands still flocked to the barricaded venue, Victoria Park, to attend the vigil on 4 June 2020. The vigil took place against a background of a new national hymn bill and new security legislation shrinking Hong Kong’s independence from Beijing. It was the first time there had been unrest at a Tiananmen vigil in Hong Kong. Police said they had made several arrests.⁵⁴

In August 2020, 25 Hong Kong democracy activists were charged with taking part in the banned June candlelight vigil (see item above), including activist Joshua Wong, media tycoon Jimmy Lai and leaders of the Alliance in Support of Patriotic Democratic Movements of China. They were formally charged with “knowingly taking part in an unauthorized assembly.” Lee Cheuk-yan, chairman of the alliance, was also charged, with organizing the assembly.⁵⁵

Inner Mongolia

On 4 April 2019, ethnic Mongolian historian Lhamjab A. Borjigin (1944–) [see NCH Annual Report 2019] was secretly tried at the Xilinhot Municipal People’s Court. In September 2019, Lhamjab was convicted of “national separatism” and “sabotaging national unity,” after a trial that lasted just three hours and during which he said he was denied a lawyer. He was sentenced to a one-year suspended prison term and remained under a strictly monitored form of house arrest in which his movements and personal communications were severely restricted, and he had to report daily to police.⁵⁶

Tibet

In 2019, university professors could reportedly not lecture on certain topics, and many had to attend political indoctrination sessions, while the government restricted course materials to prevent circulation

⁵⁴ [“Tiananmen: Police Ban Hong Kong Vigil for Victims of 1989 Crackdown,”](#) *BBC News* (1 June 2020); [“Hong Kong: Tens of Thousands Defy Ban to Attend Tiananmen Vigil,”](#) *BBC News* (4 June 2020).

⁵⁵ “Hong Kong Activists Charged Over Traditional Tiananmen Vigil,” *The Guardian* (7 August 2020).

⁵⁶ Qiao Long & Wong Lok-to, [“Third Ethnic Mongolian Writer Held in China’s Inner Mongolia,”](#) *Radio Free Asia* (22 April 2019); Leigh Hartman, [“China Arrests Mongolian Historian,”](#) *ShareAmerica* (3 July 2019); Scholars at Risk (Academic Freedom Monitoring Project), *Obstacles to Excellence: Academic Freedom & China’s Quest for World-Class Universities* (New York: SAR, 2019), 43, 45–46; PEN America, *Freedom to Write Index 2019* (Washington: PEN America, 2020), 8–9.

of unofficial versions of Tibetan history.⁵⁷

In their continuing campaign to crack down on Islamic traditions, authorities in Gansu, Ningxia, and other Hui Muslim areas demolished domes on mosques and banned the public use of Arabic script. A Chinese Communist Party notice banning retired Tibetan government employees from performing kora, the practice of circumambulating a sacred site, appeared to have been issued in early August 2019.⁵⁸

Xinjiang

In May 2017, Uyghur historian Iminjan Seydin ([1966]–) was arrested by the Public Security Bureau and imprisoned. Seydin had began teaching courses on Chinese history at the Xinjiang Islamic Institute in Urumqi in 1988 upon graduating from Xinjiang University and in 2012 founded the Imin Publishing House. He taught secular courses on revolutionary history, joined several government-sponsored hajj pilgrimages to Mecca, and in early 2017 was sent to Kokterek village, Guma (Pishan) county, Hotan (Hetian) prefecture, to join a work group with the Xinjiang Uyghur Autonomous Region (XUAR) Bureau of Religious Affairs. He was called back and then arrested. In May 2019, a closed trial was held at which a book called *the Science of Rhetoric* (aka *Arabic Grammar*) (2014) – published by the Imin Publishing House and containing some references to Islam – was reportedly given as evidence. A document, entitled “Notice on the Censuring of Iminjan Seydin” and issued by the Xinjiang Islamic Institute in November 2019, reportedly mentioned that in February 2019 Urumqi’s Tengritagh (Tianshan) District Court found Seydin guilty of “inciting extremism” and sentenced him to fifteen years in prison, five years’ deprivation of political rights, and a fine of 500,000 yuan (U.S. \$71,000), although it cited no evidence of his crimes. In its notice, the institute also announced that it had ended Seydin’s employment contract after he was detained and placed in a camp. In early July 2020, the official newspaper *China Daily* released a video in which Seydin denied reports that he had been detained, prompting his daughter to suggest the recording was made under duress.⁵⁹

Abdukerem Paltu, a historian working at the Department of History, Kashgar University, was mentioned on a 15 June 2019 *List of Uyghur Intellectuals Imprisoned in China from 2016 to the Present*.⁶⁰

⁵⁷ Freedom House, “[Tibet](#)” (2019).

⁵⁸ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 138.

⁵⁹ Jilil Kashgary (with Elise Anderson and Joshua Lipes), “[Prominent Uyghur Historian Confirmed Jailed in Xinjiang Over Published Book](#),” *Radio Free Asia* (11 December 2019; updated 6 January 2020); Aysha Khan, “[A Daughter’s Duty: From Boston, a Uighur Woman Champions Her Father’s Release in China](#),” *Religion News Service* (13 February 2020); International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 62; PEN America, *Freedom to Write Index 2019* (Washington: PEN America, 2020), 14; Jilil Kashgary (with Elise Anderson and Joshua Lipes), “[Daughter of Uyghur Historian Questions Legitimacy of State Media Video Denying His Detention](#),” *Radio Free Asia / Uyghur Human Rights Project* (5 July 2020).

⁶⁰ Abduweli Ayup, “[List of Uyghur Intellectuals Imprisoned in China from 2016 to the Present](#) (15 June 2019);

On 21 July 2019, the State Council Information Office released an official 6,900 words white paper, *Historical Matters Concerning Xinjiang* (in Chinese), arguing that the region was an “inseparable part” of China, that Islam was introduced to Uyghur culture by force, and that internal and external hostile forces including separatists, religious extremists, and terrorists were distorting history and facts to split the country apart. The white paper was criticized by scholars and Uyghur activists as an attempt to rewrite Uyghur history. Among the criticisms was the observation that in 2016, more than two dozen Islamic religious sites had been partially or totally destroyed.⁶¹

In October 2019, a report by the Uyghur Human Rights Project presented evidence of the complete or partial destruction of over a hundred mosques and religious sites (including cemeteries, shrines, domes, and minarets) by the Chinese government. It said that Uyghurs’ Islamic faith has been a major target of the Chinese government’s campaign to eliminate the Uyghur ethno-cultural identity. Termed the “Mosque Rectification Program,” and undertaken with the justification of unsafe construction, the Chinese state had reportedly destroyed thousands of mosques since 2016. The report also contained evidence of the destruction of traditional Uyghur neighborhoods in cities around the region.⁶²

On 26 February 2020, the American Anthropological Association issued a statement protesting the Chinese government’s campaign of eliminating and replacing Indigenous languages and cultural heritage in the Uyghur and Kazakh regions in Xinjiang under the pretext of “countering violent extremism” which resulted in a surveillance state, the disregard of academic freedom, the disappearance of more than 400 Uyghur and Kazakh cultural leaders, and the systematic destruction of sacred lands such as family graves, saint pilgrimage sites, mosques, and traditional Turkic Muslim neighborhoods.⁶³

According to scholar of Uyghur history Rian Thum, a major sacred site in Khotan was bulldozed and turned into a parking lot in [April] 2020. The gravesite of the modern Uyghur national literary hero Lutpulla Mutellip was turned into a park.⁶⁴

See also Albania, Iran, Taiwan.

see also the list on the [Uyghur Victims](#) website.

⁶¹ “[China Steps Up Defence of Xinjiang Policies in Government Report](#),” *The Straits Times* (21 July 2019); Isobel Cockerell, “[Decoding China’s Claims about Uyghur Identity](#),” *Coda* (2 August 2019).

⁶² Uyghur Human Rights Project, “[Demolishing Faith: The Destruction and Desecration of Uyghur Mosques and Shrines](#)” (28 October 2019); Bahram Sintash, [Demolishing Faith: The Destruction and Desecration of Uyghur Mosques and Shrines](#), *Uyghurism.com & Uyghur Human Rights Project* (October 2019).

⁶³ American Anthropological Association, “[The Assault on Indigenous Peoples in Northwest China Must End](#)” (26 February 2020).

⁶⁴ Magnus Fiskesjö, “[China Ravages Xinjiang Cultural Heritage](#),” (29 April 2020).

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2019.

On 19 February 2019, President Ivan Duque appointed Rubén Darío Acevedo Carmona as the new director of the Centro Nacional de Memoria Histórica (CNMH; National Center for Historical Memory or Museum of Memory). Originally a militant of the left-wing movement in the 1970s, he recently publicly criticized the guerrilla movement, questioned the impartiality of the Justicia Especial para la Paz (JEP; Special Jurisdiction for Peace; a separate tribunal established to prosecute the worst abuses of the 1964–2016 internal conflict), and on 2 February 2019 doubted the existence of an armed conflict in the country (a status conferred to the conflict by the 2011 Victims Law) and the number of its victims in an interview with *El Colombiano*. Eighty-nine victims' organizations urged Duque to reconsider the appointment. Many historians also protested, including the history staff at the National University of Colombia who wrote in a letter: "We are surprised that you, who openly denies the existence of an armed conflict, has accepted directing a state entity whose central purpose is to recognize it." Under Acevedo's directorship, the CNMH did not publicly launch the last report (*Y a la vida por fin daremos todo ... , And we will finally give everything to life ...*) produced under the leadership of the previous director Gonzalo Sánchez [see NCH Annual Report 2019]. Acevedo also said that the narrative of a traveling exhibit meant to test a museum narrative developed over five years by experts who had met victims throughout Colombia focused too heavily on social inequality as a cause of the conflict.

It also became known that in May 2017, Gabriel Cabrera had resigned as director of the history department of the Medellín campus of the Universidad Nacional de Colombia, because of an attempt by Acevedo (then associate dean of the Faculty of Human and Economic Sciences) to prohibit courses on Fascism and Marxism.

On 1 February 2020, the International Coalition of Sites of Conscience suspended membership of CNMH from its global network of over 275 historic sites, museums and memory initiatives after it had expressed concerns about biased public statements made on behalf of CNMH. On 5 February 2020, the Movimiento de Víctimas de Crímenes de Estado (Movice; movement of victims of state crimes) protested against the celebration of the symbolic first stone for the new Museum of Memory because they were invited for it at the last minute.⁶⁵

⁶⁵ Michael Evans, "[Colombia Truth Commission Opens Doors, But Faces Significant Barriers to Access](#)," *National Security Archive* (29 November 2018); "[Darío Acevedo fue nombrado director del Centro Nacional de Memoria](#)," *El Espectador* (19 February 2019); "[Nuevo candidato al Centro de Memoria Histórica, sin acogida](#)," *El Colombiano* (5 February 2019); César Augusto Dúque Sánchez, personal communication (5 July 2019); Christine Armario, "[Colombia's Conflict Spills over to Museum of Memory](#)," *Washington Post* (24 December 2019); International Coalition of Sites of Conscience, "[Statement on the National Center for Historical Memory](#)" (1 February 2020); "[Intelectuales preocupados por el rumbo del Centro Nacional de Memoria Histórica](#)," *El Espectador* (11 February 2020), including the letter "El negacionismo no es una

The 2016 peace agreement between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) provided for the creation of a Special Jurisdiction for Peace (JEP) to try those responsible for gross human rights violations and violations of international humanitarian law committed during the conflict (1964–2016). FARC guerrillas and members of the armed forces responsible for crimes against humanity and serious war crimes who fully cooperated with the new jurisdiction and confessed their crimes were subject to as many as eight years of “effective restrictions on freedoms and rights,” but no prison time. At the end of 2019, JEP magistrates had prioritized seven situations for analysis: kidnappings committed by the FARC; false-positive killings; army and FARC abuses against Afro-Colombian and Indigenous people in Nariño province; FARC and army abuses committed in the Urabá region, in the north; FARC and army abuses committed in the northern part of Cauca province; government abuses against members of the Patriotic Union, a political party created by the FARC in the 1980s; and recruitment and use of child soldiers by the FARC.

During 2019, the Special Jurisdiction opened investigations to determine whether four former FARC commanders had failed to fulfill their responsibilities under the 2016 peace accord, including reincorporating former guerrilla fighters into society and testifying before the Special Jurisdiction (JEP). In April, JEP issued a warrant for arrest of one of them, alias “El Paisa,” ruling that his failure to testify before JEP was unjustified. The whereabouts of all four, including the group’s top peace negotiator, alias “Iván Márquez” and alias “Jesús Santrich,” who the United States was seeking to have extradited on drug charges, remained unknown at the end of 2019. In August 2019, these four former FARC commanders, along with about twenty other former mid-level FARC commanders, announced that they were taking up arms again in response to what they called a “betrayal by the state of the peace accord.” In March 2019, the Constitutional Court ruled unconstitutional a 2018 law containing a provision that suspended, unless defendants requested otherwise, Special Jurisdiction prosecutions of armed forces soldiers until the government created a “special and differentiated process” for them.⁶⁶

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2019.

In July 2019, a three-judge panel at the International Criminal Court (ICC) unanimously found the rebel leader and former army general Bosco Ntaganda guilty of thirteen counts of war crimes and five counts

política aceptable hoy”; Andrés Bermúdez Liévano, “[Lutte politique pour la vérité et la mémoire en Colombie](#),” *JusticeInfo.Net* (19 March 2020).

⁶⁶ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 145–148; Amnesty International, *Human Rights in the Americas: Review of 2019* (London: AI, 2020), 35, 37.

of crimes against humanity committed in Ituri in 2002 and 2003. The charges included murder and attempted murder, rape, sexual slavery, attacking civilians, pillaging, displacement of civilians, attacking protected objects, and recruiting and using child soldiers. The judges found that Ntaganda and others agreed on a common plan to attack and drive the ethnic Lendu population out of Ituri through the commission of crimes. In November 2019, the ICC sentenced him to thirty years in prison. Troops under Ntaganda's command also committed ethnic massacres, killings, rape, torture, and recruitment of child soldiers in the Kivus, including when Ntaganda commanded troops in the Rwandan-backed National Congress for the Defense of the People (CNDP) and M23 armed groups, and while he served as a general in the Congolese army. His trial at the ICC only dealt with crimes related to the Ituri conflict.⁶⁷

In June 2020, Belgian King Leopold II's statues were moved to the National Museum in Kinshasa.⁶⁸

See also Belgium, Uganda.

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012, 2019.

COSTA RICA

Previous *Annual Report* entries: 2010.

CÔTE D'IVOIRE

See Ivory Coast.

⁶⁷ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 166–168.

⁶⁸ Georgina Rannard, "[Leopold II: Belgium 'Wakes Up' to Its Bloody Colonial Past](#)," *BBC News* (13 June 2020).

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2013, 2015–2019.

In January 2019, a Europe-wide universities-led Holocaust Remembrance project found historical revisionism in Croatia among the highest in the European Union.⁶⁹

On 21 August 2019, Hrvoje Klasić, a professor of contemporary history at Zagreb University history department who had criticized the rehabilitation of the World War II fascist Ustaša movement (1941–1944) in Croatia, received an anonymous letter containing a death threat signed in the name of the Ustaša at his office at Zagreb University’s Faculty of Humanities and Social Sciences. Attached to it was a newspaper excerpt in which Klasić said that he would welcome a decision by the Austrian authorities to ban and sanction the public display of symbols of the Ustaša movement. Klasić had received similar letters and death threats in the past, but the latest contained the most explicit death threat.⁷⁰

In April 2020, President Zoran Milanovic said that a controversial plaque with the Ustaša slogan “Ready for the Home(land)” (“Za dom spremni”) should be removed. The plaque commemorated soldiers from a 1990s paramilitary organization called the Croatian Defense Forces. Milanovic had called for its removal after he and other senior Croatian officials, anti-fascists and leaders of Croatia’s Serb, Roma and Jewish communities had held a joint commemoration of victims of the Ustaša-run Jasenovac concentration camp. “It should be removed, thrown away somewhere. It has nothing to do with the Homeland War,” Milanovic said. The Ustaša killed over 83,000 Serbs, Jews, Roma and anti-fascists at the Jasenovac camp between 1941 and 1945 [see NCH Annual Reports 1996, 2017].⁷¹

On 3 June 2020 Holocaust historian Efraim Zuroff from the Jerusalem-based Simon Wiesenthal Center called upon Croatian political leaders to reject member of parliament Ruža Tomašić’s recent statements of sympathy for the Ustaša movement. Zuroff alleged that Tomašić was attempting to whitewash the large-scale atrocities committed by the Ustaša and the World War II-era Independent State of Croatia (NDH).⁷²

⁶⁹ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 217.

⁷⁰ Anja Vladisavljevic, “[Ustasa’ Letter Threatens Croatian Historian with Death](#),” *Balkan Insight* (28 August 2019); Jonathan Even-Zohar, “[‘A Society Where I Should Be Quiet Is Not a Society for Me’ – Interview with Hrvoje Klasić](#),” *EuroClio* (10 October 2019).

⁷¹ Anja Vladisavljevic, “Croatian President Reignites Row over Ustasa Slogan,” *Balkan Insight* (23 April 2020).

⁷² Anja Vladisavljevic, “Croatian MEP Condemned for ‘Repulsive’ Ustasa Sympathies,” *Balkan Insight* (5 June 2020).

See also Austria, Bosnia and Herzegovina.

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012, 2015–2016, 2018.

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011, 2013, 2015–2018.

See Turkey.

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010, 2013–2019.

In March 2020, Martina Lehmannová, director of the memorial in Lidice – a village razed to the ground by the Nazis after Adolf Hitler singled it out in retribution for the assassination in 1942 of Reinhard Heydrich, deputy leader of the SS, by British-trained Czech and Slovak resistance fighters – forcibly resigned from her post. This came after she refused to question in a television program in June 2019 the discovery by Czech historian Vojtěch Kyncl, member of the Czech Academy of Sciences, that a Jewish woman who had been secretly living in Lidice during the war was arrested – allegedly after being denounced by a neighbor – shortly before it was razed. The disclosure cast a shadow over the village’s status as symbol of national martyrdom. Lehmannová was ousted after survivors of Lidice – under the auspices of the Czech Union of Freedom Fighters, a local group with roots in the former Communist regime – wrote to senior politicians, complaining that she had failed to contradict Kyncl’s research in the documentary. The complaint prompted the intervention of Czech culture minister Lubomír Zaorálek, who accused Lehmannová of failing to empathize with the survivors and told her to resign or face being dismissed. Ten other board members quit in support of Lehmannová. She was replaced by Eduard Stehlík, a military historian and ex-army officer who had written two books on Lidice and who had cast doubt on Kyncl’s research.⁷³

⁷³ Robert Tait, “[Czech Village Razed by Hitler at Heart of Row on Truth and History](#),” *The Guardian* (14 March 2020); “[Czech Museum Director Fired](#),” *Jewish News* (22 March 2020).

On 3 April 2020, officials removed a statue of Soviet Army marshal Ivan Konev (1897–1973) from a local park. In a reaction, Russia’s Investigative Committee said it had opened an investigation into alleged “defiling of symbols of Russia’s military glory.” Two days later, the Czech Embassy in Moscow was attacked by a group of masked individuals. This prompted a diplomatic row between Russia and the Czech Republic. Subsequently, three Czech officials, including Prague Mayor Zdeněk Hřib, were placed under police protection following reports of Russian poison plots. Russians considered Konev to be a war hero credited with liberating much of Czechoslovakia at the end of World War II; for Czechs, however, his legacy was more complicated, as he later commanded the suppression of the 1956 Hungarian uprising and lead reconnaissance missions for the 1968 invasion of what was then Czechoslovakia.⁷⁴

⁷⁴ Robert Tait, “Statue Must Tell True Story of Soviet ‘Hero,’ Say Czechs,” *The Guardian* (5 August 2018); Amy Mackinnon, “[As Putin Seeks to Reinvent History, Russia-Czech Relations Hit a New Low.](#)” *Foreign Policy* (29 April 2020).

DENMARK

Previous *Annual Report* entries: 2006–2007, 2013, 2016–2019.

On 9 November 2019, the 81st anniversary of Kristallnacht, police arrested neo-Nazi activist Jacob Vullum Andersen ([1981]–), leader of the Nordic Resistance Movement (NRM), and an alleged accomplice after 84 Jewish tombstones were vandalized at a cemetery in Randers. They were charged with gross vandalism and a hate crime offense and put in custody for four weeks. There were also anti-Semitic incidents in four other places in Denmark, involving Nazi-style Star of David stickers and graffiti.⁷⁵

DJIBOUTI

Previous *Annual Report* entries: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: 2013.

⁷⁵ [“Neo-Nazi Held in Denmark over Jewish Cemetery Attack,”](#) *BBC News* (14 November 2019).

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2019.

A truth commission created by the Rafael Correa administration (2007–2017) to investigate government abuses from 1984 to 2008 documented gross human rights violations against 456 victims, including 68 extrajudicial executions and seventeen disappearances. A special prosecutorial unit created in 2010 initiated judicial procedures in fewer than fifteen cases. Final rulings have been rendered in only two. The remaining cases appear stalled.⁷⁶

In December 2019, United Nations experts recommended to Ecuador “to ensure that textbooks and other educational materials reflect historical facts accurately as they relate to past tragedies and atrocities, in particular slavery, the trade in enslaved Africans and colonialism, so as to avoid stereotypes and the distortion or falsification of these historic facts, which may lead to racism, racial discrimination, xenophobia and related intolerance.”⁷⁷

In [January 2020] the building Aranjuez in Quito that housed the archaeological, colonial and modern art collections and the archival and photographic collections of the Ministry of Culture was declared at risk of collapse, putting the cultural heritage of Ecuador in jeopardy. At the same time, plans were drafted to transfer the collections to a new museum at the outskirts of the city (at the former headquarters of the Unión de Naciones Suramericanas, UNASUR, Union of South American Nations, in a earthquake-sensitive region). A broad coalition for the defense of the country’s cultural heritage demanded that the government would promptly transfer the collections to another building in the center of Quito.⁷⁸

⁷⁶ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 172.

⁷⁷ [“Statement to the Media by the United Nations’ Working Group of Experts on People of African Descent, on the Conclusion of its Official Visit to Ecuador, 16–20 December 2019”](#) (Quito, 20 December 2019).

⁷⁸ Santiago Cabrera Hanna, “Ecuador: Fondos bibliográficos y colecciones arqueológicas y de arte están en riesgo” (Press release; [30] January 2020); Santiago Cabrera Hanna, personal communications (30 January & 28 April 2020); Juan Manguashca Guevara, personal communication (30 January 2020); Diego Araujo Sánchez, [“Patrimonio en peligro,”](#) *El Comercio* (21 January 2020); “Carta abierta al Ministro de Cultura y Patrimonio de Ecuador Juan Fernando Velasco” (28 April 2020), available as petition under the title [“No a traslado de bienes patrimoniales de Ecuador en medio de Pandemia Covid-19”](#) (28 April 2020).

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2019.

In 2019, historian of religions Adam Duker [see NCH Annual Report 2019] returned to the United States on a temporary position at the Departments of History and Religion of Mount Holyoke College.⁷⁹

Despite the accelerated restoration of Jewish heritage (synagogues, cemeteries, bibles) by the government, Jews who were expelled in 1956 during the Suez Crises or fled in 1967 during the Six-Day War were still not allowed access to a vast register of community records, dating back to 1830 and located inside the national archives, ostensibly for national security reasons.⁸⁰

EL SALVADOR

Previous *Annual Report* entries: 2001–2019.

Many human rights violations were committed during the armed conflict (1980–1992). In May 2019, a draft Special Law for Transitional and Restorative Justice for National Reconciliation was discussed in the Legislative Assembly. Its text was described by human rights groups as a threat to the right of access to justice for victims and a mechanism for perpetuating impunity. The President of the Inter-American Court of Human Rights (IACHR) asked El Salvador to suspend the legislative progress of the bill and the United Nations (UN) High Commissioner for Human Rights warned that the draft bill contained a series of provisions that could translate into a de facto amnesty. Also in May, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence concluded his official visit to El Salvador and expressed concerns about the slow pace of action by the Attorney General's Office in investigating crimes under international law and human rights violations during the armed conflict, obstacles to accessing military files from 1980–1992, and the insufficiency of the reparation and historical memory processes. In September 2019, human rights organizations and victims' groups informed the IACHR that state programs for victims' reparations, created in 2013, had been disestablished as a result of an institutional reorganization implemented by the new government. In December, the IACHR reiterated the need for the new national reconciliation law, expected to be

⁷⁹ Gilgamesh Nabeel & Mina Nader, "[American University Cairo Religion Professor Loses Post in Academic Freedom Fight](#)," *Religion News Service* (14 May 2019); Elizabeth Redden, "[A Donor's Demands, a Revoked Chair](#)," *Inside HigherEd* (24 May 2019).

⁸⁰ Declan Walsh and Ronen Bergman, "[A Bittersweet Homecoming for Egypt's Jews](#)," *New York Times* (23 February 2020).

approved in February 2020, to fully comply with El Salvador's international obligations with respect to transitional justice, and also to take into account the voices of the victims.⁸¹

In November 2019, President Nayib Bukele declared that the government would open the military archives related to the December 1981 El Mozote massacre as requested by Jorge Guzmán, an examining magistrate in San Francisco Gotera, Morazán.⁸²

In 2019, the trial continued against former military commanders accused in the 1981 El Mozote massacre (see item above), where soldiers committed mass rapes and killed 978 civilians, including 553 children. Investigations reached hearings in only 14 of 48 cases involving 116 extrajudicial killings committed from 2014 to 2018 that the Salvadoran Ombudsperson for the Defense of Human Rights (PDDH) examined. Two resulted in convictions.⁸³

EQUATORIAL GUINEA

Previous *Annual Report* entries: 2019.

ERITREA

Previous *Annual Report* entries: 2008, 2016, 2018.

ESTONIA

Previous *Annual Report* entries: 2007, 2010, 2015, 2017.

⁸¹ Amnesty International, *Human Rights in the Americas: Review of 2019* (London: AI, 2020), 49.

⁸² Gabriel Campos Madrid, "[Gobierno dice que abrirá archivos militares](#)," *La prensa gráfica* (3 November 2019); Nelson Rauda, "[Juez de El Mozote envía inspectores a buscar los archivos que el Ejército niega](#)," *El Faro* (26 June 2020).

⁸³ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 185.

ETHIOPIA

Previous *Annual Report* entries: 1998–2011, 2015–2019.

A national reconciliation commission was set up in December 2018, resting on two pillars: the first concerning reconciliation, peace and national cohesion, the second to identify “the nature, cause, and dimension of the repeated gross violations of human rights.” What constituted gross human rights violations, however, was not defined.

Between 1974 and 1991, the Derg regime, led by Mengistu Hailemariam, killed over 150,000 people including students, academics, and political opponents, torturing, forcibly disappearing, and arbitrarily arresting many more. Mengistu fled to Zimbabwe in 1991 and was tried and convicted in absentia for genocide and war crimes by an Ethiopian court in 2006. On 28 May 1991, liberation groups overthrew the Derg and formed a coalition government. The coalition pledged to establish human rights in the country and respect the rule of law, but its military also murdered, raped, and tortured civilians in Gambella and the Somali region, and enforced systemic repression around election periods. Between 2014 and 2018, protesters, many of them students, took to the streets. In his inaugural address in 2018, Prime Minister Abiy Ahmed apologized for massive rights abuses and welcomed opposition groups back home. “I call on us all to forgive each other from our hearts — to close the chapters from yesterday, and to forge ahead to the next bright future through national consensus,” Abiy said in one address. So far, however, the commission’s mandate remained unclear, and some of its members lacked the necessary technical expertise to effectively carry out the body’s fact-finding function.⁸⁴

On 29 June 2020, in the turmoil and protests following the killing of Oromo musician Hachalu Hundessa (1986–2020), well-known for his political songs often inspired by Ethiopian history, protesters pulled down a statue of royal prince Ras Makonnen Wolde Mikael (1852–1906), sitting on a horse, in Harar, eastern Ethiopia. The father of Haile Selassie (1930–1974), Ethiopia’s last emperor, Ras Makonnen had been an important military figure and former governor of Harar province under then-Emperor Menelik II (1844–1913). Hachalu shared the view of Oromo historians that what was currently known as Addis Ababa was once the home of the Tulama clans of the Oromo, and that they were forced out by Emperor Menelik II. In June 2020, Hachalu had angered the emperor’s supporters after he had accused Menelik II of stealing the horses of Oromos – who saw themselves as warriors and horsemen – when he established Addis Ababa as his seat of power and as Ethiopia’s capital in 1886. Machalu had received several death threats. On 30 June 2020, a statue of Haile Selassie was destroyed in Cannizaro park,

⁸⁴ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 207; Solomon Ayele Dersso, “Ethiopia’s Experiment in Reconciliation,” *USIP Press* (23 September 2019); Laetitia Bader, “To Heal, Ethiopia Needs to Confront its Violent Past,” *Human Rights Watch* (28 May 2020).

Wimbledon, south-west London. The damage to the bust was carried out by a group of around 100 people. Haile Selassie lived in Wimbledon in 1936 during his exile following the Italian invasion of Ethiopia.⁸⁵

See also Rwanda.

⁸⁵ [“Hachalu Hundessa: Deadly Protests Erupt after Ethiopian Singer Killed,”](#) *BBC News* (30 June 2020); [“Hachalu Hundessa – Ethiopia’s Murdered Musician Who Sang for Freedom,”](#) *BBC News* (2 July 2020); [“Haile Selassie: Statue of Former Ethiopian Leader Destroyed in London Park,”](#) *BBC News* (2 July 2020).

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012, 2017.

In November–December 2019, the Finnish government, the Skolt Sámi village meeting, and the Sámi parliament all accepted the mandate of a Truth and Reconciliation Commission (TRC), tasked with investigating atrocities committed against Finland’s Indigenous populations. The TRC’s primary stated goal was to recognize and evaluate the discrimination faced by Sámi people throughout history, and the continuing current effects of the trauma caused by officially sanctioned oppression. It would investigate the forced integration tactics used by the government and the trauma that Sámi people still faced due to Finland’s racist schemes of oppression. TRC preparations started in 2016.⁸⁶

See also Russia.

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2014, 2016–2018.

In the spring of 2019, it was discovered that the Departmental Archives of the Haute-Garonne had destroyed police and court records of Spanish exiles who came to Toulouse in 1939. Toulouse was known as the exile capital of France and as the fifth province of Catalonia.⁸⁷

On 21 October 2019, a Holocaust memorial plaque in the center of Lyon (installed in 2011) was vandalized. It contained the names of the 86 Jews arrested on 9 February 1943, most of them subsequently murdered in Auschwitz and Sobibor. On the plaque, black paint was used to cross out their names.⁸⁸

⁸⁶ “[Sámi Reconciliation Process Gains Final Approval](#),” *Yle* (18 December 2019).

⁸⁷ Bruno Pardo Porto, “[Francia destruye parte de la memoria histórica del exilio ante la inacción del Gobierno español](#),” *ABC* (2 February 2020).

⁸⁸ Norman Goda, “[The History Behind a Recently Defaced French Holocaust Memorial](#),” *History News Network* (10 November 2019).

On 1 February 2020, historian Jean-Marc Berlière, expert in French police history, criticized the Defense Ministry Historical Service, which since the beginning of 2020 had closed all police files from 1940 until the present, making research on World War II very difficult, if not impossible. On 14 February 2020, a group of French historians started a petition directed to President Emmanuel Macron, Prime Minister Édouard Philippe, Minister of Culture Franck Riester, Minister for the Armed Forces Florence Parly and the Secrétariat général de la Défense et de la Sécurité nationale (SGDSN) to lift access restrictions to the public archives of contemporary history (1940–1970), in particular the instruction of November 2011 (tightened in December 2019) to declassify secret records one by one — threatening historical writing about World War II, the decolonization of Algeria and other subjects.⁸⁹

On 12 June 2020, the State Council ruled that genocide researcher François Graner [see NCH Annual Report 2018] was allowed to consult the archives of late President François Mitterrand. In April 2019, President Macron had appointed a panel of experts to investigate France’s actions in Rwanda.⁹⁰

On 23 June 2020, an activist of the group Brigade Anti Négrophobie vandalized the statue of Jean-Baptiste Colbert (1619–1683) outside the National Assembly, spraying the words “nérophobie d’État” (the state’s fear of black people) at the monument’s base before police detained him. Colbert was a statesman who served under King Louis XIV and helped write the *Code noir* (1685; Black Code) on his orders. The *Code noir* set regulations for French colonies in the Americas and the Caribbean, including banning Jewish people from all colonies, defining how slavery would work, and restricting the freedoms of free black people.

In Lille, protesters wrote the words “murderer” and “colonist” on the statue of Louis Faïdherbe (1818–1889), a nineteenth-century governor of Senegal when it was a French colony.⁹¹

See also Cameroon, Central African Republic, Iran, Yemen.

⁸⁹ Benoit Robert, “[Les historiens n’ont plus accès aux archives de 39-45, leurs travaux sont menacés](#),” *Ouest-France* (1 February 2020); [Petition text](#); “[Archives, secret défense et crise sanitaire : le rôle opaque du Secrétariat général de la défense et de la sécurité nationale \(SGDSN\)](#),” *L’Humanité* (22 April 2020).

⁹⁰ “[France Grants Researcher Access to Mitterrand’s Archive on Rwandan Genocide](#),” *France 24* (12 June 2020).

⁹¹ “[France Colbert Row: Statue Vandalised over Slavery Code](#),” *BBC News* (24 June 2020); Lucy Williamson, “[Colonial Abuses Haunt France’s Racism Debate](#),” *BBC News* (19 June 2020); Olga Nedbaeva & Fiachra Gibbons, “[Top French Historian Slams Macron’s Hardline Stance on Statues](#),” *AFP* (24 June 2020).

GABON

Previous *Annual Report* entries: 2016, 2018.

GAMBIA

Previous *Annual Report* entries: 2016–2018.

See Myanmar.

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012, 2014, 2016, 2019.

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2013, 2015–2017, 2019.

In December 2019, Sibylle Ehringhaus did not renew her contract as an art provenance researcher at the Georg Schäfer Museum in Schweinfurt, northern Bavaria. Since 2016, she had to verify claims of heirs of Jewish collectors who said that some of their works in the museum had been stolen by the Nazis and should be returned. Ehringhaus said that she was denied access to historical documents vital for her research and forbidden to contact colleagues at another museum with her research inquiries. She added that although she had identified several plundered works, the museum did not seem to have any plans to return them to the heirs of the original Jewish owners.⁹²

On 4 February 2020, the regional appeals court of Saxony-Anhalt in Naumburg ruled on a complaint by Michael Düllmann that a thirteenth-century anti-Semitic carving showing a rabbi and two other Jews with a pig on the wall of the Stadtkirche in Wittenberg (where Martin Luther preached) was defamatory to the Jewish people and should be removed. The court, however, rejected the complaint, saying that

⁹² Catherine Hickley, "[She Tracked Nazi-Looted Art: She Quit When No One Returned It](#)," *New York Times* (17 March 2020); Jenn Gidman, "[Researcher: Museum Won't Give Up Art Nazis Plundered](#)," *Newser* (20 March 2020).

since the 1980s the church had undertaken serious efforts to contextualize the carving, finding that while the sculpture would be offensive if viewed in isolation, “in the context in which it has been placed by the church it has lost its insulting character.”⁹³

On 2 April 2020, an almost 200-foot (around 60-meter) stretch of the graffiti covered Berlin Wall was demolished in Pankow, northeast Berlin, to make way for new apartments. The Berlin Wall Foundation said it had not been informed about the removal.⁹⁴

On 20 June 2020, the far-left party Marxist-Leninist Party of Germany (MLPD) unveiled a statue of Communist leader Vladimir Lenin (1870–1924) in front of its headquarters in Gelsenkirchen. City authorities had attempted to stop the statue being installed, but the courts had blocked their appeals.⁹⁵

See also Cameroon, Czech Republic, Iran, Iraq, Israel, United Kingdom, United States.

GHANA

Previous *Annual Report* entries: 2002, 2004–2008, 2017, 2019.

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011, 2013–2019.

GRENADA

Previous *Annual Report* entries: 2007.

⁹³ “[Anti-Semitic Sculpture to Remain on German Church](#),” *BBC News* (4 February 2020).

⁹⁴ Kate Brown, “[A 200-Foot Section of the Berlin Wall Has Been Torn Down to Make Way for Condos, Leaving Historians Appalled](#),” *Artnet News* (2 April 2020).

⁹⁵ “[Gelsenkirchen: Controversial Lenin Statue Erected in German City](#),” *BBC News* (21 June 2020).

GUATEMALA

Previous *Annual Report* entries: 1995–2019.

In early June 2019, in the middle of safe third-country negotiations between Guatemala and the United States, Kimberly Breier, the U.S. assistant secretary of state for Western Hemisphere affairs, blocked the release of a public statement that would have urged Guatemala to back down on its effort to restrict access to the Archivo Histórico de la Policía Nacional (AHPN; Historical Archive of the National Police) [see NCH Annual Reports 2013, 2019]. In early July 2019, the Guatemalan Ministry of Culture and Sports informed the United Nations Development Programme (UNDP, responsible for administering international donations to the AHPN) that it would take over full management of the archives. On 10 July 2019, Anna Carla Ericastilla, director for more than a decade of the Archivo General de Centro América (AGCA; Guatemala’s national archives), was dismissed on the grounds that she had provided access to the AHPN to foreign institutions, including the University of Texas, and improperly raised funds from donors to pay salaries to archivists. The staff that was reduced from hundreds to 35 people, operating on temporary contracts that needed renewal every couple of months. The investigations unit – which, in the past, constantly reviewed records for information to give to families of the disappeared, human rights investigators, scholars, and prosecutors – was eliminated. Outside researchers were not permitted to conduct their work on AHPN premises but were asked to submit record requests under the Access to Information law. Gustavo Meoño Brenner, who had been dismissed as AHPN director in August 2018, left Guatemala; Ericastilla would give a declaration in her first hearing before the Public Ministry on 18 November 2019 to address the criminal complaint filed against her. She also asked a labor tribunal to order compensation for her unjustified dismissal from the archives.⁹⁶

In July 2019, the Human Rights Ombudsman filed an amparo (a request for the protection of legal rights) with the Supreme Court of Justice to ensure preservation of and access to the AHPN police records (see item above). When no decision was forthcoming, on 3 February 2020 the Ombudsman together with representatives of the prosecutor for human rights and the Association of University Students, in a public hearing renewed the request. On 3 March 2020, the Supreme Court ruled in favor of the Ombudsman’s position. Applying Article 2 of the American Convention on Human Rights, the

⁹⁶ David Fricker & Antonio González Quintana, “Statement of the International Council On Archives on the Situation of the Historical Archives of the National Police of Guatemala” (16 June 2019); Colum Lynch, “[Guatemala Declares War on History](#),” *Foreign Policy* (30 July 2019); “[Joint Declaration of the International and National Advisory Councils of the Historical Archive of the National Police of Guatemala \(AHPN\)](#)” (English and Spanish versions; 17 November 2019); National Security Archive, “[Joint Declaration on the Guatemala Police Archive](#)” (18 November 2019).

court said that the Interior Ministry must not “threaten the integrity” of the AHPN archives. The Ministry of Culture, which was the home of the national archives, must develop a plan within four months to restore the archive’s staff to numbers sufficient to carry on the work, the Congress must work on a revised archives law, and the government should obtain advice from national and international archivists. The Court cited the 16 June 2019 statement published by the International Council on Archives on the Guatemalan police archives.⁹⁷

The limited progress that Guatemala made in recent years in judging crimes of the past seemed to have come to a standstill. In November 2018, a former special forces member was convicted for his role in the 1982 Dos Erres massacre, in which Guatemalan army special forces killed around 200 civilians as part of its counterinsurgency policy during the armed conflict (1960–1996). In 2011 and 2012, five others had been convicted for their roles in the massacre. However, ten others remained at large and three high-level former officials, including former President Efraín Ríos Montt, died before facing trial. In June 2019, in a case regarding sexual violence against 36 Maya Achí women in the 1980s, a pre-trial judge dismissed proceedings against six former paramilitaries and ordered the immediate release of the defendants after she excluded key evidence from the case, including testimonies from victims and witnesses. At the end of 2019, plaintiffs’ appeals against the decision remained pending, as did the request from the prosecutor to strip the judge of immunity and charge her with malfeasance and denial of justice. The same judge had reached a similar decision in the CREOMPAZ case, involving enforced disappearances and sexual violence at a military base during the armed conflict. The judge barred 123 of the 152 victims from the case and excluded key military documents from the evidence. The prosecutors’ appeals remained pending at the end of 2019.

In March 2019, Guatemalan Congress passed the second (of three required) approvals of a bill that would provide amnesty for genocide and other past atrocities, in clear violation of international human rights law. That same month, the Inter-American Court on Human Rights ordered Guatemala, in a binding ruling, to shelve the proposed legislation and in July 2019, Guatemala’s Constitutional Court issued a similar ruling. However, at the end of 2019, that had not happened.⁹⁸

GUINEA

Previous *Annual Report* entries: 2007, 2009–2019.

⁹⁷ *Archives and Human Rights: News from the Section on Archives and Human Rights* (No. 123; February 2020), 1.

⁹⁸ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 244.

At least eleven demonstrators were allegedly shot dead by the security forces during protests on 14–16 October 2019. Security forces shot dead three people during a 4 November 2019 funeral procession to commemorate October’s protest deaths. Security forces shot dead three more protesters on 7 November 2019.⁹⁹

Ten years after security forces massacred over 150 peaceful opposition supporters, and raped dozens of women, at a stadium on 28 September 2009, those responsible have not been tried. Judges indicted fourteen people over the massacre, including Moussa Dadis Camara, then-leader of the military junta that ruled Guinea in September 2009, and individuals who remained in positions of power such as Moussa Tiegboro Camara, who was in charge of fighting drug trafficking and organized crime. In August 2019, a steering committee, established in August 2018 to organize the trial, confirmed Conakry’s Court of Appeal as the site for the trial. Justice Minister Mohammed Lamine Fofana stated in November 2019 that the trial would take place no later than June 2020.

With the exception of a handful of cases, impunity largely continued for past human rights abuses. There have been no trials for alleged killings of demonstrators by the security forces during protests in 2018, as well as for demonstrators killed in protests in 2019 (see item above). There have similarly been no trials for the killing of protesters prior to and following the 2015 presidential elections and the 2013 parliamentary elections; for the 2012 killing of six men in the southeastern mining village of Zoghota; or the 2007 killing by security forces of some 130 unarmed demonstrators.

The trial of the former governor of Conakry, Sékou Resco Camara, and the former head of the army, Nouhou Thiam, for the 2010 torture of several opposition detainees, which began in April 2018, was repeatedly delayed.¹⁰⁰

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012, 2015.

GUYANA

Previous *Annual Report* entries: 1997.

⁹⁹ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 249.

¹⁰⁰ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 250.

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2013–2019.

Accountability for past human rights abuses continued to be a challenge. As of November 2019, a re-opened investigation into crimes committed by former President Jean-Claude Duvalier’s collaborators remained pending. Duvalier died in 2014, six months after the Port-of-Prince Court of Appeal ruled that the statute of limitations could not be applied to crimes against humanity and ordered that investigations against him should continue for crimes committed during his presidency (1971–1986). Allegations of violations included arbitrary detentions, torture, disappearances, summary executions, and forced exile [see NCH Annual Reports 2000–2001, 2003, 2012–2019].¹⁰¹

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2015.

HONG KONG

Previous *Annual Report* entries: 1996. *See* China.

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2019.

On 13 February 2019, the Committee of Historical Sciences of the Polish Academy of Sciences expressed its support for the action of the Hungarian Academy of Sciences aiming to preserve the autonomy of its research and finances.¹⁰²

In June 2019, Prime Minister Viktor Orbán signed a decree to incorporate the 1956 Institute (a historical research center funded in June 1989 and dedicated to the 1956 Hungarian uprising against the Soviet

¹⁰¹ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 255.

¹⁰² [Letter from Tomasz Schramm \(Head of the Presiding Office of the Committee of Historical Sciences\) to László Lovász \(President of the Hungarian Academy of Sciences\)](#) (13 February 2019).

Union) into the Veritas Historical Research Institute and Archive, created by the government in 2014 and which critics said promoted a version of history favoring Orbán's agenda. The 1956 Institute had been part of the national library and its director, historian Janos Rainer, was not consulted prior to the decision. All ten historians employed at the institute resigned. Government spokespersons insisted that the change was intended to improve the efficiency of research.¹⁰³

In 2019, the government withdrew accreditation and funding for the two gender studies masters' programs in Hungary (at Eötvös Loránd University, ELTE, and Central European University, CEU). Andrea Petó, historian in the CEU Department of Gender Studies, received an anonymous threatening email via the website academia.edu because of her lectures dealing with gender, politics, the Holocaust, and war. The email was also anti-Semitic, saying that it "foresaw the eradication of her breed." The CEU offered to provide her with a bodyguard, but she turned the offer down. As a result of the affair, her book on sexual violence during World War II in Hungary moved on to the bestseller list and remained there for weeks. Petó is the author, with Ildikó Barna, of *Political Justice in Budapest after World War II* (2015); co-editor, with Ayşe Gül Altınay, of *Gendered Wars, Gendered Memories: Feminist Conversation on War, Genocide and Political Violence* (2016), and has edited the volume on War in the *Interdisciplinary Handbook: Gender Series* (Macmillan, 2017). She has also written about the women raped by Soviet soldiers at the end of the Second World War, in *Telling the Untellable* (in Hungarian).¹⁰⁴

In mid-February 2020, after Prime Minister Orbán emphasized national pride in his state-of-the-nation speech on 16 February, the government announced that it would modify the national curriculum in September in order to instill a spirit of national pride in school pupils. The change would affect the teaching of history and literature. Hungarian history would be taught in a continuous form while global history only insofar as it affected Hungary. Military victories would be emphasized, defeats downplayed. State-published textbooks would be pushed. The move was widely criticized, among others by the President of the Történelemtanárok Egylete (TTE; Association of Hungarian History Teachers), László Miklósi. TTE published reports outlining the many errors in new state-published history textbooks.¹⁰⁵

See also Czech Republic.

¹⁰³ Valerie Hopkins, "[Hungary's Viktor Orban and the Rewriting of History](#)," *Financial Times* (25 July 2019).

¹⁰⁴ Sally Gimson, "Macho Politics Drive Academic Closures," *Index on Censorship*, 2019 no. 3, 103; "[Andrea Peto](#)" (CEU website, September 2019); Matthew Reisz, "[History: From a Different Perspective](#)," *Times Higher Education* (16 August 2018).

¹⁰⁵ Nick Thorpe, "[Hungary's New Patriotic Education Meets Resistance](#)," *BBC News* (25 February 2020); Zsolt Istvan Vodli, "[History and Courage: The Position of Teachers in Hungary](#)," *EuroClio* (7 October 2019).

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2019.

In March 2019, it was announced that National Council for Educational Research and Training (NCERT) history textbooks for class IX would soon no longer contain chapters related to caste conflict. They would be removed as part of the curriculum-rationalizing exercise initiated by Minister of Human Resource Development Prakash Javadekar to reduce the burden on students. Chapters to be deleted included those on clothing (and how social movements influenced how people dressed), on the history of cricket in India (and its connection to the politics of caste, region and community), and on the growth of capitalism (and how colonialism altered the lives of peasants and farmers). In 2016 already, the Central Board of Secondary Education (CBSE) had sent a circular to affiliated schools stating that no questions should be asked from the section “Caste Conflict and Dress Change” in 2017 as it was omitted from the syllabus.¹⁰⁶

In October 2019, historian Ramachandra Guha [see NCH Annual Report 2019], filmmakers Adoor Gopalakrishnan and Mani Ratnam, and 46 others, were charged with sedition in Muzaffarpur, Bihar, for writing an open letter to Prime Minister Narendra Modi urging him to combat the frequent mob lynchings since he assumed office. The charges (that also included “tarnishing the image of the country,” “undermining the impressive performance of the prime minister” and “supporting secessionist tendencies”) were dropped later.

On 19 December 2019, police detained historian Guha together with 200 peaceful protesters during a demonstration in Bengaluru (Bangalore), Karnataka, against a new citizenship law (see item below), which critics said was prejudicial to Muslims and undermined India’s secular constitution. Several cities, including the capital New Delhi and Bengaluru, imposed curbs on public gatherings after some protests turned violent.¹⁰⁷

On 9 November 2019, the Supreme Court of India unanimously pronounced its verdict in the Ayodhya title dispute case, saying that the Hindu parties would be given the disputed land where the Babri Masjid (mosque) once stood. The Sunni Waqf Board, the biggest Muslim litigant in the case, would be given five acres at a separate “prominent” location in Ayodhya. The court said that a (disputed) report by the

¹⁰⁶ [“NCERT Is Removing Caste Conflict Chapters from Class 9 History Textbooks for HRD Ministry Exercise,”](#) *India Today* (19 March 2019).

¹⁰⁷ [“Indian Police Detain Historian Guha at Protest against Citizenship Law,”](#) *Reuters* (19 December 2020); Soutik Biswas, [“Citizenship Act Protests: How a Colonial-era Law Is Being Used in India,”](#) *BBC News* (20 December 2020); [“Ramchandra Guha, Mani Ratnam, Aparna Sen among 49 Booked for Sedition for Letter to Narendra Modi against Mob Lynching,”](#) *The Hindu* (4 October 2019); Somak Ghoshal, “Modi and His Angry Men,” *Index on Censorship* (2019 no. 4), 27–28.

Archaeological Survey of India (ASI) provided evidence that the remains of a building “that was not Islamic” were beneath the structure of the demolished Babri mosque. The judgment delivered was in the civil dispute case. The criminal case on the December 1992 demolition of the 450-year-old mosque was still pending in a special Central Bureau of Investigation court in Lucknow [See also NCH Annual Reports 2002–2004, 2006–2007, 2010–2011, 2015, 2017].¹⁰⁸

On 27 November 2019, Pragya Thakur, a controversial member of parliament from the ruling Bharatiya Janata Party (BJP), was dropped from a key parliamentary panel after she had called Mahatma Gandhi’s killer “a patriot” during a discussion in the lower house of parliament, repeating the comment for the second time (the first time was in May). Gandhi was killed on 30 January 1948 by Nathuram Godse, an activist with nationalist right-wing groups who saw Gandhi as too moderate. The comment sparked outrage, including from Prime Minister Narendra Modi. Thakur later apologized.¹⁰⁹

On 16 January 2020, in the context of wide peaceful protests against the Citizenship Amendment Act (CAA) and NRC (National Register of Citizens), Sharjeel Imam, a PhD student in modern Indian history at Jawaharlal Nehru University (JNU; New Delhi), delivered a speech at Aligarh Muslim University (AMU; Uttar Pradesh) in which he called for a *chakka jam* – a road blockade – on the highway to Assam, that would be so effective that the North East (which includes Assam) was cut off from the rest of India. Imam was also accused of making an inflammatory anti-CAA speech at Jamia Millia Islamia in Delhi. Five states filed FIRs (First Information Reports) for sedition and other grave crimes against him. The chief ministers of Delhi and Uttar Pradesh also issued statements condemning him as “anti-national.” On 27 January 2020, Imam was arrested by the Delhi Police in Jehanabad, Bihar, on sedition charges. Around the same time, JNU’s chief proctor summoned Imam to appear before him for his speech at AMU, “endangering the unity, integrity and sovereignty of the country.” The CAA and NRC were widely believed to be anti-Muslim measures.¹¹⁰

In February 2020, the right-wing Hindutva group Hindu Janajagruti Samiti (HJS) demanded the immediate withdrawal of a Class XI World History textbook published by the Goa Board of Secondary

¹⁰⁸ Supreme Court of India, [M. Siddiq versus M.S. Das and others: Judgment](#) (9 November 2019); “[Ayodhya: Once There Was A Mosque](#)” [timeline], *The Wire* (9 November 2019); “[Supreme Court Verdict: Ram Temple Trust to Get Disputed Ayodhya Land](#),” *The Wire* (9 November 2019); “[Ayodhya Verdict: Indian Top Court Gives Holy Site to Hindus](#),” *BBC News* (9 November 2019); Soutik Biswas, “[Ayodhya Verdict: The Man Who Helped Lord Ram Win](#),” *BBC News* (9 November 2019); B. Z. Khasru, “[Muslims Should Reject Indian Supreme Court’s Land Offer](#),” *History News Network* (12 November 2019); Nandini Surdar, “[Five Acres in Lieu of Citizenship](#),” *The Wire* (15 November 2019).

¹⁰⁹ “[Pragya Thakur: India MP Sacked from Panel for Calling Gandhi Killer ‘a Patriot’](#),” *BBC News* (28 November 2019).

¹¹⁰ Apoorvanand, “[Sharjeel Imam’s Speech Was Wild and Irresponsible, But Was It ‘Sedition’?](#)” *The Wire* (27 January 2019); Shuriah Niazi, “[Sedition Charges against JNU Scholar for Citizenship Speech](#),” *University World News* (30 January 2020).

and Higher Secondary Education (GBSHSE), because it allegedly depicted Marathi King Chhatrapati Shivaji (1627–1680) in a too critical light, calling the content “totally false.” The textbook claimed that when Shivaji attacked Goa in the late 1600s, his forces not only plundered the countryside, but also killed prisoners. In a reaction, Goa chief minister Pramod Sawant hinted that the contentious sections would be deleted from the next print.

In 2016, the HJS was one of several Hindu groups that had demanded the immediate removal of a picture in the Balbharti textbook for Class IV that allegedly depicted Shivaji “embracing” Afzal Khan. On other occasions, the HJS had demanded a ban on a book containing derogatory remarks about Hindutva ideologue V. D. Savarkar (1883–1966) and action against the book’s author and publisher. HJS members, or of its parent group Sanatan Sanstha, were also accused of involvement in the killings of rationalists and activists such as M. M. Kalburgi [see NCH Annual Report 2016].¹¹¹

On 5 March 2020, the Karnataka government – led by the Bharatiya Janata Party (BJP) – recommended the withdrawal of 46 legal cases, mostly against leaders of the BJP, the Vishva Hindu Parishad (VHP) and several right-wing organizations (such as Bajrang Dal). These leaders were accused of direct involvement in violence that erupted around the birth anniversary celebrations of 18th-century ruler of the Kingdom of Mysore Tipu Sultan (1750–1799) on 10 November (called Tipu Jayanti), of fanning communal tension in the state, making inflammatory speeches and derogatory comments on Tipu Sultan, and ridiculing then state chief minister Siddaramaiah in their speeches. These cases – ranging from assaults on Muslims celebrating Tipu Jayanti to unlawful assembly – were registered across Karnataka between 2014 and 2018 when the Congress party was in power. While Congress lauded Tipu Sultan as a national hero, the BJP and its right-wing affiliates weaved tyrannical stories of mass murder, torture and pillaging around Tipu Sultan and demanded that he should be condemned.

One day after the BJP had come to power in July 2019, it had announced a state-wide cancelation of celebrations of Tipu Sultan Jayanti, a decision challenged in the Karnataka high court by Bilal Ali Shah, who claimed to be Tipu Sultan’s descendant, and two organizations, Tipu Sultan United Front and Tipu Rashtreeya Seva Sangha, Bengaluru. In January 2020, the court gave the government eight weeks to reconsider its decision and to peruse voluminous records and literature on Tipu before issuing a fresh order. The state was yet to make a new decision on this.¹¹²

On 23 May 2020, the Delhi Police arrested Jawaharlal Nehru University students Devangana Kalita ([1990]–), studying at the Center for Women’s Studies, and Natasha Narwal ([1988]–), a PhD student

¹¹¹ [“Goa: Hindutva Group Objects to Textbook’s ‘Distorted History’ of Shivaji’s Raids,”](#) *The Wire* (20 February 2020).

¹¹² Sukanya Shantha, [“Tipu Jayanti: Karnataka Govt Proposes Withdrawal of Cases Against BJP, VHP Leaders,”](#) *The Wire* (18 May 2020).

at the Center for Historical Studies. Both were founding members of Pinjra Tod, a women’s student organization. The arrests were connected to their alleged role in the Jafrabad Metro Station sit-in protest against the Citizenship Amendment Act (CAA) in February 2020 (see also item above). The Jafrabad sit-in had prompted a pro-CAA rally on 23 February and on 24 February riots broke out in northeast Delhi. The two students were arrested under Indian Penal Code sections 186 (obstructing public servant in discharge of public functions) and 353 (assault or criminal force to deter public servant from discharge of his duty). Freed on bail, Kalita and Narwal were immediately re-arrested by the Crime Branch on new charges ranging from section 147 (rioting), 307 (attempt to murder), 302 (murder), among others, related to the northeast Delhi riots.¹¹³

See also China.

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2013, 2015–2019.

See China, Netherlands.

IRAN

Previous *Annual Report* entries: 1996–2019.

In 2015, the Ministry of Intelligence opened a case against Baktash Abrin, Reza Khandan-Mahabadi, and Keyvan Bazhan, members of the unauthorized Iranian Writers’ Association (IWA). The trial started on 22 January 2019 before Branch 28 of the Revolutionary Court during which they were indicted on the politically motivated charges of “spreading propaganda against the regime” and “assembly and collusion against national security” relating to their publications critical to the censorship of art and literature in Iran as well as their IWA membership. Evidence submitted against them included the publication of the IWA’s internal newsletter and statements, the compilation of a book on IWA history, and attendance of the annual commemoration of Mohammad Mokhtari (1942–1998) and Mohammad-Jafar Pouyandeh (1954–1998) – two victims of the so-called Serial Murders (relating to at least fourteen

¹¹³ Aranya Shankar & Jignasa Sinha, “[Delhi Police Arrest Two Women from Pinjra Tod over February Protest](#),” *Indian Express* (24 May 2020); “[Anti-CAA Protest: Pinjra Tod Activists Granted Bail, Rearrested](#),” *The Hindu* (25 May 2020).

dissidents who were killed or disappeared between 1988 and 1998) – as well as the memorial ceremony of renowned Iranian poet Ahmad Shamlu (1925–2000). On 28 December 2019, it was announced on appeal that the verdict for Bazhan had been commuted from six to three and half years’ prison, and the verdicts for Abrin and Khandan, each sentenced to six years’ prison, had been upheld.¹¹⁴

On 7 December 2019, Xiyue Wang [see NCH Annual Reports 2018–2019], a PhD student in the Department of History at Princeton University and a China-born naturalized United States citizen since 2009, was released in a prisoner swap; he went to Switzerland, Germany, and then back to the United States. Later, Wang declared that his Iranian interrogators had wanted to extract a confession of espionage from him.¹¹⁵

On 5 June 2019, Franco-Iranian Fariba Adelkhah (1959–), social and political anthropologist, specialist in Shia Islam, and director of research at Sciences Po’s Center for International Studies (CERI) in Paris, and sociologist Roland Marchal ([1955]–) a senior researcher at CERI with a focus on civil wars in sub-Saharan Africa, were arrested by Islamic Revolution Guard Corps (IRGC) intelligence agents in Tehran. According to their defense attorney, Adelkhah was charged with “espionage” (later replaced by “propaganda against the political system” and “conspiracy against national security”) and Marchal with “conspiracy against national security.” Marchal was sentenced to five years’ imprisonment. Adelkhah was denied consular assistance. On 24 December 2019, Adelkhah started a hunger strike with Australian co-prisoner Kylie Moore-Gilbert of the University of Melbourne. She ended it on 12 February 2020 after health concerns. On 23 February 2020, she was admitted to a prison hospital for treatment for severe kidney damage. Adelkhah was brought before Tehran’s Revolutionary Tribunal during a closed-door hearing on 3 March 2020 for the first time. On 20 March 2020, Iran and France agreed to swap Marchal and Iranian engineer Jalal Ruhollahnejad (detained in France over alleged violations of American sanctions against Tehran) and he was released the same day. On 16 May 2020, Adelkhah was

¹¹⁴ International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 119.

¹¹⁵ Website about Xiyue Wang: <https://sites.google.com/view/freexiyuewang> “[Wife Pleads for Release of Princeton Student Incarcerated in Iran While Doing Research on Dissertation](#),” *Committee of Concerned Scientists* (9 June 2019); Laura Dean, “[The Threat of War Brings New Fears to an American Hostage in Iran](#),” *New Yorker* (24 June 2019); “[UN Experts Urge Iran to Release Imprisoned American Scholar Xiyue Wang](#)” (press release, 7 May 2019); Hua Qu, “[My Husband Is Unjustly Imprisoned in Iran: The International Community Must Help](#),” *Washington Post* (24 May 2019); Scholars at Risk, [Case Information](#) (7 August 2019); [Template letter to Ayatollah Ali Khamenei](#) (7 August 2019); Teresa Davis, “[Iran Has Imprisoned a Historian for Three Years: Here’s Why His Research Matters](#),” *Washington Post* (8 August 2019); “[Iran’s Jailed Dual Nationals and Their Uncertain Fate](#),” *BBC News* (1 October 2019); Danielle Ranucci, “[Vigil Marks Third Year of Wang’s Detainment](#),” *Daily Princetonian* (4 October 2019); Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: Scholars at Risk, 2019), 17; Michael Crowley, “[In Prisoner Swap, Iran Frees American Held Since 2016](#),” *New York Times* (7 December 2019); “[US and Iranian Men Released in Prisoner Swap](#),” *BBC News* (7 December 2019); Colin Dwyer, “[Released From Iranian Prison, U.S. Student Xiyue Wang Says He Was Held As A ‘Hostage’](#),” *NPR* (11 June 2020).

sentenced to six years in prison, five for conspiring against national security and one for propaganda against the state. On 5 June 2020, President Emmanuel Macron urged Iran to release Adelkhah.

Adelkhah's research focused on social and political change in Iran during the second half of the 20th century. She had done research in Iran for several months and spent time in the holy city of Qom to examine the movement of Shia clerics between Afghanistan, Iran, and Iraq. Among her books were *Revolution under the Veil: Islamic Women of Iran* and *Being Modern in Iran*, about changes in Iran after the 1979 Islamic revolution.¹¹⁶

See also Argentina, Iraq, United States, Yemen.

IRAQ

Previous *Annual Report* entries: 1998, 2000–2019.

On 11 January 2020, the Secretary-General of the International Historians Association for Culture, Development, and Social Sciences, Ibrahim Saeed Al-Baidhani, a specialist in American and European modern history and foreign relations, was the subject of a failed assassination attempt in central Baghdad by an unknown group that stabbed him before fleeing. The attack appeared to be connected to a string of violent attacks and kidnappings targeting activists and public figures since the start of nationwide protests in October 2019.¹¹⁷

On 6 July 2020, historian Hisham al-Hashimi (1973–2020) was fatally shot by unknown gunmen

¹¹⁶ [“Fariba Adelkhah: French-Iranian Academic ‘Arrested in Iran’,”](#) *BBC News* (15 July 2019); Angelique Chrisafis & Jennifer Rankin, [“France Demands Access to Dual-National Academic Held in Iran,”](#) *The Guardian* (15 July 2019); Ehsan Abdoh-Tabrizi, personal communication (24 July 2019); [“Paris Demands Answers after Franco-Iranian Academic Arrested in Iran,”](#) *France24* (15 July 2019); [“France Confirms Second Academic Detained in Iran since June,”](#) *France24* (16 October 2019); John Irish, [“France Demands Iran Release Two of Its Citizens Held since June,”](#) *Reuters* (16 October 2019); Ehsan Abdoh-Tabrizi, personal communication (28 October 2019); Nasser Karimi, [“Iran Lawyer: No Proof of Charges against 2 French Citizens,”](#) *AP News* (28 October 2019); Allan Kaval, [“Détenue à Téhéran, l’universitaire franco-iranienne Fariba Adelkhah entame une grève de la faim,”](#) *Le Monde* (27 December 2019); AFP, [“France Calls for ‘Gesture’ from Iran over Detained Academics,”](#) *France24* (10 January 2020); [“Iran: Free Fariba Adelkhah and Roland Marchal!”](#), *Scholars at Risk* (11 February 2020); AFP, [“Jailed French Academic Adelkhah hospitalised in Iran: Lawyer,”](#) *France24* (25 February 2020); AFP, [“Two Detained French Academics Go on Trial in Iran,”](#) *France24* (3 March 2020); [“Iran, France to Swap Iranian Engineer, French Academic,”](#) *Reuters* (20 March 2020); [“Iran Releases French Academic Roland Marchal: French Official,”](#) *Reuters* (21 March 2020); Christophe Boisbouvier & Franck Mathevon, [“French Academic Roland Marchal Speaks Out after Nine Months of Detention in Iran,”](#) *France24* (8 April 2020); [“Fariba Adelkhah: French academic ‘Jailed for Six Years’ in Iran,”](#) *BBC News* (16 May 2020); News Wires, [“Macron Demands Iran Release French-Iranian Academic Fariba Adelkhah,”](#) *France24* (5 June 2020).

¹¹⁷ [“Iraq: First Periodic Report on Violations during Ongoing Popular Demonstrations,”](#) *Gulf Centre for Human Rights (GCHR)* (30 January 2020); *Scholars at Risk*, [“Ibrahim Saeed Al-Baidhani”](#) ([February 2020]).

outside his house in Baghdad. A frequent target of the propaganda of Iran-backed militia groups, especially Kataib Hezbollah (“Brigades of the Party of God” or Hezbollah Brigades, an Iraqi Shia paramilitary group which was part of the Popular Mobilization Forces supported by Iran), Hashimi had faced a rising tide of threats. His last work before his assassination, published on 1 July 2020, was “The Internal Dispute within the Popular Mobilization Forces.”

Hashimi was an Iraqi historian and researcher in security and strategic affairs and extremist groups; he was among the world’s leading experts on the Islamic State group and al-Qaeda in Iraq, providing details of its inner workings to the international media and advising the Iraqi government on counterterrorism. He had a historical interest in Al-Dhahabi (1274–1348), a Syrian Islamic historian and expert of *hadiths* (reports of statements or actions of the Prophet Muhammad). He had been arrested and sentenced to prison by Saddam Hussein’s regime, due to his affiliation with Salafi jihadism, only to be released from prison in 2002.¹¹⁸

During 2019, the extremist group Islamic State in Iraq and Syria (ISIS) continued to carry out attacks, mostly killings of community leaders and targeting security forces. Some of the crimes perpetrated by ISIS since 2014 amounted to war crimes and may have amounted to crimes against humanity and genocide. Iraq failed to make war crimes and crimes against humanity specific offenses under Iraqi law. A 2017 United Nations (UN) Security Council resolution created a UN investigative team to document serious crimes committed by ISIS in Iraq. In 2019, the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD) assisted Iraqi authorities in exhuming at least fourteen mass grave sites left by ISIS in Sinjar, as a first step toward gathering evidence and building cases against ISIS suspects. An Iraqi law from 2009 created commissions to compensate Iraqis affected by terrorism, military operations, and military errors. Compensation commissions in areas that fell under ISIS control have received thousands of compensation requests but had not paid out many claims since 2014.

German judicial authorities continued efforts to investigate ISIS crimes in Syria and Iraq under the international law principle of universal jurisdiction. Member states of the Global Coalition to Defeat ISIS continued discussions on accountability options for ISIS crimes, including the possibility of establishing a criminal tribunal in the region.¹¹⁹

See also Iran.

¹¹⁸ Mustafa Salim & Louisa Loveluck, “[Leading Iraqi Researcher Assassinated Outside His House in Baghdad](#),” *Washington Post* (6 July 2020); “[Hisham al-Hashimi](#),” *Wikipedia* (9 July 2020).

¹¹⁹ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 293–295.

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006, 2013, 2015–2016.

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2014, 2016–2019.

In May 2018, upon returning from a short stint abroad, retired history professor Roger Heacock and his wife – both Birzeit University (a Palestinian university in the occupied West Bank) employees and United States citizens – were given a two- or three-week visa only, although their work permits were valid through the end of the academic year (September 2018). They were given no reason. Heacock had been living in the West Bank since 1983, had been teaching at Birzeit University since 1985, and had his visa renewed every three months. In March 2019, the Heacocks attempted to return to the West Bank (Roger Heacock had a 30-hour teaching assignment at Bethlehem University), but they were stopped at the border with Israel and told that they failed to get the necessary permission from the Israeli military’s Coordinator of Government Activities in the Territories.¹²⁰

In late 2018, Prime Minister Benjamin Netanyahu said that *Welcome to Jerusalem*, an exhibition at the Jewish Historical Museum in Berlin, paid not sufficient attention to Israel’s position, whereupon he reportedly insisted that the German government reconsider the museum’s subsidy.¹²¹

In July 2019, the NGO Akevot [see also NCH Annual Report 2017, 2019] released *Silencing: DSDE’s Concealment of Documents in Archives*, a report about the Director of Security of the Defense Establishment (DSDE) which exposed a Defense Ministry mechanism to conceal archival records in various archives without any authority under Israeli law. Several historians, including leading critic Ilan Pappé, said that this discovery fitted into a larger pattern of suppressing (removing, reclassifying) official documentation of the ethnic cleansing of Palestinians in 1948 (the Nakba) from Israeli historians. The documents were collected from Israel State Archives and taken to locked vaults in the Ministry of Defense.¹²²

¹²⁰ Elizabeth Redden, “[Groups Protest Israeli Visa Policies for Foreign Academics Teaching in the West Bank](#),” *Inside HigherEd* (26 July 2019).

¹²¹ Toef Jaeger, “Diplomatieke Nederlandse directeur Joods Museum Berlijn,” *NRC Handelsblad* (28 November 2019), 6.

¹²² Akevot, [Silencing: DSDE’s Concealment of Documents in Archives](#) (July 2019); International Council on Archives Human Rights Working Group, *Newsletter* (July 2019); Ilan Pappé, “[Israel’s Latest Attempt to Erase Palestine](#),” *The Electronic Intifada* (25 July 2019); “[How Israel’s Erasure of Palestinian History Perpetuates](#)

See also Croatia, Yemen.

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012, 2016–2019.

See Bulgaria, Ethiopia, United States.

IVORY COAST (Côte d’Ivoire)

Previous *Annual Report* entries: 2004, 2006–2019.

On 15 January 2019, an International Criminal Court (ICC) trial chamber acquitted former President and historian Laurent Gbagbo and his youth minister and militia leader Charles Blé Goudé of crimes against humanity after an almost three-year trial, ending the case before the defense was even required to present evidence. In its written decision on 16 July 2019, the two-judge majority strongly criticized the weakness of the prosecution evidence. The ICC prosecutor appealed the acquittals on 16 September 2019, asking judges to declare a mistrial. At the end of 2019, Gbagbo and Blé Goudé were on conditional release, in Belgium and the Netherlands respectively.

The ICC continued its investigations into crimes committed by pro-Ouattara forces during the post-election crisis of 2010–2011 (which left thousands dead) but had yet to issue arrest warrants. President Alassane Ouattara said that no further suspects would be transferred to the ICC. In the year after President Ouattara’s August 2018 amnesty for crimes committed during the post-election violence, there was little progress in domestic investigations by the Special Investigative and Examination Cell. The cell, established in 2011, had in previous years charged more than two dozen senior military officers and political leaders with crimes against humanity or war crimes. In February 2019, the government stated that the amnesty law did not preclude Ivorian judges from investigating the worst crimes committed during the crisis, noting that it did not apply to individuals who were “members of the military and armed groups.” On 6 November 2019, Ivorian judges confirmed charges against Blé Goudé in Ivory Coast for alleged crimes during the 2010–2011 postelection crisis, including murder, rape, and torture. Other than the Blé Goudé’s case, however, the Special Cell had frozen its investigations, making

[Occupation](#)” (Greg Wilpert Interviews Ilan Pappé) *The Real News Network* (9 August 2019).

it unlikely that alleged perpetrators would ever face trial.

On April 4, three human rights groups, two Ivorian and one international, filed a Supreme Court complaint contesting Ouattara's authority to issue the amnesty, arguing that it violated Ivory Coast's international human rights treaty obligations. At the end of 2019, the case had not yet been decided. Neither the Special Cell nor the International Criminal Court (ICC) had investigated crimes committed during election-related violence in 2000 or the armed conflict in 2002–2003. A government reparations program continued to give victims of the 2002–2011 conflicts financial payments, medical treatment, and other forms of assistance.¹²³

¹²³ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 151–152.

JAMAICA

Previous *Annual Report* entries: 2017–2018.

JAPAN

Previous *Annual Report* entries: 1995–2019.

In July 2019, Prime Minister Shinzo Abe offered the government's first official apology to families who had members who lived with leprosy and had suffered under the government's segregation policy between 1907 and 1996, after the government decided it would not appeal a district court ruling that ordered the state to pay compensation. In November 2019, Japan's House of Councilors (Upper House) approved a law that would enable compensation for affected families.¹²⁴

On 3 August 2019, organizers of the international Aichi Triennale in Nagoya closed the exhibition "After 'Freedom of Expression?'" (intended to showcase artwork that had been excluded from museums in Japan or elsewhere) that featured a statue symbolizing Korean women forced into sexual slavery during World War II. The artistic director of the triennale, Daisuke Tsuda, said that he regretted the decision, which the governor of Aichi Prefecture said was made after threats of terrorism. More than 16,000 people signed an online petition protesting the decision to halt the exhibit.¹²⁵

In September 2019, five conservative men (including Nobukatsu Fujioka, vice president of the Japanese Society for History Textbook Reform, and Shunichi Fujiki) sued Japanese-American filmmaker Mike Dezaki ([1983–]) before the Tokyo District Court for defamation and breach of contract regarding his two-hour documentary, *Shusenjo: The Main Battleground of the Comfort Women Issue*, a film about the sexual slavery system during the Pacific War (1931–1945) which had been shown commercially in Japan and South Korea. The five had been interviewed for the documentary but Dezaki had concluded that they were "revisionists," using terms like "racism" and "sexism" to characterize some of their claims. In addition to defamation, the lawsuit accused Dezaki and Tofoo Films, the distributor, of breach of contract, saying the plaintiffs agreed to be interviewed only for his graduate thesis, not a commercial film. They demanded compensation and a suspension of all public screenings.

¹²⁴ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 314.

¹²⁵ Mokoto Rich, "[The Exhibit Lauded Freedom of Expression: It Was Silenced](#)," *New York Times* (5 August 2019); "[Don't Cancel "Exhibit of Non-Freedom of Expression Thereafter" at Aichi Triennale](#)" (petition); Kim Tong-Hyung, "[New Statues Stoke Sensitivity between South Korea, Japan](#)," *StarTribune* (28 July 2020).

Due to the affair, the film festival in Kawasaki first canceled screening of the documentary for safety reasons, but upon receiving many signs of solidarity decided in November 2019 to show it after all on the last day of the festival.¹²⁶

See also China, Korea, South, Myanmar, United States.

JORDAN

Previous *Annual Report* entries: 2003–2004, 2015, 2018.

¹²⁶ Mokoto Rich, "[A Filmmaker Explored Japan's Wartime Enslavement of Women. Now He's Being Sued.](#)" *New York Times* (18 September 2019); "[Japan Festival to Show 'Comfort Women' Film after Backlash.](#)" *BBC News* (3 November 2019).

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012.

See China.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2018.

Despite documentation and investigations into the violence during the 2017–2018 elections, in which more than hundred were killed, the government had yet to bring charges against any security officers. There was also no progress in investigating or holding anyone to account for the violence around the 2007–2008 elections in which 1,100 people were killed. In 2015, President Uhuru Kenyatta announced plans to establish a restorative Ksh10 billion fund (approximately US\$100 million) for victims of human rights abuses, including of the 2007–2008 post-election violence, but did not set up the fund until April 2019 and had yet to make any payouts at the end of 2019. Kenya had yet to surrender three persons wanted by the International Criminal Court (ICC) on allegations of witness tampering in cases relating to the 2007–2008 election violence. Other ICC cases against Kenyatta, Deputy President William Ruto, and former broadcaster Joshua arap Sang collapsed amid witness tampering allegations and state non-cooperation.¹²⁷

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011, 2013–2015, 2017, 2019.

See China, Japan, United States.

¹²⁷ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 330–331.

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012–2013, 2016–2019.

In early July 2019, Japan announced that it would tighten curbs on exports of three materials crucial for advanced consumer electronics because trust with South Korea had been broken over the forced labor dispute [see NCH Annual Report 2019].¹²⁸

On 19 September 2019, a civil society group (probably the Korean Council for Justice and Remembrance, an organization supporting former comfort women) filed a complaint against Ryu Seok-chun (aka Lew Seok-choon), a professor of sociology at Yonsei University, for allegedly spreading false information by referring to Korean women sex slaves during World War II as “prostitutes” during a university lecture. The Yonsei University Students Council and alumni, and several civil society groups and political parties either condemned Ryu’s opinion or called on him to apologize. In late September, the university suspended Ryu from teaching and a university ethics committee launched an internal investigation. Stating “harmful facts,” particularly on Japanese wartime aggressions or on North Korea, was punishable in South Korea with up to three years’ imprisonment or fines; stating “harmful falsehoods” was punishable with up to seven years’ imprisonment or fines.

In 2018 a district court in Kwangju had handed down a six-month prison sentence to a former professor of Sunchon National University [name undisclosed] for spreading false information defaming “comfort women,” saying during an April 2017 university lecture that they had gone to Japanese military brothels voluntarily. In October 2017, he was expelled from the university.¹²⁹

See also China, Japan, Korea, North.

KOSOVO

See Serbia / Kosovo.

¹²⁸ Takaya Yamaguchi & Hyunjoon Jin, “[Japan, South Korea Raise Stakes in Dispute over Forced Labor](#),” *Reuters* (9 July 2019); “[South Korea and Japan’s Feud Explained](#),” *BBC News* (23 August 2019).

¹²⁹ Aimee Chung, “[Police Probe Professor for Wartime Sex Slavery Remarks](#),” *University World News* (9 October 2019).

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005, 2018.

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2013, 2016–2017.

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008, 2015–2016, 2019.

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2019.

An estimated 17,000 Lebanese were kidnapped or “disappeared” during the 1975-1990 civil war. On 12 November 2018, parliament passed a landmark law creating an independent national commission to investigate the fate of the disappeared. On 29 August 2019, the Justice Ministry nominated ten individuals to serve on the committee. Their nominations had to be approved by the Cabinet.¹³⁰

During the civil protests which started in October 2019, anti-protest rioters broke into the compound where the NGO UMAM Documentation & Research (UMAM D&R) was located in Beirut. UMAM D&R held materials relating to the 1975–1990 civil war, including lists of disappeared persons, and took an overt political stand in favor of the protests. The rioters were restrained by the intervention of local people and persuaded not to damage the building and its contents. Threats were made against the UMAM founders.¹³¹

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2015, 2018.

LIBYA

Previous *Annual Report* entries: 2003, 2005–2019.

Governance in Libya remained divided between two feuding entities: the internationally recognized and Tripoli-based Government of National Accord (GNA); and their rivals in eastern Libya, the Interim

¹³⁰ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 358.

¹³¹ Personal communication to Trudy Huskamp-Peterson, in *News from the Section on Archives and Human Rights* (January 2020).

Government, which was supported by the Libyan House of Representatives (HOR) and by the armed group known as the Libyan National Army (LNA). Intermittent armed conflicts in most parts of Libya since the end of the 2011 revolution that ousted Moammar Gaddafi had displaced more than 300,000 civilians.

The United Nations (UN) Security Council established in Resolution 1970 of 2011 individual targeted sanctions and an open-ended embargo on the supply of arms and military equipment to and from Libya. As of September 2019, the UN said it had begun investigating over forty cases of violations of the arms embargo.

General Khalifa Haftar launched his attack to conquer Tripoli on 4 April 2019, supported by LNA units and armed groups, including the al-Kani militia from Tarhouna, his main ally in the west, against the GNA and affiliated armed groups from western Libya. As of November 2019, the fighting, which was concentrated in the southern suburbs of Tripoli, had killed over 200 civilians, injured over 300, and displaced over 120,000. According to the UN Children Fund (UNICEF), as of June, 21 schools were being used as shelters for displaced persons in and around Tripoli. The violence had led to the suspension of school for 122,088 children.

While the extremist group Islamic State (ISIS) no longer controlled territory in Libya, its fighters carried out attacks in the eastern city of Derna and the southern city of Sebha, mostly against LNA fighters. In September 2019, the United States military said it conducted airstrikes on four different days within ten days against ISIS targets in southern Libya, killing a total of 43 alleged militants. These strikes, the first conducted by the US military in 2019, were carried out by drones.¹³²

Saif al-Islam Gaddafi, a son of former President Muammar Gaddafi (1942–2011), who was sentenced to death in absentia by a Libyan court in 2015, continued to be subject to an International Criminal Court (ICC) arrest warrant for his alleged role in attacks on civilians, including peaceful demonstrators, during the country's 2011 uprising. At the end of 2019, his whereabouts remained unknown. Two other Libyans continued to be subject to ICC arrest warrants: Al-Tuhamy Khaled, former head of the Internal Security Agency under Muammar Gaddafi, for war crimes and crimes against humanity committed in Libya between February and August 2011, and LNA commander Mahmoud El-Werfalli for the war crime of murder related to several incidents in and around Benghazi between June 2016 and January 2018.¹³³

¹³² Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 359–362.

¹³³ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 363.

LITHUANIA

Previous *Annual Report* entries: 2005, 2009, 2015, 2018.

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2015, 2017–2018.

MADAGASCAR

Previous *Annual Report* entries: 2018.

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011, 2016–2017, 2019.

In September 2019, the authorities detained dozens of Shiites who were commemorating Ashura, a Shia holy day, in raids around the country. Witnesses reported that the police ill-treated those detained in a raid in Johor, including threatening some detainees with a gun. They were later released.¹³⁴

MALAWI

Previous *Annual Report* entries: 2011–2012, 2019.

See Rwanda.

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010, 2013.

In November 2018, the Ibrahim Mohamed Solih government established the Commission on Deaths and Disappearances to investigate past attacks on activists and journalists. Cases included the 2014 abduction of Ahmed Rilwan, who had criticized Islamist gangs and exposed government corruption, and Yameen Rasheed, a blogger and activist who was stabbed to death in April 2017. In January 2019,

¹³⁴ Amnesty International, *Human Rights in Asia-Pacific: Review of 2019* (London: AI, 2020), 34.

the commission chair, former Attorney General Husnu Al Suood, stated that extremist Islamist gangs had influence over police and criminal courts, and colluded to protect perpetrators and “fix” the outcome of trials. On 1 September 2019, the commission issued a draft report accusing a local extremist group with ties to Al-Qaeda of Rilwan’s murder. On 17 November, the commission reported that local extremists had also murdered a former member of parliament, Afrasheem Ali, in 2012. In both cases, the commission implicated police and politicians in shielding the perpetrators from prosecution. The trial of six suspects accused of killing Rasheed was delayed repeatedly.¹³⁵

After a visit to the country, the United Nations Special Rapporteur in the Field of Cultural Rights, Karima Bennouna, reported in February 2020 that approximately 80 per cent of Maldivian historical and archaeological sites, including sites relating to the Buddhist, Hindu and Sufi past, had reportedly been destroyed for the construction of resorts and development projects. She was also concerned to hear about the targeted destruction of symbols and monuments by fundamentalists who believed that the statues represented idols prohibited in their interpretation of Islam. These incidents occurred during the South Asian Association for Regional Cooperation Summit in November 2011 and at the National Museum in February 2012. The National Museum’s pre-Islamic collection contained many pieces that had been smashed and, in some cases, damaged beyond repair. The perpetrators of these attacks had still not been successfully brought to justice despite some ongoing attempts to do so with regard to the events at the National Museum. The rise of fundamentalism had also led to acts of vandalism in one of the oldest cemeteries on Meedhoo in the Addu atoll.¹³⁶

MALI

Previous *Annual Report* entries: 2011, 2013–2019.

The worsening security situation in 2019 provoked a political crisis and led to delays in the constitutional review process and parliamentary elections. The peace process envisioned to end the 2012–2013 crisis in the north made scant progress, including on disarmament and the restoration of state authority. There was scant progress on delivering justice for atrocities committed since 2012–2013, although several investigations were opened by local courts and the Specialized Judicial Unit, including into the 2019 Ogossagou massacre in which at least 150 civilians were massacred. Local

¹³⁵ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 372–373.

¹³⁶ United Nations Special Rapporteur in the Field of Cultural Rights, *Visit to Maldives: Report to the Human Rights Council* (Geneva: 21 February 2020), paragraphs 35–36, 53.

groups said the government was reluctant to question or charge leaders of militias (including Dogon and Peuhl militias) credibly implicated in massacres, favoring short-term reconciliation efforts envisioned to mitigate communal tension. In contrast, the Specialized Unit was actively investigating over two hundred terrorism-related cases and in 2018, completed ten trials.

The Truth, Justice and Reconciliation Commission, established in 2014 to investigate crimes and root causes of violence since 1960, had taken over 14,000 victim and witness statements, but its credibility was weakened by the inclusion of armed group members and exclusion of victims' representatives. Public hearings were scheduled to begin in December 2019.¹³⁷

On 10 September 2019, the United Nations Independent Expert on the Human Rights Situation in Mali asked the government to promptly revise the new "law of national understanding" (July 2019) which if left unaltered may promote impunity for those responsible for serious human rights violations, help circumvent the traditional justice process, and prevent victims from exercising their rights, including the right to know the truth about the violations committed in the past.¹³⁸

MALTA

Previous *Annual Report* entries: 2012.

MARSHALL ISLANDS

Previous *Annual Report* entries: 2013, 2015.

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011, 2017, 2019.

Mauritania abolished slavery in 1981, the world's last country to do so, and criminalized it in 2007. The Global Slavery Index, which measures forced labor and forced marriage, estimated that there are 90,000 living in "modern slavery" in Mauritania, or 2.4 percent of the population. Three special courts that

¹³⁷ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 380.

¹³⁸ "[New Mali Law Risks Giving Rise to Impunity for Many Past Human Rights Violations, Says UN Expert](#)" (press release; 10 September 2019).

prosecuted slavery-related crimes had tried a handful of cases since their creation under a 2015 law. According to the 2019 United States State Department Trafficking in Persons Report, Mauritania investigated four cases, prosecuted one alleged trafficker, but did not convict any. Nine appeals cases remained pending at the anti-slavery court.¹³⁹

See also Senegal.

MAURITIUS

Previous *Annual Report* entries: 2012.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2019.

Despite a court ruling in February 2019 in favor of opponents of the Bicentenario-Los Pilares dam in the Sierra de Alamos of Sonora state, President Andrés Manuel López Obrador declared three months later that federal funding would be released in order to finish the dam “as soon as possible.” The 25-storey Bicentenario-Los Pilares barrier loomed above thermal springs where for thousands of years, the Indigenous Guarijío people would gather to commune with their ancestors. The springs – and the land around them – were submerged beneath rising waters, threatening to displace the Guarijío and leave the graves of their forefathers under water.¹⁴⁰

On 29 November 2019, a group of United Nations Special Rapporteurs regretted in a joint declaration the impunity for perpetrators of crimes committed during the “dirty war” (1964–1982) and urged the authorities to clarify the fate and whereabouts of hundreds of persons who disappeared during that period.¹⁴¹

On 10 December 2019, protesters stormed the Palace of Fine Arts in Mexico City over a painting showing Emiliano Zapata (1879–1919), a hero of the Mexican Revolution (1910–1917), naked on an

¹³⁹ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 386.

¹⁴⁰ Analy Nuño, “‘Guajirío Culture Is Dying’: Mexican Dam Poised to Displace Living and Flood Ancestors’ Graves,” *The Guardian* (4 August 2020).

¹⁴¹ [“Mexico: UN Experts Regret Impunity for Crimes of ‘Dirty War’”](#) (press release; 29 November 2019).

aroused horse in high heels and a pink hat. They said that Zapata was depicted as gay, finding it offensive and shouting “burn it, burn it.” Zapata’s grandson, Jorge Zapata González, threatened to sue the Palace of Fine Arts. The 2014 work by Fabián Cháirez, called *La Revolución* (The Revolution), was part of an exhibition commemorating the 100th anniversary of Zapata’s death. Museum officials said that they would not remove the painting.¹⁴²

Mexico has relied heavily on the military to fight drug-related violence and organized crime, leading to widespread human rights violations by military personnel. Between December 2012 and January 2018, the National Human Rights Commission (CNDH) received more than 4,600 complaints regarding alleged military abuses. From January to July 2019, it received 241 such complaints. In 2014, Congress reformed the Code of Military Justice to require that abuses committed by members of the military against civilians be prosecuted in civilian, not military, courts. However, the pursuit of justice for these violations remained elusive. In November 2019, the United Nations (UN) Human Rights Committee highlighted its concern about the 2016 reforms to the Military Code of Criminal Procedures and the Code of Military Justice that provided military prosecutors and judges with ample faculties to search dwellings and intervene in private communications without a warrant.¹⁴³

Since 2006, enforced disappearances by security forces have been a widespread problem. Criminal organizations have also been responsible for many disappearances. Prosecutors and police routinely neglected to take basic investigative steps to identify those responsible for enforced disappearances, often telling the missing people’s families to investigate on their own. By January 2019, the Attorney General’s Office had opened 975 investigations into allegations of enforced disappearances and had pressed charges in only twelve cases. By September 2019, the office’s specialized unit on kidnappings reported having only one open investigation into disappearances committed by non-state agents. In November 2019, the United Nations Human Rights Committee highlighted its concern for “alarming” impunity in cases of disappearances, including those where organized crime and authorities were allegedly colluded.

The 2017 law on disappearances established a single nationwide definition for the crime and mandated the creation of entities to facilitate the investigation and prosecution of disappearances. These include the National Search Commission (CNB) created to coordinate search efforts in the field, and the National Search System (SNB), established to coordinate state institutions involved in the search for the disappeared. In August 2019, Karla Quintana, the National Search Commissioner and head of the CNB, stated that the whereabouts of 40,000 people who had gone missing remained unknown. In

¹⁴² [“Mexico’s Naked Zapata Painting Causes Protests,”](#) *BBC News* (11 December 2019).

¹⁴³ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 388–389.

November, the commissioner announced the creation of a new national registry for disappeared persons. Authorities noted that the official number of missing persons would likely increase after the establishment of the new registry. According to official numbers, by August 2019, 4,874 bodies had been found in 3,024 clandestine graves nationwide between 2006 and 2019. As of September 2019, the SNB was not yet fully operational.

A Standardized Protocol for the Search of Disappeared and Missing Persons, which the law mandated be in place by April 2018, had likewise failed to materialize. In May 2019, the National Search Commissioner announced the beginning of the process towards a regional search plan in northeast Mexico, and the federal government established a subsidy to provide funds to local search commissions. Victims' families repeatedly denounced serious shortcomings regarding the identification and storage of bodies. Government officials conceded that more than 26,000 bodies remain unidentified.

In August 2019, the National Search Commissioner reported the creation of a national forensic assessment to address obstacles to identifying and storing bodies. The same month, following demands by families, the government announced the creation of an Extraordinary Mechanism of Forensic Identification to identify bodies.¹⁴⁴

See also United States.

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010.

MONGOLIA

Previous *Annual Report* entries: 2007, 2013.

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2013, 2015–2017.

¹⁴⁴ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 390–392.

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2013, 2015–2018.

The trial of Maâti Monjib ([1960]–) [see NCH Annual Report 2016], a journalist and historian of political ideas and of the Maghreb, had not ended by the end of 2019.¹⁴⁵

In October 2019, local authorities banned for “security reasons” demonstrations organized in Al Hoceima to commemorate the death of Mouhcine Fikri, a fisherman killed in the town in 2016 during a police campaign against illegal fishing.¹⁴⁶

MOZAMBIQUE

Previous *Annual Report* entries: 2018.

Impunity for serious abuses by state security forces and the main opposition party Renamo persisted. In July 2019, parliament approved a broad amnesty law that exempted Renamo members from prosecution for crimes committed between 2014 and 2016. During this time, both government security and defense forces and Renamo armed men had been involved in sporadic fighting that led to serious human rights abuses, including enforced disappearances, torture, killings, and destruction of private property.¹⁴⁷

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2019.

On 28 December 2018, a small group of university student activists set fire to a makeshift cardboard coffin containing photos of government and university officials before a crowd of more than hundred students, university officials, and others gathered outside the main gate of Yadanabon University in

¹⁴⁵ Koen Greven, “[Kritisch schrijven over de Marokkaanse koning kan niet](#)” (interview), *NRC Handelsblad* (1 June 2017); Koen Greven, “[Over persvrijheid praat je niet in Marokko](#),” *NRC Handelsblad* (16 January 2020); International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 121–122.

¹⁴⁶ Amnesty International, *Human Rights in the Middle East and North Africa: Review of 2019* (London: AI, 2020), 48.

¹⁴⁷ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 405.

Mandalay. The mock funeral was part of a planned peaceful protest for improved security measures for students following a series of student murders in Mandalay and to bring attention to students' concerns regarding the administration of the university. Plainclothes police officers quickly dispersed the crowd and arrested three students who led the demonstration, including archaeology student Myo Chit Zaw ([2000–]). Five days later, Myanmar authorities arrested four more students, including archaeology student Ye Lin Aung ([1998]–), for organizing a protest to demand the release of the three student leaders. On 13 February 2019, the Amarapura Township Court sentenced the seven students, all members of the All Burma Federation of Student Unions (ABFSU), to three months in prison for arson and failing to provide advanced notice of the demonstration to the authorities. The students spent more than eighty days in Obo Prison before being released. Four of the students reported that prison guards beat them in detention.¹⁴⁸

Between 12 and 14 July 2019, state security forces detained and charged eight university students in Yangon who had taken part in a student march on 7 July commemorating the anniversary of a 1962 student protest in which as many as hundred students were killed. The students reportedly chanted anti-government slogans during the march. They were charged with “protesting without permission from authorities.”¹⁴⁹

On 28 August 2019, the NGO Centre for Law and Democracy (Canada) made an analysis of a draft National Records and Archives Law. It noted some weaknesses, including the fact that the proposed system of classification appeared to set rigid periods of secrecy and the fact that access to information was subject to the discretion of officials.¹⁵⁰

In September 2019, two Kachin activists, Paulu and Seng Nu Pan, were sentenced to fifteen days in prison for a street performance marking the eight-year anniversary of the end of a 17-year ceasefire in Kachin State. Paulu received an additional three months in prison for contempt of court, after presenting the presiding judge with a set of broken scales symbolizing the broken justice system.¹⁵¹

The government of Myanmar in 2019 continued to defy international calls to seriously investigate human rights violations against ethnic minorities in Shan, Kachin, Karen, and Rakhine States. A United Nations (UN)-mandated Fact-Finding Mission (FFM) found sufficient evidence to call for the

¹⁴⁸ Athan & Fortify Rights, “*Our Demands Are for All Students*”: *Violations of Students’ Rights in Mandalay, Myanmar* (Belfast, ME, Bangkok, Geneva: Fortify Rights, 2020), 10–13, 35–40, 57–58

¹⁴⁹ Global Coalition to Protect Education from Attack, *Education under Attack* (New York: GCPEA, 2020), 172.

¹⁵⁰ Centre for Law and Democracy, “[Myanmar: Archives Law Fails to Respect the Right to Information](#)” (press release; 28 August 2019); Toby Mendel, “[Note on the Draft Myanmar National Records and Archives Law](#)” (August 2019).

¹⁵¹ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 415.

investigation of senior military officials for crimes against humanity and genocide against ethnic Rohingya Muslims. The government had been unwilling to address the root causes of the crises, including systematic persecution and violence, statelessness, and continued military impunity. The FFM ended its mission in September 2019, handing over evidence of serious crimes committed by Myanmar's armed forces against the Rohingya, Kachin, Shan, and Karen ethnic minorities to the newly operational Independent Investigative Mechanism for Myanmar (IIMM). The UN Human Rights Council mandated the IIMM to follow up from the FFM and collect and preserve evidence of serious crimes to facilitate and expedite fair and independent criminal proceedings.

More than two years after the military's campaign of ethnic cleansing in northern Rakhine State, over 900,000 Rohingya refugees remained in overcrowded camps in Cox's Bazar in Bangladesh, now the largest concentration of encamped refugees in the world. The FFM's final report in September 2019 found that the 600,000 Rohingya remaining in Rakhine State were still the target of a government campaign to eradicate their identity and that they were living under "threat of genocide."

The Independent Commission of Enquiry (ICOE), established by the Myanmar government in July 2018, operated without transparency, lending further weight to concerns about its credibility to investigate allegations of grave abuses against the Rohingya. Governments such as those of the United Kingdom and Japan continue to support the ICOE despite profound concerns about its independence, impartiality, and working methods.

In July 2019, the United States (US) imposed travel bans against key military leaders, including commander in chief General Min Aung Hlaing, for their role in the persecution of the Rohingya. His second-in-command, General Soe Win, and two other senior officials were also subjected to travel bans. In September 2019, a bill was passed by the US House of Representatives by a huge majority to strengthen sanctions against Myanmar's military leaders.

The European Parliament passed a resolution on 19 September 2019 calling for the imposition of a comprehensive arms embargo on Myanmar and referral of the situation of Myanmar to the ICC. The resolution called on European Union members to support efforts aimed at holding Myanmar to account for violations of the 1948 UN Genocide Convention before the International Court of Justice.

On 11 November 2019, Gambia brought a case against Myanmar before the International Court of Justice for its atrocities against the Rohingya as violating the 1948 Genocide Convention. Gambia's filing marked the first time that a country without any direct connection to the crimes relied on its membership in the Genocide Convention to bring a case before the world court. On 13 November in Argentina, Rohingya and Latin American human rights organizations used the principle of universal jurisdiction to file a criminal case against Myanmar's top military and civilian leaders, including Aung San Suu Kyi, for crimes committed in Rakhine State. This avenue was available for crimes so serious that all states have an interest in addressing them.

Despite strong findings pointing to Myanmar's security forces' responsibility for atrocities against

the Rohingya, the UN Security Council remained paralyzed, making impossible the referral of Myanmar to the International Criminal Court (ICC) and the imposition of sanctions on military and government officials implicated in grave abuses against the Rohingya. In May 2019, the report of an independent inquiry into UN involvement in Myanmar was published, finding “systemic and structural failures,” which undermined the UN response to the crisis.

On 14 November 2019, the ICC also confirmed that it would begin investigations into alleged crime against humanity, namely deportation, other inhumane acts, and persecution committed against Rohingya in Myanmar since October 2016. In 2018, the court had confirmed its jurisdiction over the crime of deportation, which was completed in Bangladesh, an ICC member country, as well as other related crimes.¹⁵²

See also Syria.

¹⁵² Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 116–117, 409–410, 416–417.

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011, 2016–2018.

NEPAL

Previous *Annual Report* entries: 2007–2019.

The government of Prime Minister K. P. Sharma Oli proposed amendments in the law relating to transitional justice, but they did not meet international standards that could ensure those most responsible for the worst crimes committed during the armed conflict and the Maoist insurgency (1996–2006) come to trial. Instead, the current government, like its predecessors, continued to resist amending the transitional justice legislation to abide by a landmark 2015 Supreme Court ruling, which struck down key components of the current law, such as provisions that would allow amnesties even for perpetrators of war crimes and crimes against humanity. A commitment to transitional justice was included in the 2006 Comprehensive Peace Agreement, but it was not until 2015 that a Truth and Reconciliation Commission (TRC) and a Commission of Investigation on Enforced Disappeared Persons (CIEDP) were finally established. Despite being previously extended, the terms of members of both commissions expired in spring 2019.

The TRC had registered 58,052 complaints of abuses, including allegations against senior figures, while the CIEDP had registered over 3,200 cases of people who remain “disappeared” over ten years since the conflict ended. However, neither commission had completed a single investigation before the commissioners’ mandates expired. Victims’ groups objected to the stalled system for appointing new commissioners, which appeared designed to ensure that selected candidates were acceptable to political leaders and the army. They also demanded that the transitional justice law be amended before the commissions resumed work, and that they be consulted on strengthening the process, demands which the government had so far resisted. Members of the international community, including diplomatic missions in Kathmandu and United Nations special rapporteurs, continued to warn the government that if a transitional justice process that met international standards was denied within Nepal, perpetrators of war crimes and crimes against humanity might be subject to prosecution abroad under the principle of universal jurisdiction.¹⁵³

¹⁵³ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 418–419, 422.

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2019.

On 24 December 2019, the Council of State ruled that the Ministry of Education, Culture and Science, the state organ responsible for the National Archives, had to decide about early access to search the Centraal Archief Bijzondere Rechtspleging (CABR; Central Archives for Special Criminal Jurisdiction) for information about guards in Dutch concentration camps (Vught, Amersfoort) who were still alive [see NCH Annual Report 2019].¹⁵⁴

On 10 March 2020, King Willem-Alexander of the Netherlands offered apologies “for excessive violence on the part of the Dutch” during the period from Indonesia’s declaration of independence in 1945 until 1949. The Dutch government had previously apologized to Indonesia and paid some damages to survivors for violence carried out during colonial rule. In 2011, Tjeerd de Zwaan, the then Dutch ambassador, had apologized for killings in 1947 in Rawagede in the province of West Java. Two years later, de Zwaan had also apologized for killings in 1947 on the island of Sulawesi.¹⁵⁵

On 27 or 28 June 2020, the Monument Indië–Nederland (Monument [Dutch East] Indies–Netherlands) in Amsterdam was defaced with the slogan “Van Heutsz is alive!” written in red ink over it. From its erection in 1935 until 2001, the monument had been dedicated to Jo van Heutsz (1851–1924), the governor-general of the Dutch East Indies since 1904 who as a military officer had previously been responsible for the brutal “pacification” of Aceh after a protracted war (1873–1904). In 1967 and 1984 bombs exploded at the monument and in 2001 it was renamed and refurbished after Van Heutsz’s statue had been removed.¹⁵⁶

See also Ivory Coast, Rwanda.

¹⁵⁴ Karel Berkhout, “[Minister van OCW moet oordelen over openbaarheid oorlogsarchief](#),” *NRC Handelsblad* (24 December 2019); Council of State, [Judgment](#) (24 December 2019).

¹⁵⁵ Stanley Widiyanto, “Dutch King Apologizes for 'Excessive Violence' in Colonial Indonesia,” *Reuters* (10 March 2020); Maartje Geels, “Excuses koning voor Nederlands geweld bij onafhankelijkheid Indonesië,” *NRC Handelsblad* (10 March 2020).

¹⁵⁶ Thijs Niemantsverdriet, “Monument Indië–Nederland: Gemoderniseerd monument blijft weerzin oproepen,” *NRC Handelsblad* (1 July 2020), 12–13.

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007, 2017, 2019.

In 2018, on a morning, Maori activist Taitimu Maipi, eighty years old, painted the bronze statue of British Captain John Hamilton (1820–1864) and broke his nose with a claw hammer in a downtown square of the city of Hamilton (named after the captain). The act of vandalism, intended as a reminder of the pain that white settlers inflicted on the Indigenous Maori people, led to a police warning. The ensuing debate in a local newspaper was picked up by Hamilton-born Prime Minister Jacinda Ardern who in September 2019 announced that the national school curriculum for both primary and secondary schools would be changed within the next three years to require lessons on the 19th-century New Zealand Land Wars (1845–1872), in which British troops killed more than 2,000 Maori. The Land Wars broke out after the signing of the 1840 Treaty of Waitangi between the colonial government and the Maori. Disputes over land sales grew into major campaigns to confiscate territory and reinforce British sovereignty.

Some residents complained about the damage to public property and argued that removing the statue would be akin to erasing history. Others argued that there were not many Maori statues or any kind of acknowledgment of their role. At the time of writing, New Zealand history was reportedly an elective in school, and the Land Wars were not part of the curriculum.¹⁵⁷

In September 2019, the organizers of a fleet of ships (including a replica of Captain James Cook’s HMS Endeavour, which landed in the country in 1769) that would circumnavigate New Zealand in October to mark 250 years since the arrival of European settlers, cancelled a scheduled stop in the North Island village of Mangonui after complaints by Maori. “The celebration is a renewal of the colonial myth that they discovered us,” said Anahera Herbert-Graves, head of the Northland Ngāti Kahu iwi, “We’re looking at people who behaved like barbarians wherever they went in the Pacific.” In 2018, local authorities removed a Captain Cook statute from Gisborne (or Tuuranga-nui, the place where Cook came ashore) after it was repeatedly vandalized with graffiti. A similar statute was vandalized in Australia in 2018 ahead of Australia Day. In early October, British High Commissioner Laura Clarke delivered a statement of regret to local tribes – known as iwi – over the nine Indigenous people who died during the first meeting between Cook and the Maori, stopping short of issuing an apology.¹⁵⁸

¹⁵⁷ Jamie Tarabay, “[How Charlottesville’s Echoes Forced New Zealand to Confront Its History](#),” *New York Times* (2 December 2019).

¹⁵⁸ Joshua Cheetham & Frances Mao, “[The Countries Grappling with Their European Heritage](#),” *BBC News* (19 September 2019); “[NZ Anniversary: New Zealand Divided over Cook’s Landing](#),” *BBC News* (8 October 2019).

NICARAGUA

Previous *Annual Report* entries: 1998.

On 15 September 2018, police detained Ricardo Baltodano, a history professor at the Polytechnic University of Nicaragua and an active member of the civil society group *Articulación de Movimientos Sociales y Sociedad Civil* (Connection of social movements with civil society). The group played a leading role in the student-led protest movement that started in April 2018, demanding democratic reforms and calling for President Daniel Ortega's resignation. Thirty police officers raided Baltodano's home shortly after he returned from a protest. He fled to his neighbor's house, but police arrested him shortly thereafter. On 18 September, police accused Baltodano of terrorism, murder, and other crimes. He was held incommunicado for the following nine months. He was released on 11 June 2019.¹⁵⁹

NIGER

Previous *Annual Report* entries: 2009, 2013.

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2013, 2016–2019.

In July 2020, elected officials in Lagos state called on the state's governor to look into renaming some of the streets in order to remove the reminders of colonialism and slavery: Lugard Avenue, named after Nigeria's first Governor-General, Sir Frederick Lugard (1858–1945), responsible for amalgamating Nigeria's southern and northern protectorates in 1914; Bourdillon Road, named after the Governor and Commander-in-Chief of Nigeria, Sir Bernard Bourdillon (1883–1948); and Victoria Island, named after Queen Victoria (1819–1901).¹⁶⁰

NORWAY

Previous *Annual Report* entries: 2009, 2012, 2016–2017.

¹⁵⁹ Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: Scholars at Risk, 2019), 15.

¹⁶⁰ Joshua Adetunji, "[Lagos Lawmakers Propose to Decolonise Street Names](#)," *BBC News* (2 July 2020).

OMAN

Previous *Annual Report* entries: 2010, 2017, 2019.

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012, 2014, 2016, 2018–2019.

PALESTINIAN AUTHORITY

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2013–2015, 2018.

See Israel.

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2013, 2015–2017.

PAPUA NEW GUINEA

Previous *Annual Report* entries: 2014.

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012, 2015, 2019.

Writer and teacher Nelson Aguilera's appeal to the constitutional section of the Supreme Court [see NCH Annual Report 2015] was at a standstill as of December 2019. Aguilera reported that he was required to attend court and register each month. It was suggested that his sentence for plagiarism may have been influenced by the fact that Garay's brother, César Garay Zuccolillo, was a Supreme Court judge.¹⁶¹

¹⁶¹ PEN International, *Case List 2018* (London: PEN, 2019), 37; International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 38.

PERU

Previous *Annual Report* entries: 2001–2019.

In 2018, President Martín Alberto Vizcarra Cornejo passed a decree establishing a genetic profile bank to help in the search for the disappeared.

Efforts to prosecute grave human rights abuses committed during the armed conflict (1980–2000) had mixed results. The Truth and Reconciliation Commission estimated that almost 70,000 people died or were subject to enforced disappearance during the armed conflict. Many were victims of atrocities by the Shining Path and other insurgent groups; some were victims of human rights violations by state agents. Authorities made slow progress in prosecuting abuses committed by government forces during the conflict. As of September 2019, courts had issued rulings in 86 cases related to abuses committed during the conflict, including 44 convictions.

In December 2017, then-President Pedro Pablo Kuczynski granted former President (1990–2000) Alberto Fujimori a “humanitarian pardon,” based on claims of illness, but in October 2018, a Supreme Court judge overturned the pardon. Fujimori returned to prison in January 2019. In February, the Special Criminal Chamber of the Supreme Court upheld the decision. In November 2018, Fujimori was charged for his alleged role in forced sterilizations of mostly poor and Indigenous women during his presidency. The case was pending at the end of 2019. More than 5,000 victims of forced sterilizations committed between 1995 and 2001 had registered in a government registry at the end of 2019.

Also at the end of 2019, former President (2011–2016) Ollanta Humala continued to face criminal investigations for his alleged role in atrocities and cover-up of egregious human rights violations committed at the Madre Mía military base, in the Alto Huallaga region, during the armed conflict. Courts made little progress in addressing abuses, including extrajudicial killings, enforced disappearances, and torture, committed during the earlier administrations of Fernando Belaúnde (1980–1985) and Alan García (1985–1990).¹⁶²

PHILIPPINES

Previous *Annual Report* entries: 2011–2015, 2019.

In November 2019, the University of the Philippines, Diliman campus, launched a new General Education subject that would cover the years of military rule during the Ferdinand Marcos dictatorship

¹⁶² Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 456–547.

(1972–1986). It was presented as a way of countering attempts by political allies of Marcos (1917–1989), including the incumbent Rodrigo Duterte government, to whitewash the crimes, corruption, and human rights abuses in that period. The Marcos family thought that the subject would be “one-sided” while the armed forces feared that it would be used as a recruitment tool for “Communist rebels.” President Duterte openly expressed admiration for Marcos and his government called on the public to “move on” from the horrors of dictatorial rule and even called those years the “Golden Age” of Philippine history.¹⁶³

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011, 2014–2019.

In [September] 2019, four Polish historians involved in the creation of the Museum of the Second World War [see NCH Annual Report 2017] in Gdańsk – Paweł Machcewicz, Janusz Marszałec, Rafał Wnuk, and Piotr Majewski – sued the museum’s new director, Karol Nawrocki, over the infringement of their copyright for the exhibition’s content and managed to halt other changes to the museum.

Another Gdańsk museum, the European Solidarity Center (ECS), also clashed with the historical views of the ruling Law and Justice (PiS) party. The latter interpreted the roundtable talks of 1989 (negotiations between the Solidarity opposition movement and the then Communist government leading to a transition to democracy) as a “lost opportunity” for Poland which it sought to repair today, arguing that many of the leading characters highlighted at the ECS main exhibition – such as Lech Wałęsa, Tadeusz Mazowiecki, Bronisław Geremek and Andrzej Wajda, were responsible for abandoning Poland’s conservative national values. The PiS-led government found the ECS exhibit’s narrative blatantly one-sided. Officially launched in 2007, the ECS opened in 2014 on the grounds of the former Lenin Shipyards – the birthplace of the Solidarity movement.

Gdańsk’s mayor, Paweł Adamowicz, a strong opponent of PiS, was assassinated on 14 January 2019. Adamowicz had cultivated the idea of Gdańsk being a “free city” – a reference to the Free City of Danzig, as the city and surrounding area was known from 1920 to 1939.¹⁶⁴

As of November 2019, historian Dariusz Stola, the first director of the Polin Museum of the History of

¹⁶³ Karlo Mongaya, [“University of the Philippines Unveils New Subject on the Marcos Dictatorship to Counter Historical Revisionism.”](#) *Global Voices* (14 November 2019).

¹⁶⁴ Adam Reichardt, “Standing Up for Freedom,” *Index on Censorship* (2019 no. 1), 68–69; Estera Fliieger, [“The Populist Rewriting of Polish history Is a Warning to Us All,”](#) *The Guardian* (17 September 2019); Emilie van Outeren, [“In Polen zet de regering zelfs de geschiedenis naar haar hand,”](#) *NRC Handelsblad* (11 October 2019); United Nations Special Rapporteur in the Field of Cultural Rights, *Visit to Poland: Report to the Human Rights Council* (21 February 2020), paragraph 25.

Polish Jews (2014–2019) [see NCH Annual Report 2019], was still awaiting the confirmation of his renewed contract, despite having been chosen in a selection process.¹⁶⁵

In [October] 2019, Filomena Leszczyńska, a niece of the late Edward Malinowski, sued historians Jan Grabowski and Barbara Engelking in the District Court of Warsaw for defamation because in their 2018 book *Dalej jest noc* (It Is Still Night) they had written that Malinowski had been “an accomplice in the deaths of several dozen Jews who were hiding in the woods [near his village during World War II] and were ousted to the Germans.” Supported by the Polish League against Defamation (Reduta Dobrego Imienia, RDI), Leszczyńska stated that the book confused two men with the same name and merged their biographies. Her uncle Edward Malinowski was, in fact, a Polish hero who, risking his life, helped Jews and hid them from the Germans. Leszczyńska demanded rectification and a financial compensation.¹⁶⁶

On 12 November 2019, Prime Minister Mateusz Morawiecki wrote to streaming company Netflix insisting on changes to *The Devil Next Door*, a documentary about the Nazi death camp guard John Demjanjuk, saying that a map shown in it located the death camps within modern-day Poland’s borders rather than Third Reich borders. He added that it was important to “honor the memory and preserve the truth about World War II and the Holocaust” and accused “certain works” on Netflix of being “hugely inaccurate” and “rewriting history.” A few days later, Netflix announced that it would amend the map “to avoid any misunderstanding.”¹⁶⁷

See also Hungary, Russia.

¹⁶⁵ [“Dariusz Stola, Head of the POLIN Museum, in the Midst of a Political Storm”](#) (16 February 2019); [“Statement of Professor Dariusz Stola, Director of POLIN Museum of the History of Polish Jews”](#) (22 February 2019); Slawomir Grunberg and Others, [“Petition for Stola”](#) (no date [February 2019]); United Nations Special Rapporteur in the Field of Cultural Rights, *Visit to Poland: Report to the Human Rights Council (21 February 2020)*, paragraph 26; Madeline Roache & Olivia Waxman, [“World War II in Europe Ended 75 Years Ago—But the World Is Still Fighting Over Who Gets to Say What Happened,”](#) *Time* (8 May 2020).

¹⁶⁶ [“The Trial against Barbara Engelking and Jan Grabowski,”](#) *Polonia Institute* (1 November 2019); United Nations Special Rapporteur in the Field of Cultural Rights, *Visit to Poland: Report to the Human Rights Council (21 February 2020)*, paragraphs 37, 76; Madeline Roache & Olivia Waxman, [“World War II in Europe Ended 75 Years Ago—But the World Is Still Fighting Over Who Gets to Say What Happened,”](#) *Time* (8 May 2020).

¹⁶⁷ [“Poland Reacts Angrily to Netflix Nazi Death Camp Documentary,”](#) *BBC News* (12 November 2019); [“Netflix to Amend Devil Next Door Series after Poland Complaint,”](#) *BBC News* (15 November 2019).

PORTUGAL

Previous *Annual Report* entries: 2017.

See also Angola.

QATAR

Previous *Annual Report* entries: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010, 2019.

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2019.

On 2 October 2018, historian Sergei Koltyrin ([1953]–2020), director of the District Museum in Medvezhegorsk, Karelia, since 1991 and member of Memorial, was arrested after he publicly rejected attempts to rewrite history about the mass graves of victims of the terror at Sandarmokh in Karelia and criticized the contentious excavations by the Military History Society [see Yuri Dmitriev case below]. He and another person, Yevgeny Nosov, were remanded in custody until 27 November 2018 on disputed pedophilia charges (sexual abuse of a 13-year-old in September 2018). Koltyrin had written a confession after initially denying the act, with many of his supporters believing that he had been pressured to confess. On 27 May 2019, Koltyrin was sentenced to nine year's imprisonment in a corrective labor colony after a closed-door trial without independent legal assistance. Nosov was sentenced to eleven years for allegedly acting as Koltyrin's accomplice. Koltyrin was convicted under three articles of the criminal code—one about alleged depraved actions; a second about sexual relations with respect to a person over twelve but under fourteen, carried out by a group by prior agreement; and the third (as in Dmitriev's case) an arms offense. On 2 April 2020, Koltyrin died in the Medvezhegorsk prison hospital from cancer. On 4 March 2020, a court in Medvezhegorsk had ordered his release on humanitarian grounds, noting a deterioration in his health and arguing that he should be allowed to see relatives before he died, but prosecutors had filed an appeal against the judge's decision and Koltyrin died before that appeal could be overturned. His funeral was planned for 6 April, but due to the Covid-19 crisis, the family was not allowed to attend.¹⁶⁸

In mid-March 2019, the Federal Security Service (FSB) refused to declassify the names of members of Stalin's so-called three-judge panels that issued death sentences without trials during the Great Terror

¹⁶⁸ Halya Coynash, "[Russia Arrests Second Historian of Stalin's Terror](#)," *Human Rights in Ukraine* (3 October 2018); Matthew Luxmoore, "[In Russia's North, A Gulag Grave Site, A Child-Abuse Trial, And A Battle Over Historical Truth](#)," *RFE/RL News* (24 June 2019); Jamie Dettmer, "[No End in Sight for Jailed Gulag Historian Yury Dmitriyev](#)," *Voice of America* (4 November 2019); "[Sergei Koltyrin Has Died](#)," The Dmitriev Affair: The Life, Work And Trials of Yury Dmitriev (2 April 2020); Matthew Luxmoore, "[Russian Historian Jailed On Disputed Pedophilia Charges Dies In Custody](#)," *RFE/RL News* (2 April 2020); Halya Coynash, "[Historian of the Soviet Terror Dies in a Russian Prison](#)," *Human Rights in Ukraine* (3 April 2020); Andrew Higgins, "[He Found One of Stalin's Mass Graves: Now He's in Jail](#)," *New York Times* (27 April 2020).

of 1937–1938 in which as many as 700,000 people were executed. Two Moscow courts approved the FSB refusal to grant historian Sergei Prudovsky [see NCH Annual Report 2015] access to files containing the names of so-called Troika judges of the NKVD (secret police at the time). Senior FSB legal adviser Yelena Zimatkina reportedly told the court that Prudovsky’s position (he called the judges “butchers”) could “harm both the living relatives of officials who signed the protocols and the objective assessment of the 1937–1938 historical period.” Meanwhile, the head archivist in Novosibirsk region barred researchers from accessing local NKVD files pending an examination for classified materials.

In an article titled “The KGB Archives: A Year After the Coup,” in the edited volume “Modern Russia: A View From Within,” historians Arseny Roginsky (1946–2017) and Nikita Okhotin (1949–) had mentioned several campaigns of archival destruction in the past, including orders in the Khrushchev era to destroy documents that “defamed honest Soviet citizens.”¹⁶⁹

Ten years after her abduction and murder, in 2019, the suspected killers of historian Natalia Estemirova (1958–2009) [see NCH Annual Reports 2010–2012, 2015] had still not been brought to justice.¹⁷⁰

On 28 October 2019, authorities in Tver ordered to take down two metal plaques commemorating the 1940 Katyń massacre. The plaques had been affixed to the facade of Tver State Medical University (which once was the regional headquarters of the secret police NKVD) in 1991. They carried inscriptions commemorating those who died in its basement: the 6,000 Poles estimated to have been transported east as prisoners of the invading Soviet forces to a camp near Ostashkov, secretly shot in Tver (Kalinin), and clandestinely buried near Mednoye. In a letter to the university’s rector Lesya Chichanovskaya, the local prosecutor’s office said that crucial documents relating to the plaques’ origins were missing from the archives and that their inscriptions were “not based on documented facts.” The Tver branch of the Communists of Russia political party had initiated the campaign to get the plaques removed. Aleksandr Guryanov, the coordinator of Memorial’s Polish research team, saw the order to remove the plaques in Tver as part of a years-long effort to rewrite the history of the Katyń massacre. In 2019, Memorial released a three-volume book listing the names and biographies of 6,287 Polish inmates of the Ostashkov camp.¹⁷¹

On 23 March 2020, the municipal court extended the pretrial detention of Yuri Dmitriev [see NCH Annual Reports 2018–2019] until 25 June 2020. Several thousand people signed a petition calling for

¹⁶⁹ “[Russian Authorities Seal Stalin-Era NKVD Archives](#),” *Moscow Times* (14 March 2019).

¹⁷⁰ Michel Forst, United Nations Special Rapporteur on the Situation of Human Rights Defenders, [World Report on the Situation of Human Rights Defenders](#) (December 2018), 427; Amnesty International, *Human Rights in Eastern Europe and Central Asia: Review of 2019* (London: AI, 2019), 25.

¹⁷¹ Matthew Luxmoore, “[In Removal of Plaques Marking Katyn Massacre, Critics See Russian Campaign To Rewrite History](#),” *RFE/RL News* (22 December 2019).

Dmitriev to be placed under house arrest for the duration of the Covid–19 pandemic. On 7 May 2020, the Supreme Court upheld the municipal court decision. On 22 July 2020, Dmitriev was sentenced to three and a half years on the charge of sexual assault for abusing his foster daughter. He was cleared of all other charges. He was set to be released in November 2020 due to time already served. His supporters received the verdict with relief as he was given a much shorter prison term than the fifteen years requested by the prosecution.

After two Karelian historians (Yuri Kilin, a history professor at Petrozavodsk State University, and Sergei Verigin) in June 2016 proposed the controversial theory that the Sandarmokh mass graves could contain hundreds of graves of Soviet prisoners of war held in Finnish concentration camps and then killed by Finnish forces during their occupation of Karelia in World War II, excavations sponsored by the Military Historical Society (a state-funded organization created by President Putin in December 2012, headed by Minister of Culture Vladimir Medinsky, and of which Kilin and Verigin were members) took place at Sandarmokh in the summers of 2018 and 2019, uncovering the remains of sixteen corpses that supposedly proved that the killing at Sandarmokh was, at least in part, the work of foreigners. Anatoli Razumov, director of the Center for Recovered Names in St. Petersburg, described this as an attempt to create “hybrid history” designed to confuse and distort. Antti Kujala, a historian at the University of Helsinki, took a similar view.¹⁷²

See also China, Czech Republic, Germany, Hungary, United States.

¹⁷² Website about Yuri Dmitriev: <https://dmitrievaffair.com>. Petition for Yuri Dmitriev: <https://www.change.org/p/chairman-of-petrozavodsk-city-court-a-a-sudakov-public-appeal-in-defense-of-yuri-dmitriev>; Memorial petition for Yuri Dmitriev (27 March 2020): <https://www.memo.ru/en-us/memorial/departments/intermemorial/news/375> PEN International, *Case List 2018* (London: PEN, 2019), 89–90; PEN International, “[Fair Trial Must Be Guaranteed for Memorial Historian and Human Rights Activist](#)” (4 November 2019); Jamie Dettmer, “[No End in Sight for Jailed Gulag Historian Yury Dmitriyev](#),” *Voice of America* (4 November 2019); Matthew Luxmoore, “[Russian Historian Jailed On Disputed Pedophilia Charges Dies In Custody](#),” *RFE/RL News* (2 April 2020); Halya Coynash, “[Historian of the Soviet Terror Dies in a Russian Prison](#),” *Human Rights in Ukraine* (3 April 2020); Andrew Higgins, “[He Found One of Stalin’s Mass Graves: Now He’s in Jail](#),” *New York Times* (27 April 2020); International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 90–91; “[Russian Court Upholds Decision To Extend Detention of Prominent Gulag Historian](#),” *RFE/RL News* (7 May 2020); PEN America, *Freedom to Write Index 2019* (Washington: PEN America, 2020), 8; “[Russian Historian Jailed in Controversial Sex Abuse Case](#),” *BBC News* (22 July 2020); PEN, “[Conviction of Russian Writer and Historian ‘Deplorable’](#)” (New York 22 July 2020); Yuri Dmitriev, “[Closing Statement before the Court](#),” *Meduza* (21 July 2020).

RWANDA

Previous *Annual Report* entries: 1998, 2000–2017, 2019.

Twenty-five years after the 1994 genocide, a significant number of people responsible for the genocide, including former high-level government officials and other key figures, have been brought to justice. In recent years, the government had requested extradition treaties with dozens of countries in an attempt to try remaining genocide suspects in Rwanda. In 2018, it ratified treaties with Ethiopia, Malawi, and Zambia. On 28 January 2019, genocide-suspect Vincent Murekezi was extradited to Rwanda from Malawi “courtesy of a prisoner exchange agreement” where he had been convicted of fraud-related offenses. In March 2019, Dutch police arrested a Rwandan man suspected of being involved in the genocide, after an extradition request. According to a local media report published in August 2019, Rwandan judicial authorities had sent out over 1,000 extradition requests for genocide suspects. In November 2019, the trial began in a Belgian court of genocide-suspect Fabien Neretse, charged with thirteen counts of murder and accused of causing an “incalculable” number of additional deaths.¹⁷³

In May 2020 French authorities arrested Félicien Kabuga (1935–) in Asnières-sur-Seine. The International Criminal Tribunal for Rwanda had charged him with genocide and crimes against humanity. He was allegedly the main financier of ethnic Hutu extremists. He also co-founded and funded the notorious Radio Télévision Libre des Mille Collines (RTLM), a Rwandan broadcaster that actively encouraged people to search out and kill anyone who was from the Tutsi ethnic group. Kabuga was expected to be transferred to the custody of the International Residual Mechanism for Criminal Tribunals (IRMCT) at The Hague, where he will stand trial.¹⁷⁴

See also Democratic Republic of Congo, France.

¹⁷³ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 485–486.

¹⁷⁴ “Félicien Kabuga: Rwanda Genocide Suspect Arrested in France,” *BBC News* (16 May 2020).

SAINT VINCENT

Previous *Annual Report* entries: 2014.

SÃO TOMÉ

Previous *Annual Report* entries: —.

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011, 2013, 2017–2019.

With few exceptions Saudi Arabia did not tolerate public worship by adherents of religions other than Islam and systematically discriminated against Muslim religious minorities, notably Twelver Shia and Ismailis, including in public education, the justice system, religious freedom, and employment. Government-affiliated religious authorities continued to disparage Shia and Sufi interpretations, versions, and understandings of Islam in public statements, documents, and school textbooks.¹⁷⁵

See also China, United States, Yemen.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009, 2013, 2017–2018.

On 7 February 2020, director of the Archives of Senegal Fatoumata Cissé Diarra condemned the destruction on 4 February 2020 of a large part of the archives of the Organisation pour la mise en valeur du fleuve Sénégal (OMVS; Senegal River Basin Development Authority) in Saint-Louis during a fishermen's protest to obtain permits for Mauritanian waters.¹⁷⁶

¹⁷⁵ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 490.

¹⁷⁶ “[Saint-Louis : La Directrice des Archives condamne la destruction d’une partie du patrimoine documentaire de l’OMVS.](#)” *APS – Agence de Presse Sénégalaise* (7 February 2020); “[Saccage des archives de l’OMVS.](#)” *ASF-France – Archivistes sans frontières* (22 February 2020).

See also France.

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2019.

In August 2019, RECOM (a coalition of civil society organizations in the post-Yugoslav countries advocating for the establishment of an official Regional Commission to establish the facts about crimes committed in 1991–2001) said that certain state institutions, such as the Defense Ministry of Serbia and some wartime commanders possessed information on the locations of a large number of mass graves, but that this information was kept in private archives.¹⁷⁷

Progress on prosecutions for crimes committed in the 1991–1995 wars was slow and lacked political will, adequate resources and strong witness support mechanisms. The low numbers of high-ranking officials prosecuted and convicted by courts remained a problem. By August 2019, the Belgrade Appeals Court had convicted five lower ranking officials of war crimes, while the first instance court had rendered two convictions and three acquittals. At the end of 2019, 56 individuals were under investigation for war crimes, and 20 cases were pending before Serbian courts. Since the establishment of the War Crimes Prosecutor Office in 2003, 133 judgments had been issued, of which 83 were convictions and 50 acquittals. In July 2019, Chief Prosecutor Serge Brammertz at the Mechanism for International Criminal Tribunals (MICT) expressed concern to the United Nations Security Council that in Serbia, and other former Yugoslav countries, convicted war criminals were considered heroes and glorified by politicians, with widespread denial by public officials of war crimes. He called on Serbia and neighboring countries to support the regional cooperation process to hold war criminals to account.¹⁷⁸

Kosovo

The Hague-based Specialist Chambers and Prosecutor's Office trying serious war crimes committed during the 1998–1999 Kosovo war summoned three suspects during 2019 for questioning but had issued no indictments at the end of 2019. In July 2019, the Hague Prosecutor's Office summoned Kosovo

¹⁷⁷ [“The Fate of the Persons Missing in the 1990s Wars in the Balkans: Obstruction instead of Civilisational Prospects and a Humanitarian Dimension,”](#) *Humanitarian Law Center* (29 August 2019).

¹⁷⁸ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 497–498.

Prime Minister Ramush Haradinaj for questioning, prompting his resignation. Former senior Kosovo Liberation Army (KLA) fighters were expected to be indicted and stand trial.

The Human Rights Review Panel, an independent body set up in 2009 to review allegations of human rights violations by staff of the now-concluded European Rule of Law Mission (EULEX), ruled in thirteen cases between January and September. Twenty-four cases were pending before the panel at the end of 2019. Since its existence, the panel had registered 200 cases.¹⁷⁹

On 25 April 2020, outgoing Prime Minister Albin Kurti dismissed his adviser Shkelzen Gashi for saying that individual Kosovo Liberation Army (KLA) fighters committed crimes during the 1998–1999 war, which sparked a furious backlash. Gashi, a history and politics expert, said in an interview that individuals within the KLA committed crimes against civilians, including ethnic Albanians. He added that the facts had been reported by international watchdogs and cited in trials at the International Criminal Tribunal for the Former Yugoslavia as well as in domestic cases prosecuted by the UN's Kosovo mission UNMIK and the EU's rule-of-law mission EULEX.

Threats to Gashi continued, leading to a group of over forty civil society organizations in Kosovo issuing a joint statement in June 2020 saying that Gashi had been “threatened and insulted in the worst way by the general public, but also by many personalities and politicians including president Hashim Thaçi,” Kushtrim Koliqi, the head of Pristina-based NGO Integra, whose work focuses on peace, dealing with the past and human rights, said that the campaign against Gashi was “a warning for any serious idea or initiative that intends to deal with the past properly.”¹⁸⁰

On 29 July 2020, the United States Ambassador to Kosovo, Philip Kosnett, expressed his concern about a draft law on Protection of the Kosovo Liberation Army War Values, because it obliged “any public official and citizen of the Republic of Kosovo ... to respect and protect the war values determined by this law in any time and circumstance within the country and abroad.” According to the draft law, the so-called values of war include the KLA itself as an armed military formation, its veterans, flag, soldier's oath, coat of arms, the General Staff, Political Directorate, staffs of operational areas and archives, as well as the Adem Jashari Memorial Complex in Prekaz and other complexes.¹⁸¹

See also Austria, Bosnia and Herzegovina.

¹⁷⁹ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 335–336.

¹⁸⁰ Serbeze Haxhijaj, “Kosovo PM Sacks Adviser for Criticising Wartime Guerrillas,” *Balkan Insight* (26 April 2020); Serbeze Haxhijaj, “‘Lynch Mob’ Campaign Against Kosovo Rights Activist Condemned,” *Balkan Insight* (4 June 2020).

¹⁸¹ Xhorxhina Bami, “Kosovo Pushes Ahead with Law to Protect KLA's Reputation,” *Balkan Insight* (30 July 2020).

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007. *See* Montenegro and Serbia / Kosovo.

SEYCHELLES

Previous *Annual Report* entries: 2019.

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012, 2016.

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011, 2015–2016, 2018–2019.

In 2019, activist Jolovan Wham [see NCH Annual Reports 2018–2019] faced charges for organizing a peaceful protest on a train and a candlelight vigil for a condemned prisoner.¹⁸²

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011, 2013–2015, 2017.

See Czech Republic.

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2013, 2015–2018.

¹⁸² Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 501.

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012–2014, 2019.

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012–2019.

On 29 May 2020, the Supreme Court of Appeal (SCA) in Bloemfontein ruled that the South African History Archive (SAHA) prevailed in a legal case (started in August 2014) for access to information held by the South African Reserve Bank (SARB). SAHA's request was based on a public interest provision of the 2000 Promotion of Access to Information Act (PAIA) No. 2. The information regarded secret apartheid era records from the period 1980–1995 that could reveal corruption at the time.¹⁸³

SOUTH SUDAN

Previous *Annual Report* entries: 2013, 2015–2019.

South Sudan did not make progress in establishing the African Union (AU)–South Sudanese hybrid court envisioned in the 2018 peace agreement. It had yet to sign the memorandum of understanding with the AU or promulgate legislation to establish the court. In April 2019, the government hired Gainful Solutions Inc., a United States (US)-based lobby group, to “reverse current sanctions and further block potential sanctions” and “delay and ultimately block establishment of the hybrid court ...” Following public criticism, the terms of the contract were later revised to exclude blocking of the hybrid court.¹⁸⁴

¹⁸³ South African History Archive, [Press Release: Openness Prevails in Victorious Judgment in SCA Appeal](#) (30 May 2020).

¹⁸⁴ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 525–526.

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2019.

On 3 March 2020, historian Oriol Junqueras (1969–), who as a former vice president for Catalonia (2016–2017), was serving a thirteen-year sentence for his role in the illegal secession push against Spain by the Catalan government in 2017, was allowed to leave prison to take up part-time teaching work at a university. Junqueras had been elected to the European Parliament in May 2019 while in custody. He would be allowed three furloughs a week to teach classes at the University of Vic (Universitat Central de Catalunya; Central University of Catalonia). On 19 December 2019, the European Court of Justice ruled that Junqueras had parliamentary immunity as he was an elected member of European Parliament and should have been released from prison.¹⁸⁵

See also France.

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2019.

In March 2019, Sri Lanka supported a consensus resolution of the United Nations (UN) Human Rights Council, requesting that the government “implement fully” the measures set out in a 2015 resolution, and encouraging “the adoption of a time-bound implementation strategy.” This included a number of commitments to justice and accountability for violations committed during the civil war (1983–2009) between the government and the Liberation Tigers of Tamil Eelam, through an office of missing persons, an office for reparations, and by setting up an independent accountability mechanism including international investigators, prosecutors, and judges. Despite important initial developments after the 2015 resolution – including lifting severe restrictions on freedom of speech and association, holding consultations, releasing some civilian land held by the military, and re-establishing an independent government human rights commission – progress slowed considerably. Commissioners were appointed to the Office for Reparations in April 2019.

The Office on Missing Persons (OMP) began work in 2018, recording over 14,000 cases, but made little progress in discovering their whereabouts. Relatives of the forcibly disappeared protested against the OMP, questioning its authority and independence. Other commitments not met by the government

¹⁸⁵ AP, “[Jailed Catalan Independence Leader to Teach at University](#),” *ABC News* (3 March 2020); “[Oriol Junqueras](#),” *Wikipedia* (9 March 2020).

included security sector reform and repealing the draconian Prevention of Terrorism Act (PTA). A Counter Terrorism Act (CTA) to replace the PTA was drafted, but it also contained provisions that would facilitate abuse.

In May 2019, ethnic Tamil victims' groups marked ten years since the end of the civil war with protests and vigils against the government's failure to address conflict-related violations and provide redress. Some families of people forcibly disappeared during the war reported intimidation by soldiers. The army also disrupted Tamil memorial events. In May 2019, families of the disappeared from Ampara were at a remembrance ceremony when soldiers arrived and destroyed or removed banners and decorations, and threatened to arrest the participants.¹⁸⁶

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2019.

Following months of protests, President (1989–2019) Omar al-Bashir was ousted in April 2019 and replaced by a military council. Following negotiations between the military leaders and opposition groups, a transitional government led by a “sovereign council” composed of military and civilian members replaced the military council in August. The agreement to form the transitional government included setting up a national independent investigation into the events of 3 June 2019, when the paramilitary force Rapid Support Forces (RSF) attacked a protesters' sit-in in Khartoum. The agreement also called for accountability for all past abuses under the al-Bashir government. Because women played an important role in the protests, women's rights groups expressed disappointment that few women were included in a transitional government. The government had yet to cooperate with the International Criminal Court (ICC) in respect of cases against al-Bashir and four other men on charges of genocide, crimes against humanity and war crimes committed in Darfur.

On 30 June 2019, the anniversary of al-Bashir's assumption of power in 1989, RSF soldiers opened fire on protesters calling for justice for the 3 June 2019 victims, as they crossed a bridge linking Khartoum and Omdurman, killing eight. Another three bodies were found the next day in Omdurman covered with banners used in protests, with blood stains on their bodies and a megaphone near where the bodies were found. The father of one victim said he believed his son died from torture.¹⁸⁷

¹⁸⁶ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 527–529.

¹⁸⁷ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 531, 534.

See also Syria.

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012–2013, 2015–2016, 2018.

SWAZILAND

Previous *Annual Report* entries: 2011, 2013, 2016–2018.

SWEDEN

Previous *Annual Report* entries: 1998, 2017–2018.

On 9 November 2019, Nazi-style Star of David stickers were plastered on the Great Synagogue and Bajit Jewish Center in Stockholm.¹⁸⁸

At the end of the autumn semester in 2019, senior lecturer Inga-Lill Aronsson at Uppsala University was reprimanded after four students complained when she used the Swedish word *neger* (negro) as an example when asked how to look up in older archives words that today were considered controversial or offensive. “You enter the word directly into [the] window,” she explained in a panel debate on classification and knowledge organization in the master program on archival science, library and information science, museum and heritage studies. This was reported as a provocation by the four students present, stating that she had no right to use this word since she was not of color and had not experienced racism. A social media storm erupted after the news leaked, with most condemning the move as “political correctness.”¹⁸⁹

See also Austria.

¹⁸⁸ “[Neo-Nazi Held in Denmark over Jewish Cemetery Attack](#),” *BBC News* (14 November 2019).

¹⁸⁹ Jan Petter Myklebust, “[Lecturer Is Told that the Word ‘Negro’ Can Never Be Used](#),” *University World News* (18 January 2020).

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009, 2014, 2016–2018.

See Brazil, Iran, Turkey.

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2019.

On 23 October 2019, Hadi Al Khatib, a human-rights activist and video archivist, and Dia Kayyali, a collaborator of Witness (an NGO helping people use digital tools to document human rights violations), accused the video-channel YouTube and other companies of censorship and erasure of history because they had taken down more than 200,000 videos that included evidence of government attacks in Syria and elsewhere because they were flagged as being violent or propaganda. Since 2017, YouTube had also taken down a number of accounts that were trying to document the Syrian conflict (2011–), including pages run by groups such as the Syrian Observatory for Human Rights, the Violation Documentation Center, and the Aleppo Media Center. Khatib also said that activists in Sudan, Yemen, and Myanmar had similar problems with important content being removed.¹⁹⁰

Tens of thousands of persons have been detained or disappeared since 2011, the vast majority by government forces. Thousands died in Syrian government custody from torture and horrific detention conditions. In 2019, the government updated the records of hundreds thought to be disappeared or dead, but none of their families had received their loved ones' remains or additional information from authorities. A report by the Syrian Network for Human Rights, published in June 2020, stated that the Syrian government was responsible for 98.9 percent of cases of torture resulting in death (out of 14,388 cases) between 2011 and June 2020.¹⁹¹

See also Iraq.

¹⁹⁰ Mathew Ingram, "[YouTube Takedowns Are Making It Hard to Document War Crimes](#)," *Columbia Journalism Review* (24 October 2019).

¹⁹¹ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 541–542; Syrian Network for Human Rights, *The Ninth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture* (London: Syrian Network for Human Rights, 2020).

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012, 2016–2019.

On 25 February 2019, the Transitional Justice Commission (TJC; established 2018) stated that a total of 1,056 people who were killed or unjustly convicted in the crackdown during and after the 2/28 Incident (28 February 1947; with the crackdown continuing until May 1947 and leaving an estimated 18,000 to 28,000 people dead) were expected to be exonerated. By May 2020, the total exonerated for the entire period of the White Terror (1947–1987) was 6,000, but in name only: criminal records remained because the passage of time had made retrials impracticable. On 7 July 2019, President Tsai Ing-wen said that she would press the National Security Bureau and other agencies to declassify major cases from the White Terror era (as she presided over a ceremony in Taipei marking the exoneration of another 2,006 political victims. Tsai pointed to the passage of the Political Archives Act on 4 July 2019, containing regulations for the collection, review, and declassification of documents on political cases. On 26 February 2020, the TJC launched a searchable online database of curated court files of 9,800 victims of political persecution during the White Terror era.¹⁹²

On 8 March 2020, a two-volume “Draft Report on the Truth of the 228 Incident and Transitional Justice” (1.260 pages), written by ten Taiwanese historians and scholars for the Memorial Foundation of 228 (see item above), was published during a ceremony held at the National 228 Memorial Museum. It built on the investigation report released by the Executive Yuan (1992) and a study on the accountability of perpetrators released by the foundation (2006), incorporated new, declassified archival materials, and touched upon the role of the government intelligence agencies, the deployment of government troops in quelling the uprising and the casualties including individuals from mainland China. The report was meant to be submitted to the Transitional Justice Commission (TJC).¹⁹³

See also China.

¹⁹² Chen Yu-fu, “[Declassification Slowing Justice Process: Source](#),” *Taipei Times* (31 December 2018); “[Agency to Release Third Exonerations List](#),” *Taipei Times* (27 February 2019); Jason Pan, “[Tsai Vows to Open White Terror Files](#),” *Taipei Times* (8 July 2019); Matt Yu & Matthew Mazzetta, “[TJC Unveils Online Database of Persecutions in Martial Law Period](#),” *Focus Taiwan* (26 February 2020); Violet Law, “[Taiwan Targets Truth Not Justice As It Investigates Darker Times](#),” *Al Jazeera* (26 May 2020).

¹⁹³ Emerson Lim, “[New Report on 228 Incident Published in Pursuit of Transitional Justice](#),” *Focus Taiwan* (8 March 2020).

TAJIKISTAN

Previous *Annual Report* entries: 2017–2018.

In July 2019, the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID) visited Tajikistan. It expressed concern that the existence of mass graves and the fate of thousands of persons unaccounted for in connection with the 1992–1997 civil war remained a “virtually unaddressed issue” and that more should be done “to deal with issues related to truth, justice, reparation and memory in relation to the serious human rights violations.” The working group also pointed to a “number of recent and previous cases of Tajik individuals, reportedly political opponents who were residing abroad and were forcibly returned to Tajikistan. In some cases, these individuals have appeared in detention in Tajikistan after short periods of disappearance, while in a few instances their whereabouts are still unknown.”¹⁹⁴

TANZANIA

Previous *Annual Report* entries: 2010, 2016–2017.

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2019.

As the chief of the National Council for Peace and Order (NCPO) junta, Prime Minister General Prayut Chan-ocha wielded power from 2014 to 2019 that was unhindered by oversight or accountability. While the NCPO disbanded after the new government took office in July 2019, the constitution protected junta members and anyone acting on the junta’s orders from ever being held accountable for human rights violations committed during military rule. No redress was available for victims of those human rights violations. The government still had not repealed all of the human rights violating NCPO orders.¹⁹⁵

Despite evidence showing that soldiers were responsible for most casualties during the 2010 political confrontations with the United Front for Democracy Against Dictatorship (the “Red Shirts”) that left at least ninety dead and more than 2,000 injured, no military personnel or officials from the government

¹⁹⁴ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 552.

¹⁹⁵ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 559.

of former Prime Minister Abhisit Vejjajiva (2008–2011) had been charged for killing or wounding demonstrators or bystanders.¹⁹⁶

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2013, 2015–2018.

TOGO

Previous *Annual Report* entries: 2002, 2008–2013, 2017–2018.

TRINIDAD and TOBAGO

Previous *Annual Report* entries: 2018.

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2019.

In 2013, Tunisia adopted legislation to address crimes of the past, which included the creation of an Instance Vérité et Dignité (IVD; Truth and Dignity Commission). The commission was mandated to investigate all serious human rights violations from 1955 to 2013 and was designed to provide accountability for torture, forced disappearances, and other past abuses. During the years it operated, from 2013 to 2018, the commission received more than 62,000 complaints and held confidential hearings for more than 50,000 of these. On 26 March 2019, the commission published its five-volume 2000-page report analyzing and exposing the senior officials and state institutions responsible for systematic human rights abuses over five decades. It outlined the role of former Presidents Habib Bourguiba (1957–1987) and Zine el-Abidine Ben Ali (1987–2011) and others in torture, arbitrary detention, and numerous other abuses. The commission documented abuses not only against political opponents but against their families, including sexual assaults of the wives and daughters of opposition

¹⁹⁶ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 563.

members.

The commission named former Prime Minister (2011) and President (2004–2019) Caid Essebsi (1926–2019) as complicit in torture when serving as the interior minister for Bourguiba (1965–1969). The law also tasked the commission with referring cases of torture, forced disappearance, and other serious abuses to thirteen specialized chambers created within ordinary courts. The commission's recommendations included reform of the judicial and security sectors, the creation of an independent body to monitor the work of the security forces, the harmonization of laws with the Constitution, measures to establish accountability for crimes committed and other steps to strengthen the rule of law. The government failed to publish the report in the official gazette or present a plan to implement the IVD's recommendations, as required by Article 70 of the Transitional Justice Law. The parliament had yet to establish a specialized parliamentary committee to oversee implementation of the recommendations.

By the end of the commission's mandate, it had transferred to the specialized courts 173 cases of human rights violations, including cases of torture, enforced disappearances, and arbitrary detentions. The specialized courts opened at least 78 trials around the country, involving 541 victims and 687 accused. In at least thirteen trials, the defendants did not attend; in sixteen others, only their lawyers appeared. The largest trade union for the security forces asked its members not to appear in court, saying that the trials were vindictive. The Ministry of Interior appeared reluctant to implement court subpoenas of indicted suspects to the hearings. The first case before a specialized court involved the forced disappearance of Kamel Matmati, an Islamist activist whom the police arrested in 1991. It opened in Gabes on 29 March 2018, and was continuing at the end of 2019.¹⁹⁷

TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2019.

On 17 April 1995, writer and journalist Ahmet Altan (1950–) [see NCH Annual Report 1997] was dismissed from *Milliyet*, charged with “inciting racial hatred,” and given a twenty-month suspended sentence because in a satirical column entitled “Atakürt,” he had suggested that the Turkish independence war after World War I (1920–1922) had been led by Kurds rather than Turks and that the country was called Kurdey (“Kürdiye”). He also wrote that Atatürk was a dictator. Over the rest of his journalistic career, including as chief editor of the daily *Taraf* (2007–2012), he faced continual charges

¹⁹⁷ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 569; Amnesty International, *Human Rights in the Middle East and North Africa: Review of 2019* (London: AI, 2020), 65–66.

on grounds ranging from raising the Armenian genocide to insulting the president. In September 2008, for example, when he published an article titled “Oh, My Brother” dedicated to the victims of the Armenian genocide, he was charged under Article 301 of the Turkish Penal Code for “denigrating Turkishness.” The claim was initiated by the far-right Great Union Party. Altan is the author of historical novels spanning the half-century before the rise of Mustafa Kemal Atatürk. He was sentenced to life imprisonment after the failed July 2016 coup (in February 2018) on sedition charges, later changed into terrorism charges, but in early July 2019, his life sentence was overturned.¹⁹⁸

On 20 December 2017, Çayan Demirel (1977–) and Ertuğrul Mavioğlu (1961–) were charged with disseminating propaganda in favor of a terrorist organization (Article 7/2 of Law no. 3713 on Counter-Terrorism) for their documentary film *Bakur* (“North” in Kurdish). The documentary explored the conflict between the Turkish armed forces and the outlawed Kurdistan Workers Party (PKK), showed the daily lives of PKK guerrillas in three camps in southeast Turkey in 2013, and focused on the withdrawal of the PKK from Turkey during the peace process that started in 2013 and collapsed in July 2015. The film was scheduled to premiere at the Istanbul Film Festival in May 2015, but the screening was canceled by the Turkish Ministry of Culture, on the grounds that the film did not have the required registration certificate. As Demirel gave his deposition in Istanbul on 28 December 2017, dozens of filmmakers came in solidarity to protest outside the courthouse, holding signs that read “Sinema Yargılanamaz! Keep Films Out of Court!” The first hearing in their case took place on 18 January 2018. The Batman 2nd High Criminal Court sentenced both directors to four years and six months in prison *in absentia* on 18 July 2019. Demirel and Mavioğlu remained free pending appeal but were subject to a travel ban.

Demirel had started working on historical documentaries in 2000, after he had received his degree from the Faculty of Economics. In 2006, he had completed his first ever documentary called *38*, which reflected on the incidents of the Dersim Massacre (1936–1938) [see NCH Annual Reports 1998, 2002, 2007–2008, 2012, 2015]. He then founded Surela Film Production in 2009 and directed his award-winning documentary *Prison Number 5: 1980–84* that same year. Mavioğlu worked as a journalist for nearly thirty years at multiple newspapers and television stations. He spent eight years in prison during the period 1980–1991, following the September 1980 military coup. He was also granted two awards from the Progressive Journalists Association.¹⁹⁹

¹⁹⁸ H. Cemal, “Freedom of Expression in Turkey,” *Free Speech Debate* (April 2012); Human Rights Watch, *Ifex Alert* (7 July 1997); Ahmet Altan, “Knowing that They Are there, Helps Me Keep Smiling in My Cell,” *Index on Censorship* (2019 no. 2), 84–88; Alison Flood, “Tackling News Stories that Journalists Aren’t Writing,” *Index on Censorship* (2019 no. 3), 59; “[Ahmet Altan](#),” *Wikipedia* (28 September 2019); Index on Censorship and Others, [Statement](#) (4 November 2019); PEN America, *Freedom to Write Index 2019* (Washington: PEN America, 2020), 12, 16.

¹⁹⁹ International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 99–100.

In March 2018, parliament speaker İsmail Kahraman allegedly barred female actresses from performing at the Grand National Assembly, in which they were commemorating the 1915 Gallipoli battle. This decision was reportedly made after an emergency meeting held just an hour before the performance was due to start.²⁰⁰

On 29 May 2018, Evren Altinkas arrived at the University of Guelph, Canada, to start working as a visiting history professor. He had had a history of dissidence since 2000. While a teaching assistant in history at the public Dokuz Eylül University in Izmir (1994–2012), Altinkas went to King’s College, London (1999–2000) to get his masters in Mediterranean studies. His master’s thesis on the Kurdish people in Turkey was, however, not recognized in Turkey. Later, he began teaching political science classes at the university, with a focus on democracies around the world. Pro-government students allegedly reported him to his superiors. He was officially warned several times until he left the university in 2012, moving on to the private Avrasya University in Trabzon (2012–2014). During the 2013 protests, Altinkas spread his views on the social media: he criticized the ongoing attacks on academic freedom, increasing nationalism and religious authoritarianism, and discrimination of ethnic and religious minorities. As a result, the university asked him to leave. Altinkas then went to the public Artvin Coruh University, Artvin (2013–2014), where he was eventually forced out after rector told him that he and his wife were under investigation. Following a short stint at Girne American University, in Cyprus (2014–2015), Altinkas was unemployed until he left Turkey for Canada. At Guelph, he taught courses on politics and the history of the Middle East and did research into Ottoman and Turkish history.²⁰¹

Büşra Ersanlı (1950–) [see NCH Annual Reports 2012–2013, 2018] – emeritus professor of political science at Marmara University specialized in historical subjects – was acquitted after the Turkish Constitutional Court ruled in July 2019 that the rights of ten academics who had signed the 2016 petition of the Initiative of Academics for Peace [see NCH Annual Reports 2017–2019] had been violated.²⁰²

On 25 March 2019, the United Nations (UN) Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of nonrecurrence wrote a six-page Letter of Allegations to the Turkish government saying that they had “received alleging violations attributable to Turkey in relation to the

²⁰⁰ Freemuse, *The State of Artistic Freedom 2019: Whose Narratives Count?* (Copenhagen: Freemuse, 2019), 59.

²⁰¹ Graeme McNaughton, “[‘Never Come Back’: Turkish Professor Finds New Home in Guelph](#),” *Guelph Mercury* (28 November 2018); Scholars at Risk, *Email about Evren Altinkas* (23 December 2019).

²⁰² PEN International, *Case List 2018* (London: PEN, 2019), 101; International PEN, *The PEN International Case List 2019* (London: PEN, 2020), 101.

tragic events that affected the Armenian minority from 1915 to 1923, and their consequences for the population concerned.” On 17 May 2019, Turkish Ambassador Sadik Arslan (Turkey’s Permanent Representative to the United Nations in Geneva) responded that the UN letter “will be left unanswered by the Government of Turkey,” further stating that “my authorities were rather baffled by the communication” which he described as “ill-intended and politically motivated.”²⁰³

In June 2019, authorities detained Baki Tezcan, an associate professor of history specialized in the early modern Ottoman period at the University of California, Davis, upon his arrival in Istanbul with his wife and children. A signatory of the 2016 peace petition [see item above], Tezcan had been indicted for it in May 2018. An Istanbul court overseeing the case had requested that the United States Department of Justice turn over Tezcan after he missed the first hearing in his trial, but the latter had responded in January 2019 that his signing the petition was protected by the First Amendment of the United States Constitution. The court then issued an arrest warrant which was executed in June 2019 when Tezcan returned to Turkey. Tezcan was quickly released from custody, but his legal status remained unclear in the wake of the July 2019 Constitutional Court decision (see item below). His next hearing was scheduled for October 2019.²⁰⁴

In July 2019, Ayşe Gül Altınay, professor of cultural anthropology and director of the Gender and Women’s Studies Center at Sabancı University in Istanbul [see NCH Annual Report 2019], was reportedly free to travel abroad.²⁰⁵

On 26 July 2019, the Constitutional Court ruled with a one-vote majority that ten educators who had signed the 2016 petition of the Initiative of Academics for Peace (entitled “We Will Not Be a Party to This Crime!”) (see item above) had been tried in violation of their rights. The decisions of the Constitutional Court are binding on inferior courts. According to pro-state media, however, 1,071 academics signed a manifesto condemning the Constitutional Court judgment. The number “1071” was also a reference to the Malazgirt (Manzikert) battle in 1071 (in which the Seljuks defeated the Byzantine Empire).²⁰⁶

²⁰³ United Nations Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of nonrecurrence, [Letter to Turkish Government](#) (Reference AL TUR 1/2019) (25 March 2019); Harut Sassounian, “[UN Questions Turkey on the Armenian Genocide in Stunning Letter](#),” *Armenian Weekly* (25 June 2019),

²⁰⁴ Robert Quinn, “[Fighting to Protect—and Define—Academic Freedom](#),” American Association of University Professors (no date [September 2019]); Rebecca Bihn-Wallace, “[UC Davis Professor Arrested in Turkey Recalls Experiences](#),” *The Californian Aggie* (4 October 2019).

²⁰⁵ Brennan Cusack, “[Turkey’s Crackdown on Academics Represses History Once Again](#),” *New York Times* (8 July 2019); Ann Rigney, personal communication (16 July 2019).

²⁰⁶ Sophia Paley, “[Cases against Academics for Peace Have Become Emblematic of the Attacks on Freedom of Expression in Turkey](#),” *Index on Censorship* (28 August 2019).

See also Hungary.

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012, 2015–2019.

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2013, 2015–2017, 2019.

In 2019, the case of Dominic Ongwen, alleged former Lord’s Resistance Army (LRA) commander charged with seventy counts of war crimes and crimes against humanity, continued at the International Criminal Court (ICC). In October 2019, the court announced that closing statements in this case would commence on 10 March 2020. Two ICC warrants remained outstanding for the arrest of LRA leaders Joseph Kony and Vincent Otti, who was presumed dead. The International Crimes Division (ICD) of the High Court continued the trial of alleged former LRA commander Thomas Kwoyelo – in custody since his capture in the Democratic Republic of Congo in 2009 – on charges of war crimes and crimes against humanity. The trial had numerous delays. In September 2019, the ICD confirmed charges of terrorism, murder, attempted murder, aggravated robbery against Jamil Mukulu, alleged leader of the rebel Allied Democratic Forces (ADF), and 37 others.²⁰⁷

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011, 2014–2019.

In October 2019, Alex Krakovsky filed suit against the Ministry of Justice after it issued an order in June 2018 barring the copying of documents larger than letter-size as well as files thicker than 1.5 inches, old printed books, and listings of documents. The court in Kyiv ruled partially in Krakovsky’s favor, saying that people have the right to copy documents with cameras – with the caveat, however, that people would be required to fill out a form requesting specific documents. Since 2011, Krakovsky had sued more than a dozen archives that obstructed access to their records in some form; he won all the cases. Krakovsky planned to appeal the ministry but after hearing that the case would be tied up in court for one to two more years, he decided against it.²⁰⁸

See also United States.

²⁰⁷ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 594–595.

²⁰⁸ Greg Stricharchuk, “[Access and Digitization on Trial: Alex Krakovsky’s Archival Battle in Ukraine](#),” *H-Ukraine* (18 December 2019).

UNITED ARAB EMIRATES

Previous *Annual Report* entries: 2013, 2016.

See Yemen.

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2019.

In July 2019, Elizabeth Ford, an American music historian specialized in eighteenth-century Scottish music, received a letter from the Home Office, saying that her leave to remain, granted a year before, was erroneous, and that she had to leave the United Kingdom within two weeks. Ford had been working in the country for eight years, first at Glasgow University and then as a research fellow at Edinburgh University and was due to begin a research fellowship at Oxford University. Researchers from abroad criticized the British visa system as “hostile, cumbersome and punitively expensive.” Ford herself called it “arcane and arbitrary.”²⁰⁹

On 23 January 2020, Selina Todd, a historian at St Hilda’s College, University of Oxford, specialized in the modern history of women and the working class and associated with campaign group Women’s Place UK (WPUK), was given two security guards (male staff members) to accompany her to lectures after she received threats from transgender rights activists on social media and email networks. Accusing her of being “transphobe,” the activists reportedly believed that Todd’s views on the need to protect women’s spaces, such as single-sex refuges, from people who self-identify as women but are anatomically male were unacceptable. In early March 2020, Todd was disinvited (“no-platformed”) to address the Oxford International Women’s Festival (29 February – 14 March 2020).²¹⁰

On 7 June 2020, anti-racist protesters tore down the statue of slave trader Edward Colston (1636–1721) in Bristol and threw it into the harbor. A member of the Royal African Company, which transported about 80,000 men, women and children from Africa to the Americas, Colson bequeathed his wealth to

²⁰⁹ Anna Fazackerley, [“US Academic Given Two Weeks to Leave UK after Eight Years,”](#) *The Guardian* (17 September 2019).

²¹⁰ [“Oxford Professor Given Protection Following Threats from Trans Activists,”](#) *BBC News* (25 January 2020); Camilla Turner & Ewan Somerville, [“Oxford University Professor Given Security Guards for Lectures after Threats from Transgender Activists,”](#) *Telegraph* (23 January 2020); [“Oxford University Professor Condemns Exclusion from Event,”](#) *BBC News* (4 March 2020).

charities. The statue was retrieved on 11 June 2020 and would become a museum exhibit. Also on 7 June 2020, the statue of Winston Churchill (1874–1965) on Parliament Square in London was sprayed with graffiti declaring him a “racist” and it had a Black Lives Matter sign attached. On 10 June 2020, a monument erected in the Scottish capital Edinburgh in 1823 commemorating Henry Dundas (1742–1811), a politician who delayed the abolition of slavery, was spray-painted with the words “George Floyd” and “BLM” (for Black Lives Matters). Dundas had put forward an amendment to a bill which would have abolished slavery in 1792, opting for a more “gradual” approach. This allowed the practice to continue for fifteen years longer than it otherwise would have done.

On 11 June 2020, a statue of Robert Baden-Powell (1857–1941), founder of the Scouts movement, was to be removed in Poole amid fears that it was on a “target list for attack.” Baden-Powell had been criticized by campaigners who accused him of racism, homophobia and support for Adolf Hitler and fascism. A statue of slaveholder Robert Milligan (1746–1809) was also removed from outside the Museum of London Docklands, while in Oxford thousands of people called for the removal of a statue of British imperialist Cecil Rhodes (1853–1902). On 17 June 2020, the governors of Oriel College, Oxford University, voted to remove the controversial Rhodes statue; they would also launch an “independent commission of inquiry” into his legacy, which also included the Rhodes scholarships.²¹¹

The Ivor Bell trial [see NCH Annual Reports 2012–2017, 2019] took place in mid-October 2019. On 16 October, Justice John O’Hara ruled that the Boston tapes that implicated Ivor Bell and Gerry Adams in the McConville murder were inadmissible. Apparently concurring with witness Kevin O’Neill, a professor of history from Boston College, the judge also said that Boston tapes interviewer Anthony McIntyre had an agenda and was not a “neutral interviewer” in respect of Adams, the peace process and the 1998 Belfast Agreement.²¹²

See also Australia, China, Czech Republic, Ethiopia, Myanmar, New Zealand, Turkey, United States, Yemen.

²¹¹ [“George Floyd Death: Protesters Tear Down Slave Trader Statue,”](#) *BBC News* (7 June 2020); [“Robert Baden-Powell Statue To Be Removed in Poole,”](#) *BBC News* (11 June 2020); [“George Floyd Protests: The Statues Being Defaced,”](#) *BBC News* (10 June 2020); [“Churchill Statue ‘May Have To Be Put in Museum’, Says Granddaughter,”](#) *BBC News* (13 June 2020); Sean Coughlan, [“Oxford College Wants to Remove Rhodes Statue,”](#) *BBC News* (18 June 2020).

²¹² Ryan McChrystal, “Failing to Face Up to the Past,” *Index on Censorship* (2019 no. 2), 49; Gerry Moriarty, [“Jean McConville’s Murder, the Boston tapes, Gerry Adams and the Ivor Bell Trial,”](#) *Irish Times* (17 October 2019).

UNITED STATES

Previous *Annual Report* entries: 1995–2019.

On 29 December 1997, a group called Friends of Acoma – people protesting the 400th anniversary of the arrival of Juan de Oñate (1550–1626; founder and governor of the colony of New Mexico in 1598) in New Mexico – cut off the right foot of a 1991 statue of Oñate in Alcalde, New Mexico, with an electric saw. In 1599, Oñate had killed 800 Indigenous people in Acoma Pueblo, enslaved the remaining 500, and amputated the right foot of at least 24 of the Acoma men. For these crimes, he was sentenced in 1606 and he had to resign in 1610. The protesters left a note that read: “We took the liberty of removing Oñate’s right foot on behalf of our brothers and sisters of Acoma Pueblo.” On 15 June 2020, authorities in Alcalde removed the statue. Later that day, gunfire broke out during a protest in Albuquerque to demand the removal of a 2004 statue of Oñate outside the Albuquerque museum. One victim was hospitalized, and the police took into custody several members of a right-wing militia called the New Mexico Civil Guard and made up of armed white gunmen. Hours later, the mayor announced that the statue would be removed until “the appropriate civic institutions” could determine how to proceed.²¹³

Recognition grew in 2019 that current racial disparities in policing, criminal justice, and other aspects of American life could not be understood without reference to slavery and its continuing impact on society. The United States (US) Congress held an historic hearing on Juneteenth – a day commemorating the 19 June 1865 announcement of the abolition of slavery in the US – to discuss possible ways to account for these harms, including reparations and more investment in black communities to address continued inequality and discrimination.²¹⁴

In August 2019, a local chapter of the National Association for the Advancement of Colored People (NAACP) filed a federal lawsuit against Hanover County and its school board in the District Court for the Eastern District of Virginia over two schools that commemorated Confederate leaders (Lee-Davis High School and Stonewall Jackson Middle School). It argued that both schools violated the First and Fourteenth Amendment rights of African American students by forcing them “to champion a legacy of segregation and oppression in order to participate in school activities.” According to the lawsuit, as of 2018, 31 Virginia schools were named for Confederate figures; 18 of them had been removed by the

²¹³ Simon Romero, “[Statue’s Stolen Foot Reflects Divisions Over Symbols of Conquest](#),” *New York Times* (30 September 2017); Simon Romero, “[Man Is Shot at Protest Over Statue of New Mexico’s Conquistador](#),” *New York Times* (15 June 2020); Sarah Mervosh, Simon Romero & Lucy Tompkins, “[Reconsidering the Past, One Statue at a Time](#),” *New York Times* (16 June 2020).

²¹⁴ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 606.

end of 2018. Hanover school board members, however, had voted 5 to 2 to keep the Confederate school names after some residents had petitioned for change. Earlier in 2019, the county board of supervisors had declined to reappoint one of the two school board members who voted to change the names.²¹⁵

On 1 October 2019, the National Security Archive (NSA) together with Citizens for Responsibility and Ethics in Washington (CREW) and the Society for Historians of American Foreign Relations (SHAFR) filed a motion in the District Court for the District of Columbia for a temporary restraining order to compel the White House to create and preserve records of foreign leader phone calls and meetings with the president, and records of White House practices and policies. News reports indicated that no such records existed for at least five meetings with Russian President Vladimir Putin, one meeting with North Korean leader Kim Jong Un, and a meeting with Saudi Arabian Prince Mohammad Bin Salman. The motion cited recent whistleblower revelations that the White House had restricted access to presidential transcripts of calls and meetings such as the controversial 25 July 2019 call with Ukrainian President Volodymyr Zelensky, and that such records were placed into a “codeword-level system solely for the purpose of protecting politically sensitive – rather than national security sensitive – information.” On 4 November 2019, the three organizations sued Secretary of State Mike Pompeo and the State Department for violating the Federal Records Act by failing to create and preserve essential State Department records. On 10 February 2020, the judge dismissed the suit on the grounds that courts lacked the authority to review the chief executive’s “day-to-day compliance” with the Presidential Records Act. She added that the ruling “should not be interpreted to endorse” the White House’s records-keeping practices, “nor does it include any finding that the Executive Office is in compliance with its obligations.” The NSA, CREW, and SHAFR appealed the ruling.²¹⁶

On 27 November 2019, the University of North Carolina (UNC) Board of Governors agreed to settle a lawsuit filed by the North Carolina division of the Sons of Confederate Veterans (SCV; founded 1896) over a Confederate monument (nicknamed Silent Sam) that had stood on the UNC campus in Chapel Hill since 1913 before demonstrators toppled it in August 2018 [see NCH Annual Report 2019]. UNC agreed to pay SCV 2.5 million dollars to take custody of the monument. The decision was widely criticized.²¹⁷

²¹⁵ Gregory Schneider, “[NAACP Challenges Legality of Confederate Names on Virginia Schools](#),” *Washington Post* (16 August 2019).

²¹⁶ National Security Archive, “[Archive, CREW, Historians Ask Federal Judge to Preserve Head of State Records](#)” (Washington, 1 and 2 October 2019); National Security Archive, “[Archive, CREW, Historians Sue Pompeo, State Department over Failure to Create Records](#)” (Washington 5 November 2019); National Security Archive, “[Court Rejects Archive Lawsuit over Trump’s Abuse of Records Law](#)” (Washington 11 February 2020).

²¹⁷ David Blight, Fitzhugh Brundage, and Kevin Levin, “[A University’s Betrayal of Historical Truth](#),” *The Atlantic* (9 December 2019); Scott Jaschik, “[UNC Will Give Away Confederate Statue](#),” *Inside HigherEd* (2 December 2019); for the legal case, see: <http://www.concernedhistorians.org/le/646.pdf>;

On [9] December 2019, after a three-year Freedom of information Act (FOIA) legal battle and two federal lawsuits, the *Washington Post* won the release of a set of confidential government documents revealing that senior United States officials failed to tell the truth about the war in Afghanistan throughout the 18-year campaign (2001–2019), making rosy pronouncements they knew to be false and hiding unmistakable evidence that the war had become unwinnable. As part of a federal project called “Lessons Learned” and examining American policy failures in Afghanistan, the Office of the Special Inspector General for Afghanistan Reconstruction ([SIGAR](#); created by Congress in 2008 to investigate waste and fraud in the war) interviewed 428 people who had a direct role in the conflict, from generals and diplomats to aid workers and Afghan officials. The documents included more than 2,000 pages of previously unpublished notes of these interviews. They were soon nicknamed the “Afghanistan Papers,” an allusion to the “Pentagon Papers,” a secret history of the American involvement in Vietnam revealed in 1971. In addition, the *Washington Post* also obtained hundreds of confidential memos (known as “snowflakes”) by former Defense Secretary Donald Rumsfeld from the National Security Archive.²¹⁸

In December 2019, Louisiana Tech University briefly removed instructor of history Michael Savage from teaching about race and other topics before reinstating him. Savage had asked students in a course to reflect on what it was like to wake up every day in the United States as someone of their respective racial group. The follow-up discussion included a discussion of colonization. A student’s parent allegedly complained to the administration about an intimidating learning environment, and Savage was removed as instructor for two sections of a world history course. The history department staff supported Savage.²¹⁹

On 4 January 2020, United States (US) President Donald Trump made a threat via Twitter (reiterated to reporters on 5 January) that his forces had “targeted 52 Iranian sites” some of which were “important to Iran & the Iranian culture” in case Iran would attack Americans or US assets in retaliation for the assassination of Iranian General Qassem Suleimani on 3 January 2020. The 52 targets represented the 52 Americans who were held hostage in Iran for 444 days after being seized at the US embassy in Tehran in November 1979.

Academic researchers of Iranian history, archaeology, art and culture, based in national museums and universities across the world, deplored the threat, stating that Trump’s statement was contrary to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)

<http://www.concernedhistorians.org/le/647.pdf>;
<http://www.concernedhistorians.org/le/649.pdf>.

<http://www.concernedhistorians.org/le/648.pdf>;

²¹⁸ Craig Whitlock, Leslie Shapiro & Armand Emamdjomeh, “[The Afghanistan Papers: A Secret History of the War](#),” *Washington Post* (9 December 2019); Gillian Brockell, “[‘Modern-day Pentagon Papers’: Comparing the Afghanistan Papers to Blockbuster Vietnam War Study](#),” *Washington Post* (9 December 2019).

²¹⁹ Colleen Flaherty, “[Professor Removed Then Reinstated Over Discussion on Race](#),” *Inside HigherEd* (17 December 2019).

and the Geneva Conventions (1949) and their Protocols (1977), and that the International Criminal Court considered the destruction of cultural heritage to be a war crime. The ruins of the ancient Persian capital of Persepolis (in modern-day southwest Iran) were reportedly on the target list. Other sites threatened were 24 sites of pre-Islamic and Islamic heritage that were designated by UNESCO as being of universal significance. These were imperial monuments from the Bronze Age to the Elamite, Achaemenid, Sasanian, Ilkhanid, Ziyarid, Safavid and Qajar eras.

In March 2017 – only weeks after Trump’s inauguration – the United Nations Security Council, with the United States as a permanent member – had unanimously adopted a resolution condemning the “unlawful destruction of cultural heritage, inter alia destruction of religious sites and artefacts” in armed conflicts.²²⁰

On 18 January 2020, the National Archives and Records Administration (NARA) apologized for substantially altering a photo of the January 2017 Women’s March in Washington by Getty Images photographer Mario Tama in at least four places. The photo would be used as a “promotional graphic” for an exhibition on the 19th Amendment (voting rights for women and the suffragist movement), entitled “Rightfully Hers: American Women and the Vote.” The changes included removing the president’s name from signs that read “God Hates Trump” and “Trump & GOP – Hands Off Women,” and blurring out the word “vagina.” NARA archivist David Ferriero said in a statement that the decision to blur the signs was driven by a desire “to avoid accusations of partisanship or complaints that we displayed inappropriate language in a family-friendly Federal museum.” The Society of American Archivists called it a violation of its Code of Ethics. The American Historical Association called the alteration to “sanitize or whitewash history” a “lapse in professional ethics” but applauded NARA’s admission of the mistake and apology. The photo was removed and restored, unretouched, on 22 January 2020.²²¹

In February 2020, Native American burial sites in Arizona were blown up by construction crews building the US-Mexico border wall. Authorities confirmed that “controlled blasting” had begun in Organ Pipe Cactus National Monument, a UNESCO-recognized natural reserve which included the

²²⁰ “[Condemn Trump’s Threat to Iran’s Cultural Heritage](#),” *The Guardian* (7 January 2020); Rick Noack, “[The Disturbing History behind Trump’s Threat to Target Iranian Cultural Sites](#),” *Washington Post* (6 January 2020); “[Defenders of History Take Aim at Trump’s Threat to Strike Iran’s Cultural Sites](#),” *New York Times* (5 January 2020); Shadi Khan Saif, “[Academics Decry Trump’s Threat to Hit Cultural Sites](#),” *University World News* (25 January 2020).

²²¹ “[National Archives Sorry for Censoring 2017 Women’s March Signs](#),” *BBC News* (19 January 2020); American Historical Association, [Letter to National Archives and Records Administration Regarding Alteration of Photograph](#) (19 January 2020); “[SAA Statement: NARA Exhibit on 2017 Women’s March in Washington, DC](#)” (19 January 2020), Jennifer Tucker & Peter Rutland, “[How the National Archives’ Notorious Alteration of a Women’s March Photo Is Part of a Long American Tradition](#),” *Artnet* (24 January 2020).

sacred burial site Monument Hill. Democrat congressman Raul Grijalva called the destruction “sacrilegious” and said that the government, in waiving the Native American Graves Protection Act, failed to consult the Tohono O’odham Nation. Crews reportedly also destroyed ancient saguaro cacti, which the O’odham saw “as the embodiment of their ancestors.”²²²

In February 2020, German professor and expert on far-right politics Hajo Funke was invited to teach classes on right-wing populism and the far right and on political and historical memory in the spring semester at the University of Virginia, but his visa was delayed by United States immigration authorities without any reason. The classes were being taught via videoconferencing while Funke continued to wait for his visa. It is believed that his 2014 travel to Iran to visit his wife’s family was the most likely reason for the delay.²²³

In mid-February 2020, Gayle Colston Barge, vice president of Bellevue College, Seattle, acknowledged that she had removed a reference in the description accompanying the campus mural “Never Again Is Now,” an art installation depicting two Japanese American children in a World War II incarceration camp and created by Seattle artist Erin Shigaki. The project commemorated the day President Franklin Roosevelt signed Executive Order 9066 (19 February 1942), authorizing the imprisonment of Japanese Americans during World War II. One sentence in a paragraph about Japanese immigrants and their connection to Bellevue was whited out: “After decades of anti-Japanese agitation, led by Eastside businessman Miller Freeman and others, the mass incarceration of Japanese Americans included the 60 families (300 individuals) who farmed Bellevue.” On 2 March 2020, the trustees of the college announced that Barge and college president Jerry Weber were dismissed. Barge apologized but did not explain why she ordered the removal. Board of trustees Chair Rich Fukutaki’s family members had been among those imprisoned during World War II.²²⁴

On 20 March 2020, Tamara Lanier, a resident from Norwich, Connecticut, sued Harvard University for the wrongful seizure, possession and expropriation of old photographs of two enslaved people of which she believed to be a descendant. In 1850, Harvard professor Louis Agassiz had commissioned daguerreotypes of an African-born enslaved man in South Carolina named Renty and his daughter Delia, also enslaved, using them to support his pseudoscientific theory of polygenism (“Africans have different origins from Europeans”) to justify slavery. Lanier claimed that through oral history and years of research, including consultations with genealogists, she had determined that she was the descendant

²²² [“Native Burial Sites Blown Up for US Border Wall,”](#) *BBC News* (10 February 2020).

²²³ Elizabeth Redden, [“Visa Obstacles Thwart Renowned Foreign Scholars,”](#) *HigherEd* (24 February 2020).

²²⁴ Paige Cornwell, [“Bellevue College President, Vice President Out after Mural on Japanese American Incarceration Was Altered,”](#) *Seattle Times* (2 March 2020).

of Renty and Delia. Renty's image was still used on the cover of a Harvard publication about anthropology and photography that the university sold for \$40. More than forty descendants of Louis Agassiz supported Lanier's efforts and wrote an open letter to Harvard University asking the university to relinquish the photos, but Harvard refused to acknowledge Lanier's claim to the photos.²²⁵

In March 2020, anthropologist Doug Bailey destroyed more than 1,200 transparencies from the now closed Adan E. Treganza Anthropology Museum of San Francisco State University. He culled 35-millimeter images from decades-old research projects that were now considered unethical and soaked them in diluted sodium oxochloride. The images on the transparencies consisted of animal dissections, graphic drawings and photographs of human reproduction and female anatomy, fossilized human skulls, ethnic profiling, animals in captivity in zoos and game reserves, and ethnographic field photos. It was part of his efforts to create what he called a new discipline, art/archaeology. He labeled his action "Releasing the Archive."²²⁶

On 9–10 June 2020, within a context of widespread anti-racist manifestations following the death of George Floyd (1973–2020) in Minneapolis, Minnesota, police custody on 25 May 2020, statues of Confederate leaders and Italian explorer Christopher Columbus (1451–1506) were torn down or defiled as pressure grew on authorities to remove monuments connected to slavery and colonialism. On 10 June 2020, a statue of Confederate President Jefferson Davis (1808–1889) was toppled in Richmond, Virginia. Elsewhere in the city, a statue of Columbus was pulled down, set alight and thrown into a lake a day earlier. Also on 10 June 2020, a statue of Columbus was toppled in Saint Paul, Minnesota, while statues of Columbus were vandalized in Boston (Massachusetts), Baltimore (Maryland), Miami (Florida), and Kenosha (Wisconsin). The one in Boston was decapitated. In Philadelphia, supporters went to court to block the removal of a Columbus statue. In Portland, Oregon, demonstrators protesting police killings toppled a statue of Thomas Jefferson (1743–1826), one of the country's founding fathers who also enslaved more than 600 people. In Sacramento, a marker to John Sutter (1803–1880), a settler famous for his role in the California gold rush who enslaved and exploited Native Americans, was taken down.

In Dallas, construction crews removed a statue of a Texas Ranger, long seen as a mythical figure in Texas folklore, amid concerns over historical episodes of police brutality and racism within this law enforcement agency. On 21 June 2020, the American Museum of Natural History in New York decided

²²⁵ Robyn Doyon-Aitken, Lucy Nalpathanchil & Ryan Caron King, "[Connecticut Woman Explains Why She's Suing Harvard for Family Photos](#)," *Connecticut Public Radio* (26 February 2020); Matthew Schwartz, "[Harvard Profits from Photos of Slaves, Lawsuit Claims](#)," *Connecticut Public Radio* (21 March 2019); Robyn Doyon-Aitken & Lucy Nalpathanchil, "[Who Owns History? Connecticut Woman Sues Harvard for Family Photos](#)," *Connecticut Public Radio* (14 April 2020); Tamara Lanier, "[Harvard: #FreeRenty](#)" (petition; no date).

²²⁶ Matt Itelson, "[Professor Bailey Destroys Archival Research Images in the Name of Art, Ethics](#)," *University Updates San Francisco State University* (11 May 2020).

to relocate a bronze statue of President Theodore Roosevelt (1858–1919) atop a horse, flanked by nameless Native American and African men on foot, at the museum’s entrance. Critics said that the statue depicted Black and Indigenous people as subjugated and racially inferior. In October 2017, a group called the Monument Removal Brigade had splashed red paint at the statue’s base, saying the monument represented “patriarchy, white supremacy and settler-colonialism.” On 24 June 2020, a bronze statue of John Calhoun (1825–1832), vice president of the United States and an advocate of slavery, was removed from Marion Square in Charleston, South Carolina [see NCH Annual Report 2017]. A statue of Union General Ulysses S. Grant (1822–1855), a former slave owner, was removed in San Francisco. Grant had defeated the slave-owning Confederacy during the Civil War (1861–1865).

In an act of apparent retaliation, a statue of former slave and abolitionist Frederick Douglass (1818–1895) was toppled in Rochester, New York, on 5 July 2020. On 5 July 1852, Douglass gave a famous speech “What, to the American Slave is your Fourth of July?” saying that the Independence Day celebrations were a sham in a nation that still enslaved its black citizens.

On 27 June 2020, President Donald Trump signed an executive order calling for protesters who targeted monuments to be imprisoned. The measure said that anyone who damaged a public statue must be prosecuted to the “fullest extent of the law.” On 3 July 2020, Trump signed another executive order on Building and Rebuilding Monuments to American Heroes.²²⁷

On 27 June 2020, the wake of worldwide antiracist protests, Princeton University announced that it would remove the name of President and historian Woodrow Wilson (1856–1924; Princeton University president 1902–1910; United States president 1913–1921) from the Woodrow Wilson School of Public and International Affairs because of his racist beliefs and policies and rename it into the Princeton School of Public and International Affairs [see NCH Annual Report 2016]. Earlier in June, Monmouth University, New Jersey, removed Wilson’s name from one of its most prominent buildings.²²⁸

See also China, Colombia, Egypt, Guatemala, Iran, Israel, Japan, Libya, Mauritania, Myanmar, Serbia/Kosovo, South Sudan, Turkey, United Kingdom, Yemen.

²²⁷ “[Confederate and Columbus Statues Toppled by US Protesters](#),” *BBC News* (11 June 2020); Kelly Grovier, “[Black Lives Matter protests: Why Are Statues So Powerful?](#),” *BBC News* (12 June 2020); Sarah Mervosh, Simon Romero and Lucy Tompkins, “[Reconsidering the Past, One Statue at a Time](#),” *New York Times* (16 June 2020); Meagan Flynn, “Theodore Roosevelt Statue, Flanked by African and Native American Men, To Be Removed in New York,” *Washington Post* (22 June 2020); “[Trump Orders Statues Be Protected from ‘Mob Rule’](#),” *BBC News* (27 June 2020); “[Frederick Douglass: Historic US Black Activist’s Statue Toppled](#),” *BBC News* (6 July 2020).

²²⁸ “[Princeton to Remove Woodrow Wilson’s Name from Policy School](#),” *BBC News* (28 June 2020).

URUGUAY

Previous *Annual Report* entries: 2001–2013, 2015–2018.

The failure to ensure justice, truth and reparation for crimes against humanity committed under the former military regime (1973–1985) remained an outstanding concern. Of the 187 criminal investigations opened on these crimes, 91% had not been prosecuted and convictions had been secured in only fourteen cases. Out of the 196 enforced disappearances acknowledged by state authorities, the fate of 163 people remained unresolved. Only eight of the 44 people forcibly disappeared inside Uruguay had been located. The Supreme Court upheld again the statute of limitations for crimes against humanity committed between 1973 and 1985, in breach of international law. Special Reparatory Pension to victims of state violence between 1973–1985 was denied for those who received other pensions or social benefits.²²⁹

UZBEKISTAN

Previous *Annual Report* entries: 2005–2014, 2016.

In March 2017, Andrei Kubatin, a specialist on the history and culture of the Turkic world, was arrested by the National Security Service (later: State Security Services) on fabricated treason charges: he had supposedly connived to hand classified historical documents to the Turkish Cooperation and Coordination Agency, Ankara's foreign aid agency, in exchange for payment of \$1,000. Investigators argued that the materials in question could be used to incite anti-patriotic, pan-Turkic sentiments and provide insider information about Uzbekistan's geological reserves. Kubatin's defenders dismissed the charge, arguing that the material in question was freely available to the public. Kubatin was sentenced to eleven years' imprisonment, later reduced to five years on appeal. He was tortured in prison. On 26 September 2019, however, the Tashkent regional criminal court suddenly ordered his release. He was fully exonerated and charges against him were dropped. Some connected the release with the visit to Uzbekistan by the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Diego Garcia-Sayán.²³⁰

²²⁹ Amnesty International, *Human Rights in the Americas: Review of 2019* (London: AI, 2020), 84.

²³⁰ "[Uzbekistan: Scholar Imprisoned for Espionage Absolved and Released; Rights Activists Warn More Needs to Be Done to Ensure Justice Prevails](#)," *Eurasianet* (27 September 2019); Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 620.

On 9 August 2019, two United Nations Special Rapporteurs had received information concerning urban regeneration projects that would result in the destruction of historic neighborhoods in Samarkand, and ongoing demolitions of houses in Tashkent, in violation of the rights to housing and to culture of about 6,500 residents.²³¹

See also Turkey.

²³¹ [United Nations Special Rapporteurs Database 2010–2020](#).

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011, 2015, 2019.

On 2 March 2020, the Vatican archives regarding World War II were made accessible to the public, with the purpose to shed light, among other things, on the role of Pope Pius XII (1876–1958) in connection with the Holocaust [see NCH Annual Reports 1998, 2000, 2004, 2011, 2015].²³²

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012, 2014, 2017–2019.

The authorities reported that, as of June 2019, 44 people were detained and 33 arrest warrants were issued for people allegedly responsible for killings during demonstrations in 2017 and 2019. Authorities claimed that five agents of FAES (a special police force created in 2017 to combat drug trafficking and criminal organizations, replacing in 2019 the Operaciones de Liberación y Protección del Pueblo, OLPs, “Operations to Liberate and Protect the People,” in security operations) were convicted of attempted murder and other crimes for events occurred in 2018, and that another 388 FAES agents were under investigation for alleged crimes committed in 2017 and 2019. Impunity for human rights abuses, however, remained the norm. In July 2019, the United Nations Office of the High Commissioner for Human Rights (OHCHR) reported that factors contributing to impunity included “lack of cooperation by security and armed forces with investigations,” “the tampering with crime scenes” by security forces, the de facto immunity of senior officials, and lack of judicial independence.²³³

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2013, 2016–2017, 2019.

In January 2019, a new cybersecurity law entered into effect, despite concern expressed at both the domestic and international level that it could criminalize a broad swath of online expression. Article 8 of the law prohibited people from “distorting history, denying revolutionary achievements, destroying the national solidarity block,” and “providing false information, causing confusion amongst the

²³² “[Vatican Opens Archives of Holocaust-era Pope Pius XII](#),” *BBC News* (2 March 2020).

²³³ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 628.

Citizens, [and] causing harm to socioeconomic activities.” Article 16 of the law, similarly, set out an overly broad definition of what constituted propaganda against the state, including “insulting the [Vietnamese] people, the national flag, national emblem, national anthem, great men, leaders, famous people or national heroes.” By its overbroad language and vague wording, the provision gave the authorities excessive and arbitrary powers to ban a range of legitimate activities. The Press Law prohibited publishing or broadcasting information which was against the Republic, including anything that distorted, defamed or negated the administration, distorted history, undermined the implementation of international solidarity or caused division among people.²³⁴

See also United States.

²³⁴ Amnesty International, *Human Rights in Asia-Pacific: Review of 2019* (London: AI, 2020), 66; Centre for Law and Democracy, *Restrictions on Civic Space Globally: Law and Policy Mapping Series, vol. 1, Asia Pacific Region* (Halifax: CLD, July 2020), 65.

WESTERN SAHARA

See Morocco / Western Sahara.

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010, 2013–2016, 2018–2019.

On 3 September 2019, the United Nations Group of Eminent International and Regional Experts on Yemen reported that all parties to the conflict (September 2014 – September 2019) damaged and destroyed cultural property. The old city of Sana'a, with its unique architecture and Islamic heritage, had been impacted by airstrikes since 2014. In Ta'izz, Al-Qahira (the Cairo Castle) sustained significant damage. The city of Sa'dah was heavily affected, also predominantly as a result of airstrikes, including the historic old city and the historic mosque of Imam al-Hadi (partially destroyed in May 2015). The ancient citadel of Baraqish, an archaeological protected site in al-Jawf governorate, was destroyed in 2014. During the confrontations in Aden in 2015, the renowned al-Husseini Shia Mosque (built at the end of the 19th century) in the Craiter area under the control of Houthis-Saleh forces, was partially destroyed during a coalition airstrike in July 2015. Once the Southern Resistance took over the area, they renamed it the Mosque of the Sunni Martyrs. The seventh-century Ahmed al-Fazah Sufi Mosque and Mausoleum in al-Hudaydah (Hodeida) were destroyed in June 2018 while the area was under the control of the United Arab Emirates-backed Giants Brigades. In 2014, the National Museum of Ta'izz, while under occupation by the Houthis, was shelled by the Resistance forces, which took it over in August 2015. In February 2016, the Houthis shelled the museum causing extensive damage. Similarly, in Aden, Houthi-Saleh fighters took control over the Military Museum (founded 1918), establishing therein a military warehouse and a secret detention facility. In addition to its looting by the Houthis, a coalition airstrike struck the museum in July 2015, destroying the northeast wing of the museum. There was also great concern for the old town of Zabid, Yemen's capital from the 13th to the 15th century, and the archipelago of Socotra. In Zabid, a large collection of more than 1,000 manuscripts was removed from the Zabid museum.²³⁵

In early 2020, the Houthis imposed sectarian academic materials, including new curricula, and dismissed opposing faculty members at public universities in Houthi-held provinces such as Sana'a, Ibb, Dhamar, Umran and Hajjah. At the University of Sana'a, for example, Houthis introduced the following courses: Military Media, Contemporary History of Yemen, the Arab-Israeli Conflict and National Education. The new material was reportedly largely imported from Iran and linked to the

²³⁵ [“UNESCO Condemns the Intentional Destruction of a Historical Mosque and Mausoleum in the Hodeida Governorate of Yemen”](#) (press release; 30 October 2018); [Situation of Human Rights in Yemen, Including Violations and Abuses Since September 2014: Report of the Detailed Findings of the Group of Eminent International and Regional Experts on Yemen](#) (UN Doc. A/HRC/42/CRP.1) (3 September 2019), paragraphs 845–857; Mwatana for Human Rights, [The Degradation of History: Violations Committed by the Warring Pasts against Yemen's Cultural Property](#) (Sana'a: Mwatana; November 2018).

legacy of Hussein al-Houthi, a key Houthi military leader. The strategy was meant to transform universities into recruitment hubs for the Houthis.²³⁶

In April 2020, the Ministry of Culture accused the Houthis of tampering with old manuscripts (including of the Great Mosque in Sana'a), seizing rare manuscripts and databases, dismissing employees qualified to preserve antiquities and replacing them with non-specialists and loyalists to the group. Activists and government sources confirmed that the Houthis, since their coup against the legitimate government in 2014–2015, had looted and smuggled antiquities, historical manuscripts, artifacts and collections to fund their activities.²³⁷

The armed conflict in Yemen (2015–present) has resulted in the largest humanitarian crisis in the world; parties to the conflict killed and injured thousands of Yemeni civilians. According to the Yemen Data Project, more than 17,500 civilians were killed and injured since 2015, and a quarter of all civilians killed in air raids were women and children. More than twenty million people in Yemen were experiencing food insecurity; ten million of them were at risk of famine. Since March 2015, Saudi Arabia and the United Arab Emirates (UAE) led a coalition of states in Yemen against Houthi forces that, in alliance with former President Ali Abdullah Saleh, took over Yemen's capital, Sana'a, in September 2014. In September 2019, a United Nations (UN) Group of Eminent Experts on Yemen stated that "The parties to the conflict in Yemen are responsible for an array of human rights violations and violations of international humanitarian law. Some of these violations are likely to amount to war crimes." The Group also stated that several world powers, including the United States, the United Kingdom, and France, may be complicit in war crimes in Yemen through arms sales and intelligence support given to the Saudi-led coalition. The parties failed to acknowledge any responsibility for violations and refused to take any meaningful steps to remedy the situations in which they occurred. This resulted in a pervasive lack of accountability, which heightened disregard for the protection of the Yemeni population and fomented a climate of impunity.

Despite mounting evidence of violations of international law by the parties to the conflict, efforts toward accountability had been inadequate. However, on 20 June 2019, the United Kingdom (UK) government agreed to suspend arms sales to Saudi Arabia after the Court of Appeal in London ruled that the government's refusal to consider the latter's laws-of-war violations in Yemen before licensing arms sales was unlawful. The ruling required the UK government to reconsider its decision on arms sales to Saudi Arabia. The UK was appealing the court decision. Despite multiple congressional efforts in the United States (US) to end US arms sales to Saudi Arabia that could be used unlawfully in Yemen,

²³⁶ ["Houthis Continue to Target Yemen's Higher Education Sector,"](#) *Asharq al-Awsat* (8 January 2020).

²³⁷ ["Houthis Tamper With Yemeni Manuscripts, Govt Calls on UNESCO to Interfere,"](#) *Asharq al-Awsat* (4 April 2020).

President Donald Trump used his veto power to block such efforts and continued his support to Saudi Arabia, American's largest weapons buyer. France was under pressure to stop its arms sales to members of the Saudi-led coalition after a surge in its sales to Saudi Arabia. A positive step was the extension of the mandate of war crimes investigators in Yemen by the UN Human Rights Council in September 2019 after the group found evidence of grave violations by all sides in the conflict.²³⁸

See also Syria.

²³⁸ Human Rights Watch, *World Report 2020: Events of 2019* (Washington: Human Rights Watch, 2020), 646–647.

ZAMBIA

Previous *Annual Report* entries: 2009, 2015.

See Rwanda.

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2015, 2018.

See Ethiopia.

INTRODUCTION

This **twenty-fifth *Annual Report of the Network of Concerned Historians (NCH)*** contains news about the domain where history and human rights intersect, in particular about the censorship of history and the persecution of historians, archivists, and archaeologists around the globe, as reported by various human rights organizations and other sources. It mainly covers events and developments of 2018 and 2019.

Disclaimer. The fact that the NCH presents this news does *not* imply that it shares the views and beliefs of the historians and others mentioned in it.

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					2019	2018	2017	2016	2015
2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
2004	2003	2002	2001	2000	1999	1998	1997	1996	1995

All *Annual Reports* (1995–2019) were compiled by [Antoon De Baets](#).

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AFGHANISTAN

Previous *Annual Report* entries: 2000–2016, 2018.

ALBANIA

Previous *Annual Report* entries: 1996, 2012, 2015–2018.

In May 2019, after a legal challenge by BIRN Albania (Balkan Investigative Reporting Network Albania) initiated in March 2016, an appeals court ordered the declassification of annual reports compiled by the Communist-era secret service Sigurimi in 1980–1989 and statistics on the number of Albanians under its active surveillance in that period. The court dismissed the argument of the current State Information Service (SHISH), which has controlled a large part of the Sigurimi archive since the fall of Communism, that such information should be kept secret in perpetuity. The ruling, which cannot be appealed, upheld a first-instance court decision from November 2016.¹

See also Serbia/Kosovo.

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2018.

During the armed conflict of 1992–2000, the security forces, allied militias, and armed Islamist groups battling the government killed more than 100,000, according to estimates, and forcibly disappeared several thousand whose fate remains unknown. The 2006 law implementing the Charter on Peace and National Reconciliation granted legal immunity to perpetrators of grave abuses. It also criminalized acts of speech that “denigrate” state institutions or security forces in relation to their conduct during that conflict. The law promised compensation for families of “disappeared” persons but brought them no closer to learning what happened to their missing relatives.

On 6 June 2018, the appeals court in Relizane upheld a two-year prison sentence against blogger Abdullah Benaoum for social-media publications accusing the authorities and the Algerian army of being responsible for several massacres of civilians and the disappearance of thousands during the

¹ Gjergj Erebara, “[BIRN Wins Appeal to Declassify Albanian Secret Police Files](#),” *Balkan Insight* (29 May 2019).

internal armed conflict (1992–2000). The charges were based both on penal code articles prohibiting the defamation of public institutions and article 46 of the Charter for Peace and National Reconciliation, which prohibited exploiting the wounds of the “‘National Tragedy’ to harm the institutions of Algeria” or tarnish its image internationally. Benaoum was serving his term at the end of 2018.²

On 7 May 2019, a group of students at the University of Tizi Ouzou used violent force to obstruct an on-campus event commemorating the 39th anniversary of the Berber Spring (a series of peaceful protests in 1980 supporting Berber cultural and linguistic rights in Algeria that followed the cancelation of a speech by Berber poet Mouloud Mammeri at the University of Tizi Ouzou). Students had organized the event, entitled “From the Berber Cultural Movement of 1980 to the Popular Movement of February 2019,” to discuss the Berber Spring. The event apparently drew parallels between the Berber Spring and the nationwide pro-democracy protests that had taken place since February 2019. A group of students reportedly entered the campus auditorium where the commemoration was taking place and demanded its cancelation, reportedly attacking some of the event’s attendees and throwing a tear gas canister. Shortly thereafter, the speakers fled the venue and the event was abandoned. On 8 May 2019, the rector of the University of Tizi Ouzou condemned the violence.

Since 1980, Algerians as well as the Kabyle across North Africa have commemorated the anniversary of the Berber Spring on 20 April. On 18 April 2001, during preparations for the 21st anniversary of the Berber Spring, an 18-year-old student was killed whilst in police custody in Tizi Ouzou. The incident sparked riots and confrontations between civilians and the security forces which spread through the region and resulted in the deaths of around 123 protestors. It became known as the Black Spring. As a result of the 2001 events, a Citizens’ Movement was created which has since propelled other political movements to front the cause of Kabyle identity.³

ANGOLA

Previous *Annual Report* entries: 2003, 2009, 2017.

² Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 25–26, 27–28.

³ Scholars at Risk, “[University of Tizi Ouzou](#)” (7 May 2019); Yasmina Allouche, “[Algeria’s Repression of the Berber Uprising](#),” *Middle East Monitor* (20 April 2017).

ARGENTINA

Previous *Annual Report* entries: 1997–2018.

As of November 2018, the Attorney-General's Office reported 3,007 people charged, 867 convicted, and 110 acquitted of crimes committed by the last military junta (1976–1983). Of 599 cases alleging crimes against humanity, judges had issued rulings in 2003. Prosecutions were made possible by a series of actions taken in the early 2000s by Congress, the Supreme Court, and federal judges annulling amnesty laws and striking down pardons of former officials implicated in the crimes. As of November 2018, 128 people who were illegally taken from their parents as children during the dictatorship had been identified. Many were reunited with their families. In May 2018, an appeals court upheld the criminal conviction of 12 people accused of participating in Operation Condor, a regional strategy to coordinate repressive efforts by dictatorships in several Latin American countries. They were sentenced to up to 25 years in prison for participating in an illicit association that kidnapped 103 people. The large number of victims, suspects, and cases made it difficult for prosecutors and judges to bring those responsible to justice while respecting their due process rights. Argentine law allowed judges to send inmates age 70 and older to serve their time under house arrest. The Attorney-General's Office reported in September that 641 pretrial detainees and convicted prisoners were under house arrest. In 2016, the government said it would not appeal judicial rulings granting house arrest to pretrial detainees and convicted prisoners.⁴

Twenty-five years after the 1994 bombing of the Argentine Israelite Mutual Association (AMIA) in Buenos Aires that killed 85 people and injured more than 300, no one has been convicted of the crime. The investigation stalled when Iran, which Argentina's judiciary suspects of ordering the attack, refused to allow Argentine investigators to interview Iranian suspects in Argentina. In 2013 Argentina and Iran signed a memorandum of understanding (MOU) that allowed an international commission of jurists to review evidence and question Iranian suspects—but only in Tehran—likely rendering the interviews inadmissible in an Argentine court. A federal court declared the MOU unconstitutional; the Mauricio Macri administration did not appeal. Red notices—a form of international arrest warrant—that the government requested from Interpol to detain several Iranians implicated in the attack remained in force. In September 2018, President Macri called on Iranian authorities to collaborate with the investigations during his speech at the United Nations General Assembly. In January 2015, Alberto Nisman, the prosecutor in charge of investigating the bombing, was found dead in his home with a single gunshot wound to the head and a pistol beside him matching the wound. His death came just days after he had

⁴ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 34–35.

filed a criminal complaint accusing then-President Cristina Fernández de Kirchner and her foreign affairs minister of conspiring with Iran to undermine the investigation. A federal court dismissed Nisman's complaint, but, following an appeal, in 2016 the judiciary ordered the case reopened. In March 2018, an appeals court upheld a decision ordering the pretrial detention of Fernández de Kirchner for her alleged role in the cover-up. It was not implemented because she had parliamentary immunity as a senator. As of November 2018, courts had not determined whether Nisman's death was suicide or murder. In 2015, several officials—including former President Carlos Menem, his head of intelligence, and a judge—were put on trial for alleged interference with the initial investigation into the bombing. The trial continued at the end of 2018.⁵

See also Ecuador.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010, 2014–2016.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009, 2014–2016, 2018.

Between 1939 and 1944, Barney Waria (1873–1948), reportedly the last initiated Ngadjuri man, was extensively interviewed about the Aboriginal Ngadjuri people and culture by anthropologist-in-training Ronald Berndt (–1990). In 1994, Berndt's wife and fellow anthropologist Catherine died. Her will, written in 1993 and following her husband's wishes, stipulated a 30-year embargo (until 2024) on a subset of their extensive collection of papers, including the Waria field notebooks stored in the Berndt Museum at the University of Western Australia. In November 2017, Waria's grandson Vince Copley senior ([1937–]) and three other archaeologists from Flinders University and the University of Queensland demanded access to the notebooks to anthropologist John Stanton, the literary executor of Ronald and Catherine Berndt's estate. Copley expressed the wish to read them with his adult children before he died in order to give them a fuller picture of their Ngadjuri ancestry. Between 1936 and 1944, Waria had worked with three anthropologists (Norman Tindale, Charles Mountford, and Ronald Berndt). Copley argued that Berndt's field notes were intellectual property jointly held by Aboriginal

⁵ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 37–38.

Elders, such as Barney Waria, and that the university should re-assess the legal basis for the embargo. Stanton confirmed that the notebooks containing Waria's interviews had been read by people outside the Berndt Museum on only two occasions, both times after South Australia Supreme Court writs. The notebooks written by Tindale and Mountford were readily available in libraries and museums.⁶

In 1977, a court had ruled that *Nomads of the Australian Desert* (Adelaide 1976), a book by anthropologist Charles Mountford (1890–1976) about Central Australian Aboriginal lifestyles, art, and myths, had to be withdrawn from sale in the Northern Territory because it reproduced images of tribal sites and items of cultural and religious significance forbidden to uninitiated members of the Pitjantjatjara people. The Pitjantjatjara Council proved that an obligation of confidence was placed on Mountford when he took the photographs during a 1940 field trip. In 1982, the court ruled that more than 100 slides taken by Mountford and dealing with secret ceremonies belonged to the Pitjantjatjara Council.⁷

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009, 2018.

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2013, 2015–2018.

Authorities held dozens of critics in prison for up to 30 days following pro forma court hearings on bogus misdemeanor charges, including six members of the opposition REAL political party after they had organized a peaceful march in Baku in May to mark the centennial anniversary of the Azerbaijan Republic.⁸

In December 2018, writer Akram Aylisli was once again prevented from attending an international literary event in Switzerland in January 2019. [See also *NCH Annual Reports 2013* and *2016*.]⁹

⁶ Claire Smith, Gary Jackson, Geoffrey Gray, Vincent Copley, "[Who Owns a Family's Story? Why It's Time to Lift the Berndt Field Notes Embargo](#)," *The Conversation* (13 September 2018).

⁷ M. Blakeney, "The Protection of Traditional Knowledge under Intellectual Property Law," *European Intellectual Property Review* (2000), 255; T. Janke, *Our Culture: Our Future; Report on Australian Indigenous Cultural and Intellectual Property Rights* (1998), 72–74; J. Ritchie, ed., *Australian Dictionary of Biography*, vol. 15 (Melbourne 2000), 432.

⁸ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 55.

⁹ International PEN, "[Azerbaijan: Harassment of Writer Must End](#)" (19 December 2018).

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012, 2015–2017.

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2018.

On 9 June 2018, the International Crimes Tribunal (ICT) investigation agency handed over the documents of four war crimes cases (Abdul Quader Molla, Salauddin Quader Chowdhury, Chowdhury Moeen Uddin, Ashrafuzzaman Khan) to the Directorate of Archives and Libraries. [See also *NCH Annual Reports 2011* and *2013–2017*.]¹⁰

See also Myanmar.

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011, 2014–2018.

Police arbitrarily detained at least 110 people in connection with peaceful protests held in Minsk and other cities on 25 March 2018, traditionally celebrated by the opposition as Freedom Day (the anniversary of the creation of the Belarusian People’s Republic or Belarusian National Republic in 1918). In the lead-up to the rally in Minsk, police arrested opposition leader Mikalay Statkevich and three rally organizers. Courts sentenced them to up to 10-days’ detention. Police detained seven members of the Belarusian Helsinki Committee and Viasna while they monitored the rally in central Minsk, charging six with “participating in unauthorized mass events” and additionally charging one with “disobeying a police officer.” All were released the same day, and in April 2018 they filed appeals against unlawful actions by police. An official inquiry found no police misconduct. In August 2018, the charges against the activists were dropped due to the statute of limitations. [See also *NCH Annual Reports 2009* and *2017–2018*.]¹¹

In [April] 2019, officials used bulldozers to demolish 70 “illegally erected” crosses marking Kurapaty

¹⁰ “[Archiving of War Crimes Starts](#),” *Daily Star* (10 June 2018).

¹¹ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 76.

[Kuropaty], a site of Stalinist mass executions near Minsk discovered in 1987–1988. The crosses formed an unofficial memorial. Officials estimated that about 30,000 victims of the Stalinist terror were buried at Kuropaty, but independent historians said that as many as 200,000 were shot there by Soviet secret police in the 1930s and 1940s. Fifteen civil society activists were detained by police. In March 2019, President Alexander Lukashenko criticized those who had placed the crosses at Kuropaty. “We’re going to restore order at Kuropaty, so that there are no demonstrations with crosses around the perimeter,” he told a public meeting. No government memorial has been placed at Kuropaty.¹²

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012.

See Burundi, Rwanda.

BELIZE

Previous *Annual Report* entries: 2014.

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2018.

Bolivia has prosecuted only a few of the officials responsible for human rights violations committed under authoritarian governments in the period 1964–1982, partly because the armed forces have at times refused to give information to judicial authorities about the fate of people killed or forcibly disappeared. A truth commission established by the government in August 2017 to carry out non-judicial investigations of grave human rights abuses committed during that period continued to operate in 2018. The commission, which would provide information to prosecutors and judges trying to convict those responsible for abuses, was originally required by law to publish a report on its findings by August 2019, but in May the Plurinational Assembly (the legislature) allowed the president to extend the deadline by one year.¹³

¹² “[Belarus Demolishes Crosses at Soviet-era Execution Site](#),” *BBC News* (4 April 2019).

¹³ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 79.

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2018.

In July 2018, Bosnia and Herzegovina signed a joint Declaration on War Crimes at a summit meeting on the Western Balkans with regional and European Union leaders, committing to assist efforts to bring perpetrators of human rights crimes to justice. However, the Bosnian government did not support a civil society-backed initiative to establish a regional truth commission, known as RECOM. With the closure of the International Criminal Tribunal for the former Yugoslavia (ICTY) in December 2017, the prosecution of war crimes in domestic courts took on a new importance. But in practice, progress in Bosnia remained slow. A revised National War Crimes Processing Strategy had been waiting approval by the Council of Ministers since February 2018. The revised strategy aimed to improve the process of determining which cases merit handling by the State Court War Crimes Chamber and prosecutor, and which could be dealt with in entity, district, and cantonal courts.

There were 114 cases for war crimes before the State Court involving 296 defendants as of September 2018. Between January and September 2018, the court delivered 29 verdicts, 14 convictions, 12 acquittals, and three partial acquittals. The court delivered seven verdicts for conflict-related sexual violence, five of which were convictions. Between January and September 2018, the Supreme Court of Republika Srpska, which tries war crimes cases in that entity, received seven war crime cases, four of which resulted in convictions and three of which were being processed at the end of 2018. One of the four convictions was for conflict-related sexual violence. Statistics for cantonal courts in the federation were not available at the end of 2018. In January 2018, the State Court confirmed a genocide indictment against former Bosnian Serb Interior Minister Tomislav Kovac. He was accused of controlling the police forces involved in capturing, detaining, and executing up to 8,000 Bosniak men in Srebrenica in 1995.

Several cases were dealt with during the year by the residual Mechanism for International Criminal Tribunal (MICT) set up to deal with any outstanding issues arising from the ICTY caseload. In April 2018, former Bosnian Serb wartime President Radovan Karadzic in the appeal hearings at the MICT against his March 2016 conviction at the ICTY for genocide, crimes against humanity and war crimes, denied the charges and demanded a new trial. Prosecutors urged the judges at the MICT to reject Karadzic's appeal and change his sentence to life in prison.¹⁴

On 14 August 2018, the National Assembly of Republika Srpska (RS) voted to annul a 2004 report that had acknowledged that Bosnian Serb forces had violated humanitarian law by killing thousands of

¹⁴ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 86–87.

Bosniaks during the 1995 Srebrenica massacre. RS president Milorad Dodik argued that it contained “false data” and that it was created under pressure from the international community’s High Representative in Bosnia at the time, Paddy Ashdown. He said that it did not include crimes against Serbs. The RS Assembly ordered the RS government to draw up a new report, which was to discuss Srebrenica in 1992–1995, including “the suffering of Serbs in and around Srebrenica.” The decision was not backed by Bosniak and Croat members of the RS Assembly and sparked negative reactions from Bosniak politicians who condemned the move as an electoral gesture.

In February 2019, RS established two commissions to probe wartime crimes in Srebrenica and Sarajevo. The move was criticized from many sides as unhelpful for achieving truth and justice and as an attempt to rewrite and deny history.¹⁵

BOTSWANA

Previous *Annual Report* entries: 2018.

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2018.

The perpetrators of human rights abuses during military rule from 1964 to 1985 were shielded from justice by a 1979 amnesty law that the Supreme Court upheld in 2010, a decision that the Inter-American Court of Human Rights ruled violated Brazil’s obligations under international law. Since 2012, federal prosecutors have charged more than 40 former military officers and other agents of the dictatorship with killings, kidnappings, and other serious human rights abuses. Lower courts dismissed most of the cases, while the Supreme Court halted two, pending re-examination of the amnesty law.

In July 2018, the Inter-American Court of Human Rights condemned Brazil’s handling of the case of journalist Vladimir Herzog, whom state agents tortured and killed in 1975. The court ruled that killing should be considered a crime against humanity and ordered Brazilian institutions to recognize that this type of crime is not subject to statutes of limitation. In compliance with the ruling, federal prosecutors re-opened the Herzog investigation.¹⁶

¹⁵ Danijel Kovacevic (BIRN), “[Bosnian Serb MPs Annul Report Acknowledging Srebrenica](#),” *Balkan Insight* (14 August 2018); Mladen Lakic, “[Western Diplomats Criticise Bosnian Serb Srebrenica Commission](#),” *Balkan Insight* (8 February 2019); Filip Rudic, “[Bosnian Serb War Commissions ‘Seeking to Revise Truth’: Academics](#),” *Balkan Insight* (21 February 2019).

¹⁶ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 99.

In the run-up to the presidential elections of 28 October 2018, historian Janaína de Almeida Teles (1967–) and her mother Maria Amélia [Amelinha] de Almeida Teles were interviewed on television about their experience as victims of torture under the military dictatorship during the broadcast time of one of the two presidential candidates, Fernando Haddad. Promptly, both were subjected to a wave of attacks on social media (including death threats) by adherents of the other presidential candidate, Jair Bolsonaro (who won the elections). In December 1972 Maria Amélia de Almeida Teles and her husband, two members of the Partido Comunista do Brasil (PCdoB), were imprisoned and tortured in the DOI-Codi detention center in São Paulo, including by the prison’s director, colonel Carlos Alberto Brilhante Ustra. Janaína Teles and her brother, then five and four years respectively, were kidnapped by the Operação Bandeirante (Oban), also under Ustra’s command, and forced to attend the torture sessions of their parents. In 2008, the Tribunal de Justiça (Court of Justice) in São Paulo declared that Ustra had been a torturer. Punishment for his crimes was prevented by the 1979 amnesty law. Janaína Teles was specialized in the history of the military dictatorship (1964–1985).¹⁷

On 29 March 2019, judge Ivani Silva da Luz barred a planned celebration marking the anniversary of the 31 March 1964 military coup. He said that the celebration, ordered by President Jair Bolsonaro and to be carried out by the Defense Ministry, was not “compatible with the process of democratic reconstruction” and that commemorative dates had to be approved by the Congress. On 26 March 2019, the Federal Public Prosecutor’s Office (MPF) had declared that celebrating the dictatorship would be celebrating “an unconstitutional regime responsible for serious crimes of violation of human rights” and that “This initiative sounds like an apology for the practice of mass atrocities and therefore deserves social and political repudiation.” On 29 March 2019, Fabián Salvioli, United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparations and Guarantees of Non-Recurrence, declared that “Attempts to revise history and justify or condone gross human rights violations of the past must be clearly rejected by all authorities and society as a whole ...” On 30 March 2019, however, appeals judge Maria do Carmo Cardoso overturned the ban, allowing the government’s argument that Brazilian democracy was strong enough to support a “pluralism of ideas” and saying that commemorating the coup was not rewriting history nor hiding the truth.

Bolsonaro, a former army captain, had defended the celebration, stating that the aim was to remember the era rather than commemorate military rule itself. He viewed the 1964 events not as a

¹⁷ Carla Osmo, personal communication (25 October 2018); Nina Schneider, personal communications (25–26 October 2018); Comissão Nacional da Verdade, *Relatório*, volume 1 (Brasília 2014) [<http://cnv.memoriasreveladas.gov.br>], 368–369, 385, 407, 410, 954; “[Edson e Janaína Teles](#),” *Memórias da Ditadura*; Aluizio Palmar, “[Mortos e desaparecidos políticos: reparação ou impunidade?](#)” *Documentos Revelados* (29 June 2012); Roney Domingos, “[Julgamento mostra que ferida do regime militar ainda não sarou](#),” (1 November 2006); Antoon De Baets, “The Censorship of History and Fact-Finding in Brazil (1964–2018),” in Nina Schneider, ed., *The Brazilian Truth Commission in the Latin American Context: Local, National, and Global Perspectives* (New York and Oxford: Berghahn, 2019), 68–85.

coup but as a necessary intervention to spare the country from Communist domination. He repeatedly praised one of the dictatorship's most notorious torture chiefs, Carlos Alberto Brilhante Ustra [see previous entry]. He also denied that Portuguese colonizers (1500–1821) had been responsible for slavery here and blamed Africans instead. Public broadcaster EBC also stopped using the words “coup” and “dictatorship,” referring to the period as the “military regime.”¹⁸

In early April 2019, President Jair Bolsonaro and then Education Minister Ricardo Vélez advocated revising the history textbooks to paint the dictatorship in a more favorable light. They denied that the 1964 military ousting of democratically elected President João Goulart was a coup. Vélez referred to the 21 years of military rule (1964–1985) as “a democratic regime by force which was necessary at the time” and said that the toppling of Goulart was “an institutional shift, not a coup against the constitution at the time.” He also said that there would be a “progressive shift” in history textbooks to reflect “a wider version of history.” The president of the Brazilian Association of Textbooks, Cândido Grangeiro, was very critical of the plan.¹⁹

In mid-April 2019, the government ordered the closure of two working groups responsible for finding and identifying the bodies of people forcibly disappeared during the military dictatorship (1964–1985). By order of Decree 9,759, it shut down the work of the Perus Working Group (PWG), responsible for identifying over a thousand bones found in a mass, clandestine grave in Perus, west of São Paulo, and the Araguaia Working Group (AWG), responsible for the search and identification of remains of Araguaia guerrilla fighters who battled the dictatorship in the Amazon rainforest between the states of Para and Tocantins in the 1970s. [See also *NCH Annual Reports 1999, 2005, 2008–2012 and 2015.*]²⁰

¹⁸ Ishaan Tharoor, “[The Grim History that Brazil’s President Wants to Celebrate](#),” *Washington Post* (27 March 2019); “[Bolsonaro’s Coup Celebration Barred by Judge](#),” *BBC News* (30 March 2019); “[Brazil Judge Overturns Ban on Bolsonaro’s Coup Celebration](#),” *BBC News* (31 March 2019); “[Brazil Must Reconsider Plan to Celebrate Military Coup Anniversary, Says UN Expert](#),” (press release; 29 March 2019); Lucinda Elliott & Tom Phillips, “[Bolsonaro’s Pledge to Return Brazil to Past Alarms Survivors of Dictatorship](#),” *Guardian* (22 October 2018); Samantha Pearson, “[Bolsonaro Takes Aim at Brazil’s History](#),” *Wall Street Journal* (12 April 2019).

¹⁹ “[Brazil Textbooks ‘To Be Revised To Deny 1964 Coup’](#),” *BBC News* (4 April 2019); Samantha Pearson, “[Bolsonaro Takes Aim at Brazil’s History](#),” *Wall Street Journal* (12 April 2019); Katy Watson, “[How Brazil’s Culture Wars Are Being Waged in Classrooms](#),” *BBC News* (7 May 2019).

²⁰ Ramzy Baroud, “[Brazil’s Bolsonaro Terminates Investigation Teams Identifying Remains of Dictatorship Victims](#),” *Telesur* (23 April 2019).

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012, 2015–2017.

History teacher and political candidate Emil Jassim filed four defamation cases against several media outlets, who had spread untrue and defamatory claims that he had been involved in “anti-Bulgarian propaganda.” Prior to filing the cases, he had been the victim of threats and intimidation for his attempts to encourage interethnic dialogue and for his defense of the rights of minority groups in Bulgaria. He was assaulted after filing the cases.²¹

In February 2019, Russian Ambassador to Bulgaria Anatoliy Makarov was asked when Russia would return the Bulgarian government archives from the period 1923–1944 taken to the USSR after the Communist takeover in September 1944. He replied that Bulgaria could receive copies but that “the originals cannot be handed over in accordance with Federal Law No. 64 of 15 April 1998 [‘On Cultural Valuables Displaced (to the USSR) as a result of World War II and Located on the Territory of the Russian Federation’].” He added that some of the archives had been returned in 1949 and 1958. The documents had been seized “from different Bulgarian institutions and by different representatives of the Soviet government, or by the Allied Control Commission in connection with the preparation of the Nuremberg process.” In 2009, the Bulgarian government had formally asked Moscow to return the seized archives. The Russian law violated the Hague Conventions of 1907 and 1954 and the 1949 Geneva Conventions. Instead of following international law, Soviet leader Joseph Stalin had established special “Trophy Brigades” to ransack museums, castles, and state coffers, seize millions of cultural treasures, state archives, and gold in Germany and Eastern Europe and transport them to the USSR. As Bulgarian researchers made requests for copies of original documents, Moscow demanded exorbitant payments.²²

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005, 2013, 2015–2018.

²¹ Michel Forst, United Nations Special Rapporteur on the Situation of Human Rights Defenders, [World Report on the Situation of Human Rights Defenders](#) (December 2018), 415.

²² Margarita Assenova, “[Moscow Refuses to Return Bulgarian Archives](#),” *polygraph.info* (7 March 2019).

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2015, 2017–2018.

On 1 July 2019, Burundi's 57th Independence Day, President Pierre Nkurunziza renamed national landmarks in his independence-day speech to reflect the historical contribution of the majority Hutu ethnic group. The renaming was meant to “remind Burundians of their history” and “to remove names that emerge from betrayal and bad behavior brought in by colonialism.” Nkurunziza was a former Hutu rebel leader who became the second president to be chosen in democratic elections in 2005, after the end of a civil war. The National Stadium, named after Louis Rwagasore (the first prime minister, assassinated before Burundi attained independence in 1962), was renamed Heroes Stadium; the main airport in Bujumbura was renamed Melchior Ndadaye airport (after Burundi's first democratically elected president, an ethnic Hutu who only ruled for three months in 1993 before he was assassinated after his reforms antagonized the Tutsi-dominated army); the 3rd September Street (marking the day that former military leader Pierre Buyoya overthrew his cousin President Jean-Baptiste Bagaza in 1987) was renamed Lt-Gen. Adolphe Nshimirimana Street (after Nkurunziza's presidential adviser and former head of the intelligence unit, who was assassinated in 2015); and the new presidential palace was renamed after King Ntare Rushatsi (reportedly Burundi's first king in 1680–1709).²³

²³ [“Burundi's Pierre Nkurunziza Renames Historical Landmarks,”](#) *BBC News* (2 July 2019).

CAMBODIA

Previous *Annual Report* entries: 1999–2018.

CAMEROON

Previous *Annual Report* entries: 2010, 2012–2014, 2016.

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012–2018.

Prime Minister Justin Trudeau promised a “renewed, nation-to-nation relationship with Indigenous peoples,” but there remain considerable challenges to undoing decades of systemic discrimination. In February 2018, the government announced fundamental changes to how the federal government recognizes Indigenous rights and land title, vowing to work with Indigenous communities across Canada to develop a new legal framework to advance self-determination and self-governance. In May 2018, parliament passed a bill aimed at ensuring that the laws were in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.²⁴

In May 2018, the Senate passed Bill C-66, which expunged the records of individuals who were prosecuted because of their sexuality when homosexuality was criminalized in Canada. The bill followed Prime Minister Trudeau’s 2017 apology in the House of Commons for the historic mistreatment of sexual minorities by the government.²⁵

In early August 2018, the city of Victoria, British Columbia, decided to remove a statue of John A. Macdonald (1815–1891), which had been frequently vandalized. Known as the “Father of Confederation,” Macdonald had also established the so-called Residential Schools (a network of boarding schools for Indigenous peoples) and sponsored a highly racist Indian Act in 1876. In 2016, the Canadian Elementary School Teachers Association had voted in favor of taking the name Macdonald from schools. In June 2018, the Canadian Historical Association took the name off its prize for most

²⁴ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 120.

²⁵ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 122.

influential Canadian history book of the year.²⁶

In [2018], a group of 41 individuals requested the Superior Court of Ontario to issue an order clarifying which privacy protections applied to the records transferred to the National Centre for Truth and Reconciliation by the now closed Truth and Reconciliation Commission that investigated the history of the Indian Residential Schools System and the Independent Assessment Process. On 25 October 2018, the judge ruled that there is no requirement in the Indian Residential Schools Settlement Agreement (IRSSA) “that provides that all personal information in the historical records should be permanently withheld.”²⁷

On 28 November 2018, an expert committee of three historians (Terry Copp, Jennifer Lonergan, and John Zucchi) submitted a report to the English Montreal School Board in which it concluded that Quebec high school history textbooks introduced for Grade 9 and 10 in September 2017 were “fundamentally flawed” and should be removed from all schools across the province. According to the report, by focusing narrowly on the history of French Quebecois, the textbooks largely ignored contributions by Quebec’s Indigenous, Anglophone, Italian, Greek, Portuguese, Jewish, Haitian, and other cultural communities as well as Blacks and women. The committee recommended continued use of the current books until June 2021 when corrected versions could be introduced.²⁸

In June 2019 it became known that the Canadian Security Intelligence Service (CSIS) destroyed a Cold War dossier on Pierre Trudeau (Prime Minister in 1968–1979 and 1980–1984) in 1989 instead of turning it over to the national archives. The Trudeau file was among hundreds of thousands CSIS inherited in the 1980s after the RCMP (Royal Canadian Mounted Police) Security Service was dissolved following a series of scandals. When in 1988, James Kelleher, the federal minister responsible for CSIS at the time, directed the CSIS to sort through the files, some RCMP records (including voluminous files on Quebec premier René Lévesque and NDP leaders David Lewis and Tommy Douglas) were sent to Library and Archives Canada. In 2012 it was revealed that other records were destroyed, including dossiers on Prime Ministers John Diefenbaker and Lester Pearson. Still other files, judged to have current value at the time, went to CSIS’s active intelligence holdings.

The United States Federal Bureau of Investigation (FBI) kept watch on Trudeau for more than thirty

²⁶ Jennifer Ackerman, “[The Statue Dilemma: Indigenous Research Week Tackles Commemoration of Historic Figures](#),” *Regina Leader-Post* (28 September 2018); Mark Wolfram, “[The Past and Future of the Iconoclast](#),” *Historical Dialogues* (4 September 2018).

²⁷ Superior Court of Justice, Ontario, *Fontaine versus Canada* (2018; <http://canlii.ca/t/hvq7c> or <http://www.concernedhistorians.org/le/599.pdf>); International Council on Archives Human Rights Working Group, *Newsletter* (November 2018), 12–13.

²⁸ Giuseppe Valiante, “[Quebec High School History Textbooks Are ‘Fundamentally Flawed,’ Should Be Removed: Committee](#),” *Canadian Press* (29 November 2018).

years, charting his path from a public intellectual who visited the Soviet Union in the early 1950s through his time as a Liberal prime minister. The FBI's heavily censored, 151-page dossier was released under the United States Freedom of Information Act just months after Trudeau's death in September 2000. The Canadian press recently requested Trudeau's RCMP file under the access law from Library and Archives Canada and CSIS prior to the 20th anniversary of his passing in 2020. The archives replied that they did not have a Trudeau dossier; CSIS said its records indicated that the file was destroyed on 30 January 1989. CSIS also said that a 1988 analysis of the Trudeau file had concluded that it did not meet the threshold in the CSIS Act to justify being kept in service's active inventory and that it also fell short of criteria for preservation set out by the national archives.²⁹

See also China, Poland.

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012, 2014–2018.

While some local courts rendered convictions of armed group leaders implicated in serious crimes, overall impunity for past abuses and war crimes continued. The Special Criminal Court, a hybrid court with national and international judges and prosecutors that would focus on grave international crimes committed since 2003, officially began to function in October 2018. In May, parliament had passed the rules of procedure and evidence necessary for the court to proceed with investigations and prosecutions.

The Office of the Prosecutor at the International Criminal Court (ICC) continued its second investigation into the situation in the Central African Republic, into alleged war crimes and crimes against humanity committed in the country since 2012. On 17 November 2018, the ICC took Alfred Yékatom, known as “Rombhot,” into custody. Yékatom was an anti-balaka leader who had been charged with crimes against humanity and war crimes committed between December 2013 and August 2014. In September 2018, the United Nations (UN) Human Rights Council decided to continue the mandate of the UN independent expert on the Central African Republic for another year.³⁰

See also Congo (Democratic Republic), India.

²⁹ Jim Bronskill, “[CSIS Destroyed Secret File on Pierre Trudeau, Stunning Historians](#),” *CBC* (15 June 2019).

³⁰ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 125, 128–129.

CHAD

Previous *Annual Report* entries: 2000–2012, 2015–2016.

CHILE

Previous *Annual Report* entries: 1998–2018.

Chilean courts continued to prosecute former police and military officers responsible for human rights abuses during Augusto Pinochet's dictatorship (1973–1990). Notable convictions in 2018 included 24 former DINA (secret police) agents for their participation in the enforced disappearances of 119 leftist collaborators between 1974 and 1975, known as "Operation Colombo." In November 2018, Juan Emilio Cheyre, an officer under Pinochet and the commander-in-chief of the Chilean army from 2002 to 2006, was convicted for his role in the murder of 15 people following the 1973 coup. Cheyre was the most senior official to be held accountable for human rights abuses during the Pinochet years.

Chile continued to maintain a 50-year veil of secrecy over victim's testimony given to the National Commission on Political Prison and Torture from November 2003 to May 2004. The testimony revealed places of detention and torture methods used by the dictatorship, and identified former political prisoners and torture victims. The Michelle Bachelet administration had submitted a bill to lift the secrecy order in 2017, which had generated heated debate between those who believed revealing the testimony would violate victims' rights to privacy, and those who believed revealing it is necessary to fully punish the guilty and bring justice to victims.

In a controversial decision in July 2018, the Supreme Court granted conditional release to seven former police and military officers who had been serving sentences for human rights abuses committed during the Pinochet dictatorship. Members of opposition parties attempted to remove the three Supreme Court judges responsible for the decision, but Chile's congress rejected the attempt.³¹

³¹ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 130.

CHINA

Previous *Annual Report* entries: 1995–2018.

In July 2018, the first Chinese-language edition of *Red-Color News Soldier*, a book by photographer Li Zhensheng ([1940]–), was published by the Chinese University Press of Hong Kong. Containing photos from a collection of more than 100,000 taken by Li during the Cultural Revolution (1966–1976) when he was working at a local newspaper in northeastern China, the Chinese edition could be distributed only within the semiautonomous city of Hong Kong but not on the mainland. The photos had been exhibited in more than 60 countries since 2003. For many years, Li had hidden his collection under the floorboards of his home in Harbin. Censors had rejected an earlier attempt to publish the Chinese-language edition without explanation. Although his photos could not be published in the mainland, Li had given lectures on the Cultural Revolution at several Chinese universities, including Tsinghua University and Peking University. A recent exhibition at the Capital Museum in Beijing featuring historical images taken by photographers for the official news agency Xinhua had made no mention of the Cultural Revolution.³²

On 1 August 2018, Zhou Yunzhong, an assistant history professor at the Department of History, School of Humanities, Xiamen (Amoy) University, Fujian province, was dismissed for expressing negative opinions about China and the Chinese on his microblog under the nickname “Donghai Daozi.” Reportedly criticizing the declining moral values and saying that “[t]he highest achievements of the Chinese people consist[ed] of lying, cooking the books and issuing fake contracts,” he was accused of “distorting historical facts, damaging the image of the Party and the country, hurting the feelings of the Chinese people, and crossing the bottom line of teachers’ morality and style.” Zhou received his BA from Nanjing University and his Ph.D. from Fudan University. He was a specialist in historical geography, the ancient Silk Road, and the history of Yuan and Ming Dynasties.³³

In late January 2019, one of the most popular shows, *Story of Yanxi Palace*, a historical fiction located in eighteenth-century Beijing during the Qing dynasty, was pulled from state-run television channels after an article in *Theory Weekly* (linked to state newspaper *Beijing Daily*) had criticized the “negative impact” of imperial dramas, singling out *Story of Yanxi Palace*. The show was, however, still available

³² Amy Qin, “[A Photographer’s Quest to Reverse China’s Historical Amnesia](#),” *New York Times* (1 January 2019).

³³ “[Teachers in Xiamen University Have Been Dismissed because of Wrong Statements](#),” *Wao News* (1 September 2018); “[Together with Jie Jie Liang, Who Is the Donghai Dao Zi Who Was Dismissed by the Xiamen University?](#)” (2 September 2018); Wong Lok-to & Shi Shan, “[Professor Fired after Tweeting that Chinese ‘Lie, Commit Fraud and Poison Each Other’](#),” *Radio Free Asia* (4 September 2018).

on the iQiyi network, the place that *Story of Yanxi Palace* was initially produced for and was first shown. The article listed several “negative impacts” of this and similar shows on Chinese society, like propagating a luxurious and hedonistic lifestyle, encouraging admiration for imperial life and a glorification of emperors overshadowing the heroes of today. Official ideas promoting the thought that the rise of China was peaceful and that China believes in harmony was contrasted with *Story of Yanxi Palace*, which painted an image of a China of intrigue, conspiracy, power struggles, conflict, commercialism, and consumerism.³⁴

On 11 February 2019, film director Zhang Yimou’s much anticipated latest feature, *One Second*, was withdrawn from the Berlin International Film Festival, officially for “technical reasons.” Based on a novel by Zhang’s frequent collaborator Yan Geling, the film was set during the Cultural Revolution (1966–1976) and followed a fugitive and a homeless girl who were drawn together by an enigmatic film reel. Zhang classic debut feature, *Red Sorghum*, had won the Golden Bear for best picture at the 38th Berlin International Film Festival in 1988.³⁵

Officials tried to silence Xu Zhangrun, a law professor at Tsinghua University in Beijing who had issued a series of essays that criticized the Chinese Communist Party and Xi Jinping, and called for a reappraisal of the 1989 Tiananmen massacre. In March 2019, Tsinghua suspended him, put him under internal investigation, and barred him from teaching and research. On 28 April 2019, security police in plain clothes kept watch as Xu gathered with two dozen friends and well-wishers to lay flowers at an inscribed stone memorial that commemorated Wang Guowei (1877–1927), a famous historian at Tsinghua who had committed suicide in 1927, for his “independence of spirit and freedom of thought.”³⁶

In March 2019, a Chinese online education company, VIPKid, that employs 60,000 teachers in the United States and Canada dismissed two American teachers for discussing the 1989 Tiananmen massacre and Taiwan with their students in China.³⁷

In the run-up to the centenary of the 4 May 1919 Revolution, officials told schools to guard against displays of discontent around 4 May. In 1989, the seventieth anniversary of the 4 May 1919 Revolution

³⁴ Andreas Illmer, “[Yanxi Palace: Why China Turned against Its Most Popular Show](#),” *BBC News* (8 February 2019).

³⁵ Patrick Brzeski, “[Berlin Film Festival: Zhang Yimou’s ‘One Second’ Withdrawn from Competition](#),” *Hollywood Reporter* (11 February 2019).

³⁶ Chris Buckley & Amy Qin, “[Xi Praises a Student Protest in China – From 100 Years Ago](#),” *New York Times* (29 April 2019); Yojana Sharma, “[Tiananmen Square a Topic that Still Can’t Be Studied](#),” *University World News* (25 May 2019).

³⁷ Louisa Lim, “[After Tiananmen, China Conquers History Itself](#),” *New York Times* (2 June 2019); Julie Steinberg & Shan Li, “[Chinese Education Startup Puts Western Teachers on Notice](#),” *Wall Street Journal* (21 March 2019).

inspired the massive Tiananmen square student protests which ended in a massacre on 4 June 1989. Lin Xianzhi, a writer in southern China, said that [in April 2019] publishers backed out of reissuing his 2012 book, “The Spirit of May 4,” which stressed the iconoclastic side of that time.³⁸

In late May 2019, a financial-information company, Refinitiv, partly owned by the news organization Thomson Reuters, removed articles related to the 1989 Tiananmen Square massacre from the feeds of its data terminals in China, complying with censorship demands. It prevented some articles that included mentions of the 1989 pro-democracy demonstrations from appearing on its Eikon software and mobile app in China. On 3 June 2019, Reuters reported that the Cyberspace Administration of China, which censored online speech, had threatened to suspend Refinitiv if it did not comply. A small number of people shared the news of the 1989 Tiananmen massacre by posting images that appeared upside down or were otherwise manipulated to fool censoring software.³⁹

On 31 May 2019—in the run-up to the 30th anniversary of the 1989 Tiananmen massacre, New Century Press, a Hong Kong–based publisher, published *Zuihou de mimi: Zhonggong shisanjie sizhong quanhui “liusi” jielun wengao* (The Last Secret: The Final Documents From the June Fourth Crackdown; 209 pages), a group of secret speeches that top officials delivered at an enlarged Politburo meeting of 19–21 June 1989, consolidating support for the armed repression, backing Deng Xiaoping’s order for the crackdown and Zhao Ziyang’s purge. New Century obtained the transcripts (and two sets of written remarks) from a party official who managed to make copies at the time. Bao Tong, the father of Bao Pu, the publisher of New Century Press, was a former top aide to Zhao Ziyang. Bao Pu also helped issue Zhao’s memoirs and a diary-like account by Li Peng, the Chinese premier who supported the crackdown.

In 2001, the magazine *Foreign Affairs* had published excerpts from *The Tiananmen Papers*, a series of official reports and meeting minutes that had been smuggled out of China and that documented the fierce debates and contentious decision-making that unfolded as the Chinese Communist Party reacted to the protests in the spring of 1989. [See also *NCH Annual Reports 2001–2002*.] The newly leaked speeches shed light on what happened after the crackdown, making clear the lessons party leaders drew from the Tiananmen crisis.⁴⁰

On 4 June 2019, police reportedly detained and interrogated Yang Shaozheng, a former Guizhou

³⁸ Chris Buckley & Amy Qin, “[Xi Praises a Student Protest in China – From 100 Years Ago](#),” *New York Times* (29 April 2019).

³⁹ Marc Tracy, “[In China, a Reuters Partner Blocks Articles on the Tiananmen Square Massacre](#),” *New York Times* (4 June 2019).

⁴⁰ Andrew Nathan, “[The New Tiananmen Papers: Inside the Secret Meeting That Changed China](#),” *Foreign Affairs* (July–August 2019); “[New Documents Show Power Games Behind China’s Tiananmen Crackdown](#),” *ENM News* (31 May 2019).

University professor of economics, in connection to social-media posts regarding the 1989 Tiananmen massacre. On the night of 3 June 2019, Yang reportedly described in a post on social-media platform WeChat the number of fatalities resulting from the army's crackdown on protesters at Tiananmen Square on 3–4 June 1989. The next morning, police reportedly detained Yang, accusing him of “picking quarrels and stirring up trouble.” After taking him into custody, officers reportedly handcuffed Yang to a chair and interrogated him for eight hours. Yang, however, managed to escape and fled to an unknown location. On 15 August 2018, Guizhou University had expelled Yang, in apparent retaliation for academic writings, including an article in which he raised questions over the economic costs of maintaining the Chinese Communist Party.⁴¹

Inner Mongolia

On 11 July 2018, Public Security Bureau personnel detained ethnic Mongolian historian Lhamjab A. Borjigin (1944–) in Xilinhot (regional capital of Xilin Gol League in the region's northwest), pending prosecution for his book *Ulaan Huvisgal (China's Cultural Revolution)*, which was identified as a publication that advocated national separatism and undermined ethnic harmony. On 19 July 2018, he was indicted on charges of separatism and sabotaging national unity. Borjigin had gathered testimony of persecution during the Cultural Revolution (1966–1976) in Inner Mongolia (Southern Mongolia) and published his book in 2006, calling the events a “genocide.” In the book, he estimated that the campaign had taken the lives of at least 27,900 persons and that 346,000 persons had been imprisoned and tortured, detailing accounts of torture techniques. The book was rejected by major state-run Chinese publishing houses but eventually published by an underground press at the author's own expense. It was widely read among ethnic Mongolians. A second edition was issued and it was published in Cyrillic Mongolian scripts in Ulaanbaatar, Mongolia. In 2017, an abridged audio version was published. If convicted, he risked fifteen years in prison.⁴²

Xinjiang

In April 2017, musician Abdurehim Heyit (1964–), a *dutar* specialist and member of the Xinjiang Song and Dance Troupe who wrote many songs reflecting on Uyghur history and culture, was arrested and held without formal charge in Urumchi. The poet who wrote the lyrics, Abdurehim Abdulla, was arrested at the same time. Their arrest was most likely linked to the song “Atilar” (Forefathers). The song, which had previously been cleared by government censors, was about remembering past sacrifices made by the forefathers and called upon younger generations to respect them. Due to the phrase

⁴¹ Scholars at Risk, [Incident](#) (4 June 2019).

⁴² [“China Holds Ethnic Mongolian Historian Who Wrote ‘Genocide’ Book,”](#) *Radio Free Asia* (23 July 2018); Southern Mongolian Human Rights Information Center (SMHRIC), [“Southern Mongolian Writer Faces Charges of ‘National Separatism’ and ‘Sabotaging National Unity’](#)” (23 July 2018); American PEN, [“Detention of Southern Mongolian Author is Putting Historical Inquiry on Trial”](#) (25 July 2018).

“jenglerde shehit” (martyrs of war), however, it was interpreted as encouraging jihad and radicalism. Under the crackdown in Xinjiang which began in April 2017, expressions of ethnic pride—even those previously approved by state censors—were conflated with ethnic separatism and criminalized as Islamic extremism. Heyit was reportedly sentenced to eight years’ imprisonment.⁴³

At the end of 2017, Erkin Tursun, a history teacher by education, was detained. Tursun had graduated from the history faculty at Xinjiang University, hosted a show on Ili Television, and opened a school of music, arts, dance, and language for Uyghur children. Later, he directed a movie about the social problems facing Uyghurs, such as drug use and high divorce rates. In 2002 or 2003, he had gone to Japan on a cultural exchange program, traveling on a diplomatic passport. His wife, mathematics teacher Gulnar Telet, was also detained. In August 2018, their son Alfred, living in the United States, learned that Erkin Tursun received a prison sentence of between nine and eleven years on an unknown charge and might be held in Xinyuan prison near Kanas.⁴⁴

In November or December 2017, Rahile Dawut ([1966]–), an anthropologist and ethnographer who studied Uyghur traditions at Xinjiang University in Urumqi, and Gheyretjan Osman, a history and literature professor at the same university, were secretly detained together with three other academics after they had been called “the leading figures in Uyghur ideology” at Xinjiang University. They disappeared and were possibly interned in a so-called re-education camp. Uyghur academics with foreign links and specializing in Uyghur Muslim culture, language, or religion were particularly targeted in the crackdown on the Uyghur Muslim population of Xinjiang, which began in April 2017 as a campaign to clamp down on religious extremism, separatism, and terrorism, but had since broadened in scope to include anyone who was critical. The government purged so-called “two-faced” Uyghur teachers in particular, those who paid lip service to the Chinese Communist Party line but were suspected of secretly resisting the hard-line policies. Until recently, Dawut’s work was welcomed by Chinese officials: she had received grants and support from the Ministry of Culture. She had earned an international reputation as an expert on Uyghur shrines, folklore, music and crafts neglected by previous generations of scholars.⁴⁵

⁴³ Rachel Harris & Aziz Isa Elkun, “[‘Uyghur Dutar King’ Detained in China](#),” *Freemuse* (1 November 2017); Kurban Niyaz, “[Prominent Uyghur Musician Arrested Amid Ideological Purge in Xinjiang](#),” *Radio Free Asia* (2 November 2017).

⁴⁴ Uyghur Human Rights Project, [Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland](#) (Washington: UHRP, October 2019), 13–14.

⁴⁵ Yojana Sharma, “[Scholars Targeted as Uighur Purge Engulfs Universities](#),” *World University News* (28 September 2018); Chris Buckley & Austin Ramzy, “[Star Scholar Disappears as Crackdown Engulfs Western China](#),” *New York Times* (10 August 2018); Uyghur Human Rights Project, [The Persecution of the Intellectuals in the Uyghur Region: Disappeared Forever?](#) (Washington: UHRP, October 2018), 5–6; Uyghur Human Rights Project, [Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland](#) (Washington: UHRP, October 2019), 5.

In March 2018, Abdukerim Rahman (1941–), known as the father of folklore studies and a professor at Xinjiang University (1964–2011) in Urumqi, was taken to a “re-education camp,” apparently after charges of being a “two-faced” person. During the Cultural Revolution (1966–1976), he spent terms in prison and many of his collections were lost. In 1979, he was rehabilitated. In 1983, he started the first graduate program in Xinjiang Minority Literature at the university. In 2000 he became a founder of the Folklore Museum at Xinjiang University. He published more than twenty books, including *History of Uyghur Culture*. His book *Uyghur Folk Literature* was reprinted more than ten times. He published a 12-volume *Encyclopedia of Uyghur Folk Literature*, containing thousands of legends, folk tales, epic poems, ballads, and proverbs.⁴⁶

On 2 September 2018, Gulnar Obul (female), a professor from Kashgar University, Xinjiang, was dismissed for “two-faced activities” together with another professor and the university’s president and vice president. High-level cadres at the university led by a disciplinary committee from the XUAR (Xinjiang) Education Supervision Bureau said that the four were dismissed because they exhibited “separatist tendencies.” Their names were deleted from the university’s website. Obul had been detained for publishing an article about Uyghur culture and history (entitled “Dialogue on Cultural Formation in Xinjiang”) that included her opinions on religious extremism in 2016. An official said that while her views were praised at the time, they were now deemed “two-faced.” Her whereabouts were unknown.⁴⁷

In May 2019, Timothy Grose, an assistant professor of China studies at Rose-Hulman Institute of Technology, Terre Haute, Indiana, accused the chief editor of *China and Asia: A Journal in Historical Studies* (Brill), Han Xiaorong (a professor and head of the department of Chinese culture at Hong Kong Polytechnic University), of censoring his November 2018 review of anthropologist Tom Cliff’s *Oil and Water: Being Han in Xinjiang* (University of Chicago Press), an ethnographic study of members of the majority Han ethnic group who had settled in Xinjiang. Han had requested the deletion of an opening paragraph that contextualized the book in light of Chinese Communist Party policy toward members of the Uyghur ethnic minority group in the region of Xinjiang, discussing the detention of Uyghurs in “concentration re-education centers.” Grose did not want to delete the passage and when the journal was slow in responding, he offered the review to the British online magazine *The Asia Dialogue*, which published it without changes.⁴⁸

⁴⁶ Amy Anderson, “[How Is Abdukerim Rahman Surviving without His Books?](#)” *Art of Life in Chinese Central Asia* (2 October 2018); Uyghur Human Rights Project, [The Persecution of the Intellectuals in the Uyghur Region: Disappeared Forever?](#) (Washington: UHRP, October 2018), 6.

⁴⁷ “[Xinjiang’s Kashgar University Sacks Four ‘Two-Faced’ Uyghur Professors](#),” *Radio Free Asia* (19 September 2018); Uyghur Human Rights Project, [The Persecution of the Intellectuals in the Uyghur Region: Disappeared Forever?](#) (Washington: UHRP, October 2018), 7.

⁴⁸ Elizabeth Redden, “[Another Alleged Case of Censorship Roils China Studies](#),” *Inside HigherEd* (20 May

See also Iran, Korea (South), Vietnam.

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2018.

The 52-year armed conflict (1964–2016) between the Revolutionary Armed Forces of Colombia (FARC) and the government officially ended with a peace accord in 2016, but violence associated with armed groups increased again in 2018 after initial declines following a 2015 FARC ceasefire. Civilians suffered serious abuses at the hands of the National Liberation Army (ELN) guerrillas, FARC dissidents, and paramilitary successor groups. Human rights defenders, journalists, indigenous and Afro-Colombian leaders, and other community activists faced death threats and violence. Violence associated with the conflict had forcibly displaced more than 8.1 million Colombians since 1985.

The 2016 peace agreement between the Colombian government and the FARC provided for the creation of a “Special Jurisdiction for Peace” (JEP; a special tribunal established to prosecute the conflict’s worst abuses) to try those responsible for gross human rights violations committed during the conflict. FARC guerrillas and members of the armed forces responsible for crimes against humanity and serious war crimes who fully cooperated with the new jurisdiction and confessed their crimes were subject to as much as eight years of “effective restrictions on freedoms and rights,” but no prison time. Throughout 2018, JEP magistrates prioritized four situations for analysis: kidnappings committed by the FARC; false-positive killings (from 2002 through 2008, army brigades across Colombia routinely executed civilians in what have come to be known as “false-positive” killings); army and FARC abuses against Afro-Colombian and indigenous people in three municipalities in the southern province of Nariño between 1990 and 2016; and FARC and army abuses committed in the northern zone of Urabá between 1986 and 2016.

In July 2018, lawmakers passed a law containing a provision that suspended, unless defendants requested otherwise, Special Jurisdiction prosecutions of soldiers of the Colombian Armed Forces until the government created a “special and differentiated process” for them. The provision, which was proposed by the Democratic Center—the party of former President Álvaro Uribe and President Iván Duque—and was being reviewed by the Constitutional Court at the end of 2018, could halt prosecutions for false-positive killings. Throughout 2018, the Democratic Center introduced in Congress other bills that would seriously undermine prosecutions against members of the armed forces, including by allowing soldiers to receive sentencing benefits regardless of whether they confessed their crimes. But

these proposals had for the most part been withdrawn or fixed by lawmakers at the end of 2018. The Democratic Center falsely accused Special Jurisdiction magistrates of being biased against the armed forces. A bill that would name 14 additional judges in the Special Jurisdiction remained pending in Congress at the end of 2018.⁴⁹

On 29 November 2018, the Commission for the Clarification of the Truth, Coexistence and Non-Repetition was officially launched. It had to produce an analysis of more than fifty years of political violence and civil war in three years. Despite a ruling of the Constitutional Court earlier in 2018 that the commission would have access to all records, the armed forces tried to restrict access to its key archival files (including records of military intelligence agencies responsible for serious abuses and those linked to illegal paramilitary groups and drug traffickers). In addition, a smear campaign was waged against Father Francisco DeRoux, the human rights advocate who served as Commission president. Also in November 2018, Gonzalo Sánchez resigned his post as the director of the National Center for Historical Memory, saying that “the political atmosphere” had forced him to step aside. In an interview with *El Espectador*, he said that he feared the “political instrumentalization” of the center. Meanwhile, the records of insurgent groups like the FARC and the paramilitary AUC were reportedly in disarray, and most of them would probably never be recovered.⁵⁰

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2018.

In June 2018, an appeals chamber at the International Criminal Court (ICC) overturned the war crimes and crimes against humanity convictions of Jean-Pierre Bemba, a former vice-president of Congo and leader of the Mouvement pour la Libération du Congo (Movement for the Liberation of the Congo). Bemba was found guilty of rape, murder, and pillage in March 2016 for crimes committed in the Central African Republic in 2002 and 2003. In September 2018, the appeals chamber sentenced him to twelve months for a related conviction of witness tampering, but this time had already been served. Bemba returned to Congo in August 2018. Interpreting witness tampering as a form of corruption prohibited by the Congolese electoral law for presidential candidates, Congo’s electoral commission later invalidated Bemba’s presidential candidacy in what appeared to be a politically motivated decision.⁵¹

⁴⁹ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 151, 155–156.

⁵⁰ Michael Evans, “[Colombia Truth Commission Opens Doors, but Faces Significant Barriers to Access.](#)” *National Security Archive* (29 November 2018).

⁵¹ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 125, 128,

See also Uganda.

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012.

On 5–14 May 1999, Congolese refugees who had fled the civil war (1993–1999) crossed the river between the two Congos to return to their homeland. When they reached Brazzaville’s port, called “The Beach,” they went through a selection process. At least 353 of them were never seen again. Under pressure from the missing’s families, Congo’s parliament launched a probe in 2002, broadening the scope to cover all forced disappearances recorded in the country since 1992. A trial finally opened in Brazzaville three years later with fifteen defendants in the dock, mostly serving officers in the security forces. They were all acquitted in August 2005. However, the court ordered the state to pay compensation to close kin of 86 of the 353 missing men. Separately in France, several human rights NGOs went to court with a suit alleging “crimes against humanity, disappearances and torture.” The case, lodged in early 2002, targeted President Sassou-Nguesso and three senior officials in his regime and was still pending. In November 2007, the Ministry of Security and Public Order banned a commemoration for the missing planned by NGO’s and families of the victims, saying it would disturb public order. At the time, the authorities were hunting members of the rebel Ninja militia loyal to former Prime Minister Bernard Kolelas. Some of the missing were executed on the premises of the security forces, including the General Directorate of Presidential Security, according to a 2012 United Nations report based on testimony by people claiming to be survivors.⁵²

COSTA RICA

Previous *Annual Report* entries: 2010.

173.

⁵² Amnesty International, *Report 2004* (London: Amnesty International, 2004), 45; Amnesty International, *Report 2005* (London: Amnesty International, 2005), 86; Amnesty International, *Report 2006* (London: Amnesty International, 2006), 98; Observatory for the Protection of Human Rights Defenders, *Steadfast in Protest: Annual Report 2007* (Paris and Geneva 2008), 70; AFP, “[The Missing of Brazzaville’s ‘Beach,’ 20 Years On,](#)” *JusticeInfo.Net* (14 May 2019).

CÔTE D’IVOIRE

See Ivory Coast.

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2013, 2015–2018.

In June 2018, the parliament passed legislation barring public access to archive materials on individuals aged 100 and over, living and deceased. The government argued that the law was meant to defend the “victims of communism” and aimed at protecting the privacy of the deceased, but critics said that the legislation served to silence research into the collaboration of the wartime Ustasha government with the Nazis. Former Croatian Culture Minister and historian Zlatko Hasanbegovic called the legislation “cowardly and underhanded.” An estimated 80,000 files, including those pertaining to the fascist Ustasha movement, would be closed to the public.⁵³

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012, 2015–2016, 2018.

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011, 2013, 2015–2018.

⁵³ Neta Bar and Israel Hayom Staff, “[Historians Accuse Croatia of Covering Up World War II Crimes](#),” *Jewish News Syndicate* (17 July 2018).

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010, 2013–2018.

In August 2018, the inscription on a monument honoring Marshal Ivan Konev, who was twice designated a Hero of the Soviet Union by Soviet leader Joseph Stalin, was rewritten to highlight the marshal's prominent role in suppressing the Prague Spring in 1968.⁵⁴

On 18 January 2019, an unidentified man (1964–) seriously injured himself by setting himself on fire at Wenceslas Square in Prague as Czechs marked the 50th anniversary of the self-immolation on 19 January 1969 of history student Jan Palach (1948–1969) in protest at the Soviet invasion that crushed the Prague spring. The man was taken to hospital after bystanders doused the flames that enveloped him.⁵⁵

⁵⁴ Antony Kalashnikov, "[Soviet War Memorials in Eastern Europe Continue to Strain Relations with Russia](#)," *The Conversation* (20 August 2018).

⁵⁵ Reuters, "[Man Sets Himself on Fire in Prague as Czechs Mark 1968 Protest](#)" (18 January 2019).

DENMARK

Previous *Annual Report* entries: 2006–2007, 2013, 2016–2018.

In [November] 2018, Danske Slægtsforskere—the association of Danish genealogical researchers—published a part of the so-called Bovrup Archive, a list of DNSAP [Danish Nazi party] members. In 1945 the list had been copied and published in book form by members of the Danish Resistance who were angry that many ex-Nazis seemed to escape punishment. The original archive contained around 50,000 names, but for some reason the published version only contained 28,000. However, the 1945 book was subjected to a court injunction; it was not publicly available. Historians and other interested parties had to resort to scouring second-hand bookshops for copies. Danish data protection laws stated that persons must be dead for at least ten years before information about them could be revealed; consequently, only 5,265 names from the archive would be published.⁵⁶

DJIBOUTI

Previous *Annual Report* entries: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: 2013.

⁵⁶ Stephen Gadd, "[Danish Nazi Membership Archives Available Online for the First Time](#)," *CPH Post* (2 November 2018).

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2018.

A truth commission set up by the Rafael Correa administration to investigate government abuses from 1984 to 2008 (from the beginning of the repressive presidency of León Febres Cordero until Correa took office) documented 136 cases of gross human rights violations involving 456 victims, including 68 extrajudicial executions and 17 disappearances. A special prosecutorial unit created in 2010 to investigate the cases had initiated judicial procedures in less than ten of them, and final rulings were rendered in only two. Both the investigation and judicialization of the remaining cases appeared to be completely stalled.⁵⁷

On 22 May 2019, historian Jaime Galarza presented a request at the Attorney-General's office to reopen the investigation on the alleged role of the Central Intelligence Agency (CIA) and the Israeli Mossad in the 1981 murder of left-wing President Jaime Roldós Aguilera (in office August 1979—May 1981). In his book, "Who Killed Roldós," Galarza argued that the CIA and the Israelis were involved in the crime as part of Operation Condor in the region.

After Roldós's death information was misplaced, people were threatened, peasants from the alleged area of the accident disappeared, and some military personnel involved or aware of the event died in plane crashes. After a CIA document was released in 2014 revealing that Ecuador assisted in Operation Condor, the office of former Attorney-General Galo Chiriboga opened an investigation into Roldós's death, but it had been filed without explanation.⁵⁸

See also Argentina.

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2018.

In [2018], the censors banned *In the Last Days of the City*, a film about the two years which preceded the 2011 Egyptian Revolution by British-Egyptian actor and producer Khalid Abdalla. The film was pulled from the Cairo International Film Festival and banned in Egypt. Abdalla sued the censorship board. He said that footage of signs of discontent such as scenes of striking workers, Islamist marches,

⁵⁷ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 180.

⁵⁸ "[Ecuador: Request to Reopen Probe on CIA Killing of Jaime Roldos](#)," *Telesur* (22 May 2019).

and police brutality could have been problematic.⁵⁹

In mid-April 2019, historian of religions and assistant professor Adam Duker resigned from the Abdulhadi H. Taher Chair of Comparative Religions (2016–2019) at the American University in Cairo (AUC), saying in his letter that AUC has been in breach of contract since July 2017 by denying him the title included in his contract and retaliating against him for his refusal to stop using it. A historian of the sixteenth-century French religion wars, Duker taught about Christianity, Islam, Judaism, Buddhism and Hinduism in a “Religions of the World” survey course. Saudi businessman Tarek Taher (son of Abdulhadi H. Taher) persuaded the AUC leadership to withdraw the title awarded in Duker’s contract after the latter had refused his demand that he advocate for Islam over other religions in his teaching. At a meeting in January 2017, Taher had also demanded the right to pre-approve all of Duker’s lectures and course materials and insisted that he not teach any non-Abrahamic religions. The chair (2002–2019) had been the largest endowment for the humanities in the Arabic-speaking world (at approximately \$3.5 million). In April 2019, the AUC Faculty Senate Grievance Committee had formally determined that Duker did not commit faculty misconduct and expressed concern that Taher had been allowed to interfere in academic matters and influence the decision to strip Duker of his title.⁶⁰

EL SALVADOR

Previous *Annual Report* entries: 2001–2018.

In July 2016, the Supreme Court declared unconstitutional a 1993 amnesty law that prohibited the prosecution of war crimes and crimes against humanity, committed overwhelmingly by state security forces, according to the United Nations Truth Commission, during the country’s civil war (1979–1992).

In March 2017, former military commanders were brought to trial for their alleged responsibility for the 1981 El Mozote massacre, in which 978 civilians died, including 553 children, and soldiers committed mass rapes. The trial was ongoing at the end of 2018. Four other cases remained open but had not reached trial, including one related to the assassination of Archbishop Oscar Romero as he celebrated mass in a hospital chapel in March 1980, a day after his radio homily begging soldiers to stop their repression and killings. In October 2018, a judge ordered the arrest of ex-Captain Álvaro Saravia for his alleged role in planning the crime.⁶¹

⁵⁹ Jemimah Steinfeld, “An Undelivered Love Letter,” *Index on Censorship*, 47 no. 4 (winter 2018), 61–63.

⁶⁰ Gilgamesh Nabeel & Mina Nader, “[American University Cairo Religion Professor Loses Post in Academic Freedom Fight](#),” *Religion News Service* (14 May 2019); Elizabeth Redden, “[A Donor’s Demands, a Revoked Chair](#),” *Inside HigherEd* (24 May 2019).

⁶¹ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 193.

EQUATORIAL GUINEA

Previous *Annual Report* entries: —.

Beginning 16 July 2018, the government held a five-day “National Dialogue and Political Interaction,” an event that President Teodoro Obiang initiated to bring political opposition activists and groups, including those in exile, into dialogue with the government and ruling party. Obiang promised amnesty to political prisoners and opposition members who were sentenced by an Equatoguinean court while living in exile. However, most opposition groups and leaders remained wary of this promise and did not attend the dialogue. Moreover, the imprisoned Citizens for Innovation (CI) members were not released until 22 October 2018, when Obiang issued a pardon for them and 48 other prisoners. Obiang did not provide any official reason for the pardon.⁶²

ERITREA

Previous *Annual Report* entries: 2008, 2016, 2018.

See Ethiopia.

ESTONIA

Previous *Annual Report* entries: 2007, 2010, 2015, 2017.

ETHIOPIA

Previous *Annual Report* entries: 1998–2011, 2015–2018.

In [2008], historian Abebaw Ayalew was forced to quit his position at Addis Ababa University and accept a lectureship at the School of Fine Arts because “he had not followed the official historical explanations.” In August 2018, he was again working at Addis Ababa University.⁶³

⁶² Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 201.

⁶³ Koert Lindijer, “Het is wennen, te kunnen zeggen wat je vindt,” *NRC Handelsblad* (1–2 September 2018), 21.

After he acceded to power in 2 April 2018, President Abiy Ahmed reportedly reintroduced the independence of history teaching at the Addis Ababa University.⁶⁴

In July 2018, Ethiopia and Eritrea resolved a decades-long stalemate, signed a peace agreement and agreed to implement the 2002 international boundary commission decision. Relations between the countries had been violent or frozen since their troops clashed in the border town of Badme in 1998.⁶⁵

On 13–16 September 2018, tens of thousands of people gathered to welcome back leaders of the Oromo Liberation Front (OLF), one of the groups removed from a list of terror organizations earlier in 2018 by Prime Minister Abiy Ahmed. In the days leading up to the OLF leaders' arrival, supporters of the group trickled into the capital Addis Ababa carrying and waving its controversial, multicolored flag. Many Oromo—the country's largest ethnic group representing about a third of the 100 million inhabitants—saw the OLF and flag as a resistance against decades of alleged discriminatory practices by elites belonging to other ethnic groups. However, the move angered some residents in Addis Ababa—who saw the flag as a symbol to separate the Oromia region from the rest of Ethiopia—leading to clashes that left more than 20 people dead. The flag riots reportedly unfolded as young Oromos, popularly known as Qeerroo, started painting sidewalks with their patriotic flag colors and removing other flags. Abiy, himself an Oromo, condemned the violence. Police called on citizens to respect each other's freedom of expression, including carrying flags of their own choice.⁶⁶

⁶⁴ Koert Lindijer, "Het is wennen, te kunnen zeggen wat je vindt," *NRC Handelsblad* (1–2 September 2018), 21.

⁶⁵ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 213.

⁶⁶ AFP, "[Violence in Ethiopian Capital ahead of Opposition Group's Return](#)," *News24* (13 September 2018); "[Riots Leave Ethiopian Capital in a State of Tension](#)," *Prensa Latina* (14 September 2018); Abdi Latif Dahir, "[Ethiopia's Flag Protests Show a Nation Fighting to Become United](#)," *Quartz Africa* (17 September 2018).

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012, 2017.

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2014, 2016–2018.

See Congo (Republic), Egypt, Poland, Turkey, Vietnam.

GABON

Previous *Annual Report* entries: 2016, 2018.

GAMBIA

Previous *Annual Report* entries: 2016–2018.

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012, 2014, 2016.

The International Criminal Court continued its investigation into war crimes and crimes against humanity allegedly committed in the lead-up to, during, and after the August 2008 war between Russia and Georgia over South Ossetia. [See also *NCH Annual Reports 2010–2012* and *2016*.]⁶⁷

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2013, 2015–2017.

On 29 August 2018, a golden statue of Turkish President Recep Erdogan was removed in Wiesbaden. Part of the Wiesbaden biennial art exhibition with the theme of “Bad News,” the four-meter tall statue looked like the one of Saddam Hussein that was taken down after the American invasion in Baghdad in 2003. The city declared that it could not guarantee public order and safety of Erdogan’s followers and opponents at the location where it had been shown for two days.⁶⁸

In [2018], the Hamburg State Archive destroyed an estimated one million death certificates dating from 1876 to 1953 (including those from the Nazi era). The archive’s director, Udo Schäfer, admitted that it was a mistake: he thought that it were duplicates, adding that almost all the information contained in the files could be found in other archived documents, like death registries and in files from prisons or

⁶⁷ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 247.

⁶⁸ Rob Vreeken, “[Gouden standbeeld Erdogan in Wiesbaden na twee dagen verwijderd, kunstwerk deed emoties hoog oplopen](#),” *Volkskrant* (29 August 2018).

hospitals).⁶⁹

While on a tour in the Sachsenhausen Memorial, a former Nazi concentration camp outside Berlin, in July 2018, members of the far-right populist party Alternative for Germany (AfD) interrupted the guide to cast doubt on the existence of Sachsenhausen's gas chambers and diminish the crimes committed in Nazi death camps. AfD co-leader Alexander Gauland referred to the Nazi era as a "speck of bird poop" in Germany's otherwise admirable history, while Björn Höcke, leader of AfD's most extreme wing, called Berlin's Holocaust memorial a "monument of shame" and defended Holocaust deniers. In January 2019, Foreign Minister Heiko Maas wrote in a newspaper that "Right-wing populist provocateurs diminish the Holocaust, knowing that such a breach of taboo will garner maximum attention."⁷⁰

On 27 September 2018 during its General Assembly in Münster, the Verband der Historiker und Historikerinnen Deutschlands (Association of German Historians) adopted a Resolution on Current Threats to Democracy. It stated, among others, that "In Germany as in numerous other countries, excessive attacks on democratic institutions are currently threatening the foundations of the political order. As historians, we feel it is our duty to warn against these threats. Dispute is essential in a pluralistic society, but it must follow certain rules if it is not going to undermine democracy itself." It singled out five basic attitudes for democratic interaction in politics and society: "for historically sensitive speech, against discriminatory terms"; "for parliamentary democracy and a pluralistic culture of debate, against populism"; "for unified European action, against nationalist unilateralism"; "for humanity and the rule of law, against the slander of migrants"; and "for critical engagement with the past, against the political misuse of history."⁷¹

See also China, Croatia, Denmark, Greece, Hungary, Israel, Italy, Netherlands, United Kingdom.

⁶⁹ JTA, "[Holocaust Historian Slams Germany for Shedding Millions of Death Records](#)," *Haaretz* (23 September 2018).

⁷⁰ Emily Schultheis, "[Teaching the Holocaust in Germany as a Resurgent Far Right Questions It](#)," *The Atlantic* (10 April 2019).

⁷¹ "[Resolution des Verbandes der Historiker und Historikerinnen Deutschlands zu gegenwärtigen Gefährdungen der Demokratie / Resolution of the Association of German Historians \(VHD, Verband der Historiker und Historikerinnen Deutschlands\) on Current Threats to Democracy](#)." (Stellungnahme; Münster 27 September 2018).

GHANA

Previous *Annual Report* entries: 2002, 2004–2008, 2017.

In October 2016, the authorities announced that they would remove a statue of the Indian leader and pacifist Mahatma Gandhi (unveiled by Indian President Pranab Mukherjee in June 2016) from the University of Ghana's Legon campus in Accra and relocate it. The statue had sparked protests over Gandhi's racism: when he lived in South Africa at the turn of the 19th and 20th centuries, he had advocated the superiority of Indians over black Africans and used the derogatory term *kaffir* to refer to native Africans. On 12 December 2018, the campus-based news outlet *Radio Univers* reported that the statue had been taken down.⁷²

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011, 2013–2018.

In December 2018, the children of General Athanassios Chrissochoou, the commander and governor of Greek Macedonia during the occupation (from April 1941) who collaborated with the Nazis, sued three inhabitants of Thessaloniki, Aleko Gripas, Spiridon Saketta, and Triantafilou Mitafidi, for insulting their father's memory because they had lobbied the municipality to remove the latter's name from one of the streets and replace it with the name of historian Alberto Nar (1947–2005), a descendant of Jewish victims of the wartime genocide in Thessaloniki. Although the initiative had been approved by the municipal council on 26 March 2018, the family sued and demanded 600.000 euros in damages and six months' imprisonment for each of the defendants.⁷³

On 20 January 2019, protesters clashed with police in Athens at a big rally to oppose the government's deal with Macedonia (FYROM) on changing the latter's name into North Macedonia. Police fired tear gas at some of those attending the protest which attracted tens of thousands. The name Macedonia was sensitive to many Greeks who said it implied a claim on the Greek province of the same name. In mid-January, Prime Minister Alexis Tsipras narrowly survived a vote of no confidence after his junior

⁷² Abigail Abrams, "[Ghana Will Remove 'Racist' Gandhi Statue From Its Oldest University](#)," *Time* (6 October 2016); "[Petition: Gandhi's Statue at the University Of Ghana Must Come Down](#)" (12 September 2016); "[University of Ghana Removes Mahatma Gandhi Statue at the Centre of Anti-Racism Protests](#)," *Scroll.in* (13 December 2018).

⁷³ [Children of General Athanasios Chrysochoou versus three persons](#) (10 December 2018); Antonis Liakos, personal communication (31 December 2018 and 6 March 2019); "La Réhabilitation de la mémoire historique et ses négateurs: En soutien à des citoyens de Salonique poursuivis en justice" ([2019])

coalition partner withdrew support. Some members of the parliament received death threats intended to influence their vote.⁷⁴

GRENADA

Previous *Annual Report* entries: 2007.

GUATEMALA

Previous *Annual Report* entries: 1995–2018.

In 2011 and 2012, five former members of the military had been convicted for their roles in the 1982 Dos Erres massacre, in which army special forces killed around 200 civilians as part of their counterinsurgency policy during the armed conflict (1960–1996). In May 2013, former President Efraín Ríos Montt was found guilty of genocide and crimes against humanity for the assassination of over 1,771 Mayan Ixil civilians in 105 massacres, when he was head of state (1982–1983). He was sentenced to 80 years in prison, but ten days later the Constitutional Court overturned the verdict on procedural grounds. The retrial began in March 2016 but it was suspended two months later because of outstanding legal challenges. The trial restarted in October 2017 with just one session per week. Ríos Montt died in April, before the trial concluded. In September 2018, the other defendant in the case, the former head of intelligence, was acquitted.⁷⁵

On 3 August 2018, Gustavo Meoño Brenner, the director of the [Archivo Histórico de la Policía Nacional](#) (AHPN; Historical Archive of the National Police), was abruptly dismissed. AHPN's remaining staff of more than 50 people was placed on temporary contract. Oversight for AHPN was transferred from the national archives, where it had functioned since 2009, to the Ministry of Culture and Sports. The Ministry and the Guatemalan office of the United Nations Development Programme (UNDP, responsible for administering international donations to the AHPN) agreed to eliminate the position of director in favor of a “technical liaison” and hired a trained archivist with no human rights experience

⁷⁴ “[The Man Who Has Focused on One Word for 23 Years](#),” *BBC News* (2 August 2017); “[Greece Macedonia: Name Dispute Draws Mass Protest in Athens](#),” *BBC News* (4 February 2018); Guy Delauney, “[Macedonia: Why the Row with Greece over the Name Runs so Deep](#),” *BBC News* (8 February 2018); “[Macedonia Name Dispute: PMs Watch as Ministers Sign ‘Historic’ Deal](#),” *BBC News* (17 June 2018); “[Macedonia Parliament Agrees to Change Country’s Name](#),” *BBC News* (11 January 2019); “[Macedonia and Greece: Clashes in Athens over Neighbour’s Name Change](#),” *BBC News* (20 January 2019).

⁷⁵ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 249–250.

to replace Meoño. They also dismissed all but one member of the investigative staff dedicated to locating and analyzing police records containing information about illegal state terror campaigns during the 1970s and 1980s. Since its discovery in 2005, the AHPN had crucially contributed to human rights trials with its records serving as legal evidence for the prosecution. This enraged powerful military intelligence and operational officers who were responsible for human rights violations in the 1980s have sought to harass, intimidate, and shut down the human rights and justice organizations contributing to the prosecutions. This probably caused the government of President Jimmy Morales to seek to control the AHPN and dismiss its director.

On 27 May 2019, Interior Minister Enrique Degenhart (in charge of the police) declared his intent to assert his control over the AHPN, including new restrictions on AHPN access and possible legal action against “foreign institutions” holding digitized copies of the documents (the Federal Archives of Switzerland and the University of Texas at Austin). Degenhart referred to the collection as the “Historical Archive of the National Civil Police”—incorrectly imposing the name of the security force he headed for the National Police, which was abolished in 1997 by the peace accords for its role in assassinating, disappearing, and torturing Guatemalan citizens during the internal conflict (1960–1996). After major protests, the agreement with the Ministry of Culture was extended for six months. [See also *NCH Annual Report 2013*.]

Guatemalan media outlets reported in late March 2019 that both the chief of the General Archive of the Supreme Court (Rossana Aracely Alvarado Cortez) and the head of the Court’s Information System (Daniel Girón) were pressured to resign by Justice Department (Organismo Judicial) officials. Another archive under stress was the collection of records of the former “Presidential General Staff” (Estado Mayor Presidencial—EMP, dissolved in 2003), located inside the General Archive of Central America, Guatemala’s national archives since 2012.⁷⁶

⁷⁶ Kate Doyle, “[Guatemala Police Archive under Threat](#),” *National Security Archive* (13 August 2018) (including petition text); Asociación Latinoamericana de Archivos (ALA), “[Comunicado ante la situación del Archivo Histórico de la Policía Nacional de Guatemala](#)” (letter to the United Nations Development Programme office in Guatemala and Minister of Culture) (Mexico DF, 7 November 2018); Asociación Latinoamericana de Archivos (ALA), “Comunicado ante la situación del Archivo Histórico de la Policía Nacional de Guatemala” (letter to Inter-American Commission on Human Rights) in International Council on Archives Human Rights Working Group, *Newsletter* (November 2018), issue 108, 17–19; Archiveros sin Fronteras Internacional, “[Declaración sobre la situación del Archivo Histórico de la Policía Nacional de Guatemala \(AHPN\)](#)” (s.d. [November 2018]); International Council on Archives Human Rights Working Group (Giulia Barrera), Letter to United Nations High Commissioner for Human Rights Michelle Bachelet (15 November 2018) in International Council on Archives Human Rights Working Group, *Newsletter* (November 2018), issue 108, 15–16; National Security Archive, “Imminent Threat to Guatemala’s Historical Archive of the National Police (AHPN)” (Press release, 30 May 2019); Mandato del Grupo de Trabajo sobre las Desapariciones Forzadas o Involuntarias; y del Relator Especial sobre la promoción de la verdad, la justicia, la reparación y las garantías de no repetición, *Letter to Prime Minister of Guatemala* (30 May 2019); Kate Doyle, “[Imminent Threat to Guatemala’s Historical Archive of the National Police \(AHPN\)](#),” *National Security Archive* (30 May 2019); [NCH Campaign](#) (2018).

GUINEA

Previous *Annual Report* entries: 2007, 2009–2018.

There was meaningful progress in the investigation of the 28 September 2009 stadium massacre, in which security forces killed over 150 peaceful opposition supporters, and raped dozens of women. In December 2017, the panel of Guinean judges investigating the massacre concluded over seven years of investigations. At least 13 suspects were indicted, including Moussa Dadis Camara, the then leader of the military junta that ruled Guinea in September 2009, and two high-ranking officials currently serving in the security forces. The investigation ended before judges had located and exhumed mass graves believed to contain more than 100 victims. However, the trial had yet to start at the end of 2018. In April 2018, the Ministry of Justice created a steering committee to prepare for the trial by securing funding and ensuring adequate security for witnesses and magistrates. The committee, which included key figures in the national justice system, United Nations representatives, and international donors, had only met three times over a seven-month period, but it had identified a location and budget for the trial.⁷⁷

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012, 2015.

GUYANA

Previous *Annual Report* entries: 1997.

⁷⁷ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 255–256.

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2013–2018.

As of November 2018, a re-opened investigation into crimes committed by former President Jean-Claude Duvalier's collaborators remained pending. Duvalier died in 2014, six months after the Port-of-Prince Court of Appeal ruled that the statute of limitations could not be applied to crimes against humanity and ordered that investigations against him should continue for human rights crimes allegedly committed during his tenure as president (1971–1986). Allegations of violations included arbitrary detentions, torture, disappearances, summary executions, and forced exile.⁷⁸

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2015.

HONG KONG

Previous *Annual Report* entries: 1996. *See* China.

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2018.

In 1946, historian John Lukacs (1924–2019) emigrated to the United States because he did not want to live in Communist-dominated Hungary. From partly Jewish origin, he had lived in hiding after the German occupation of Hungary in 1944. He wrote mainly about the history of World War II.⁷⁹

On 28 December 2018, the authorities removed a statue of Imre Nagy (1896–1958), pro-reform Communist and hero of the 1956 anti-Soviet uprising executed in 1958, from Martyrs' Square in front of the parliament building (where it was erected in 1996) to Jaszai Mari Square, a northern location of

⁷⁸ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 260.

⁷⁹ *NRC Handelsblad* (5 December 2008) 7; "[John Lukacs, Iconoclastic Scholar of History, Dies at 95.](#)" *Washington Post* (6 May 2019).

Budapest. It would be replaced by a monument to the victims of the Red Terror (a purge of anti-Communist forces by a short-lived Communist regime in 1919), which replicated one that stood there during the pro-Nazi rule of wartime Admiral Miklós Horthy (1868–1957), who fueled anti-Semitism. Some critics accused Prime Minister Viktor Orbán’s nationalist government of revising Hungary’s history, while its supporters argued that the aim was to return parts of Budapest to their pre-World War Two appearance, before the decades of Communist rule (1949–1989). On 16 June 1989, Orbán—then an anti-Communist activist—had addressed a rally celebrating Nagy’s reburial and rehabilitation.⁸⁰

See also Romania.

⁸⁰ [“Hungary Removes Statue of Anti-Soviet Hero Imre Nagy,”](#) *BBC News* (28 December 2018); Benjamin Novak, [“Hungarians Fume as Statue of Former Leader Is Downgraded,”](#) *New York Times* (28 December 2018).

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2018.

On 16 October 2018, historian Ramachandra Guha, public intellectual and author of a two-volume biography of Mahatma Gandhi, announced that he had accepted a position at the private Ahmedabad University (AU), Gujarat, as a professor of humanities, but on 1 November he tweeted that he would not join the new position due to “circumstances beyond his control.” Pravin Desai, a leader of the student wing—Akhil Bharatiya Vidyarthi Parishad (ABVP)—of the local Bharatiya Janata Party (BJP), had declared to the press that ABVP had submitted a memorandum to AU on 19 October saying that it did not want Guha to teach at the university because he wrote “anti-national” books. They said that Guha’s writings “encouraged divisive tendencies, alienation in the name of independence of the individual, freeing terrorists in the name of independence of the individual, and separating Jammu and Kashmir from the Indian union.” They also referred to him as a Communist. Guha has been an outspoken critic of Hindu nationalist politics (represented by Prime Minister Narendra Modi’s BJP). Hours before refusing the teaching offer, Guha had compared Modi to Emperor Jean-Bédél Bokassa, the Central African Republic’s ruler (1966–1976) infamous for his cruelty, in a tweet. In late October, Guha had also criticized the Modi government over an expensive statue for Sardar Vallabhbhai Patel, which was the world’s tallest statue.⁸¹

On 7 June 2019, Ram Puniyani ([1945]–), a former IIT Bombay (Indian Institute of Technology Bombay) professor and social worker known for his anti-Hindutva views, informed Mumbai police that on 6 June 2019 he got threat calls from an unidentified person who told him to stop the work that he was doing or that he would face the consequences (“dekh lenge.”) Puniyani had his own YouTube channel where he spoke on rationalist and anti-Hindutva issues. In some of his recent YouTube videos, Puniyani had criticized cow vigilantes and lynchings. He had also spoken about Pragya Singh Thakur’s assertion that Mahatma Gandhi’s murderer, Nathuram Godse, was a “patriot.” The video was titled “2nd Assassination of Mahatma Gandhi by Calling Nathuram Godse as Patriotic.” Puniyani had received similar threats a few years ago.⁸²

See also Ghana, Malawi.

⁸¹ Soutik Biswas, “[Ramachandra Guha: How the Right Wing Hounded out a Gandhi Biographer](#),” *BBC News* (3 November 2018); Shuriah Niazi, “[International Historian Bows to Right-Wing Pressure](#),” *University World News* (8 November 2018).

⁸² “[Ex-IIT Professor Ram Puniyani Says He Got Threat Calls for Anti-Hindutva Stance](#),” *Telegraph* (8 June 2019).

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2013, 2015–2018.

In August 2018, the national police chief, General Tito Karnavian, announced that police would reopen their investigation into the murder in 2004 of human rights defender Munir Thalib. Investigations and prosecutions in the case to date have failed to uncover the full circumstances of Munir’s killing or target the most senior officials believed responsible.⁸³

See also Netherlands.

IRAN

Previous *Annual Report* entries: 1996–2018.

In 1979, in the aftermath of the Iranian Revolution, the work of historian Ehsan Yarshater (1920–2018), Columbia University’s first chairman of Iranian Studies (1961–) and founder of its Center for Iranian Studies (1968–), was cut short. He was forced to suspend publication of the *Encyclopedia Iranica*, founded and edited (1972–2017) by him. Yarshater, who never returned to Iran after the revolution, had restarted the encyclopedia at Columbia University with a grant from the National Endowment for the Humanities in the early 1980s.⁸⁴

On 29 August 2018, the United Nations Working Group on Arbitrary Detention concluded that Iran had no legal basis for the arrest and detention of American-Chinese Ph.D. history student Xiyue Wang, and that he should be released immediately. Mary Beth Norton, president of the American Historical Association, wrote a letter to Ayatollah Ali Khamenei expressing “deep concern” about Wang’s ten-year prison sentence. [See also *NCH Annual Report 2018*.]⁸⁵

⁸³ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 286.

⁸⁴ Amir-Hussein Radjy, “[Ehsan Yarshater, Iran Scholar with a Monumental Vision, Dies at 98](#),” *New York Times* (18 September 2018).

⁸⁵ Website about Xiyue Wang: <https://sites.google.com/view/freexiyuewang>; United Nations Working Group on Arbitrary Detention, [Opinion No. 52/2018 concerning Xiyue Wang \(Islamic Republic of Iran\)](#) (29 August 2018); Middle East Studies Association, [Letter to Ayatollah Ali Khamenei re Xiyue Wang](#) (5 September 2018); Princeton University, “[U.N. Committee Calls for Immediate Release of Princeton Graduate Student Imprisoned in Iran](#)” (10 September 2018); “[Statement from Wife of Xiyue Wang in Response to UN Committee Opinion Letter](#),” *Facebook* (10 September 2018); Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: SAR, 2018), 35; Jennifer Griffin & Lucas Tomlinson, “[Wife of US Scholar Imprisoned in Iran Speaks Out: ‘His Only Crime Is He’s American’](#),” *Fox News* (15 January 2019); “[UN Experts Urge Iran to Release Imprisoned American Scholar Xiyue Wang](#)” (press

See also Argentina, United States, Yemen.

IRAQ

Previous *Annual Report* entries: 1998, 2000–2018.

Correction: historian Bashar Awad Marouf [see *NCH Annual Report 2014*] was not killed in December 2013. He went into exile in Jordan. Apologies for this error.

Under international law some of the brutal crimes perpetrated by Islamic State (ISIS) since 2014 amounted to war crimes and possibly to crimes against humanity or genocide. In 2018, Iraq failed to pass legislation to make war crimes and crimes against humanity specific offenses under domestic law. Judges instead prosecuted ISIS suspects with the single charge of ISIS affiliation, under domestic counterterrorism legislation. The trials were generally rushed, based on a defendant's confession, and did not involve victim participation. Authorities did little to protect, gather, and use in criminal prosecutions evidence found at mass gravesites left by ISIS. The Iraqi government and Kurdistan Regional Government (KRG) conducted thousands of trials of ISIS suspects without a strategy to prioritize the worst abuses under Iraqi and international law.

Iraq also passed Law No. 20, Compensating the Victims of Military Operations, Military Mistakes and Terrorist Actions in 2009, creating governmental commissions to compensate Iraqis affected by terrorism, military operations, and military errors. Compensation commissions in areas that fell under ISIS control in 2014 had received thousands of compensation requests but had yet to pay out any claims from 2014 onward.

Based on a United Nations (UN) Security Council resolution adopted in September 2017, a UN investigative team was created to document serious crimes committed by ISIS in Iraq. By the end of 2018, the team had yet to properly launch investigations in Iraq.⁸⁶

See also Germany, United States.

release; 7 May 2019); "[Wife Pleads for Release of Princeton Student Incarcerated in Iran While Doing Research on Dissertation](#)," *Committee of Concerned Scientists* (9 June 2019); Laura Dean, "[The Threat of War Brings New Fears to an American Hostage in Iran](#)," *New Yorker* (24 June 2019); "[UN Experts Urge Iran to Release Imprisoned American Scholar Xiyue Wang](#)" (press release, 7 May 2019); Hua Qu, "[My Husband Is Unjustly Imprisoned in Iran: The International Community Must Help](#)," *Washington Post* (24 May 2019); [NCH Campaign](#) (2018; including two follow-ups).

⁸⁶ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 297–298.

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006, 2013, 2015–2016.

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2014, 2016–2018.

On 27 June 2018, the Prime Ministers of Israel (Benjamin Netanyahu) and Poland (Mateusz Morawiecki) issued a joint declaration following the adaptation of the so-called Holocaust law in Poland [see *NCH Annual Report 2018*]. The semi-official Polish PKO Foundation placed full-page ads with the declaration in newspapers around the world. Critics said, however, that the declaration downplayed the role of many Poles who willingly cooperated with the Nazis. While it appeared to give the same prominence to those Poles who helped Jews and those who persecuted them, Yad Vashem stated on 5 July 2018 that “Poles’ assistance to Jews during the Holocaust was relatively rare, and attacks against and even the murder of Jews were widespread phenomena.” Others charged that it inaccurately compared anti-Semitism with anti-Polonism in the passage: “Both governments vehemently condemn all forms of anti-Semitism ... Both governments also express their rejection of anti-Polonism and other negative national stereotypes.” Education Minister Naftali Bennett rejected the joint statement as factually inaccurate and said that it would not be taught in Israel schools. He further called on Netanyahu to rescind it or bring it to a vote in the cabinet for approval. Opposition leaders joined Bennett’s calls. Leading Israeli Holocaust historian Yehuda Bauer called it “a betrayal of the memory of the Holocaust and the interest of the Jewish people.” In a reaction to all the accusations, Netanyahu said: “Regarding the Polish law, the goal of the contacts with the Polish government was to abrogate the criminal clauses in the Polish law that cast a pall of fear over research and free discourse regarding the Holocaust. This goal has been achieved.” On Wednesday 11 July 2018, the Knesset would debate a motion to hold a declarative vote denouncing the joint statement.⁸⁷

On 1 August 2018, Prime Minister Benjamin Netanyahu reportedly called Swiss Foreign Minister Ignazio Cassis and asked that Switzerland stop funding [Akevot](#), the Institute for Israeli-Palestinian Conflict Research, founded in 2014. A week later, Israeli Ambassador to Switzerland Jacob Keidar met

⁸⁷ [“Joint Declaration of Prime Ministers of the State of Israel and the Republic of Poland”](#) (27 June 2018); Raoul Wootliff and TOI Staff, Raphael Ahren, [“Poles Launch Global Drive to Promote Holocaust Law Deal, Roiling Israeli Critics.”](#) *Times of Israel* (5 July 2018); [“Amid Criticism of Poland Holocaust deal, PM Says He’ll ‘Listen to Historians’.”](#) *Times of Israel* (8 July 2018).

in Bern with officials from the Swiss Foreign Ministry's Middle East desk, handing over an unsigned document containing the same request and alleging that "[t]his Institute [Akevot] aims to locate evidence of policies or decisions in the archives of the State of Israel that led, in the opinion of the researchers at the Institute, to human rights violations and transfer the findings to the alleged victims ... The purpose—legal warfare against the State of Israel inside Israel and abroad." The document repeated allegations by right-wing organizations against Akevot, including some found in a report published by the group Ad Kan (founded in 2015) in July 2018. According to the newspaper *Haaretz*, Ad Kan's 38-page report contained a series of "deceptions and inaccuracies," including ill-founded allegations that Akevot "gather[ed] intelligence for the Swiss and Norwegian governments and [stole] Israeli secrets by working together with state archivists and putting its own people on the Supreme Council of Archives."⁸⁸

In the summer of 2018, the State Archives (a branch of the Prime Minister's Office) published a catalog of some 300,000 classified files (with their names, dates, and origin within the state bureaucracy), including more than 2,000 documents from before the state was founded in 1948. The very existence of the files had been kept a secret until recently; 125 files dated back to the 1800s. One-fifth of the files deemed most sensitive were excluded from the disclosure. The oldest item, a Foreign Ministry document entitled "Parker Report," dated back to 1821. Documents from most ministries appeared in the catalog, with the exception of the Defense Ministry (aside from one cache of records produced during Israel's first, short-lived occupation of Gaza in 1956), the military, the Mossad, and the Shin Bet security service. Almost three quarters of the files came from the Israel Police (28.2 percent), the Foreign Ministry (24.2 percent), and the Prime Minister's Office (21 percent).⁸⁹

In early October 2018, Prime Minister Benjamin Netanyahu announced his intention to extend the secrecy of information stored in security service archives from 70 to 90 years, including materials contained in the Shin Bet and Mossad archives, the archives of the Atomic Energy Commission, nuclear research centers, the Institute for Biological Research, and the Army Intelligence Division. They included records about the Deir Yassin massacre in April 1948. [See also *NCH Annual Report 2010*]. The Supreme Council of Archives, a body within the Israel State Archives that advised the Office of the Prime Minister on matters of classification, recommended against extending the classification period by more than five years. In December 2018, an amendment to the classification regulations stipulated to effectively keep the documents secret for 90 years. The existence of the amendment was

⁸⁸ Chaim Levinson & Noa Landau, "[How a Right-wing NGO's Agenda Became Israeli Government Policy](#)," *Haaretz* (12 October 2018); Akevot, [Ad Kan's smear campaign against Akevot Institute](#) (August 2018).

⁸⁹ Asaf Shalev, "[More than 100 Files from the 1800s Are Still Classified in Israel's Archives](#)," *+972 Magazine* (15 February 2019).

revealed publicly for the first time on 4 February 2019, when Netanyahu's office said that its goal was to protect Israel's assets and informants who remain alive, or their descendants in foreign countries. In 2010, Netanyahu had signed a similar order extending the confidentiality of archives from 50 to 70 years.⁹⁰

See also Argentina, Ecuador, Poland, Romania.

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012, 2016–2018.

On 10 December 2018, the police said they were investigating the theft of 20 memorial plaques commemorating the Holocaust. The small brass plaques—dedicated to members of a Jewish family, De Consiglio—were dug out from Rome's pavements during the night.⁹¹

In mid-May 2019, history teacher Rosa Maria Dell'Aria ([1955]–) was suspended for fifteen days on half pay after an investigation by the education ministry's provincial authority in Palermo, Sicily, found that she had not "supervised" her students' work at Vittorio Emanuele III school. In January 2019, two students, aged fifteen and sixteen, had made a video as part of a project for International Holocaust Remembrance Day comparing current events to anti-Semitic persecution. The video compared a security decree drafted by rightist interior minister and leader of the political party Lega, Matteo Salvini, and approved by parliament in December 2018, to Benito Mussolini's 1938 racial laws. The 1938 racial laws led to the expulsion of 6,500 Jewish schoolchildren and about 700 professors, many of whom were deported to concentration camps. Salvini's law left hundreds of asylum seekers in legal limbo by removing humanitarian protection for those not eligible for refugee status. Many, including thousands of students and members of the opposition Democratic Party, protested the suspension. Marco Anello, the head of the education ministry's provincial authority in Palermo, defended the suspension: "Comparing the security decree to a racial law means offending not only Salvini but also the Italian state."⁹²

⁹⁰ "[Netanyahu Bans Publication of Archive Materials on Deir Yassin Massacre](#)," *Palestine News Network* (4 October 2018); Joseph Fitsanakis, "[Israel Extends Intelligence Document Classification Period to 90 Years](#)," *IntelNews* (6 February 2019).

⁹¹ Paul Kirby, "[Anti-Semitism Pervades European Life. Says EU Report](#)," *BBC News* (10 December 2018).

⁹² Lorenzo Tondo, "[Teacher Suspended after Her Pupils Criticise Italian Far-Right Law](#)," *Guardian* (19 May 2019); Valerio Alfonso Bruno, "[Why Freedom of Expression Is At Stake In Italy: The Suspension of a Teacher Is Sparking Debate across the Country](#)," *Public Seminar* (6 June 2019).

See also Vatican.

IVORY COAST (Côte d’Ivoire)

Previous *Annual Report* entries: 2004, 2006–2018.

Ivory Coast’s Special Investigative and Examination Cell continued its investigations into the human rights abuses of the 2010–2011 post-election crisis, which left more than 3,000 dead and more than 150 women raped. The cell, established in 2011, had charged more than two dozen senior military officers and political leaders with crimes against humanity or war crimes. However, the August 2018 amnesty announcement “for national reconciliation” for 800 people implicated in crimes related to the post-election crisis and subsequent political violence raised major doubts about whether those responsible for the crisis’ worst abuses would be tried in Ivorian courts. A government order implementing the amnesty stated that it would not apply to individuals who were “members of the military and armed groups.” But the list of people released or exonerated under the amnesty included individuals accused of serious human rights violations during the 2010–2011 crisis, both from pro-Ouattara and pro-Gbagbo forces.

Those released due to the amnesty included former first lady Simone Gbagbo. Her acquittal in an Ivorian court for crimes against humanity during the post-election crisis was overturned by the Supreme Court on 26 July 2018, but the amnesty meant that she would not now be retried. Simone Gbagbo was also wanted by the International Criminal Court (ICC) on four counts of crimes against humanity, but the Ivorian government had refused to transfer her to The Hague. The amnesty did at least result in the release of hundreds of pro-Gbagbo sympathizers who had languished for years in pretrial detention without trial, or who had been convicted of “threats against state security” in trials that often lacked basic due process. The ICC continued the trial of Laurent Gbagbo, former President and historian, and Charles Blé Goudé for crimes against humanity committed during the 2010–2011 crisis. The prosecution closed its case in early 2018, and the defense filed a no-case-to-answer submission in July, arguing that the charges against the two should be dismissed. In early 2019, both defendants were acquitted.

The ICC continued its investigations into crimes committed by pro-Ouattara forces during the crisis, but had yet to issue arrest warrants. President Alassane Ouattara said that no further individuals would be transferred to The Hague. Neither Ivory Coast’s Special Cell nor the ICC were investigating crimes committed during election-related violence in 2000 or the 2002–2003 armed conflict.⁹³

⁹³ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 159–160.

JAMAICA

Previous *Annual Report* entries: 2017–2018.

JAPAN

Previous *Annual Report* entries: 1995–2018.

Persons forcibly sterilized under the Eugenic Protection Act between 1948 and 1996 sued the government for compensation. Under the law, approximately 84,000 persons, mostly with genetic disorders (including at least around 16,500 persons forced to have sterilization surgery), were victimized. In May 2018, a bipartisan committee was established to create a law that was expected to address both compensation and apologies to the victims.⁹⁴

Hirofumi Yoshimura, mayor of Osaka, ended its “sister city” ties with San Francisco over the display of a statue entitled “Women’s Column of Strength,” depicting women forced to work as sex slaves for Japanese soldiers during World War Two. He said that the “comfort women” monument “destroyed the relationship of trust between the two cities (which had existed since 1957). In a letter, Yoshimura explained that part of the “problem” was the monument’s inscription, which he said “present[ed] uncertain and one-sided claims as historical facts.” The inscription read: “This monument bears witness to the suffering of hundreds of thousands of women and girls euphemistically called ‘comfort women,’ who were sexually enslaved by the Japanese Imperial armed forces in thirteen Asian-Pacific countries from 1931 to 1945.”⁹⁵

On 30 November 2018, Japan’s oldest English-language newspaper, *Japan Times* (founded 1897), sparked anger among staff and readers after revising its description of wartime sex slaves and forced laborers from the Korean peninsula: “forced laborers” would become “wartime laborers,” “women who were forced to provide sex for Japanese troops before and during World War II” would become “women who worked in wartime brothels, including those who did so against their will, to provide sex to Japanese soldiers.” Reporters and editors were not consulted about the change.⁹⁶

⁹⁴ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 315.

⁹⁵ “[Osaka Cuts San Francisco Ties over ‘Comfort Women’ Statue](#),” *BBC News* (4 October 2018); Hirofumi Yoshimura (Mayor of Osaka), [Letter to London Breed \(Mayor of San Francisco\)](#) re Termination of Sister City Relationship (2 October 2018).

⁹⁶ Justin McCurry, “[‘Comfort women’: Anger as Japan Paper Alters Description of WWII Terms](#),” *Guardian* (30 November 2018).

See also China, Korea (North).

JORDAN

Previous *Annual Report* entries: 2003–2004, 2015, 2018.

See Iraq.

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2018.

See United Kingdom.

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011, 2013–2015, 2017.

Japan continued to demand the return of 12 Japanese citizens whom North Korea abducted in the 1970s and 1980s. Some Japanese civil society groups insisted that the number of abductees was much higher. On 19 August 2018, five victims of the “Paradise on Earth” campaign, which used false promises to recruit approximately 93,000 ethnic Koreans (Zainichi) and Japanese nationals in Japan to go to North Korea between 1959 and 1984, sued the North Korean government for damages.⁹⁷

See also Japan, Korea (South).

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012–2013, 2016–2018.

A Center for North Korean Human Rights Records was created under the Ministry of Unification to act as an archive of North Korean human rights violations for possible use in future prosecutions.⁹⁸

In October and November 2018, the Supreme Court ordered two Japanese companies (Nippon Steel & Sumitomo Metal and Mitsubishi) to compensate South Koreans forced to work in their factories during

⁹⁷ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 317, 442.

⁹⁸ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 534.

World War II. Japan insisted that all matters concerning allegations of forced labor were settled under 1965 agreements that established bilateral diplomatic ties, but the Supreme Court ruled that those agreements should not impede individual victims' rights to seek redress. The rulings could open the floodgates for other victims and their families to file class-action lawsuits against 300 Japanese companies still in operation that were believed to have used forced labor at the time. Hundreds of thousands of Koreans were forced to work for Japan's war efforts in Japan, China, and elsewhere, according to South Korean historians. Only a few thousand were still believed alive. Japan reportedly intended to bring the case before the International Court of Justice.⁹⁹

On 21 November 2018, the minister of gender equality and family shut down the Japanese-founded Reconciliation and Healing Foundation (created in July 2016), effectively shelving the 2015 agreement, in which Japan had apologized for the wartime sexual slavery system and promised to give 1 billion yen (\$8.6 million) to a fund for Korean women. [See *NCH Annual Reports 2017–2018*.]¹⁰⁰

See also Japan, Korea (North).

KOSOVO

See Serbia / Kosovo.

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005, 2018.

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2013, 2016–2017.

⁹⁹ Choe Sang-Hun & Rick Gladstone, "[How a World War II-Era Reparations Case Is Roiling Asia](#)," *New York Times* (30 October 2018); Choe Sang-Hun, "[South Korean Court Orders Mitsubishi of Japan to Pay for Forced Wartime Labor](#)," *New York Times* (29 November 2018).

¹⁰⁰ Choe Sang-Hun, "[South Korea Signals End to 'Final' Deal with Japan Over Wartime Sex Slaves](#)," *New York Times* (21 November 2018).

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008, 2015–2016.

In [June] 2018, the Commission for the Study of KGB Materials (established in 2015 with a three-year mandate) recommended making the list with names of 30,000 KGB agents and informers available; its report had been “conceptually” accepted by the parliament, but the final decision had not been made. In previous years, the parliament had voted three times to open the archives (once in 2004 and twice in 2006), but each time then President Vaira Vīķe-Freiberga had vetoed the decision. In contrast, her successor Valdis Zatlers (serving in 2007–2011) argued that the list should be published. [See also *NCH Annual Report 2015*.]¹⁰¹

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2018.

An estimated 17,000 Lebanese were kidnapped or “disappeared” during the civil war (1975–1990). On 12 November 2018, parliament passed a landmark law creating an independent national commission to investigate the fate of the disappeared. Article 27 of the law stated that those found responsible for the disappearances would be held accountable.¹⁰²

In 2018, a street in Beirut’s suburb of Ghobeiry—known for its strong support for Hezbollah—was named after Hezbollah military leader Mustafa Badreddine (1961–2016). Badreddine allegedly masterminded the assassination of former Prime Minister Rafik Hariri in 2005. The street itself led to Rafik Hariri University Hospital. Hariri’s son, Saad Hariri, Lebanon’s prime minister, called the move “seditious.” Badreddine had been designated a terrorist by the United States; he was killed in Syria, where he allegedly led Hezbollah units fighting in support of President Bashar al-Assad.¹⁰³

¹⁰¹ Gordon Sander, “[Why a Nearly 30-year-old List of Names Is Roiling Modern Latvia](#),” *Christian Science Monitor* (12 July 2018).

¹⁰² Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 356.

¹⁰³ “[Mustafa Badreddine Street Sparks Outrage in Lebanon](#),” *BBC News* (19 September 2018).

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2015, 2018.

LIBYA

Previous *Annual Report* entries: 2003, 2005–2018.

In April 2017, the International Criminal Court (ICC) unsealed an arrest warrant that it had issued in 2013 for Mohamed Khaled al-Tuhamy, who, under ousted leader Muammar Gaddafi, headed the Internal Security Agency, for serious crimes committed during the 2011 uprising. His whereabouts were unknown at the end of 2018. Saif al-Islam Gaddafi, a son of Muammar Gaddafi, who was sentenced to death in absentia by a Libyan court in 2015, continued to be subject to an ICC arrest warrant to face charges of crimes against humanity. Saif al-Islam Gaddafi's current whereabouts cannot be confirmed; independent international observers had not seen or heard from him since 2014. In her November 2018 update to the Security Council, ICC Prosecutor Fatou Bensouda responded to a challenge brought by Saif al-Islam Gaddafi disputing the admissibility of his case in front of the ICC and she affirmed that he should be arrested and surrendered to the court.¹⁰⁴

Since 2011, militias and forces affiliated with several interim authorities, as well as Islamic State fighters, have attacked religious minorities, including Sufis, Ibadis, and Christians, and destroyed religious sites in Libya with impunity. On 28 November 2017, unidentified assailants set fire to Zawiyat Sheikha Radiya, a historic Sufi mosque in Tripoli, heavily damaging it. This attack followed the destruction by unidentified assailants in October 2017 of Sidi Abu Gharara, another historic Sufi mosque in Tripoli. In July 2018, unidentified armed groups attacked and damaged at least four Sufi sites in the Al-Majouri and Al-Kish neighborhoods of Benghazi.¹⁰⁵

LITHUANIA

Previous *Annual Report* entries: 2005, 2009, 2015, 2018.

¹⁰⁴ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 360.

¹⁰⁵ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 362.

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2015, 2017–2018.

See Greece.

MADAGASCAR

Previous *Annual Report* entries: 2018.

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011, 2016–2017.

On 10 January 2019, in her report about Malaysia, the UN Special Rapporteur on Cultural Rights Karima Bennouna wrote that: “Islamization has also affected official views of the past, with reports that the pre-Islamic history of Malaysia, as well as non-Muslim cultural heritage, are being omitted from textbooks so that the contributions of Malaysians of Chinese and Indian descent and of indigenous peoples are marginalized. Certain contributions by indigenous peoples, such as stories, are progressively modified to make them more ‘Malay,’ thereby erasing their origins.”¹⁰⁶

On 13 May 2019, the fiftieth anniversary of the 1969 riots, Kua Kia Soong, the author of *May 13: Declassified Documents on the Malaysian Riots of 1969* (2007), urged the government to declassify secret Cabinet and Special Branch files on the riots and establish a truth commission. The official death toll was 196, mainly Chinese Malaysians, but Kua Kia Soong believed that it was substantially greater. The thesis of his book was that the pogrom against the Chinese in Kuala Lumpur in 1969 was an attempt orchestrated by the “emergent Malay state capitalist class” to create a situation to justify the coup d’etat against Tunku Abdul Rahman in the state of emergency that followed.¹⁰⁷

See also Yemen.

¹⁰⁶ UN Special Rapporteur on Cultural Rights, *Visit to Malaysia* (UN Doc. A/HRC/40/53/Add.1) (10 January 2019), paragraph 80.

¹⁰⁷ Kua Kia Soong, “[50 Years On, It’s Time to Declassify the Secrets of May 13](#),” *Malaysiakini* (13 May 2019).

MALAWI

Previous *Annual Report* entries: 2011–2012.

In October 2018, the High Court in the capital Blantyre granted an injunction temporarily suspending work on a statue for the Indian non-violent resistance leader Mahatma Gandhi (1869–1948). The case had been initiated by the Gandhi Must Fall group, which accused Gandhi of using racial slurs. It cited quotes from his writings, in which he described Africans as “savages or the Natives of Africa” and “kaffirs” (an insulting racial slur for a black African). In 2015, a Gandhi statue in South Africa was vandalized by a man who painted it white.¹⁰⁸

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010, 2013.

MALI

Previous *Annual Report* entries: 2011, 2013–2018.

Judicial authorities made scant progress in investigating over 100 complaints filed by victims of alleged abuses during the armed conflict (2012–2013), and few investigations into more recent communal violence and security force abuse were opened. In June 2018, the government passed a “national consensus” law extending amnesty to members of armed groups involved in the 2012–2013 hostilities who had not been accused of violent crimes. Human rights groups called for the postponement of the law’s passage pending impartial investigations into abuses committed since 2012. The trial of former coup leader General Amadou Haya Sanogo and 17 other members of the security services for the 2012 killing of 21 elite “Red Beret” soldiers was suspended in December 2016.¹⁰⁹

In 2018, the National Commission for Human Rights (CNDH) made significant progress in fulfilling its mandate. With improved funding and personnel, the CNDH investigated abuses, issued numerous communiqués, and visited detention centers to advocate on victims’ behalf. The Truth, Justice and Reconciliation Commission, established in 2014 with a mandate to investigate crimes and root causes

¹⁰⁸ “[Malawi Court Halts Work on Gandhi Statue after Critics Brand Him Racist](#),” *BBC News* (31 October 2018).

¹⁰⁹ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 381.

of violence dating back to 1960, made meaningful progress. The 25-member commission had taken over 9,300 victim and witness statements, but its credibility had been weakened by the inclusion of nine armed group members and the exclusion of victims' representatives.¹¹⁰

MALTA

Previous *Annual Report* entries: 2012.

MARSHALL ISLANDS

Previous *Annual Report* entries: 2013, 2015.

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011, 2017.

Mauritania abolished slavery in 1981 and criminalized it in 2007. The government claimed that there was no longer any slavery, only its legacy, in the form of extreme poverty and exclusion, which it was addressing. The Global Slavery Index estimated that there were 90,000 slaves in Mauritania, or 2 percent of the population, including those who endured “modern” forms of the practice, such as forced or bonded labor. Three special courts that prosecuted slavery-related crimes had tried a handful of cases since their creation under a 2015 law. In March 2018, the special court in Nouadhibou reportedly sentenced a father and son to 20 years in prison and, in a separate case, a woman to ten years in prison for enslaving others.¹¹¹

On 7 August 2018, authorities arrested politician Biram Dah Abeid [Biram Ould Obeidi], a historian and lawyer by training again. [See also *NCH Annual Report 2017*.] Abeid, who while imprisoned won a seat in the 2018 National Assembly elections, remained in pre-trial detention as of the end of 2018, under investigation for reportedly insulting and threatening a journalist. In the June 2019 presidential elections, he ended second with 18,58 percent of the votes.¹¹²

¹¹⁰ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 382.

¹¹¹ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 389.

¹¹² Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 387.

MAURITIUS

Previous *Annual Report* entries: 2012.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2018.

Since 2006, enforced disappearances by security forces has been a widespread problem. Criminal organizations have also been responsible for many disappearances. In October 2018, the interior minister stated that the whereabouts of more than 37,400 people who had gone missing since 2006 remained unknown. According to the National Human Rights Commission (CNDH), more than 3,900 bodies had been found in over 1,300 clandestine graves since 2007. Prosecutors and police routinely neglected to take basic investigative steps to identify those responsible for enforced disappearances, often telling the missing people's families to investigate on their own. Since 2013, the Attorney-General's office has had a specialized office to investigate and prosecute disappearances. As of August 2018, it had opened 1,255 investigations but only pressed charges in 11 cases. It did not report any convictions. In November 2017, Congress passed a law on disappearances that established a single nationwide definition for the crime and mandated the creation of entities to facilitate their investigation and prosecution. These included the National Search Commission (CNB) that was created in March 2018 to coordinate search efforts in the field, and the National Search System (SNB), established in October 2018 to coordinate state institutions involved in the search for the disappeared. However, at the end of 2018 these entities were not yet fully operational. In July 2018, the Citizen Council of the National Search System, an advisory body created by the disappearances law, reported that the CNB was not receiving the resources it needed to fulfill its mandate. The council also criticized the lack of coordination between institutions, and expressed its concern that most states lagged behind in implementing the law. Only 13 out of 32 states had created a specialized prosecutor's office and only nine out of 32 states had local search commissions or offices, even though the law mandated the creation of those entities by February and April 2018, respectively. Victims' families have repeatedly denounced serious shortcomings regarding the identification and storage of bodies.¹¹³

On 2 October 2018, the anniversary of the Tlatelolco massacre of 2 October 1968 in which at least 44 students died, it was reported that the government had removed, censored, or reclassified thousands of

¹¹³ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 394–395.

previously accessible documents from the era of the Dirty War (which between 1964 and 1982 had left an estimated 2,000 people disappeared and an unknown number of political dissenters dead) from a special collection which had been in the General Archive of the Nation (AGN) since 2002. The records came from the political intelligence branch of the Interior Secretariat, the old domestic intelligence agency Dirección Federal de Seguridad (DFS), and the Secretariat of Defense (Sedena). AGN director Mercedes de la Vega defended her actions by citing a 2012 Archives Law and new, stricter requirements to protect personal privacy. Even the most widely known and published records had been rendered illegible.¹¹⁴

On 1 March 2019, President Andrés Manuel López Obrador announced that within days he would open files of the National Center for Investigation and Security (CISEN) showing how intelligence agencies targeted activists and opposition groups during the “Dirty War” (1964–1982). The files were housed in the Lecumberri national archive, a former prison in the capital where numerous opposition figures were once incarcerated.¹¹⁵

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010.

MONGOLIA

Previous *Annual Report* entries: 2007, 2013.

See also China.

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2013, 2015–2017.

¹¹⁴ Kate Doyle, “[Fifty Years After Tlatelolco, Censoring the Mexican Archives: Mexico’s “Dirty War” Files Withdrawn from Public Access](#),” *National Security Archive* (2 October 2018); Elisabeth Malkin, “[50 Years After a Student Massacre, Mexico Reflects on Democracy](#),” *New York Times* (1 October 2018).

¹¹⁵ AFP, “[Mexico’s President to Open Archives on ‘Dirty War’ Period](#),” *The Globe Post* (3 March 2019).

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2013, 2015–2018.

MOZAMBIQUE

Previous *Annual Report* entries: 2018.

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2018.

In July 2018, the department of public relations and psychological warfare of the Myanmar Army published a 117-page book on the Rohingya crisis, entitled “Myanmar Politics and the Tatmadaw: Part I,” relating the army’s narrative of August 2017 when some 700,000 Rohingya fled Rakhine to Bangladesh. In the book the military denied the allegations of abuses, blaming the violence on “Bengali terrorists” reportedly intent on carving out a Rohingya state named Arkistan. Upon investigation, however, Reuters found that three of the eight historical “documentary photos” from the book were faked: “The book purports they were taken in the western state of Rakhine,” when in fact one was taken in Bangladesh in 1971, another was of Rwandans fleeing into Tanzania in 1996, and a third, whose caption says it shows ‘Bengalis’ entering Myanmar, actually showed Rohingya and Bangladeshis leaving Myanmar in 2015.” Reuters called this a “chilling rewriting of history in what appears to be an attempt to justify the killing of thousands of Rohingya over the last year in attacks by the army that the UN has condemned as genocide.”¹¹⁶

In July 2018, police violently quelled a demonstration in Karenni State, tasing and baton-charging protesters who were marching against plans to erect a statue of Myanmar’s independence leader, General Aung San (1915–1947). Ten Karenni youth activists were arrested and charged with alarming the public and incitement.¹¹⁷

¹¹⁶ Reuters, “[Myanmar Army Fakes Photos and History in Sinister Rewrite of Rohingya Crisis](#),” *The Guardian* (31 August 2018).

¹¹⁷ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 418.

In August 2018, a United Nations-mandated fact-finding mission found that the military abuses committed in Kachin, Rakhine, and Shan States since 2011 “undoubtedly amounted to the gravest crimes under international law,” and called for senior military officials, including Commander-in-Chief Senior General Min Aung Hlaing, to face investigation and prosecution for genocide, crimes against humanity, and war crimes.¹¹⁸

¹¹⁸ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 413.

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011, 2016–2018.

NEPAL

Previous *Annual Report* entries: 2007–2018.

The Attorney-General, appointed by the new Prime Minister Khadga Prasad Oli, promised to amend flawed legislation on transitional justice mechanisms to bring them in line with Supreme Court directives and international law.

The Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) held extensive hearings throughout Nepal during 2018, meeting victims of the country's decade-long conflict between government and Communist Party of Nepal–Maoist (CPN–M) forces (1996–2006). Although the terms of the two commissions were extended in 2018, concerns lingered over their independence and impartiality, particularly with the CPN–M, a vested party in the conflict, joining the ruling party in the new government in early 2018.

Due to flaws in the legislation setting up the transitional justice mechanisms, the international community had withdrawn support for the commissions, beginning in 2014. In June 2018, the Attorney-General pledged to amend the laws to bring them into compliance with international law, and in particular to withdraw clauses allowing amnesties for perpetrators credibly accused of war crime violations. However, the proposed amendments did not properly address concerns around entrenched impunity. Perpetrators who faced credible allegations against them continued to remain in positions of power. Cases filed before the courts remained stalled as the police and relevant authorities refused to conduct investigations that would enable indictments and prosecutions to proceed. The main political parties continued to insist that these were political cases and should not be handled by regular courts.¹¹⁹

¹¹⁹ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 421–422, 424.

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2018.

When on 17 January 1969 Joop [=Johan] Hueting (1927–2018) on television denounced the war crimes committed by the Dutch army in Indonesia during the police actions of 1947–1949, he received death threats from veterans and with his family moved to a hidden location for some time. Hueting had been a soldier at the time who had witnessed the crimes, which as a whistleblower he said were structural and ordered. Later that year, an official report confirmed 110 cases of “exceptional violence.” Journalists who subsequently interviewed veterans about the crimes were also threatened.¹²⁰

In February or March 2018, *Sax*, the magazine of Saxion University in Enschede, refused to publish an article about a film on the 1915 Assyrian genocide in the Ottoman Empire made by fourth-year media student Shayno Numansen ([1994–]) on the grounds that the topic was too sensitive and that threats and hate mail would endanger the student’s safety—a reason dismissed by Numansen.¹²¹

In August 2018, historian Coen Cornelissen was sued for posthumous defamation and for defamation by five members of the Ottema family in Almelo over his book *De Ottema’s, het relaas over een NSB-familie* (The Ottema’s, the Story of a NSB Family) (Denekamp: Heinink, 2018). The publisher was ordered to withdraw the remaining 69 unsold copies from circulation. During World War II, contractor Otte Ottema (1889–1981) belonged to the NSB (National-Socialistische Beweging, National-Socialist Movement) and his daughter Aly Ottema (deceased) belonged to the Nationale Jeugdstorm (NSJ; National Youth Storm, closely linked to the NSB). The complainants were Aly Ottema’s children.¹²²

On 4 October 2018, lawyer Bram Moszkowicz announced that he would sue historian Paul Bronzwaer from Maastricht for defamation of his ill father, Max Moszkowicz (1926–), and, possibly, for anti-Semitism. As a child, Moszkowicz had spent a thousand days in four concentration camps. In his biography, *De Bokser—het leven van Max Moszkowicz* (2018; *The Boxer—The Life of Max Moszkowicz*), journalist Marcel Haenen had quoted extracts from an interview with Bronzwaer, in which the latter had said that Moszkowicz exploited the Holocaust by posing as a martyr. When Bronzwaer publicly doubted the quote, Haenen replied that he had taped the interview and that

¹²⁰ Kester Freriks, “Overleden: Joop Hueting (1927–2018): Indië-veteranen jaagden hem zijn huis uit,” *NRC Handelsblad* (14 November 2018), 8; Kester Freriks, “Na zijn bekentenis kanelde het beeld over Indië,” *NRC Handelsblad* (20 January 2016), 12–13.

¹²¹ “De Aramese genocide lag te gevoelig, kreeg ze te horen,” *NRC Handelsblad* (10 juli 2018), 11.

¹²² Sander van Walsum, “[“Verscheurde” familie wil boek over NSB-verleden uit de handel](#),” *Volkscrant* (23 August 2018); Lucien Baard, “[Tweents oorlogsboek uit de handel: ‘Vecht niet tegen het boek, maar tegen het taboe’](#),” *Tubantia* (23 August 2018).

Bronzwaer had approved the text before publication. The president of the Jewish community of the province of Limbourg, Benoit Wesly, demanded Bronzwaer's apology, but when Bronzwaer issued a brief one, the Moszkowicz family did not accept it.¹²³

On 18 December 2018, the District Court in Amsterdam ruled that the National Archives had to re-examine the request by the Stichting Onderzoek Oorlogsmisdaden (Foundation Research War Crimes) to search the Centraal Archief Bijzondere Rechtspleging (CABR; Central Archives for Special Criminal Jurisdiction) for information about alleged Nazi camp executioners who were still alive. The archive's refusal to grant access was negligent and insufficiently substantiated, the judge found. The archive appealed the verdict, saying that it would not review the 300.000 relevant files for names of camp executioners still alive for three reasons: it was not its task, it was not practically possible, and it violated the European General Data Protection Regulation.¹²⁴

On 29 June 2019, Dutch-Surinamese journalist Sandew Hira was to give the annual Ketu Koti lecture in Amsterdam in commemoration of the abolition of slavery in the Dutch colony of Surinam (on 1 July 1863). After opponents, including Theo Para, charged on the Suriname online platform *Waterkant* that Hira was a supporter of Suriname's President Desi Bouterse and of an amnesty for the crimes against humanity committed under the latter's military dictatorship (1980–1987), the organizing institution, [Ninsee](#) (The National Institute Dutch Slavery Past and Legacy), canceled the lecture on 15 June 2019.¹²⁵

See also South Africa, Syria.

¹²³ Paul van der Steen, "[Excuus geëist na uitlating over Max Moszkowicz](#)," *NRC Handelsblad* (4 October 2018); Paul van der Steen, "[Moszkowicz: aangifte tegen historicus die vader 'Holocaust-exploitant' noemde](#)," *NRC Handelsblad* (12 October 2018); Paul van der Steen, "[Excuses na uitlatingen over Max Moszkowicz vallen verkeerd](#)," *NRC Handelsblad* (26 October 2018).

¹²⁴ District Court Amsterdam, [Stichting Onderzoek Oorlogsmisdaden versus Algemene Rijksarchivaris](#) (18 December 2018); District Court Amsterdam, [X versus Algemene Rijksarchivaris](#) (27 May 2016); Marcel Haenen, "Stichting eist toegang tot dossiers oorlogsmisdadigers," *NRC Handelsblad* (12 October 2018), 8; Ministerie van Justitie en Veiligheid, "[Antwoorden Kamervragen inzake de beperkte openbaarheid van het Centraal Archief Bijzondere Rechtspleging](#)" (letter no. 2396058; 4 pages; 31 October 2018); Marcel Haenen, "Nationaal Archief weigert kampbeulen op te sporen," *NRC Handelsblad* (28 February 2019), 2.

¹²⁵ Elsbeth Stoker, "[Ketu Koti-lezing gaat niet door na onenigheid over de spreker](#)," *Volkscrant* (16 June 2019).

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007, 2017.

In 2019, pressure from the New Zealand Māori Council and the Māori screen industry organisation Ngā Aho Whakaari resulted in TV New Zealand (TVNZ) ruling out the sale of Māori archival material through its distribution deal with United States company Getty Images. TVNZ would vest access of its Māori material with a Māori body.¹²⁶

NICARAGUA

Previous *Annual Report* entries: 1998.

NIGER

Previous *Annual Report* entries: 2009, 2013.

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2013, 2016–2018.

Decades-old communal conflict between nomadic herdsman and farmers in the Middle Belt intensified in 2018 and further exacerbated the security situation in the country. At least 1,600 people were killed and another 300,000 displaced as a result of the violence.¹²⁷

NORWAY

Previous *Annual Report* entries: 2009, 2012, 2016–2017.

See Israel.

¹²⁶ “[TVNZ to Hand Over Control of Māori Archive](#),” *WaateaNews.com* (21 March 2019).

¹²⁷ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 431.

OMAN

Previous *Annual Report* entries: 2010, 2017.

On 13 June 2018, writer and online activist Abdullah Habib [see *NCH Annual Report 2017*] was released from Samail Central Prison while serving a six-month prison sentence on charges under article 19 of the Information Technology Crimes Act for “using the internet in what would prejudice the state public order” in addition to “contempt of religions.” Habib was due for release in October 2018, however was pardoned under Sultan Qaboos’ amnesty on the occasion of the Muslim holiday of Eid al-Fitr.¹²⁸

¹²⁸ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 443–444.

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012, 2014, 2016, 2018.

In May 2018, a mob led by anti-blasphemy clerics attacked and destroyed two historic Ahmadiyya religious buildings.¹²⁹

PALESTINIAN AUTHORITY

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2013–2015, 2018.

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2013, 2015–2017.

PAPUA NEW GUINEA

Previous *Annual Report* entries: 2014.

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012, 2015.

On 24 March 2019, historian Milda Rivarola was attacked with eggs by a mob in her residence because she had denounced the asphaltting of a central zone of historical patrimony in her town, Quyquyhó, Paraguari Department, because it would destroy its colonial architecture and cobbled outlook. Rivarola is a member of the Academia Paraguaya de la Historia (Paraguayan Academy of History). She had been a journalist for the TV Pública Paraguay.¹³⁰

¹²⁹ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 448.

¹³⁰ Comité paraguayo de ciencias históricas, “Comunicado” (Asunción 25 March 2019); “[Atacan vivienda de la historiadora Milda Rivarola en Quyquyhó](#),” *Última hora* (25 March 2019).

PERU

Previous *Annual Report* entries: 2001–2018.

The Truth and Reconciliation Commission had estimated that almost 70,000 people died or were subject to enforced disappearance during the armed conflict (1980–2000). Many were victims of atrocities by the Shining Path and other insurgent groups; others were victims of human rights violations by state agents. Authorities have made limited progress in prosecuting wartime abuses by government forces, in part due to lack of collaboration from the Defense Ministry. According to human rights groups, prosecutors had only achieved rulings in 78 cases related to abuses committed during the armed conflict, as of May 2017, and only 17 convictions.

Although then-President Pedro Pablo Kuczynski granted former President Alberto Fujimori an “humanitarian pardon” in December 2017 based on claims of illness, on 3 October 2018, a Supreme Court judge overturned the pardon and ordered Fujimori’s imprisonment. An appeal remained pending at the end of 2018, and Fujimori had not been sent back to prison. On 12 October 2018, Fujimori supporters in Congress passed a bill that would have granted prisoners who are over a certain age and have served a third of their sentences the right to serve the remainder under “electronic surveillance.” Proponents of the bill said it was intended to ease prison conditions for elderly prisoners, but the timing and language in the bill showed its objective was to ensure Fujimori’s freedom. On 22 October 2018, President Martín Vizcarra vetoed the bill.

In April 2018, a senior prosecutor ordered that Fujimori and three of his health ministers be indicted in connection with forced sterilizations of mostly poor and indigenous women. At the end of 2018, Fujimori and his ministers had not been charged. In 2015, the government had created a national registry of victims of forced sterilizations committed between 1995 and 2001. More than 5,000 victims had been registered at the end of 2018.

In September 2018, the National Penal Chamber of Peru sentenced leaders of Shining Path, including its founder Abimael Guzmán, to life in prison for terrorist acts. Guzmán was already serving life in prison for the 1983 killing of 69 peasants in the town of Santiago de Lucanamarca.

In 2017, new evidence surfaced corroborating longstanding allegations that former President Ollanta Humala ordered egregious human rights violations, including torture, enforced disappearances, and killings, committed by security forces in the early 1990s at the Madre Mía military base in the Alto Huallaga region. In September 2018, a commission of lawmakers charged with investigating allegations of extrajudicial killings at the Madre Mía base in 1992 concluded there was sufficient evidence against Humala to warrant reopening criminal investigations.

Courts made much less progress in addressing violations, including extrajudicial killings, disappearances, and torture, committed during the earlier administrations of Fernando Belaúnde (1980–

1985) and Alan García (1985–1990). In August 2018, the National Criminal Chamber sentenced two retired military agents to up to 30 years in prison for their role in the forced disappearances and extrajudicial killings of 53 people at the Cabitos military base, in Ayacucho, in 1983. In the same month, the remains of several victims were exhumed from a nearby clandestine cemetery and given to their relatives. The authorities estimated that some 20,000 people disappeared during the armed conflict. In September, President Vizcarra ordered the establishment of a genetic profile bank that would help in the search for those disappeared.¹³¹

PHILIPPINES

Previous *Annual Report* entries: 2011–2015.

In April 2019, the Concerned Artists of the Philippines said that the presence the Marcos family—Imelda Marcos (1929–) and her three children, wife and offspring of former President (1965–1986) Ferdinand Marcos (1917–1989)—in any art event was a manifestation of the culture of impunity and forgetfulness as they continued to “move in cultural circles without the benefit of any recognition of or remorse for their crimes against the Filipino people” and “It is every Filipino artist’s duty to wage a cultural boycott on a family that advocates disinformation, historical revisionism, patronage and cronyism, dynastic politics, and outright suppression.” The remarks came as the President of the Ateneo de Manila University (a private Jesuit research university in Quezon City, founded in 1859), Jose Ramon Villarín, apologized for the “hurt” that the presence of Irene Marcos-Araneta (of Marcos’s youngest daughter, 1960–) in the Areté creative hub event on campus in early April brought to the victims of Martial Law (1972–1981). He also reaffirmed Ateneo’s commitment to the call for justice to the victims and the university’s stance against historical revisionism.¹³²

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011, 2014–2018.

On 15 November 2018, Jan Grabowski, a Holocaust historian working at the University of Ottawa, Canada, sued the Polish League Against Defamation, which was allied to Poland’s ruling nationalist

¹³¹ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 461–463.

¹³² [“Universities Challenged to Declare Marcoses ‘Personae Non Gratae,’ Barred from ‘All Events,’”](#) *Manila Times* (14 April 2019).

party, for libel after a campaign against him for his studies of Polish violence against Jews during World War II. In 2017, the league had said that Grabowski “falsifie[d] the history of Poland, proclaiming the thesis that Poles [were] complicit in the extermination of Jews.” Grabowski’s *Hunt for the Jews: Betrayal and Murder in German-Occupied Poland* documented the involvement of Poles in one rural area in finding and killing Jews who had escaped from ghettos and were trying to survive by hiding among gentiles. It was awarded the 2014 Yad Vashem International Book Prize for Holocaust Research. Grabowski said that he received death threats after its publication. [See also *NCH Annual Reports 2017–2018*.]¹³³

In early December 2018, the government closed down the Instytut Europy Środkowo-Wschodniej (IEŚW; iesw.lublin.pl; Institute of East-Central Europe) in Lublin. Its director, historian Mirosław Filipowicz (1963–), and most of the staff were dismissed. Founded as a NGO by historian Jerzy Kłoczowski, the IEŚW published a two-volume synthesis of Belarusian and Ukrainian history written by Belarusian and Ukrainian authors (Genad’ Sahanovich, Zakhar Shybieka, Natalia Jakovenko, and Jaroslav Hrytsak), which was never published in Belarus. An official research institute supervised by the Ministry of Foreign Affairs since 2001, IEŚW recently published a three-volume bilingual Polish-Russian companion to history for history teachers, prepared in cooperation with the Russian Academy of Sciences. A new institute supervised by the Prime Minister was founded to replace IEŚW, focusing on the so-called Three Seas Initiative (a forum of European Union member states in Central and Eastern Europe). Filipowicz also resigned his position as Polish co-chairman (2016–2018) of the Polish-Russian Group for Difficult Issues (founded 2002), as a consequence of which the group ceased to exist.¹³⁴

On 21–22 February 2019, a French-Polish conference on “La nouvelle école polonaise d’histoire de la Shoah” (“The New Polish School of History of the Holocaust”) organized in Paris by the École des hautes études en sciences sociales and the Centre national de recherche scientifique was interrupted by Polish “patriots” in the audience. In its main evening broadcast, the Polish State Television TVP called the conference “a festival of anti-Polish lies.” In early March 2019, a publication of the Polish Center for Holocaust Research, the two-volume *Dalej jest noc: Losy Żydów w wybranych powiatach okupowanej Polski* (Night Without an End: The fate of Jews in Selected Counties of Occupied Poland) was attacked in the Polish press.¹³⁵

¹³³ “[Holocaust Expert Jan Grabowski Sues Polish League for Defamation](#),” *Times* (17 November 2018); AP, “[Holocaust Scholar Sues Group That Said He ‘Slandered’ Poland](#),” *New York Times* (16 November 2018).

¹³⁴ Mirosław Filipowicz, personal communications (3 December 2018; 22 March and 4 April 2019).

¹³⁵ Polish Center for Holocaust Research, “Declaration Concerning the Conference in Paris” (24 February 2019); Polish Center for Holocaust Research, “[Regarding Attacks on ‘Night without End’ and the Center’s Academic Credibility](#)” (12 March 2019); Mirosław Filipowicz, personal communication (22 March 2019).

On 1 March 2019, the Minister of Culture Piotr Gliński did not extend the mandate of historian Dariusz Stola, the first director of the POLIN Museum of the History of Polish Jews (2014–2019). Stola was a professor at the Institute of Political Studies of the Polish Academy of Sciences, specializing in Polish-Jewish relations, the Holocaust, the Communist regime in Poland, and international migrations in the twentieth century. He came under attack from the politicians and media associated with the Law and Justice (PiS) government because he criticized the Amendment to the Institute of National Remembrance Act. [See *NCH Annual Report 2018*.] He then organized an exhibition entitled *Estranged: March '68 and Its Aftermath*, about the 1968 anti-Semitic campaign in Poland, which also mentioned cases of contemporary hate speech (with examples of online hate speech propagated by journalists of Polish State Television TVP). Stola was accused of slandering Poland. The new POLIN director would be selected by a committee vote.¹³⁶

In 2019, Jarosław Szarek, President of the National Remembrance Institute (IPN), at the request of Marcin Krzysztofik (chairman of the IPN department in Lublin), dismissed Grzegorz Kuprianowicz from the Lublin Commission in the IPN Office for Commemorating the Struggle and Martyrdom. On 8 July 2018, during anniversary celebrations of the 1944 Sahrń massacre, historian Kuprianowicz, president of the Ukrainian Association in Poland, had declared in the presence of Ukrainian President Petro Poroshenko that on 10 March 1944 some 230–600 Ukrainian Orthodox civilians died in Sahrń at the hands of Home Army (Armia Krajowa) partisans as a retaliation for Ukrainian crimes on Polish civilians in the Wołyń / Volhynia region. Kuprianowicz was accused of offending the Polish nation. The Wołyń massacre had been recognized by the Polish parliament as a genocide in July 2016. Kuprianowicz was charged with insulting the Polish nation. Polish historians agree that the Sahrń massacre was the responsibility of the Home Army and the Bataliony Chłopskie (Farmers' Soldiers).¹³⁷

See also Israel.

PORTUGAL

Previous *Annual Report* entries: 2017.

¹³⁶ [“Dariusz Stola, Head of the POLIN Museum, in the Midst of a Political Storm”](#) (16 February 2019); [“Statement of Professor Dariusz Stola, Director of POLIN Museum of the History of Polish Jews”](#) (22 February 2019); Sławomir Grunberg and Others, [“Petition for Stola”](#) (no date [February 2019]).

¹³⁷ [“Grzegorz Kuprianowicz Dismissed from the Commission for the Protection of the Memory of Combat and Martyrdom”](#) (no date [2019]); [“Statement by the President of the Ukrainian society: Grzegorz Kuprianowicz”](#) (no date [2019]); Mirosław Filipowicz, personal communication (22 March and 4 April 2019).

QATAR

Previous *Annual Report* entries: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010.

Randolph Braham (born Adolf Abraham) (1922–2018) was among the young Jewish refugees who became historians in their new country (in his case the United States). He specialized in the history of the Hungarian Holocaust.¹³⁸

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2018.

On 3 July 2018, historian Yuri Dmitriev was charged with “violent acts of a sexual nature committed against a person under 14 years of age,” in what was widely seen as a trumped-up charge. [See also *NCH Annual Reports 2017–2018*.] This charge of sexual assault against his adopted daughter followed the earlier acquittal on child-pornography charges. On 18 December 2018, a new trial began behind closed doors.¹³⁹

On 18 March 2019, a court in Shali (near Grozny) sentenced historian Oyub Titiev to four years’ imprisonment for possession of 200 grams of marihuana. [See also *NCH Annual Report 2018*.] Titiev decided against appealing the sentence in order to retain his right to apply for a conditional release. On 1 April 2019, Titiev’s sentence entered into force. On 10 June 2019, the Shali City Court approved Titiev’s conditional release (release on parole) on 21 June 2019. In October 2018, Titiev had received the sixth Václav Havel Human Rights Prize of the Parliamentary Assembly of the Council of Europe.¹⁴⁰

¹³⁸ Kelly Boyd, ed., *Encyclopedia of Historians and Historical Writing* (London/Chicago 1999) 112–13.

¹³⁹ “[Yury A. Dmitriev](#),” *Wikipedia* (2 July 2018); “[Russian Stalin Historian Charged With Sexual Assault](#),” *RFE / RL* (3 July 2018); Halya Coynash, “[Russia Arrests Second Historian of Stalin’s Terror](#),” *Human Rights in Ukraine* (3 October 2018); PEN International, *Russia’s Strident Stifling of Free Speech, 2012–2018* (London: PEN International, 2018), 20; “[Historian of Stalin-Era Crimes in Court for Sexual Assault, his Second Trial this Year](#)” *RFE/RL News* (18 December 2018); Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 485; Frontline Defenders, *Global Analysis 2018* (Blackrock: Front Line, the International Foundation for the Protection of Human Rights Defenders, 2019), 23; EU Statement on Violations of the Rights of Human Rights Defenders in the Russian Federation (EU Doc. PC.DEL/397/18) (13 April 2018).

¹⁴⁰ PEN International, “[Oral Statement on Freedom of Association and Peaceful Assembly in Russia for the United Nations Human Rights Council 38th Special Session, Item 3: Interactive Dialogue with the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association](#)” (18 June 2018); “[Václav Havel Human Rights Prize 2018 awarded to Oyub Titiev](#),” *PACE* (8 October 2018); Michel Forst, United Nations Special Rapporteur on the Situation of Human Rights Defenders, *World Report on the Situation of Human Rights Defenders* (December 2018), 427; Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 481, 485; Frontline Defenders, *Global Analysis 2018* (Blackrock:

On 2 December 2018, Culture Minister Vladimir Medinsky claimed to possess historical records that prove the authenticity of the Panfilov story [see *NCH Annual Report 2016*] in an article in the government newspaper *Rossiiskaya Gazeta*, citing passages from wartime accounts declassified by the secret services in the spring of 2018.¹⁴¹

In the spring of 1968, Ludmila Alexeyeva (1927–2018), historian and editor of the Nauka publishing house (1959–1968), was dismissed and expelled from the Communist Party of the Soviet Union after she had protested against the unfair trial of dissidents Aleksandr Ginzburg, Yuri Galanskov and others. From 1968 to 1972 she helped produce the *Chronicle of Current Events* as an editor. She was frequently interrogated by the KGB and had to undergo several home searches. In 1976 she became a co-founder of the Moscow Helsinki Group (together with Yuri Orlov and Andrei Sakharov). From 1977 to 1993 she lived in exile in the United States. Alexeyeva eventually became president of the International Helsinki Federation for Human Rights (1998–2004). In 2009, she received the Sakharov Prize of the European Parliament (on behalf of Memorial), in 2015 the Václav Havel Human Rights Prize of the European Parliament. She was a member of the Presidential Council for Human Rights.¹⁴²

See also Bulgaria, Czech Republic, Georgia, Poland.

RWANDA

Previous *Annual Report* entries: 1998, 2000–2017.

In June 2017, the United Nations (UN) International Residual Mechanism for Criminal Tribunals (IRMCT) in Arusha granted Augustin Ndirabwire's request for a review of his appeals judgment. His request was based on the grounds of "new information of an evidentiary nature" of relevance to the case. The International Criminal Tribunal for Rwanda (ICTR) sentenced Ndirabwire, a former planning minister in the government of former Rwandan President Juvénal Habyarimana, to 35 years' imprisonment in 2012 for genocide, incitement to commit genocide, and rape as a crime against

Front Line, the International Foundation for the Protection of Human Rights Defenders, 2019), 23; "[Russia: Release Human Rights Defender Oyub Titiev, Urge UN Experts](#)" (Press release; 7 March 2019); Steven Derix, "Tsjetsjeniës laatste activist de cel in," *NRC Handelsblad* (20 March 2019), 14; "[Russia Human Rights: Chechnya Court Jails Memorial Activist](#)," *BBC News* (18 March 2019); "[Oyub Titiev Granted Parole](#)," *Frontline Defenders* ([June] 2019).

¹⁴¹ Matthew Luxmoore, "[Russian Minister Says Authenticity of War Legend Beyond Dispute, 'Amoral' To Dig Further](#)," *RFE/RL News* (3 December 2018).

¹⁴² S. P. de Boer, E. J. Driessen, & H. L. Verhaar, eds., *Biographical Dictionary of Dissidents in the Soviet Union 1956–1975* (The Hague 1982), 12–13; *Index on Censorship* (2014 no. 1), 138–139.

humanity.

In 2014, the ICTR's appeals chamber had reduced his sentence to 30 years' imprisonment. The review of the appeals judgment, previously slated to begin on 24 September 2018, was adjourned until further notice.

In June 2018, an appeals court in Brussels, Belgium, ruled that the Belgian state was not responsible for the massacre of some two thousand ethnic Tutsis at Kigali's Ecole technique officielle (Official Technical School, ETO) during the 1994 genocide. The court said that the United Nations (UN) was responsible, given that the Belgian soldiers who evacuated the site and failed to protect the Rwandan civilians were serving as part of a UN force. The Rwandan National Commission for the Fight against Genocide (Commission nationale de lutte contre le génocide, CNLG) denounced this ruling as politically motivated.¹⁴³

On 15 September 2018, Victoire Ingabire [see *NCH Annual Reports 2011 and 2013*] received a presidential pardon.¹⁴⁴

See also Myanmar.

¹⁴³ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 494.

¹⁴⁴ "[Victoire Ingabire: Rwanda Frees 2,000 People Including Opposition Figure](#)," *BBC News* (15 September 2018).

SAINT VINCENT

Previous *Annual Report* entries: 2014.

SÃO TOMÉ

Previous *Annual Report* entries: —.

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011, 2013, 2017–2018.

On 24 June 2018, in the lead-up to the lifting of the driving ban, Hatoon Al-Fassi, an associate professor of women's history at King Saud University, Riyadh, human rights activist, and contributor to al-Riyadh newspaper, was detained in apparent relation to her women's rights activism, including her leadership in the movement to lift the ban on women driving. A few days earlier, on 19 June 2018, Al-Fassi had been put under a travel ban. The detailed circumstances surrounding her arrest remained unclear. She was not granted access to her lawyer or family and no information was given about her whereabouts. Since November 2018, Al-Fassi and nine other women's rights activists have reportedly been subjected to torture by electrocution and flogging, sexual harassment, and sexual assault.

On 13 March 2019, Al-Fassi and the nine other activists appeared in a criminal court in a closed-door trial for the first time since their arrest. The charges were not made public; however, reports indicated that the ten were tried on charges for allegedly communicating with international organizations and foreign media and promoting women's rights. On 27 March 2019, following the second hearing, the court released three of the activists. On 3 April 2019, the remaining activists, including Al-Fassi, appeared in court and were apparently denied bail. On 2 May 2019, Al-Fassi and three other women's rights activists were temporarily released.

Al-Fassi was the author of *Sanawat fi 'Umr Al-Mar'ah Al-Saudiyyah* [Years in the Lives of Saudi Women] (2018), *Women in Pre-Islamic Arabia: Nabataea* (2007), and numerous articles and book chapters on women's history in the Arabian Peninsula. As a human rights activist, she was engaged in efforts to lift the ban on women driving. She was involved in initiatives to allow women's full participation in municipal elections, co-founding the "Baladi" campaign to empower women who wanted to participate. She led the campaign to include women in the Majlis al-Shura (Consultative Assembly), resulting in the appointment in 2013, for the first time, of thirty women members. In 1993,

she founded the Sunday Forum, a monthly gathering of women with lectures on a wide range of issues. On 17 November 2018, the Middle East Studies Association of North America awarded al-Fassi the MESA Academic Freedom Award for 2018.¹⁴⁵

See also Egypt, Yemen.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009, 2013, 2017–2018.

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2018.

War crimes prosecutions remained hampered due to a lack of political will, adequate resources, and weak witness support mechanisms. Few high-ranking officials implicated in serious abuses committed in the war of 1991–1995 were held to account in Serbian courts. By August 2018, 11 war crimes cases were still at investigation stage and 19 were pending before Serbian courts. The Office of Serbia’s War Crimes Prosecutor issued two new indictments during the same period. In the first eight months of 2018, first instance courts delivered no judgments in war crimes cases. The appeals court acquitted six persons and returned one case to the first instance court for retrial. Since the establishment of the War Crimes Prosecutor in 2003, 44 final judgments have been issued, 74 people convicted, and 50 acquitted. The first trials in Serbia for war crimes in Srebrenica restarted in November 2017 after being plagued by delays. Eight Bosnian Serb former police officers resident in Serbia were charged with the killing in a warehouse of more than 1,300 Bosniak civilians from Srebrenica in July 1995. In June 2018, a witness quit the trial, stating he received threats despite having a protected identity.

In June 2018, Chief Prosecutor Serge Brammertz at the Mechanism for International Criminal

¹⁴⁵ Scholars at Risk, “[Dr. Hatoon Al-Fassi Detained Over Women’s Rights Activism](#)” (19 July 2018); American Historical Association, “[Letter to King Salman bin Abdulaziz al-Saud](#)” (Washington, 4 September 2018); Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: SAR, 2018), 17; Various academics, Letter to King Salman and Prince Mohammad bin Salman (6 November 2018); Human Rights Watch, “[Saudi Arabia: Detained Women Reported Tortured](#),” (20 November 2018); [MESA Academic Freedom Award: Hatoon al Fassi, 2018 Recipient](#) (16 November 2018); United Nations Special Procedures, [Letter about Saudi-Arabian Human Rights Defenders](#) (UA SAU 11/2018; 10 October 2018); “[Saudi Arabia Temporarily Frees Four Women Activists](#),” *BBC News* (3 May 2019); Scholars at Risk, “[Hatoon Al-Fassi, Saudi Arabia](#)” (24 June 2019); Scholars at Risk, “[Letter to His Majesty King Salman bin Abdulaziz Al Saud](#)” (25 June 2019); [NCH Campaign](#) (2018–2019).

Tribunals (MICT) in The Hague urged Serbia to officially acknowledge the crimes committed in Srebrenica in 1995 as genocide. In April 2018, the MICT sentenced Vojislav Seselj to ten years' imprisonment for inciting crimes through nationalist speeches in the Vojvodina, Serbia during the 1992 war. The Tribunal cleared Seselj of war crimes in Bosnia and Herzegovina and Croatia. Seselj has already served his time, having been in custody in The Hague since 2003.¹⁴⁶

Kosovo

In March 2018, special prosecutor David Schwendiman at the Hague-based Specialist Chambers and Prosecutor's Office trying serious war crimes committed during the 1998–1999 conflict in Kosovo resigned his post. In May, Jack Smith, was appointed as the new special prosecutor. At the end of 2018, no indictments had been issued. The court was set to adjudicate cases investigated by the Special Investigative Task Force, prompted by a 2011 Council of Europe report accusing some Kosovo Liberation Army (KLA) members of abductions, beatings, summary executions, and the forced removal of human organs in Kosovo and Albania during and after the Kosovo war. Senior KLA fighters were expected to be indicted and stand trial. The court would operate under Kosovo laws, with 19 international judges.

By mid-June 2018, the European Rule of Law Mission (EULEX) ceased its executive functions in the Kosovo judiciary. By that time, mixed panels of EULEX and local judges had handed down four decisions related to war crimes. Formal investigations were underway in 33 cases and 374 cases were pending at a preliminary investigation stage. EULEX was involved in a total of 46 verdicts since its establishment in 2008. At the end of 2018, EULEX was set to hand over 900 unresolved cases to the local Special Prosecutor's Office, working with only two prosecutors on war crimes. The Human Rights Review Panel, an independent body set up in 2009 to review allegations of human rights violations by EULEX staff, ruled in six cases between January and September 2018 and found all inadmissible. Twenty-five cases were pending before the panel at the end of 2018.¹⁴⁷

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007. *See* Montenegro and Serbia / Kosovo.

¹⁴⁶ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 506–507.

¹⁴⁷ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 509–510.

SEYCHELLES

Previous *Annual Report* entries: —.

On 1 August 2018, the National Assembly approved a bill that would set up a seven-member Committee on Truth, Reconciliation and National Unity to provide the public with the opportunity to settle past political divisions and grievances that began with the 1977 coup d'état which made the Seychelles a one-party state until 1993.¹⁴⁸

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012, 2016.

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011, 2015–2016, 2018.

The government maintained strict restrictions on the right to peaceful assembly through the Public Order Act, requiring a police permit for any “cause-related” assembly if it was held in a public place, or in a private venue if members of the general public were invited. The definition of what was treated as an assembly was extremely broad and those who failed to obtain the required permits faced criminal charges. Activist Jolovan Wham was prosecuted in 2018 for three counts of violating the Public Order Act for organizing two peaceful protests and a candlelight vigil. On 3 October 2018, performance artist Seelan Palay was convicted of violating the Public Order Act by walking from Hong Lim Park to parliament carrying a piece of art to commemorate the 32 years, since 1989, that political prisoner Chia Thye Poh (1941–) was detained under the Internal Security Act. Seelan was sentenced to two weeks in prison after refusing to pay a fine of S\$2,500 (US\$1,800).¹⁴⁹

¹⁴⁸ Daniel Laurence, “[Seychelles Approves First Committee on Truth, Reconciliation and National Unity](#),” *Seychelles News Agency* (2 August 2018).

¹⁴⁹ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 514.

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011, 2013–2015, 2017.

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2013, 2015–2018.

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012–2014.

In December 2017, Muse Bihi Abdi was sworn in as president of Somaliland. The Somaliland government arbitrarily arrested numerous journalists and critics—targeting people who spoke out on “controversial issues,” notably the ongoing border tensions with Puntland and unity with Somalia. In April 2018, Naima Ahmed Ibrahim (a popular poet), Mohamed Kayse Mohamud (a blogger), and Boqor Osman Aw-Mohamud (an outspoken traditional elder), were convicted under vague and overly broad criminal provisions for public criticism of government policies and public officials.¹⁵⁰

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012–2018.

In December 2018, the Advertising Regulatory Board ordered fast-food outlet Chicken Licken to withdraw a commercial showing an African explorer conquering Europe in the 17th century. It said colonialism was “traumatic” for Africans and “not open for humorous exploitation.” The advert showed a young African, Big Mjohnana, leaving his village in 1650 and docking his boat in Holland in 1651 (one year before Jan van Riebeeck’s arrival in South Africa). A man called Sandile Cele had lodged a complaint with the board, arguing that the commercial made a “mockery of the struggles of the African people against the colonisation by the Europeans in general, and the persecutions suffered at the hands of the Dutch in particular.” Upholding the complaint, the board said: “While the commercial seeks to

¹⁵⁰ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 519.

turn the colonisation story on its head with Big John travelling to Europe, it is well-known that many Africans were in fact forced to travel to Europe in the course of the colonisation of Africa. They did not leave their countries and villages wilfully. They starved to death during those trips to Europe and arrived there under harsh and inhumane conditions.”¹⁵¹

In 2016, after nine years of litigation, the Department of Justice released to the nongovernmental organization [South African History Archives](#) (SAHA) the Victims Database of the Truth and Reconciliation Commission (TRC), holding records of around 22,000 cases that came to the TRC. SAHA transformed the database into a format which can be searched for persons, sources, acts, perpetrators, witnesses and events; it became publicly available in May 2019.¹⁵²

See also Ghana, India, Malawi.

SOUTH SUDAN

Previous *Annual Report* entries: 2013, 2015–2018.

South Sudan did not make progress on establishing the hybrid court envisioned in the 2015 peace agreement, included in the revitalized agreement. It had yet to sign the memorandum of understanding with the African Union or promulgate legislation to establish the court. In May 2018, President Salva Kiir appointed General Gabriel Jok Riak as chief of defense forces of the Sudan People’s Liberation Army (SPLA). Riak was subject to targeted sanctions by the United Nations, European Union, and United States. In August 2018, Kiir announced an amnesty for Riek Machar and other rebel commanders, a move criticized as contravening international law prohibitions on amnesties for war crimes.¹⁵³

¹⁵¹ “[South Africa’s Chicken Licken Colonialism of Europe Advert Banned](#),” *BBC News* (18 December 2018).

¹⁵² South African History Archive, [Press Release](#) (30 May 2019); International Council on Archives Human Rights Working Group, [Newsletter](#) (May 2019), 12.

¹⁵³ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 540.

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2018.

In July 2015, the Defense Ministry blocked the declassification of archives dating from the Civil War (1936–1939) and subsequent Franco dictatorship (1939–1975), arguing that it was not a priority in times of crisis. The documents, dating from between 1931 and 1968 and stored in over 10,000 folders, had been classified under the 1968 Law of Official Secrets. Historians had had access to part of them in the 1980s but access was blocked again in 2010. In [September] 2018, the Commission for the Classification of Defense Documents approved a report that recommended that Defense Minister Margarita Robles authorize general access to pre-1968 documents regarded as confidential and kept in the General Military Archive in Ávila (which was one of eight historical archives). The commission's report concluded that the 1968 Official Secrets Act was not retroactive, meaning that no document prior to 28 April 1968, when the law came into force, was legally classified as secret and that, consequently, no declassification was necessary. The report added, however, that there was a provision in the historical heritage law that prevented the public from accessing documents whose release could threaten the security and defense of the state, even if they were not legally classified. In such circumstances, consultations could be authorized by the head of the department in charge of the archives (the defense minister).¹⁵⁴

In October 2018, sculptor and video artist Enrique Terneiro ([1969]–) was filmed painting a red dove and the words “Por la Libertad” (For Freedom) on the tomb of dictator General Francisco Franco (1892–1975). He shouted, “For freedom and the reconciliation of all Spaniards!” as he was grabbed by a security guard.¹⁵⁵

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2018.

The political crisis further slowed progress on ensuring truth and justice for grave rights violations during the 26-year-long civil war (1983–2009) between the separatist Liberation Tigers of Tamil Eelam

¹⁵⁴ [“Franco-era Secrets to Remain Secret, Says Govt,”](#) *The Local* (25 June 2015); Miguel González, “Spanish Defense Ministry to Release Secret Documents on Civil War and Franco Dictatorship,” *El País* (19 September 2018).

¹⁵⁵ [“Why Franco’s Tomb Is a Headache for Spain’s New Government,”](#) *BBC News* (31 October 2018).

(LTTE) and government forces. President Maithripala Sirisena's sudden decision to appoint Mahinda Rajapaksa as prime minister raised fears about a return to past abusive practices and a further delay in transitional justice. Rajapaksa stepped down only after the Supreme Court ruled that the president's actions were illegal. After the defeat of the LTTE in 2009, instead of addressing allegations of serious violations by both sides, the Rajapaksa government had suppressed media, targeted rights activists, and continued to arbitrarily detain and torture perceived opponents. The new government that took office after Rajapaksa's electoral defeat in 2015, pledged at the United Nations (UN) Human Rights Council to ensure accountability for conflict-related abuses. By 2018, however, while Sri Lanka had acted on some of the human rights-related undertakings, it failed to make much progress on transitional justice. Of the four mechanisms adopted at the UN Human Rights Council—an office on missing persons (OMP); a truth and reconciliation commission; reparations and non-recurrence; and a special court to ensure accountability through prosecutions—only the first had been established, three years later. The OMP published its interim report in September 2018, urging the government to provide interim relief to families of the missing while they waited for the investigations to be completed. The interim report importantly acknowledged that families of the disappeared were having difficulty trusting the OMP, given the government's long history of failed commissions, and called on the government to strengthen the OMP's authority and independence to work free from government interference. The OMP pledged to set up twelve regional offices throughout the country, and emphasized the need for redress, through a proposed Office for Reparations, to families of the disappeared. The government stated that it had drafted a bill on reparations for victims, under the terms of the UN Human Rights Council resolution. However, given the ongoing political uncertainty, it was unclear what future any of the transitional justice mechanisms would have.¹⁵⁶

See also United Kingdom.

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2018.

Amid an ongoing economic crisis, President Omar al-Bashir reshuffled the government twice in 2018 and the ruling National Congress Party endorsed him to run for another term in 2020. Sudan had made no meaningful attempt to provide accountability for past or current abuses in conflict zones or other serious human rights violations. It did not cooperate with the International Criminal Court (ICC) cases

¹⁵⁶ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 543, 545.

on charges against the president and four other men, of genocide, crimes against humanity and war crimes committed in Darfur (2003–present). On 11 April 2019, al-Bashir was ousted in a military coup d'état.¹⁵⁷

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012–2013, 2015–2016, 2018.

See also Netherlands.

SWAZILAND

Previous *Annual Report* entries: 2011, 2013, 2016–2018.

SWEDEN

Previous *Annual Report* entries: 1998, 2017–2018.

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009, 2014, 2016–2018.

See Israel.

¹⁵⁷ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 549.

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2018.

In 2015, archaeologist Ghazwan Yaghi (1970–) and his wife, university librarian Lamis Yaghi, went into exile in the Netherlands after three year’s work in difficult war circumstances (2011–2014) and one year’s unemployment (2014–2015). Yaghi, a specialist of Islamic archaeology during the Mamluk sultanate (1250–1517), had been a director of the History Museum in Damascus. After some uncertain years, he had received a one-year research fellowship from the Netherlands Organisation for Scientific Research in 2019.¹⁵⁸

See also Lebanon.

¹⁵⁸ “Vluchteling: In Syrië wás hij iemand – hier heeft Ghazwan Yaghi een tijdelijk contract,” *NRC Handelsblad* (30–31 March 2019), W10.

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012, 2016–2018.

On 30 December 2018, the Transitional Justice Commission said that it might be unable to review 60,567 classified political files from the Martial Law period (1949–1987) in the National Police Agency (NPA) and National Security Bureau (NSB) archives due to difficulties in the declassification process. The commission was gathering political files relevant to the suppression of democracy and freedom under martial law, which it hoped to cite in a report due in late 2020.

On 25 February 2019, the commission stated that a total of 1,056 people who were killed or unjustly convicted in the crackdown during and after the 2/28 Incident—28 February 1947 with the crackdown that continued until May 1947 leaving an estimated 18,000 to 28,000 people dead—were expected to be exonerated. The total exonerated so far was 3,831. [See also *NCH Annual Reports, 2008, 2012, and 2016–2017.*]¹⁵⁹

See also China.

TAJIKISTAN

Previous *Annual Report* entries: 2017–2018.

TANZANIA

Previous *Annual Report* entries: 2010, 2016–2017.

See Myanmar, Rwanda, Uganda.

¹⁵⁹ Chen Yu-fu, “[Declassification Slowing Justice Process: Source](#),” *Taipei Times* (31 December 2018); “[Agency to Release Third Exonerations List](#),” *Taipei Times* (27 February 2019).

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2018.

Despite evidence showing that soldiers had been responsible for most casualties during the 2010 political confrontations with the United Front for Democracy against Dictatorship (UDD), or “Red Shirts,” that left at least 90 dead and more than 2,000 injured, no military personnel or officials from the government of former Prime Minister Abhisit Vejjajiva had been charged for killing and wounding civilians at the time. At the same time, numerous UDD leaders and supporters had been prosecuted on criminal charges related to the “Red Shirt” street protests in 2010.¹⁶⁰

Shortly before 6 April 2017, a bronze plaque next to a statue of King Chulalongkorn (1853–1910) mysteriously disappeared in Royal Plaza, Bangkok. It marked the end of the absolute monarchy after 1932 (with the inscription “Here on 24 June 1932 at dawn, the People’s Party proclaimed a constitution for the country’s advancement.”). On 6 April 2019, King Vajiralongkorn hosted a ceremony in the throne hall, giving his approval to a new constitution drafted by Thailand’s military rulers. The plaque had been replaced with a new plaque, saying: “To love and respect the Buddhist trinity, one’s own state, one’s own family, and to have a heart faithful to your monarch, will bring prosperity to the country.” Prime Minister Prayuth Chan-ocha dismissed the theft as unimportant and warned not to organize protests about the plaque. One activist who turned up at Royal Plaza to protest was detained; an opposition politician, who posted that the plaque was a national asset and should be protected by law, was charged under the Computer Crimes Act. Six people were arrested for sharing Facebook posts concerning the removal of the plaque. At the end of 2017 they remained imprisoned, facing charges on multiple counts of violation of Article 112 of the Penal Code (the *lèse majesté* provision).¹⁶¹

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2013, 2015–2018.

¹⁶⁰ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 577.

¹⁶¹ Jonathan Head, “[The Mystery of the Missing Brass Plaque](#),” *BBC News* (20 April 2017); Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 360; “[Thai Coronation Heralds an Unpredictable Reign](#),” *BBC News* (7 May 2019).

TOGO

Previous *Annual Report* entries: 2002, 2008–2013, 2017–2018.

TRINIDAD and TOBAGO

Previous *Annual Report* entries: 2018.

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2018.

The authorities frequently attempted to impede the work of the Instance Vérité et Dignité (IVD; Truth and Dignity Commission) since its creation in 2013. The IVD was tasked with exposing decades of crimes committed between 1955 (the last year of French rule) and the 2011 uprising that overthrew Ben Ali. In December 2018, the IVD had revealed that it had uncovered 62,720 cases of abuse and held confidential hearings for more than 50,000 of these. The IVD report detailed that the President Beji Caid Essebsi (1926–) was allegedly responsible for crimes committed while serving as a minister in the regime of Habib Bourguiba. Essebsi had reportedly overseen mass arrests and show trials against Bourguiba’s political opponents following an attempted military coup in 1962. In addition, the report alleged extensive corruption by former President Ben Ali, his extended family and wider network and human rights violations including enforced disappearances and torture committed under his rule. The report also included findings from interviews with 1,782 Tunisian resistance fighters of crimes committed by occupying French forces before the end of French rule in 1956. Furthermore, it listed government efforts to prevent the IVD accessing national archives to find evidence of past crimes, as well as pressure from a union of security service workers who rejected IVD efforts to refer members to trial. Essebsi had criticized the commission’s work, stating in 2018 that he was “against settling scores of the past.” Parliament undermined the process of transitional justice by voting not to allow the Truth and Dignity Commission to exercise its prerogative to extend its mandate by one year.¹⁶²

The Transitional Justice Law mandated the Instance Vérité et Dignité (IVD; Truth and Dignity Commission) to transfer serious crimes to specialized chambers to be established within the country’s

¹⁶² Ruth Michaelson, “[Tunisian President Accused of Complicity in Torture](#),” *Guardian* (26 March 2019); Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 585–586.

court system that would “have jurisdiction over widespread or systematic human rights violations, including deliberate killing, rape and sexual violence, torture, enforced disappearance, and execution without fair trial guarantees.” The IVD had referred at least 173 cases to this court system. On 29 May 2018, the first trial of past violations in a specialized chamber opened in the city of Gabes. It related to the forced disappearance of Kamel Matmati, an Islamist activist whom the police arrested in 1991. The commission transferred to the specialized courts 16 other cases of human rights violations, including cases of torture, enforced disappearances, and arbitrary detentions. As of November 2018, no verdicts had been reached.¹⁶³

TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2018.

In 2013, pianist and composer Fazıl Say was convicted of inciting hatred against Islam following tweets he made, including retweeting a verse from a poem by 11th-century poet Omar Khayyám (1048–1131) who attacked pious hypocrisy. Say was given a ten-month suspended prison sentence before being acquitted in 2016. In 2018, Say’s concerts were canceled in Turkey because of his public defense of secularism.¹⁶⁴

On 25 August 2018, police in Istanbul forcefully broke up a regular peaceful protest by the so-called Saturday Mothers remembering their relatives who disappeared during the violence of the 1990s. Officers used water cannon and tear gas and detained about 50 people. The Saturday Mothers have met in central Istanbul since 1995 and this was to be their 700th protest. The sit-in was banned by the authorities under a new security law because it had been publicized on social media accounts linked to the Kurdistan Workers’ Party (PKK). All those detained were released after giving statements to the police. The disappearances that were the subject of the protests took place during the height of the PKK insurgency. Turkey never investigated what happened to those who disappeared after being detained. Police prevented the Saturday Mothers from holding their sit-ins for a decade between 1999 and 2009 but this was the first time in recent years that police had intervened. The ban on holding the vigil at the traditional location remained in effect at the end of 2018. A Saturday Mothers’ vigil in Diyarbakir was also banned, as were all public assemblies organized by the Diyarbakir branch of the Human Rights Association from September 2018 onward.¹⁶⁵

¹⁶³ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 585–586.

¹⁶⁴ Kaya Genç, “Turkey’s Unnatural Selection,” *Index on Censorship*, 47, no. 3 (autumn 2018), 8.

¹⁶⁵ “[Turkey Police Fire Tear Gas at Mothers’ Protest](#),” *BBC News* (25 August 2018); Human Rights Watch, *World*

In September 2018, it was reported that the chapter “Living Beings and the Environment” would take the place of “The Beginning of Life and Evolution” in the standard national textbooks for 15-year-olds from that month on.¹⁶⁶

On 11 January 2016, the Initiative of Academics for Peace issued a petition “We will not be party to this crime,” signed by 1128 scholars from 89 Turkish universities and by more than 300 scholars from abroad (later the number of signatories reached 2212). [See *NCH Annual Reports 2016–2017*.] It called on the government to end its military operations in southeastern Turkey, including in civilian areas, and to stop violence against civilian Kurds. Shortly after the publication of the appeal, a criminal investigation was opened into the initial signatories, including the following historians:

- Ayşe Gül Altınay: see below.
- Candan Badem: see *NCH Annual Report 2017*.
- Büşra Ersanlı: see *NCH Annual Reports 2012–2013* and *2018*.
- Ahmet Ersoya: see below.
- Çigdem Kafescioglu: see below.
- Muzaffer Kaya: see *NCH Annual Report 2017*.
- Turan Keskin: see *NCH Annual Report 2017*.
- Ramazan Kurt: see *NCH Annual Reports 2016–2017*.
- Noémi Lévy-Aksu: see below.
- Zübeyde Füsun Üstel: see below.

Academics for Peace (founded 2012) were at first accused of making propaganda for the PKK (Kurdistan Workers’ Party) although many of the signatories were neither Kurdish nor pro-PKK. After the coup attempt of 15 July 2016, they were called “Gülenist coupist.s”¹⁶⁷

In January 2019 Ahmet Ersoya, a historian at Bogazici University working on the connections between photography, print culture, and archival practices in the late Ottoman Empire, was scheduled to be tried on charges of membership of a terrorist organization for signing the 2016 peace petition, risking five to

Report 2019: Events of 2018 (New York: Seven Stories Press, 2019), 591; Toon Beemsterboer, “Zelfs de Zaterdagmoeders mogen van Erdogan niet meer betogen,” *NRC Handelsblad* (28 November 2018), 7.

¹⁶⁶ “[Turkish Schools to Stop Teaching Evolution, Official Says](#),” *Guardian* (23 June 2017); Toon Beemsterboer, “Darwin raakt in ongenade in Turkije,” *NRC Handelsblad* (30 June 2017); Selim Girit, “[Are Turkey’s Schools Dropping Evolution and Teaching Jihad?](#)” *BBC News* (22 August 2017); Kaya Genç, “Turkey’s Unnatural Selection,” *Index on Censorship*, 47, no. 3 (autumn 2018), 8.

¹⁶⁷ Candam Badem, “[The Quest to Quell Opposition Leads to ‘Academocide’](#),” *University World News* (10 February 2017).

ten years' imprisonment. His wife Çigdem Kafescioglu, an urban historian, was charged with fifteen months' imprisonment for "conducting terrorist propaganda through the peace petition," but the punishment was suspended while she was put on probation for five years.¹⁶⁸

On 25 February 2019, the Istanbul Regional Appeals Court upheld the 15-month sentence of historian and political scientist (Zübeyde) Füsun Üstel, originally imposed on 4 April 2018 for signing the 2016 petition. Üstel was tried under charges of "conducting propaganda for a terrorist organisation" (article no. 7.2 of Anti-Terror Law no. 3713). She was the first academic to refuse the legal provision offered by the courts when prison sentences are less than two years. The provision involved a "statement of penitence" by the defendant and suspension of the pronouncement of judgment for a period of five years, during which the defendant was supposed to refrain from committing further "crimes." She was imprisoned on 8 May 2019.

Üstel, a retired professor from Galatasaray University in Istanbul, published a series of articles in Turkey-based and international journals of social sciences, mostly focusing on the history of Turkey, nationalism, and identity issues. Among her works are *Citizenship Education from the Constitutional Monarchy until Today* (in Turkish; Istanbul 2016, 7th edition) and *Turkish Homes* (in Turkish; Istanbul 2017, 4th edition).¹⁶⁹

On 21 May 2019, Ayşe Gül Altınay, professor of cultural anthropology and director of the Gender and Women's Studies Center at Sabancı University in Istanbul, was charged with "knowingly and willingly supporting a terrorist organization as a non-member" and sentenced to 25 months in prison for signing the 2016 petition. Since her prison term is over two years, it was not deferred. She appealed the sentence. Altınay's research and writing focused on militarism, nationalism, violence, memory, gender, and sexuality. It includes *The Grandchildren: The Hidden Legacy of Lost Armenians in Turkey* (2014, with Fethiye Çetin), *Gendered Wars, Gendered Memories: Feminist Conversations on War, Genocide and Political Violence* (2016, with Andrea Petö), and *Women Mobilizing Memory* (co-edited with Maria José Contreras, Marianne Hirsch, Jean Howard, Banu Karaca, and Alisa Solomon).¹⁷⁰

¹⁶⁸ Ahmet Ersoya, personal communication (17 January 2019).

¹⁶⁹ Emily Seymour, "[Turkish Academic Who Signed Peace Petition Set To Go To Prison for 15 Months](#)," *Index on Censorship* (26 March 2019); Research Institute on Turkey and Others, "[Open Letter in Support of Prof. Füsun Üstel and All Other Academics in Turkey Facing Imprisonment for Advocating Peace](#)" (12 March 2019); Brendan O'Malley, "[Relentless Prosecutions of Academics for Peace Gather Pace](#)," *University World News* (4 May 2019); Tansu Pişkin, "[Sentenced Academic Üstel: 'We are at Where Word Begins, Not Ends'](#)," *Bianet* (7 May 2019).

¹⁷⁰ Tansu Pişkin, "[25-Month Prison Sentence for One Academic](#)," *Bianet* (21 May 2019); Utrecht Forum for Memory Studies, "[Statement of Support for Ayşe Gül Altınay, Turkish Academic for Peace Sentenced to 25 Months in Prison](#)" ([May] 2019); "[The Memory Studies Association Stands in Solidarity with Memory Scholar Ayşe Gül Altınay!](#)" ([May] 2019); Mnemonics Network of Memory Studies, "[Statement of Support for Ayşe Gül Altınay, Turkish Academic for Peace Sentenced to 25 Months in Prison](#)" (Ghent [May] 2019); "[Another Academic for Peace Sentenced to 2 Years, 1 Month in Prison](#)," *Committee of Concerned Scientists* (30 May 2019).

On 13 June 2019, French-born Turkish historian Noémi Lévy-Aksu, specialized in the history of state security in the late Ottoman Empire and modern Turkey at Boğaziçi University (2010–2017), was sentenced to 30 months in prison for signing the 2016 petition on charges of “terrorist propaganda” (article 7.2 of the Turkish criminal code). She taught at the International Relations Department of the London School of Economics (September 2018–). She appealed the verdict. Already on 22 February 2017, the Council of Higher Education (Yüksek Eğitim Kurulu, YÖK) had canceled her work permit at Boğaziçi University. Besides her book *Ordre et désordres dans l’Istanbul ottomane* (2013), she published several articles and book chapters on policing and urban history in the late Ottoman Empire. She co-edited *The Young Turk Revolution and the Ottoman Empire: The Aftermath of 1908* (2017) and currently works on a manuscript entitled *The Power of Discretion: Martial Law in the Late Ottoman Empire and Modern Turkey*.¹⁷¹

See also Germany, Netherlands.

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012, 2015–2018.

RFE/RL reporter, Soltan Achilova, who has been assaulted numerous times in previous years, was attacked on multiple occasions. In May 2018, for example, plainclothed security agents threatened her and blocked her access to a public memorial event, which she had sought to photograph.¹⁷²

In July 2018, the Supreme Court upheld the twelve-year prison terms of five men sentenced in 2017 for studying the works of the Turkish Muslim theologian Said Nursi (1868–1960) a Muslim Kurdish scholar, Sufi teacher, and political leader. The men were charged with incitement, financing criminal activity, and related offenses.¹⁷³

Police harassed Batyr Batyrov, a history teacher who had filed official complaints about corruption in education. In August 2018, the Turkmen Initiative for Human Rights (TIHR), an exile group, reported

2019).

¹⁷¹ Hala Kodmani, “[Noémi Lévy-Aksu: ‘J’ai été condamnée en Turquie pour “propagande terroriste”](#),” *Libération* (17 June 2019); “[Noémi Lévy-Aksu: Resisting in the Academic Sphere](#)” *5Harfliler* (12 March 2017); Scholars at Risk, [Incident](#) (13 June 2019).

¹⁷² Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 597.

¹⁷³ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 599.

that police issued death threats to Batyrov and his family if he did not stop writing complaints.¹⁷⁴

¹⁷⁴ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 598.

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2013, 2015–2017.

In April 2018, International Criminal Court (ICC) prosecutors completed their case against alleged former Lord's Resistance Army (LRA) commander Dominic Ongwen, charged with 70 counts of war crimes and crimes against humanity. Ongwen's defense began its case in September 2018. Two ICC warrants remained outstanding for the arrest of Joseph Kony, long-time LRA leader and Vincent Otti, who was presumed dead. The LRA remained active in central Africa, but there had been fewer media reports of killings and abductions.

On 30 August 2018, the International Crimes Division (ICD) of the High Court confirmed charges against alleged former LRA commander Thomas Kwoyelo, in custody since his capture in the Democratic Republic of Congo (DRC) in 2009. The trial began in September 2018 but was quickly adjourned until November, when Kwoyelo pled not guilty to all 93 counts against him. Pre-trial sessions in the case against Jamil Mukulu, alleged leader of the rebel Allied Democratic Forces (ADF), captured in Tanzania in April 2015, started at the ICD. Mukulu and 34 others were charged with terrorism, multiple murders, aggravated robbery, and crimes against humanity over several years.¹⁷⁵

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011, 2014–2018.

Justice for conflict-related abuses and crimes committed during the 2014 Maidan protests and mass disturbances in Odessa remained unaddressed several years later, despite numerous pledges from the authorities to ensure justice. Law enforcement failed to preserve evidence after the events and to prevent suspects from fleeing the country. In April 2018, appeals hearings began against the acquittal of 19 anti-Maidan activists who were on trial for offenses related to the 2 May 2014 Odessa mass disturbances, which pitted pro-Maidan and anti-Maidan groups against each other, and in which 48 people died and more than 200 were injured. At the end of 2018, no progress was made in the appeal proceedings. Criminal proceedings continued against former members of the Berkut riot police battalion, charged with killing and injuring protesters in the February 2014 Maidan protests. In April 2018, charges against a pro-Maidan protester, Ivan Bubenchik, for killing two police officers in February 2014 were dropped after the prosecutor general cited a 2014 law exempting protesters from prosecution for certain crimes

¹⁷⁵ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 604.

committed during the protests. Bubinchik remained under investigation for illegal use of weapons and endangering law enforcement.¹⁷⁶

In June 2018, Lviv's Memorial of Glory to Heroes Fallen in World War II was vandalized.¹⁷⁷

See also Poland.

UNITED ARAB EMIRATES

Previous *Annual Report* entries: 2013, 2016.

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2018.

In July 2018, students at the University of Manchester painted over a mural of a poem by Rudyard Kipling (1865–1936), the 1907 Nobel Prize in Literature, arguing that the writer “dehumanized people of color.” The poem *If*, written around 1895, had been painted on the wall of the university's newly refurbished students' union. But students painted over the verses, replacing them with the 1978 poem “Still I Rise” by American poet and civil rights activist Maya Angelou (1928–2014). Sara Khan, the union's liberation and access officer, said that the decision to paint over the mural was “a statement on the reclamation of history by those who have been oppressed by the likes of Kipling for so many centuries, and continue to be to this day.” The act sparked a debate.¹⁷⁸

On 1 and 2 October 2018, the United Kingdom Black History Month website was brought down twice by hackers in what its editors believed to be a case of “cyber-racism.” The website included resources for schools and details of forthcoming events. Black History Month of 2018 attracted significant attention because of the Windrush anniversary (70 years since the arrival of Caribbean migrants on the Empire Windrush ship to the UK), but also because campaigners complained that a number of councils had scrapped the name Black History Month, describing it instead as a celebration of all ethnicities,

¹⁷⁶ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 607–608.

¹⁷⁷ Antony Kalashnikov, “[Soviet War Memorials in Eastern Europe Continue to Strain Relations with Russia](#),” *The Conversation* (20 August 2018).

¹⁷⁸ Frances Perraudin, “[Manchester University Students Paint over Rudyard Kipling Mural](#),” *Guardian* (19 July 2018).

leading to accusations of appropriation.¹⁷⁹

On 23 December 2018, researchers reported that a vast cache of material dating from 1939 until the 1980s relating to Britain's nuclear weapons and atomic energy programs had been unexpectedly withdrawn by the National Archives within a week at the instruction of the government's Nuclear Decommissioning Authority.¹⁸⁰

In 2018 it was revealed that around 2008–2010 the Foreign Office destroyed 195 files from 1978–1980, when MI5 and SAS personnel advised Sri Lankan spies and commandos how to counter Tamil guerrillas. In January 2019, the *Morning Star* disclosed that in 2014–2015 (in the weeks after the Foreign Office apologized for burning files about Britain's abuse of Mau Mau anti-colonial activists in Kenya [see *NCH Annual Report 2013*]) diplomats shredded another 177 files from 1981–1985 when the Liberation Tigers of Tamil Eelam (LTTE) uprising in Sri Lanka started. Only lists of file names survived, many of them relating to arms sales and counter-insurgency support. One historian, Phil Miller, called it an act of "historical vandalism." In January 2019, he said that the Foreign Office intended to destroy 40 files on Sri Lanka from 1986–1987.¹⁸¹

On 5 June 2019, the video-sharing website YouTube announced that it would remove material glorifying the Nazis from its platform in an attempt to stop people being radicalized. In the process, however, it also deleted archival material related to Adolf Hitler uploaded by some history teachers to help educate future generations about the risks of fascism. Among them were Scott Allsop (with a channel featuring hundreds of historical clips from old documentaries) and Richard Jones-Nerzic. YouTube said that Allsop's and Jones-Nerzic's material had been reinstated after an appeal.¹⁸²

Northern Ireland

In August 2018, the police arrested Belfast journalists Trevor Birney and Barry McCaffrey for their work on *No Stone Unturned*. This award-winning documentary examined state collusion in the 1994 Loughinisland massacre, when members of the loyalist Ulster Volunteer Force killed six civilians and wounded five others in a pub in County Down. More than a hundred officers turned up at the journalists'

¹⁷⁹ Haroon Siddique, "["Cyber-Racism": UK Black History Month Website Attacked](#)," *Guardian* (2 October 2018).

¹⁸⁰ Robert Booth, "[British Nuclear Archive Files Withdrawn without Explanation](#)," *Guardian* (23 December 2018).

¹⁸¹ "[Britain's Foreign Office Admits to Destroying Hundreds of Files Regarding Start of LTTE Uprising in Sri Lanka](#)," *Sunday Times* (21 January 2019), Phil Miller, "[UK Shredding Sri Lankan Skeletons in the Closet](#)," *JDS, (Journalists for Democracy in Sri Lanka)* (30 January 2019).

¹⁸² Jim Waterson, "[YouTube Blocks History Teachers Uploading Archive Videos of Hitler](#)," *Guardian* (6 June 2019).

homes accusing them of document theft, under the United Kingdom's Official Secrets Act. Charges were dropped in June 2019.¹⁸³

The British authorities still wanted access to the tapes (interviews given in 2001–2006) of Anthony McIntyre (a former Irish Republican Army [IRA] volunteer who had been imprisoned for the murder of a Ulster Volunteer Force [UVF] member in 1976 and who had a PhD in history) of his activities (his role during the so-called “Troubles” in Northern Ireland). [See *NCH Annual Reports 2012–2017*.] They served a subpoena on Boston College in the United States seeking copies of the interviews. To that end, the Public Prosecution Service (PPS) and Police Service of Northern Ireland (PSNI) issued an International Letter of Request (ILOR). McIntyre wanted to know if an American court dealing with the case received his affidavit denying involvement in alleged terrorist offenses under investigation.

On 22 October 2018, the High Court ruled that while the ILOR was carelessly composed, this was not due to bad faith. It also ruled that all the tapes should be held in secure storage and under seal at the Royal Courts of Justice pending a the final outcome of the legal challenge. In 2019, McIntyre was granted a United Kingdom Supreme Court hearing in an attempt to stop the PSNI getting hold of the tapes. The Supreme Court was expected to sit in early October 2019.¹⁸⁴

See also China, Egypt, Turkey.

UNITED STATES

Previous *Annual Report* entries: 1995–2018.

In December 2017, the State Department Policy Planning Staff denied a request from the State Department Office of the Historian to renew the terms of three members of the Advisory Committee on Historical Diplomatic Documentation (known as the Historical Advisory Committee, or HAC): James McAllister, Thomas Zeiler, and Katherine Sibley. Made up of nine scholars of United States foreign relations, the HAC advises the State Department Office of the Historian on aspects of declassifying and publishing diplomatic papers and documents. No reasons were given for the denial. Concerned, therefore, that the denial of renewal requests was a result of “politicizing a committee of non-partisan, academic experts,” HAC member Robert McMahon, who represented the Society for Historians of

¹⁸³ Ryan McChrystal, “Failing to Face Up to the Past,” *Index on Censorship* (2019 no. 2), 48–49.

¹⁸⁴ Alan Erwin, “Ex-IRA Man Loses Battle to Stop Police Accessing Interview Tapes,” *Irish Times* (22 October 2018); Maya Rubin, “[Ex-IRA Man Takes Academic Freedom Case to the UK’s Supreme Court](#),” *Index on Censorship website* (28 June 2019); Ryan McChrystal, “Failing to Face Up to the Past,” *Index on Censorship* (2019 no. 2), 49.

American Foreign Relations (SHAFR), resigned from his post in June 2018.¹⁸⁵

When historian Manisha Sinha, the Draper Chair in American History at the University of Connecticut and author of *The Slave's Cause: A History of Abolition* (2018), compared President Donald Trump with President Andrew Johnson (served 1865–1869) in an op ed published by Cable News Network (CNN) with the headline, “What happened the last time a President chose America’s enemies over its friends,” she received death threats. A man was identified and charged with threatening to commit a crime and making harassing phone calls. In the article she had argued that Trump and Johnson had delusions of personal grandeur and a tainted ascent to the presidency in common.¹⁸⁶

On 29 August 2018, Rutgers University found that James Livingston, professor in its Department of History, violated its discrimination and harassment policy following a string of racially-charged posts made to his Facebook in June 2018. The university was also re-examining the case. On 20 August 2018, the Foundation for Individual Rights in Education (FIRE) wrote to the university to reverse its decision and protect faculty members’ constitutional right to speak as private citizens on matters of public concern. It said that, in accordance with Supreme Court precedent, an employee’s speech was protected if he was speaking as a citizen, it involves matter of public concern, or the government lacked “adequate justification” for treating the employee differently than the general public. On 5 September 2018, the American Historical Association wrote to Rutgers University objecting “to the university investigating and considering sanctions against Professor Livingston for comments made wholly outside of the context of his university employment and extraneous to his role as teacher and historian.” It defended the right of historians to express their opinions as private citizens without fear of institutional discipline.¹⁸⁷

In 2018, there was an outcry after the International Congress on Medieval Studies—held in Kalamazoo and organized by the Medieval Institute at Western Michigan University—rejected a number of panels proposed by the group [Medievalists of Color](#). An open letter, signed by more than 600 scholars, denounced the organizers for “a bias against, or lack of interest in, sessions that are self-critical of medieval studies, or focused on the politics of the field in the present, especially relative to issues of

¹⁸⁵ Seth Denbo, “[Request Denied: History Faces an Uncertain Future at the State Department](#),” *Perspectives on History* (27 August 2018).

¹⁸⁶ Manisha Sinha, “[What Happened the Last Time a President Chose America’s Enemies over Its Friends](#),” *CNN* (27 July 2018); Rick Shenkman, “[Manisha Sinha Got Death Threats after Writing an Article Comparing Donald Trump to Andrew Johnson](#),” *History News Network* (30 July 2018).

¹⁸⁷ Emily Rolen, “[Rutgers History Professor Calls Out ‘Caucasian A**holes,’ Resigns from White Race in Facebook Rant](#),” *Philly Voice* (5 June 2018); Christian Zapata & Ryan Stiesi, “[Rutgers Reexamines Decision on Racially Charged Facebook Posts Made by History Professor](#),” *Daily Targum* (3 September 2018); American Historical Association, “[Letter of AHA President Mary Beth Norton to Rutgers President Robert Barchi](#)” (10 September 2018).

decoloniality, globalization, and anti-racism.” The panels about race that were accepted, some scholars noted, were organized by white scholars.¹⁸⁸

In October 2018, the provost of Augsburg University, Minnesota, suspended its professor of history and medieval studies Phillip Adamo for using the N-word during a class discussion about a James Baldwin book, *The Fire Next Time*, in which the word appeared—and for sharing essays on the history of the word with students who complained to him about it. The suspension letter, dated January 2019, cited “issues” raised by students related to bias and discrimination, respect for students, teaching competence, and program leadership. The American Association of University Professors wrote a letter of protest arguing that the suspension “appeared to have been primarily based on classroom speech that was clearly protected by principles of academic freedom.”¹⁸⁹

On 14 January 2019, judge Michael Graffeo of the Jefferson County Circuit in Alabama, ruled that a 2017 state law barring the removal or alteration of historical monuments wrongly violated the free speech rights of local communities, especially in the mostly black city of Birmingham (70% of the population was black). The state law meant to prevent the removal of Confederate monuments from public property. The state had sued Birmingham after its officials had tried to remove an obelisk that was erected to honor Confederate veterans in a downtown park in 1905. Rather than toppling the stone marker, the city had built a wooden box around it in August 2017. The state intended to appeal the ruling.¹⁹⁰

On 17 January 2019, the Army published a long-awaited two-volume study of the United States war in Iraq (2003–2011) that criticized decisions of some of the most senior officers and outlined lessons from the conflict. Written by a team of army officers, it was commissioned in 2013 by General Ray Odierno, when he was serving as the Army chief of staff, and a draft was finished by June 2016. Publication of the history had been stymied, as senior officials worried about the study’s impact on the reputation of prominent officers and congressional support for the Army. The study, totaling more than 1,300 pages, was posted on the U.S. Army War College website, along with more than 1,000 declassified documents used in the research. It drew conclusions about the United States failure to train Iraqi forces so that they

¹⁸⁸ Jennifer Schuessler, “[Medieval Scholars Joust With White Nationalists. And One Another](#),” *New York Times* (5 May 2019); Steering Committee of the BABEL Working Group and Others, “[Open Letter to the Board of the Medieval Institute at Western Michigan University and the Organizers of the International Congress on Medieval Studies](#)” (s.l. 2018); Tom Bartlett, “[Medieval History Goes to War With Itself](#),” *Chronicle of Higher Education* (28 June 2019).

¹⁸⁹ Colleen Flaherty, “[Professor Is Suspended for Using the N-word in Class in Discussion of Language from James Baldwin Essay](#),” *Inside HigherEd* (1 February 2019).

¹⁹⁰ Jay Reeves, “[Judge Overturns Alabama Law Preventing Removal of Confederate Monuments](#),” *Time* (15 January 2019).

could become self-reliant; the limitations of coalition warfare; and Washington's inability to deter Iran and Syria from giving sanctuary and support to militant groups.¹⁹¹

In January 2019, Dearborn Mayor Jack O'Reilly blocked publication of an issue of the city-funded *Dearborn Historian* because it carried a ten-page cover story entitled "Henry Ford and 'The International Jew.'" The piece was about industrialist Henry Ford (1863–1947), to mark the 100th anniversary of Ford (who died in Dearborn) buying the *Dearborn Independent* weekly newspaper, which he used as a vehicle for his anti-Semitism. On 30 January 2019, O'Reilly also dismissed the magazine's editor Bill McGraw (who authored the piece). On 31 January, the Dearborn Historical Commission passed a (non-binding) resolution that supported the article and McGraw, and asked O'Reilly to allow the magazine to be mailed to subscribers. On 25 January 2019, the *Deadline Detroit* published the story, which spread far beyond the magazine's small circulation, with O'Reilly's order to suppress it further stoking interest.¹⁹²

On 11 February 2019, a judge from the Court of Appeals (Fourth Circuit) ruled that school officials of Charles County, Southern Maryland, had not violated the First Amendment rights of Caleigh Wood ([1998]–). An 11th-grade student at La Plata High School in 2014–2015, Wood had refused to complete a lesson of the world history curriculum on "The Muslim World" that she said had forced her to embrace Islam in conflict with her Christian faith—and the Constitution. The court ruled, however, that the curriculum did not endorse a particular religion "and did not compel Wood to profess any belief."¹⁹³

On 8 April 2019, two persons were arrested on charges of vandalism and ethnic intimidation because on 31 March 2019 they had vandalized The Unsung Founders Memorial dedicated since 2005 to slaves and African-American workers at the University of North Carolina at Chapel Hill, the university police said. The suspects were identified through university police video surveillance footage. They had ties to a group called Heirs to the Confederacy. In August 2018, protesters had toppled a Confederate monument on the campus, called "Silent Sam," seen by many as an emblem of white supremacy. The statue was stored at an undisclosed location on campus.¹⁹⁴

¹⁹¹ Michael R. Gordon, "[Army Releases a Critical History of the War in Iraq](#)," *Wall Street Journal* (17 January 2019).

¹⁹² "[Dearborn Mayor Fires Author of Magazine Story about Ford's anti-Semitism](#)," *Deadline Detroit* (31 January 2019).

¹⁹³ Court of Appeals (4th Circuit), Caleigh Wood versus Board of Education of Charles County and Others: [Judgment](#) (2019); Ann Marimow, "[Christian Student Challenged a School History Lesson on Islam and Lost in Court](#)," *Washington Post* (13 February 2019).

¹⁹⁴ Mihir Zaveri, "[2 Arrested in Vandalism of Slave Memorial at University of North Carolina](#)," *New York Times* (8 April 2019).

See also Canada, China, Ecuador, Egypt, Germany, Hungary, Iran, Japan, Lebanon, New Zealand, Romania, Russia, Saudi Arabia, South Sudan, United Kingdom, Yemen.

URUGUAY

Previous *Annual Report* entries: 2001–2013, 2015–2018.

UZBEKISTAN

Previous *Annual Report* entries: 2005–2014, 2016.

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011, 2015.

On 25 March 2019, the entire board of *Women Church World* (founded 2012; a monthly supplement in the Vatican daily *L'Osservatore Romano*)—consisting of eleven women including founder Lucetta Scaraffia (1948–)—resigned citing in an open letter to Pope Francis a campaign to discredit them and put them “under the direct control of men.” Scaraffia declared that pressure on her staff had intensified after it had published reports about sexual abuse of nuns by other members of the clergy. She added that the daily’s new editor, Andrea Monda, had tried to control the supplement’s editorial line and bring in external collaborators. Monda denied this. Scaraffia was a historian at La Sapienza University in Rome and a journalist.¹⁹⁵

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012, 2014, 2017–2018.

Since former Attorney-General Luisa Ortega Díaz had been dismissed in August 2017, no official information had been available about prosecutions of officials implicated in human rights violations. The United Nations Office of the High Commissioner for Human Rights (OHCHR) reported in June 2018 that impunity for human rights abuses in Venezuela was “pervasive.” In July 2017, Ortega Díaz’s office was investigating nearly 2,000 cases of people injured during the 2017 crackdown. In more than half of the cases, prosecutors had evidence suggesting fundamental rights violations, according to official sources. The OHCHR reported that 357 security officers were under investigation for alleged extrajudicial killings during raids of the Operation Peoples’ Liberation (OLP; launched in 2015 by the government, supposedly to address rising security concerns). The OHCHR said that security forces suspected of extrajudicially killing protesters had in some cases been released, despite judicial detention orders, and that the prosecutors had issued at least 54 arrest warrants for security agents implicated in the killing of 46 people during protests. A trial, though, had started in only one case.¹⁹⁶

On 1 February 2018, agents of the Sebin intelligence service detained Enrique Aristeguieta Gramcko ([1933–]), a lawyer, historian, and former politician, in the middle of the night in Caracas. Aristeguieta

¹⁹⁵ “[Vatican Women Editors Resign from Women’s Magazine](#),” *BBC News* (26 March 2019); “[Lucetta Scaraffia](#)” *Wikipedia* (retrieved 26 March 2019).

¹⁹⁶ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 648–649.

Gramcko was active in two groups that criticized the Nicolás Maduro government: he was the president of the Great National Alliance (GAN) and a board member of Soy Venezuela. A widely respected figure, he was a member of the Junta Patriótica, a congressman, ambassador to the Caribbean, deputy minister of home affairs, governor of the Nueva Esparta state, and president of the Supreme Electoral Council.¹⁹⁷

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2013, 2016–2017.

In [March] 2019, historian Tran Duc Anh Son (1967–), a former director at a fine arts museum in Hue and a deputy director at the Danang Institute for Socio-Economic Development, was expelled from the Communist Party “for posting false information” and “violating a code that governs party members’ behavior” after two Facebook comments. The first was a comment on a cartoon, which contained a character saying: “Seventy-three years ago they corralled people to a rally to listen to the Declaration of Independence. Seventy-three years later they forbid people to gather to celebrate Independence Day.” This referred to a famous 1945 speech by Ho Chi Minh in which the future president declared Vietnam’s independence from France, and an oblique criticism of the Communist Party’s current leaders, who escalated repression of political dissidents. In September 2018, Son had written underneath the cartoon the question “Is this true?” The second comment was a question he left under a post featuring two articles in the state-run news media about the country’s education minister. The question was: “How have things become this bad?” The Facebook comments prompted a monthlong investigation by the Communist Party Central Committee of Danang.

Son was a specialist of Vietnam’s South China policies, defended the view that Vietnam had irrefutable claims to the disputed Paracel (Hoang Sa) and Spratly (Truong Sa) archipelagos in the South China Sea (East Vietnam Sea) that China claimed as its own, and criticized his government for not doing more to challenge Beijing’s territorial claims. China had controlled the Paracels since 1974, when it seized them from South Vietnam in a naval clash. It had bolstered its foothold in the Spratlys later through an island-building campaign. China sought to justify its claim to sovereignty over waters that encircle both archipelagos—represented by what they now call the nine-dash line—by citing maps from the 1940s and 1950s. Son’s evidence consisted of older maps: he and other Vietnamese historians argued that the Nguyen dynasty, which ruled Vietnam from 1802 to 1945, wielded clear administrative control over the Paracels in the 1850s, decades before imperial or post-revolutionary China showed any

¹⁹⁷ UN Watch, “[UN Watch Condemns Venezuela Arrest of 85-year-old Activist](#)” (Geneva, 2 February 2018).

interest in them. But Son also said that his government was reluctant to use the records he uncovered to challenge China (Vietnam's next-door neighbor and largest trading partner).¹⁹⁸

When journalist Bui Tin ([1928]–2018), deputy editor-in-chief of the Communist party newspaper *Nhan Dan*, defected to the West on a visit to Paris in September 1990, he became persona non grata and his role on 30 April 1975 (the day of the Communist victory) remained unmentioned in the country's histories. An army reporter and a senior lieutenant colonel with the North Vietnam army, Bui Tin had been the highest-ranking officer when his team was ushered into the room where the defeated president General Duong Van "Big" Minh was awaiting to transfer power. In November 1990, he wrote "A Petition of a Single, Ordinary Citizen" to the Communist Party, in which he criticized the economic and political situation inside the country. In 1995, his "Following Ho Chi Minh: Memoirs of a North Vietnamese colonel" was published. His death was not mentioned in the Vietnamese press.¹⁹⁹

¹⁹⁸ Mike Ives, "[Vietnam's Communist Party Ousts Historian Who Criticized Its China Policy](#)," *New York Times* (13 March 2019); Mike Ives, "[A Defiant Map-Hunter Stakes Vietnam's Claims in the South China Sea](#)," *New York Times* (25 November 2017).

¹⁹⁹ "[Obituary: Bui Tin, the Vietnamese Reporter Scrubbed from the History Books](#)," *BBC News* (19 August 2018).

WESTERN SAHARA

See Morocco / Western Sahara.

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010, 2013–2016, 2018.

In September 2014, Houthi forces (members of a Northern Yemeni faction) and forces loyal to former president Ali Abdullah Saleh took control of the capital, Sanaa, and much of Yemen. On 26 March 2015, the Saudi-led coalition attacked Houthi-Saleh forces in support of Yemeni President Abdu Rabbu Mansour Hadi. This international armed conflict killed and injured thousands of Yemeni civilians. As of November 2018, 6,872 civilians had been killed and 10,768 wounded, the majority by the United States-supported Saudi Arabia-led coalition airstrikes, according to the Office of the United Nations (UN) High Commissioner for Human Rights (OHCHR). The actual civilian casualties were likely much higher. Thousands more had been displaced by the fighting.

None of the warring parties carried out credible investigations into their forces' alleged laws-of-war violations. The coalition's Joint Incidents Assessment Team (JIAT) did not conduct credible investigations. JIAT failed to release full investigation reports or detailed information on their methodology, including how they determined which strikes to investigate, which state's forces participated in attacks they investigated, or what steps, if any, coalition states had taken to prosecute individuals responsible for war crimes. While JIAT had recommended that the coalition pay civilian victims some form of assistance in more than a dozen attacks, the coalition did not appear to have made any concrete progress toward creating a fair, effective redress or condolence payment system. The United States was not known to have conducted investigations into any alleged unlawful attacks in which its forces had taken part. In September 2018, despite attempts by the Saudi-led coalition to terminate the mandate, the UN Human Rights Council voted by a substantial margin to renew the mandate of the Group of Eminent Experts to conduct international investigations into violations and abuses in Yemen. Yemen has not joined the International Criminal Court.²⁰⁰

On 22 August 2018, a fire destroyed the archives of the Awqaf Ministry (in charge of religious "endowments" or properties) in the capital Sanaa. The government blamed the Iran-backed Houthi rebels of looting the ministry, saying the fire aimed to destroy documents on the Awqaf's properties so as to allow the militias to seize these properties.²⁰¹

In the civil war (2015–), many cultural sites were ravaged, archaeological relics lost, and antiquities

²⁰⁰ Human Rights Watch, *World Report 2019: Events of 2018* (New York: Seven Stories Press, 2019), 661, 667–668.

²⁰¹ "[Yemeni Government Condemns Houthis for Burning Awqaf Ministry Archive](#)," *Asharq al-Awsat* (26 August 2018).

taken from Yemen's museums. In 2019, culture minister Marwan Dammaj circulated a 290-page report in Arabic and English that detailed the looting at the Aden National Museum, the Taiz National Museum (damaged after shelling in 2016), and the National Museum of Zinjibar, and a catalog of 1,631 objects missing from the museums. The list included ivory figurines from the ancient Kingdom of Saba (the mythic realm of the Queen of Sheba); Roman-era golden coins and marble statuettes; brass finials; and Hebrew manuscripts. Mwatana, an independent Yemeni human rights group, cited Houthi forces in the looting of several museums, though it also accused Saudi air forces of bombing cultural sites where they believed Houthi combatants had taken shelter. In February 2019, the Malaysia-based Islamic Educational, Scientific and Cultural Organization charged the Houthis with plundering manuscripts, historical texts and Islamic relics from the library of Zabid, Yemen's capital during the thirteenth to fifteenth centuries.²⁰²

²⁰² Tom Mashberg, "[Yemen Asks U.S. for Help to Curb Smuggling of Looted Ancient Artifacts](#)," *New York Times* (6 March 2019).

ZAMBIA

Previous *Annual Report* entries: 2009, 2015.

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2015, 2018.

INTRODUCTION

This **twenty-fourth *Annual Report of the Network of Concerned Historians (NCH)*** contains news about the domain where history and human rights intersect, in particular about the censorship of history and the persecution of historians, archivists, and archaeologists around the globe, as reported by various human rights organizations and other sources. It mainly covers events and developments of 2017 and 2018.

Disclaimer. The fact that the NCH presents this news does *not* imply that it shares the views and beliefs of the historians and others mentioned in it.

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						2018	2017	2016	2015
2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
2004	2003	2002	2001	2000	1999	1998	1997	1996	1995

All *Annual Reports* (1995–2018) were compiled by [Antoon De Baets](#).

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AFGHANISTAN

Previous *Annual Report* entries: 2000–2016.

In a welcome development, the Prosecutor of the International Criminal Court requested that a preliminary investigation be opened into crimes allegedly committed by all parties to the ongoing armed conflict in Afghanistan. The decision was an important step toward ensuring accountability for crimes under international law committed since 2003, and providing truth, justice and reparation for the victims.¹

On 28 December 2017, at least 41 people were killed and 84 wounded in a suicide bomb attack in the Shia Tabayan cultural center in West-Kabul where a discussion forum was being held to mark the 38th anniversary of the Soviet invasion of Afghanistan in 1979. A Shia cultural organization was the target but the Afghan Voice news agency was also hit. Islamic State (IS) said it was behind the attack; it considered Shia apostates and aimed to turn the conflict in Afghanistan into a sectarian war between Sunnis and Shias. President Ashraf Ghani’s spokesman described the attack as an “unpardonable” crime against humanity.²

ALBANIA

Previous *Annual Report* entries: 1996, 2012, 2015–2017.

No measures were taken to locate the body of Remzi Hoxha, a Macedonian Albanian who was forcibly disappeared by National Intelligence Service officials in 1995. No progress was reported toward the exhumation of the remains of around 6,000 people who had disappeared between 1945 and 1991.³

Gentiana Sula, a former deputy minister of social welfare, became the head of the Authority on Access to Information on files of the former secret service Sigurimi [see also *NCH Annual Report 2017*].⁴

See also Serbia/Kosovo.

¹ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 41.

² [“Afghanistan Suicide Bomb Attack: Dozens Killed in Kabul,”](#) *BBC News* (28 December 2017).

³ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 70.

⁴ Andrew Hosken & Albana Kasapi, [“Albania: The Country Searching for Hundreds of Mass Graves,”](#) *BBC News* (1 November 2017).

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2017.

The authorities took no steps to open investigations and counter the impunity for grave human rights abuses and possible crimes against humanity, including unlawful killings, enforced disappearances, rape and other forms of torture committed by security forces and armed groups in the 1990s during Algeria's internal conflict (1992–2000), which left an estimated 200,000 people killed or forcibly disappeared. In January 2017, the Swiss judiciary shelved a war crimes investigation against retired Algerian Minister of Defense Khaled Nezzar for events between 1992 and 1994 in Algeria, citing inadmissibility due to the absence of armed conflict in Algeria at the time [see also *NCH Annual Reports 2003, 2013*].⁵

In February 2017, the United Nations (UN) Human Rights Committee found that the Algerian authorities had violated the right to remedy, the right to life, and the prohibition against torture with regard to Mohamed Belamrania, who was forcibly disappeared and extrajudicially executed in 1995. Days after the UN finding was published, police detained his son, Rafik Belamrania, and charged him with “advocating terrorism on Facebook.” He had filed his father's case before the UN body and documented other cases of enforced disappearance, arbitrary detention, and extrajudicial executions by Algeria's security forces against suspected supporters of the Islamic Salvation Front (FIS) party during the internal conflict. In November 2017, he was sentenced to five years' imprisonment and fined 100,000 Algerian dinars (around US\$ 870).⁶

ANGOLA

Previous *Annual Report* entries: 2003, 2009, 2017.

ARGENTINA

Previous *Annual Report* entries: 1997–2017.

As of November 2017, the Attorney General's Office reported 2,971 people charged, 818 convicted,

⁵ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 72.

⁶ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 72–73.

and 99 acquitted of crimes allegedly committed by the last military junta (1976–1983). Of 613 cases alleging crimes against humanity, judges had issued rulings in 193. Prosecutions were made possible by a series of actions taken in the early 2000s by Congress, the Supreme Court, and federal judges annulling amnesty laws and striking down pardons of former officials implicated in the crimes. As of September 2017, 125 people who were illegally taken from their parents as children during the dictatorship had been located. Many were reunited with their families. The large number of victims, suspects, and cases make it difficult for prosecutors and judges to bring those responsible to justice while respecting their due process rights. The Attorney General's Office reported in October 2017 that 533 pre-trial detainees and convicted prisoners were under house arrest, a right that Argentine law provides to people older than 70.⁷

Twenty-two years after the 1994 bombing of the Argentine Israelite Mutual Association (AMIA) in Buenos Aires that killed 85 people and injured more than 300, no one has been convicted of the crime. The investigation stalled when Iran, which Argentina's judiciary suspects of ordering the attack, refused to allow Argentine investigators to interview Iranian suspects in Argentina. In 2013, Argentina and Iran signed a memorandum of understanding (MOU) that allowed an international commission of jurists to review evidence and question Iranian suspects – but only in Tehran – likely rendering the interviews inadmissible in an Argentine court. A federal court declared the MOU unconstitutional: the Mauricio Macri administration said it would not appeal. A government decree issued in April 2017 transferred classified documents from the Prosecution Unit to the Ministry of Justice, compromising the independence of the investigation and restricting complainants' access to evidence. In August 2017, the government said it had asked Interpol to re-issue red notices – a form of international arrest warrant – to detain several Iranians implicated in the attack. In September, Vice-President Gabriela Michetti called on Iran to collaborate with the investigations during her speech at the United Nations General Assembly.

In January 2015, Alberto Nisman, the prosecutor in charge of investigating the bombing, was found dead in his home with a single gunshot wound to the head and a pistol beside him matching the wound. His death came just days after he had filed a criminal complaint accusing then-President Cristina Fernández de Kirchner and her foreign affairs minister of conspiring with Iran to undermine the investigation. Later in 2015, a federal court dismissed Nisman's complaint. However, following an appeal by a federal prosecutor, in December 2016, the judiciary ordered the case reopened. In October 2017, a judge requested that Fernández de Kirchner provide a statement on the case. As of September 2017, courts had not determined whether Nisman's death was suicide or murder. A new Gendarmerie report published that month stated that Nisman had been murdered. In 2015, a court began the trial of

⁷ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 34–35; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 31, 77.

several officials – including former President Carlos Menem, his head of intelligence, and a judge – for their alleged interference with the initial investigation into the bombing. The trial continued at the end of 2017.⁸

The Supreme Court ruled in the case of Luis Muiña – who was found guilty of crimes against humanity – that one day served in pre-trial detention must be considered as two, if the person has been detained without sentence for more than two years. Congress then passed a law clarifying that the so-called “2x1 formula” may not be applied to crimes against humanity, genocide, or war crimes.⁹

See also United Kingdom.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010, 2014–2016.

See Netherlands, Turkey.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009, 2014–2016.

In May 2017, over 250 Aboriginal and Torres Strait Islanders from 13 regions met and issued the “Uluru Statement from the Heart,” which urged constitutional reforms, including the establishment of a First Nations voice in the constitution and a truth and justice commission. In October 2017, the government formally rejected the key recommendation of the Referendum Council to establish an Indigenous advisory body to parliament.¹⁰

In August-September 2017, three city councils in Melbourne and Victoria voted to scrap the official Australia Day celebrations (Australia’s official national day marking the anniversary of the arrival of Britain’s first settlers on 26 January 1788) out of respect to Aboriginal and Torres Strait Islander

⁸ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 37–38; Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 77.

⁹ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 77.

¹⁰ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 49.

peoples. The colonization of Australia was accompanied with genocide and crimes against humanity against the Aboriginal population. Some compared the commemoration to “celebrating the Nazi Holocaust.” Many indigenous Australians referred to “Australia Day” as “Invasion Day,” but some Aboriginal leaders did not support the move. In August 2017, Prime Minister Malcolm Turnbull declared: “An attack on Australia Day is a repudiation of the values the day celebrates: freedom, a fair go, mateship and diversity.” Earlier in 2017, “Invasion Day” protests were held around the country. In the run-up to Australia Day on 26 January 2018, statues of colonizers were stained. At a statue of James Cook (1728–1779), daubed with paint, the message was left: “We do not forget the genocide.”¹¹

In May 2018, family historian Garry Smith discovered that the word Aboriginal being whited out from his great-grandmother's death certificate. He was told by the Western Australian Registry of Births, Deaths, and Marriages that the word had been redacted because it was an offensive term. Western Australia was the only jurisdiction in Australia to deem the word Aboriginal offensive and remove it from historical birth, death and marriage certificates. The Northern Territory registrar-general was the only other Australian bureaucrat to have this power, but he chose only to remove the term “half-caste.” Archivists, genealogists, and historians across Australia protested against the registrar's power to remove terms from certificates.¹²

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009.

On 5 October 2015, Jewish writer Stephan Templ ([1961–]) began a one year prison sentence for defrauding the state. In 2013, Vienna's regional criminal court had convicted him to three year's imprisonment (later reduced to one year) after he had omitted the name of an estranged aunt in an application on behalf of his mother for the return of property seized in 1938. He said that, given that the state had stolen the property from his family, it was its duty, not his, to track down any relatives.

Templ, a leading critic of Austria's restitution record, caused controversy in 2011 with a book co-written with historian Tina Walzer and entitled *Our Vienna: Aryanization Austrian-Style*, which documented properties in Vienna – including a sanatorium owned by Templ's relatives, Lothar Fuerth and his wife, apartment buildings, cinemas, and even a ferris wheel – that had been confiscated from

¹¹ “[Australia Day: Council Shifts Celebrations over Sensitivities](#),” *BBC News* (16 August 2017); “[Australia Day: Council Scraps ‘Grossly Insensitive’ Celebration](#),” *BBC News* (14 September 2017); “Australië: beeldenstorm,” *NRC Handelsblad* (26 January 2018), 6.

¹² Rebecca Turner, “[Outcry over Word ‘Aboriginal’ Continues as Historians Push for Ban on Changing Certificates](#),” *ABC News* (30 June 2018).

their Jewish owners. In 2006, Templ had made the restitution claim. In September 2015, President Heinz Fischer rejected a request for clemency, saying that the punishment was fair because the court had ruled that Templ had “damaged Austria” by his actions. Critics called the decision to imprison Templ an “overreaction” and suggested that it could be linked to his criticism of Austria’s restitution record. Seventy-five Holocaust historians signed a letter urging the government to cancel the sentence.

Templ wrote a new (English-language) book, *Austria’s Living Ghost* (published in late January 2018), partly written in prison. In the book, he examined the work of Austria’s Arbitration Panel for In Rem Restitution, a body set up in 2002 to review the restitution work done immediately after World War II on properties that in 2001 were in the state’s possession. The book reportedly showed that out of nearly 2,000 restitution cases handled in the 1940s and 1950s, the Arbitration Panel reopened and declared unjust a total of only nine cases. It intervened in another 18 cases that had not been the subject of a claim. In his reply to these conclusions, panel chairman Josef Aicher said that “To assess ‘extreme injustice’ the Arbitration Panel has developed a complex case law,” based on “restrictions on freedom of contract and discrepancy in value: the more the two criteria are pronounced, the more likely it is that an extreme injustice exists.” Aicher added that the Arbitration Panel has so far issued 138 recommendations for restitution with an estimated total value of \$59 million. According to Templ, all these recommendations pertained to only 28 assets. Citing independent appraisals, Aicher replied that “virtually all real estate that had been confiscated by the state was restituted in its entirety after the war” as well as 60 percent of the properties sold under duress.

In 2018, Templ faced a civil libel suit by Claire Fritsch, a legal adviser to the restitution authority who served as the main witness in his criminal court case. Fritsch claimed that she was libeled by his defense team’s attempts to undermine her testimony.¹³

See also Italy.

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2013, 2015–2017.

The authorities continued to fail to hold senior officials accountable for torture and other human rights violations committed during and since the 2011 protests.¹⁴

¹³ Jasmine Coleman, “[Holocaust Historians Condemn Austria Jailing of Jewish Writer](#),” *BBC News* (6 October 2015); “[Austrian Historian Writes about Holocaust Restitution – from Prison](#),” *Jerusalem Post* (24 January 2018).

¹⁴ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 87.

On 17 May 2017, the Baku Appeal Court ordered human rights activists and historians Leyla and Arif Yunus [see also *NCH Annual Reports 2015–2017*] to return from the Netherlands to participate in the subsequent court hearings in their case. On 12 June 2017, several human rights organizations launched an appeal to Interpol to prevent the dissemination of an alert against the Yunuses, which would violate the prohibition in Interpol’s constitution against the misuse of its systems for political purposes.¹⁵

¹⁵ [“Statement: Prevent Misuse of INTERPOL in the Case of Prominent Azerbaijani Human Rights Defenders”](#) (12 June 2017).

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012, 2015–2017.

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2017.

In February and March 2018, two mandatory courses were introduced in every department of all universities across the country: “Swadhin Bangladesher Obvyudyer Itihas” [History of the Emergence of Independent Bangladesh], by Muntasir Mamun and Soumitra Shekhar, and “Bangla Bhasa O Sahityo” [Bangla Language and Literature], by Rafiqul Islam and Soumitra Shekhar. The decision had been taken by the University Grants Commission (UGC) in a meeting in June 2016. On 25 February 2018, the UGC presented a copy of the history book to Prime Minister Sheikh Hasina. In the book’s introduction, Mamun lamented that the younger generations were not aware of the non-communal and secular character of the country anymore, adding: “This apathy has contributed to the rise of religious fundamentalism and militancy in the country. Without learning the history and origin of Bangladesh, the new generation will forget their roots.”¹⁶

See also Myanmar.

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011, 2014–2017.

Peaceful protests against a new tax on the unemployed took place in February and March 2017, including on 25 March, Freedom Day, the anniversary of the creation of the Belarusian People’s Republic in 1918, and continued the following day. Police arbitrarily detained at least 700 people in connection with the protests, including about 100 journalists and 60 human rights activists. At least 177 people were charged with fabricated offenses, such as hooliganism or participating in unsanctioned protests, and sentenced to fines or up to 25 days’ detention, following pro forma administrative court hearings. Also in March, authorities arrested 35 people on criminal charges of “organizing mass riots”

¹⁶ Rashid al Ruhani, “[UGC Introduces Two Mandatory Courses in All Universities](#),” *Dhaka Tribune* (27 February 2018).

for the Freedom Day protests. In June, authorities closed this rioting case due to lack of evidence, and released those who had been charged only with rioting.¹⁷

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012.

See Burundi, Liberia.

BELIZE

Previous *Annual Report* entries: 2014.

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2017.

Bolivia had prosecuted only a few of the officials responsible for human rights violations committed under authoritarian governments from 1964 to 1982, partly because the armed forces had at times refused to give information to judicial authorities about the fate of people killed or forcibly disappeared. In August 2017, the government established a Truth Commission to carry out non-judicial investigations of grave human rights abuses committed in 1964–1982. It was due to submit a report in 2019. The commander-in-chief of Bolivian armed forces, General Luis Orlando Ariñez, said that the military would fully cooperate. The armed forces created a working group composed of military officers to provide support for the commission, including by granting access to their archives. The commission could provide information for judges to convict those responsible.¹⁸

In early October 2017, at the eve of the 50th anniversary of the death of the Cuban revolutionary, Ernesto “Che” Guevara, a row broke out between the government and army veterans. As Bolivia was a political ally of Cuba, the left-wing government of President Evo Morales was planning a series of

¹⁷ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 72–73.

¹⁸ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 77; Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 31, 94.

commemorations but the army veterans who fought Guevara's forces said they would not take part in the official ceremonies and rather would pay homage to the 59 soldiers who had died in the battle against Guevara. In 1966, Guevara had left Cuba to establish guerrilla groups elsewhere in Latin America; he was shot dead in Bolivia on 9 October 1967.¹⁹

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2017.

The domestic prosecution of war crimes committed during the armed conflict of 1992–1995 remained slow, with a backlog of several hundred cases pending before various courts at the end of 2017. Despite recent progress, the prosecutions continued to suffer from lack of capacity and resources, ineffective case-management and persistent political obstruction. The goal to finish the most complex cases in the State Court War Crimes Chamber by the end of 2015 had not been reached. Between January and November 2017, the court delivered 37 verdicts, 20 of them appeals. Out of 37 verdicts, it reached 7 acquittals, 22 convictions, and 8 partial acquittals. The total number of final judgments since the court became fully operational in 2005 stood at 188. A revision of the 2008 National War Crimes Strategy to address key institutional deficiencies and to establish new deadlines for the completion of cases was under way at the end of 2017.

A report in June 2017 by the Organization for Security and Co-operation in Europe (OSCE) Mission to Bosnia and Herzegovina identified progress made by national courts in addressing conflict-related sexual violence stemming from the armed conflict. Between 2004 and 2016, 116 such cases were completed across all jurisdictions in the country. As of the end of 2016, 58 cases involving conflict-related sexual violence were ongoing in courts, and 128 cases remained under investigation. There was no progress in the adoption of the Law on Protection of Victims of Torture at the state level by the end of 2017. This law would guarantee a specific set of rights and entitlement for war victims on the whole territory of Bosnia and Herzegovina.

Criminal courts continued the recent practice of granting financial compensation to victims of wartime rape, bringing the number of final judgments awarding financial reparation for war crimes in criminal proceedings to four. However, the compensations had not been paid by the end of 2017. The convicted perpetrators lacked funds and there was no alternative mechanism to compensate survivors of criminal acts. Most victims continued to be required to pursue compensation claims in separate civil proceedings, where they had to reveal their identity and incur additional costs. The 2016 Constitutional

¹⁹ [“Bolivia’s Army in Dispute with Government over Che Guevara Homage,”](#) *BBC News* (3 October 2017).

Court ruling that the statute of limitations applied to reparation claims directed against the perpetrators and not the state – even in war crimes cases – resulted in widespread dismissal of claims in 2017.

Although over 75% of missing persons from the war had been exhumed and identified, there were still 8,000 people missing in connection with the conflict. The process of exhumations continued to encounter significant challenges, including reduced funding and limited expertise. The Law on Missing Persons remained unimplemented, with the Fund for Families of the Missing still awaiting dedicated resources.

Cross-appeals against the conviction and sentence filed in April 2016 by lawyers for Bosnian Serb wartime President Radovan Karadžić and prosecutors at the International Criminal Tribunal for the former Yugoslavia (ICTY), in relation to his March 2016 conviction for genocide, crimes against humanity and war crimes, were pending at the end of 2017. On 22 November 2017, the ICTY convicted former Commander of the Republika Srpska Army, Ratko Mladić, of genocide in Srebrenica, war crimes, and crimes against humanity in Bosnia, and sentenced him to life in prison. In August 2017, the Appeal Court acquitted ten people indicted for concealing Mladić, arrested in Serbia in 2011. The ICTY delivered its final judgment on 29 November 2017, bringing to a close its largely successful 23-year effort to hold perpetrators of war crimes to account.²⁰

BOTSWANA

Previous *Annual Report* entries: —.

On 17 July 2017, parliament passed a bill which incorporated the Rome Statute of the International Criminal Court into domestic law, including the offenses of genocide, crimes against humanity, and war crimes. This followed Botswana's ratification of the Rome Statute in 2000.²¹

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2017.

The perpetrators of human rights abuses during military rule from 1964 to 1985 continue to be shielded

²⁰ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 84–85; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 52, 96, 323.

²¹ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 98.

from justice by a 1979 amnesty law that the Supreme Court upheld in 2010, a decision that the Inter-American Court of Human Rights quickly ruled violated Brazil's obligations under international law. Since 2012, federal prosecutors had charged more than 40 former military officers and other agents of the dictatorship with killings, kidnappings, and other serious human rights abuses. Lower courts dismissed most of the cases, while the Supreme Court halted two, pending its re-examination of the validity of the amnesty law. In May 2017, the Inter-American Court of Human Rights held a hearing in the case of journalist Vladimir Herzog, who was tortured and killed by state agents in 1975. The court will have to address the 1979 amnesty law again when it decides the Herzog case.²²

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012, 2015–2017.

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005, 2013, 2015–2017.

Fourteen people awaited trial in connection with the 1987 murder of former President Thomas Sankara, three of whom remained in detention [see also *NCH Annual Reports 2001, 2016–2017*].²³

The trial of former President Blaise Compaoré and 32 former ministers before the High Court of Justice was repeatedly delayed; in June 2017 it was temporarily suspended by the Constitutional Council. Compaoré was charged with acts of wilful assault, complicity in assault, assassination, and complicity in assassination in relation to the October 2014 uprising. An international arrest warrant for him and his former Chief of Security, Hyacinthe Kafando, remained in place. In May 2017, an international arrest warrant was issued against Compaoré's brother, François Compaoré, in relation to the murder of investigative journalist Norbert Zongo in December 1998. François Compaoré was placed under court supervision in France, where he was living, pending a decision on his extradition to Burkina Faso.²⁴

²² Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 97.

²³ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 106.

²⁴ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 106.

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2015, 2017.

In 2007, photographer Teddy Mazina (1972–) returned from exile in Belgium where he had stayed since 1995 because of the civil war (1993–2005). Calling Burundi an “amnesiac country” and himself “an activist of memory,” he started taking pictures to document, with others, nearly 800 cases of forced disappearance, death, rape, or torture. In 2015, he fled Burundi again after the repression following the re-election of President Pierre Nkurunziza.

His work served as evidence for the International Criminal Court, which in November 2017 started an investigation into the crimes against humanity committed in Burundi between April 2015 and June 2017. At least 1200 persons were believed to have died in that period and “thousands” were imprisoned or disappeared.²⁵

On 4 September 2017, the report of the United Nations (UN) Commission of Inquiry on Burundi concluded that there were reasonable grounds to believe that crimes against humanity had been committed since April 2015. On 28 September 2017, the UN Human Rights Council adopted a resolution mandating a team of three experts “to collect and preserve information [...] in cooperation with the Government of Burundi,” and “to make recommendations for technical assistance and capacity building.” On 29 September, the Council also renewed the Commission of Inquiry’s mandate for another year. Burundi’s withdrawal from the International Criminal Court (ICC) came into effect on 27 October 2017. Two days earlier, the Pre-Trial Chamber authorized an investigation into the situation in Burundi between April 2015 and October 2017, a decision made public in November 2017. The African Union (AU) Peace and Security Council did not meet to discuss Burundi in 2017, despite the continued presence of AU human rights observers and military experts in the country at the Council’s request.²⁶

²⁵ Sébastien Hervieu, “[Photographie: Un ‘activiste de la mémoire’ contre le régime burundais](#),” *Courrier international* (15 January 2018).

²⁶ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 24, 109–110; Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 111.

CAMBODIA

Previous *Annual Report* entries: 1999–2017.

At the Extraordinary Chambers in the Courts of Cambodia (ECCC), the Co-Investigating Judges issued a joint closing order dismissing the case against Im Chaem in Case 004/1 in February 2017. She was found not to fall within the ECCC’s personal jurisdiction of being a senior leader or one of the most responsible officials during the Khmer Rouge regime (1975–1979). In June 2017, closing statements were made in a second trial of Nuon Chea and Khieu Samphan in Case 002. The case against them had been severed by the Trial Chamber of the ECCC in 2011, resulting in two trials on different charges. They faced charges of crimes against humanity, genocide and grave breaches of the Geneva Conventions.²⁷

CAMEROON

Previous *Annual Report* entries: 2010, 2012–2014, 2016.

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012–2017.

When on 21 September 2017, Prime Minister Justin Trudeau addressed the United Nations General Assembly, he talked about Canada's historic failings regarding indigenous people. He said that Canada’s legacy of colonialism and its lasting impact on First Nations Canadians was one of “humiliation, neglect and abuse.” There were about 1.4 million indigenous people in Canada. In November 2017, Trudeau also apologized to members of the LGBT community for actions the government took through the late 1980s against thousands of workers in the military and the Canadian public service. The government also announced in May 2017 that it would pardon and expunge records for any Canadians who were charged, and who still have on their records, criminal offenses that were no longer on the books.²⁸

See also Poland.

²⁷ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 112.

²⁸ “[Justin Trudeau: Canada Humiliated Indigenous People](#),” *BBC News* (21 September 2017); Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 122.

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012, 2014–2017.

In May 2017, the National Assembly presented a peace roadmap – which included a national committee of victims and excluded amnesties for war crimes – to the government. In June, the government and 13 of the 14 armed groups signed a peace agreement which included an immediate ceasefire, political representation for armed groups, and the creation of a Truth and Reconciliation Commission. It also incorporated the potential for pardons. In July 2017, the African Union (AU) produced the Roadmap for Peace and Reconciliation in the Central African Republic, which launched a joint mediation.

In May 2017, the United Nations (UN) released a mapping report documenting serious violations of human rights and humanitarian law committed in 2003–2017, finding that some may amount to war crimes or crimes against humanity. The report may aid the work of the Special Criminal Court and future justice mechanisms. In February 2017, President Faustin-Archange Touadéra appointed the court's chief prosecutor, Toussaint Muntazini Mukimapa, the former advisor to the military attorney general of the Democratic Republic of Congo, in a process perceived to be fair and transparent, with external partners observing all discussions. In April 2017, Minister of Justice Flavien Mbata announced the appointment of two international judges, followed by the appointment of five national judges in May. In June, the president appointed a deputy international prosecutor. The Netherlands, the United States, and the UN were the principal donors to the Special Criminal Court, but the court's five-year budget remained only partially covered. The Special Criminal Court also continued to require technical assistance. The Office of the Prosecutor at the International Criminal Court (ICC) continued investigations into alleged war crimes and crimes against humanity committed in the country. The ICC issued no arrest warrants in 2017. The United Nations Human Rights Council renewed the mandate of the independent expert and scheduled a discussion with the independent expert, the United Nations (UN), African Union (AU), government representatives, and civil society in March 2018 to focus on the impact of the peace and reconciliation process on the human rights situation.

Jean-Pierre Bemba Gombo, a former vice president of the Democratic Republic of Congo and leader of the Mouvement pour la Libération du Congo (Movement for the Liberation of the Congo), was sentenced to one year's prison and fined €300,000 euros (approximately US\$ 353,000) in March 2017 for bribing witnesses during an earlier war crimes trial at the ICC. ICC judges found Bemba and four associates guilty of witness tampering in October 2016. Bemba was found guilty of rape, murder, and pillage in March 2016 for crimes committed in the Central African Republic in 2002 and 2003.²⁹

²⁹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 125, 130; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 23, 118, 120.

CHAD

Previous *Annual Report* entries: 2000–2012, 2015–2016.

See Senegal.

CHILE

Previous *Annual Report* entries: 1998–2017.

Victims of human rights violations during Chile’s military regime (1973–1990) continued to demand truth, justice, and reparation. Although courts had heard hundreds of cases, most of those convicted did not serve prison sentences, and many victims continued to lack access to institutional mechanisms to demand reparation. Congress discussed a bill to make information gathered by former truth commissions available to prosecutors and parties to relevant judicial proceedings. In May 2017, the government filed a bill before Congress to establish a National Mechanism for the Prevention of Torture.³⁰

In June 2017, President Michelle Bachelet publicly apologized to the Mapuche people for all social injustices that their communities had historically endured and that were committed or tolerated by the state. In the context of the current Chilean constitutional-making process, indigenous people demanded the recognition of Chile as a multinational State, collective rights, access to political rights such as self-determination, special political representation, and territorial rights to land, ancestral waters, and natural resources. In 2014, applications of the Anti-Terrorism Law against Mapuche activists were found by the Inter-American Court of Human Rights – in *Norín Catrimán et al v. Chile* – to be in violation of the American Convention on Human Rights.³¹

In September 2017, the Michelle Bachelet administration submitted a bill to Congress that would lift the 50-year veil of secrecy over testimony given before the National Commission on Political Imprisonment and Torture, known as the Valech I Commission, from November 2003 to May 2004. The commission learned the places in which detention took place and the torture methods used by the

³⁰ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 124–125.

³¹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 136; Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 124.

dictatorship (1973–1990), and recognized 28,459 victims of political imprisonment and torture (in a second revision, an additional 9,795 new torture victims were recognized). The lifting of the secrecy order generated intense debate among those who believed that opening the testimony to judges investigating human rights crimes violated the victims' privacy and those who claimed that the secret contributed to impunity enjoyed by the guilty.³²

CHINA

Previous *Annual Report* entries: 1995–2017.

In [2017], civil law was amended to punish “those who infringe upon the name, likeness, reputation, or honor of a hero or martyr, harming the societal public interest.” The legislation introduced the term “historical nihilism.” Chinese President Xi Jinping perceived independent historians with critical ideas about the official history of the Communist Party and its heroes as producers of “historical nihilism.” In a 2013 speech, he had said that in recent years “hostile forces” at home and abroad had “attacked, vilified and defamed” China’s modern history with the aim of overthrowing the Chinese Communist Party. He believed that sloppiness on the historical front had contributed to the collapse of the Soviet Union in 1991.³³

In March 2017, a historical novel, *Ruanmai* (Soft Burial) (People’s Literature Publishing House, 2016), written by Fang Fang, came under attack from Maoists because in describing the excesses during the land reform in the 1950s, it appeared to sympathize with the landlords. Critics believed that the novel discredited land reform, a major feat of the Communist Party of China, and saw it as a form of historical nihilism. The novel told the story of a dying woman, by following her buried memories and her son’s investigation of his family’s past. The wife of a rich landlord’s son in eastern Sichuan Province in the late 1940s, she witnessed her husband's entire family committing suicide. Many of the landlords and their families were killed or tortured during the campaigns, even after their land was confiscated. The book was not banned.

In 1999, Sichuan writer Xiao Shu had published a book called *The Truth of Liu Wencai*, trying to evaluate this landlord through a more neutral perspective, but the book had been banned for challenging

³² Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 133.

³³ Orville Schell, “[China’s Cover-Up: When Communists Rewrite History](#),” *Foreign Affairs* (12 December 2017; January–February 2018 Issue); Kiki Zhao, “[Chinese Court Upholds Ruling Against Historian Who Questioned Tale of Wartime Heroes](#),” *New York Times* (15 August 2016); Carrie Gracie, “[The Thoughts of Chairman Xi](#),” *BBC News* (13 October 2017); “[Party History and What The People Can’t Be Told \[Update\]](#),” *China Digital Times* (3 January 2018); Louisa Lim, “A Date (Not) To Forget,” *Index on Censorship*, 47 no. 1 (Spring 2018), 9.

China's New Democratic Revolution.³⁴

The government also continued to imprison those trying to commemorate peacefully the 4 June 1989 Tiananmen massacre. At least eleven activists were detained in June 2017 for commemorating the massacre; most were accused of “picking quarrels and provoking trouble.” In March 2017, a Sichuan court sentenced artist Chen Yunfei to four years’ imprisonment on charges of “picking quarrels and provoking trouble” in connection with his activities commemorating the massacre. Chen had paid his respects at the grave of Wu Guofeng, a 20-year-old student who had been shot and bayoneted to death by troops in Beijing on 4 June 1989. Four men who printed labels of Tank Man (the young white-shirted man facing down a column of tanks on the Avenue of Everlasting Peace on 4 June 1989) for liquor bottles faced long sentences for “inciting subversion of state power.” Li Xiaoling and Shi Tingfu remained in detention, and Ding Yajun was sentenced to three years’ imprisonment in September 2017.³⁵

At least ten activists were detained for holding memorials for Nobel Peace Prize laureate Liu Xiaobo who died in custody from liver cancer in July 2017 [see also *NCH Annual Reports 2010–2011, 2017*].³⁶

In the 20 years since Hong Kong came under Chinese rule, the office of the chief executive failed to hand over any official records at all for eight years and the Security Bureau for ten years. The fact that Hong Kong never had a freedom of information law or archives law was widely criticized. In 1994 and 1995, under British rule, the Government House gave nothing to the archives. Activists were anxious that records of sensitive information, such as government decisions during the 2014 pro-democracy street protests, could be destroyed with impunity. In February 2018, Hong Kong democracy activists again demanded that the United Kingdom release tens of thousands of files from Hong Kong. They believed that the files could help defend Hong Kong’s autonomy as Beijing tightened control. Release of the papers, however, was not prioritized. Hong Kong-related records from the Foreign and Commonwealth Office (FCO) in London dating up to 1989 were available at the National Archives, although large numbers were still closed. In addition, more than a quarter of a million files from the British administration were held as part of a controversial hoard of former colonial documents secretly

³⁴ Louisa Lim, “[Rewriting History in the People’s Republic of Amnesia and Beyond](#),” *The Conversation* (28 May 2018); Zhang Yu, “[Novel Exploring Excesses of 1950s Land Reform Draws Criticism from Maoists](#),” *Global Times* (22 March 2017).

³⁵ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 140; Louisa Lim, “A Date (Not) To Forget,” *Index on Censorship*, 47 no. 1 (Spring 2018), 9; Louisa Lim, “[Rewriting History in the People’s Republic of Amnesia and Beyond](#),” *The Conversation* (28 May 2018); Kevin Lui, “[Tens of Thousands in Hong Kong Commemorate the 1989 Tiananmen Massacre](#),” *Time* (4 June 2017); Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 37, 127.

³⁶ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 126.

held at a high-security FCO site, Hanslope Park.³⁷

In [July] 2017, Tsinghua University (Qinghua University) in Beijing canceled a history class about the Cultural Revolution which was to be taught in the fall by Tang Shaojie, a professor in the philosophy department. When it first appeared in 1995, the course was entitled “The History of the Cultural Revolution,” but when Tang asked to teach it in 2006, his application was ignored. He could only teach it after changing its name to “Chinese Cultural History of 1966–1976.”³⁸

In August 2017, Shi Jiepeng, a professor of classical Chinese at Beijing Normal University, was sacked for “improper comments”; Shi had called Mao Zedong (1893–1976) a “devil.”³⁹

On 18 August 2017, Cambridge University Press (CUP) confirmed that it had complied with a Chinese instruction (from an import agency) to block online access from China to 315 articles and book reviews from the *China Quarterly* (without the editorial board’s consent) in order “to ensure that other academic and educational materials ... remain available to researchers and educators in this market.” The list of articles to be blocked was sent by the General Administration of Press and Publications in China to CUP. CUP published the list. It showed that the blocked titles focused overwhelmingly on taboo topics such as the 1989 Tiananmen Massacre, the Cultural Revolution (1966–1976), Taiwan, Hong Kong’s fight for democracy, and ethnic tensions in Xinjiang and Tibet. They ranged from material published in the 1960s to materials recently published. Critics called CUP an “active participant in rewriting history.” Louisa Lim, author of a book on Tiananmen, *The People’s Republic of Amnesia*, said that a search for Tiananmen on the *China Quarterly* got 50 results overseas, but only five within China. In 2016, China had signed up to the International Publishers Association, which had as one of its guiding principles the freedom to publish. On 21 August 2017, after a wave of protests, CUP abruptly reversed its decision to censor online content and reposted the blocked articles. It made them available free of charge.

The CUP climb-down came as the *Journal of Asian Studies*, also published by CUP, received a similar instruction from China’s General Administration of Press and Publications concerning some 100 articles. On 21 August 2017, CUP said: “At present no *Journal of Asian Studies* articles have been removed from CUP website search results in China.”⁴⁰

³⁷ Venus Wu, “[Hong Kong’s Vanishing Archives and the Battle to Preserve History](#),” *Reuters* (6 September 2017); Tania Branigan, “[Hong Kong Democracy Activists Urge UK to Release Unseen Files](#),” *Guardian* (4 February 2018).

³⁸ Caroline Roy, “[Tsinghua University Cancels Professor’s Cultural Revolution History Class](#),” *Shanghaiist* (14 July 2017).

³⁹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 143.

⁴⁰ “Cambridge University Press Accused of ‘Selling Its Soul’ over Chinese Censorship,” *Guardian* (19 August 2017); “[Cambridge University Press Statement Regarding Content in China Quarterly](#)” (18 August 2017); “[List of Censored Titles](#)” (18 August 2017); Yojana Sharma, “[China Pressures Respected Journal to Censor Articles](#),” *University World News* (18 August 2017); “[Cambridge University Press Reverses China Censorship](#)”

On 3 January 2018, the *China Digital Times* posted presumably leaked internal minutes from a discussion held at the Central Party School in 2010. It did so under the title “[Party History and What The People Can’t be Told \[Update\]](#).” In this discussion, the panelists interpreted a speech delivered by Xi Jinping to the Central Party School in 2010 (prior to his ascendancy to President and General Secretary), in which he explained the limits to be placed on the officially-sanctioned public understanding of Party history.⁴¹

On 25 February 2018, as the Chinese Communist Party proposed removing a constitutional clause in order to extend Xi Jinping’s presidency, words such as “proclaiming oneself an emperor” were suddenly censored. In particular, allusions to Yuan Shikai (1859–1916), who in December 1915 – March 1916 tried to restore the monarchy, were perceived as cryptic references to Xi. Other censored terms were: *The Emperor’s Dream* (title of a 1947 animated puppet film) and *Hundred Days’ Reform* (a failed Qing Dynasty reform by the Guangxu Emperor, quashed by a coup carried out by supporters of the Empress Dowager Cixi).⁴²

On 27 April 2018, the “Heroes and Martyrs’ Protection Law” was passed, which prohibited the misrepresentation, defamation, profanation, or denial of the actions of heroes and martyrs, or to praise or beautify invasions. Those found in violation would be investigated for criminal responsibility and punished. The law banned criticism or questioning of the 1949 formation of the People’s Republic by Communist revolutionaries, and prohibited acts that glorified historical events considered unpatriotic, such as Japan’s invasion of China (1931–1945). The law stemmed from the Five Heroes of Langya Mountain case (2013–2016) [see *NCH Annual Report 2017*].⁴³

In April 2018, a row erupted about the review of history textbooks by a government-appointed panel in Hong Kong. The panelist deemed inappropriate phrases like “China taking back Hong Kong,” “China insisted on taking back Hong Kong’s sovereignty,” “the transfer of sovereignty,” “one-party

[Move](#),” *BBC News* (21 August 2017); Chris Buckley, “[After Criticism, Publisher Reverses Decision to Bow to China’s Censors](#),” *New York Times* (21 August 2017); Ben Bland, “[Curtailing Academic Freedom Is China’s Latest Export to the World](#),” *Financial Times* (22 August 2017); Christopher Balding, “[China Looks at Western Universities and Smells Weakness](#),” *Foreign Policy* (24 August 2017); Yojana Sharma, “[CUP Reverses China Censorship after Academic Uproar](#),” *University World News* (22 August 2017); Bruce Macfarlane, “[Universities Must Stand Up to Chinese Censorship](#),” *University World News* (25 August 2017); “[Petition Cambridge University Press Not to Censor China Articles](#)”; Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 143.

⁴¹ “[Party History and What The People Can’t be Told \[Update\]](#),” *China Digital Times* (3 January 2018); Amber Ziyue Wang, “[Universities Told to Further Embed Chinese Culture](#),” *University World News* (5 June 2018).

⁴² Kerry Allen, “[China Censorship after Xi Jinping Presidency Extension Proposal](#),” *BBC News* (26 February 2018); Oiwan Lam, “[China: Riddles and Funny Memes Outwit Online Censors](#),” *Global Voices Advox* (13 March 2018).

⁴³ “[China Criminalizes Defamation of Revolutionary Heroes](#),” *Deutsche Welle* (27 April 2018); Louisa Lim, “[Rewriting History in the People’s Republic of Amnesia and Beyond](#),” *The Conversation* (28 May 2018).

dictatorship,” and “the city [Hong Kong] is located south of China.” At the same time, a new curriculum framework for teaching Chinese history at Hong Kong junior secondary school levels was announced on 24 April 2018 – with no separate sections on Hong Kong’s past and no mention of the 4 June 1989 Tiananmen Massacre or the 1967 anti-colonial riots. The framework would be implemented progressively in Form One, starting from September 2020.⁴⁴

See also Singapore, Zimbabwe.

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2017.

The government and the Revolutionary Armed Forces of Colombia (FARC) reached an agreement in 2016 to end their 52-year armed conflict (1964–2016). The Unit for the Victims’ Assistance and Reparation, created in 2011 by Law 1148, recorded a total 8,532,636 victims for the duration of the armed conflict. This included 363,374 victims of threats, 22,915 victims of sexual offenses, 167,809 victims of enforced disappearance, 7,265,072 victims of forced displacement, and 11,140 victims of anti-personnel mines.

Between 28 January and 18 February 2017, 6,803 FARC guerrillas moved into 26 demobilization zones with the support of the United Nations (UN) Monitoring and Verification Mission in Colombia established by UN Security Council resolution 2261 of 2016. In accordance with the Peace Agreement (see below), the UN Security Council adopted resolution 2377 (2017) approving a second verification mission on the political, economic, and social reintegration of FARC members, which commenced on 26 September 2017.

However, civilians continue to suffer serious abuses by the National Liberation Army (ELN) guerrillas and paramilitary successor groups that emerged after a demobilization process a decade ago. Violence associated with the conflict had forcibly displaced more than seven million Colombians since 1985, generating the world’s largest population of internally displaced persons. Human rights defenders, trade unionists, journalists, indigenous and Afro-Colombian leaders, and other community activists faced death threats and violence, mostly from guerrillas and successor groups. Perpetrators of these abuses were rarely held accountable.

⁴⁴ “[Changes to History Textbooks Offer Lessons that Must Be Learned](#),” *South China Morning Post* (29 April 2018); Peace Chiu, “[No Separate Sections on Hong Kong for New History Curriculum, Education Authority Says](#),” *South China Morning Post* (25 April 2018); Kimmy Chung, “[‘No Political Considerations’ behind Chinese History Curriculum Change, Hong Kong Education Chief Says](#),” *South China Morning Post* (26 May 2018).

In February 2017, the government and the ELN started peace talks in Quito, Ecuador, after more than two years of exploratory negotiations. In September 2017, days before Pope Francis's visit to Colombia, the parties agreed to hold a bilateral ceasefire between October 2017 and January 2018. The ELN also agreed to stop certain abuses, including recruiting children under 15 and using antipersonnel landmines. Also in September, "Otoniel," leader of the Gaitanista Self-Defenses of Colombia (AGC), the country's largest paramilitary successor group, said that he was willing to negotiate ending the groups' crimes. The reported negotiations remained confidential at the end of 2017.⁴⁵

Between 2003 and 2006, right-wing paramilitary organizations with close ties to security forces and politicians had undergone a deeply flawed government demobilization process in which many members remained active and reorganized into new groups. These successor groups continued to commit such widespread abuses as killings, disappearances, and rape. At times they benefited from the tolerance and even collusion of state agents. Implementation of the 2005 Justice and Peace Law, which offered dramatically reduced sentences to demobilized paramilitary members who confessed their crimes, had been slow, despite significant progress since 2014. As of July 2016, 182 of the more than 30,000 paramilitary troops who officially demobilized had been sentenced under the law. The convictions covered a small portion of the more than 4,000 defendants seeking the law's benefits. "Parapolitics" investigations and prosecutions of members of Congress accused of conspiring with paramilitaries continued in 2017. From 2006 through August 2015, 63 legislators had been convicted of crimes related to "parapolitics."⁴⁶

Point 5 of the 2016 Peace Agreement created the "Truth, Justice, Reparation and Nonrepetition System," which included the Special Jurisdiction for Peace and judicial mechanisms such as a unit for investigating and dismantling the criminal organizations that succeeded paramilitarism. Point 5 also defined the position regarding reparations for the victims of the armed conflict (1964–2016). In this context, victims of the armed conflict demanded guarantees of access to justice, as well as guarantees of the right to truth and reparation and, especially, of non-repetition of abuses such as forced displacement and sexual violence for Indigenous, Afro-descendant, and peasant farmer communities at risk. These demands had yet to be met, and the agreement's long-term viability was threatened due to the perpetrators of crimes under international law, including war crimes, crimes against humanity, and human rights abuses not being brought to justice. On 27 November 2017, Congress approved the Special Jurisdiction for Peace.

⁴⁵ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 152; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 131; "[Colombia Registers 82,998 Disappearances in 59 Years](#)," *Telesur* (28 February 2018).

⁴⁶ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 153–154; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 131–132.

Individuals responsible for crimes against humanity and serious war crimes who fully cooperated with the new jurisdiction and confessed their crimes would be subjected to up to eight years of “effective restrictions on freedoms and rights,” but no prison time. In December 2016, Congress passed an amnesty law, with the stated purpose of excluding human rights violations from amnesty. The law, however, had language that could allow people responsible for atrocities to benefit from amnesties. As of September 2017, the Constitutional Court was reviewing the law’s constitutionality.⁴⁷

On 9 November 2017, senator and former President Álvaro Uribe Vélez tweeted that the works of Mauricio Archila Neira, a historian at the Universidad Nacional de Colombia and member of Centro de Investigación y Educación Popular (CINEP; Center for Research and Popular Education) were libelous and promoted terrorism. Archila Neira recently became a member of the Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición (Commission for the Elucidation of Truth, Coexistence, and Non-Repetition), established as part of the peace process between the government and FARC. Uribe Vélez’s remarks were widely condemned by historians in and outside the country. Archila Neira published about 20th-century Colombian social and oral history.⁴⁸

In December 2017, a new law re-established the compulsory teaching of Colombian history in primary and secondary schools. It reversed a 1994 law which had taken history classes off school curricula, making them part of a wider social sciences module together with geography, anthropology, and politics. Viviane Morales, a former senator running for president, had proposed the law, saying “The absence of this subject in the curricula of Colombian schools has led to a sort of amnesia or historic and cultural illiteracy.” A commission of the Ministry of Education would launch a new history curriculum before June 2020.⁴⁹

⁴⁷ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 155–156; Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 131–133.

⁴⁸ Álvaro Uribe Vélez, tweet (@AlvaroUribeVel) (9 November 2017); César Augusto Duque Sánchez, personal communication (9 November 2017); Carta de apoyo de historiadores colombianos a Mauricio Archila, “A la opinión pública” (Bogotá, 11 November 2017); Declaración del Grupo de Trabajo CLACSO “Izquierdas latinoamericanas,” “Apoyo a Mauricio Archila Neira ante los ataques recibidos de parte de los enemigos de la paz” (November 2017); CINEP, “[¿Quién le teme a la verdad? Comunicado sobre los ataques calumniosos al profesor Mauricio Archila Neira y al Cinep/PPP](http://www.cinep.org.co/Home2/component/k2/item/512-quien-le-te-me-a-la-verdad.html)” (<http://www.cinep.org.co/Home2/component/k2/item/512-quien-le-te-me-a-la-verdad.html>); 15 November 2017).

⁴⁹ Irene Caselli, “Colombia’s New History Test,” *Index on Censorship*, 47 no. 1 (Spring 2018), 61.

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2017.

In 2017, Sylvestre Mudacumura, military commander of the Forces démocratiques de libération du Rwanda (FDLR; Democratic Forces for the Liberation of Rwanda) armed group, remained at large. The International Criminal Court (ICC) issued an arrest warrant against him in 2012 for attacks on civilians, murder, mutilation, cruel treatment, rape, torture, destruction of property, pillage, and outrages against personal dignity, allegedly committed in 2009 and 2010 in eastern Congo. The trial continued at the ICC for Bosco Ntaganda, who was accused of 13 counts of war crimes and five counts of crimes against humanity allegedly committed in northeastern Congo's Ituri province in 2002 and 2003.⁵⁰

See also Central African Republic.

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012.

COSTA RICA

Previous *Annual Report* entries: 2010.

CÔTE D'IVOIRE

See Ivory Coast.

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2013, 2015–2017.

⁵⁰ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 176.

Of the over 6,000 people who went missing during the 1991–1995 war, the fate and whereabouts of more than 1,500 remained unclarified. The International Commission on Missing Persons reported that Croatia failed to make significant steps toward fulfilling the rights to truth, justice, and reparation for victims, including by failing to account for over 900 unidentified mortal remains in its mortuaries.⁵¹

In 2018, there were no formal commemorations of the centenary of the Kingdom of Yugoslavia, founded in 1918.⁵²

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012, 2015–2016.

In 2016, artist Luis Manuel Otero Alcántara and Yanelys Nuñez Leyva, art curator and staff writer at *Revolución y Cultura* (a magazine published by the Ministry of Culture), launched the Cuban Museum of Dissidence, a website listing all those who stood up against the government during Cuba’s history (Hatuey, José Martí, Fidel Castro, Oswaldo Payá, etc.). Otero Alcántara was detained twice in 2017 and followed and threatened on several occasions; Nuñez Leyva was dismissed. The museum website was blocked in Cuba. The duo relied on Facebook and other social networks to post information related to the project.⁵³

See also Bolivia.

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011, 2013, 2015–2017.

In 2017, the Committee of Missing Persons in Cyprus exhumed the remains of 46 people, bringing the total number of exhumations since 2006 to 1,217. Between 2007 and 31 December 2017, the remains of 855 missing individuals (645 Greek Cypriots and 210 Turkish Cypriots) were identified.⁵⁴

⁵¹ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 138.

⁵² Luka Ostojić, “Another Country,” *Index on Censorship*, 47 no. 1 (Spring 2018), 15.

⁵³ Irene Caselli, “Tracing a Not Too Dissident Past,” *Index on Censorship* (2018 no. 1), 28–30.

⁵⁴ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 142.

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010, 2013–2017.

In May 2017, the Council of Europe Commissioner for Human Rights urged the Czech authorities to remove a pig farm from the site of a former Nazi concentration camp, where most of the victims were Roma, in the village of Lety u Písku. While appreciating the government's efforts to buy the land, the commissioner was concerned over the length of the process, and the government's repeated failure to remove the pig farm and create a memorial as a measure of reparation for the Roma who suffered and died there during World War II. In November 2017, the government signed a contract to buy off the land from the owner of the pig farm and made a commitment to build a memorial on the site.⁵⁵

⁵⁵ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 144.

DENMARK

Previous *Annual Report* entries: 2006–2007, 2013, 2016–2017.

On 29 January 2018, the former unofficial collaborator of the East German Stasi intelligence service Jan Aage Jeppesen appeared at Copenhagen City court in a defamation case against historian Bent Jensen and publisher Gyldendal over two statements made in the 2014 book *Ulve, får og vogtere, I* (Wolves, Sheep and Guards I). While admitting to having been a Stasi collaborator (he was paid, inter alia for infiltrating the Ost-West Transfer group, which helped smuggle East German citizens to the West, gave the Stasi a description of Danish security service PET's offices, and took photographs of Polish activists in Copenhagen), Jepessen disputed accusations made in the book that he “caused several East German citizens to end up in East German prisons,” and “spied against Denmark,” for which, he said, there was no evidence. He did not seek legal penalties against Jensen or Gyldendal. The State Prosecution Service had shelved a criminal case against Jeppesen in 2002, stating that it was unlikely he would be convicted and that the case was too old. A verdict was scheduled for 5 March 2018.⁵⁶

DJIBOUTI

Previous *Annual Report* entries: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: 2013.

⁵⁶ [“Danish Former Stasi Collaborator Sues Historian for Libel,”](#) *The Local* (30 January 2018).

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2017.

A Truth Commission set up by the Rafael Correa administration to investigate government abuses from 1984 to 2008 (from the beginning of the repressive presidency of León Febres Cordero until Correa took office) documented 136 cases of gross human rights violations involving 456 victims, including 68 extrajudicial executions and 17 disappearances. A special prosecutorial unit created in 2010 to investigate the cases had initiated judicial procedures in fewer than ten of them, and progress on those had been slow. The United Nations Committee on Enforced Disappearances noted in March 2017 that no criminal responsibility had been established for 17 cases of enforced disappearances identified by the Truth Commission, and that the whereabouts of 12 of those victims remained undisclosed. In February 2017, the Inter-American Court of Human Rights ruled that Ecuador was responsible for an enforced disappearance in 1995 and for failing to conduct a diligent investigation into the case. Despite the fact that the official Truth Commission report had concluded that the victim had been forcibly disappeared, Ecuador denied before the court that state agents were responsible.⁵⁷

See also Colombia.

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2017.

Despite an explicit constitutional provision recognizing the Nubian Indigenous People's right to return to their traditional lands, the government continued to deny displaced Nubians the right to access their traditional lands, posing a threat to the preservation of their cultural, historical, and linguistic identity. On 3 September 2017, Nubian activists held a protest calling on the authorities to repeal a 2014 presidential decree that classified 16 villages on traditional Nubian lands as military zones and prohibited residents from living there. The police arrested 25 activists and detained them for three months.⁵⁸

⁵⁷ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 182, 183; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 151.

⁵⁸ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 156.

The eight-grade textbook “Our Arab homeland ... geographic trends and Islamic culture,” published by an independent publisher, showed the Israeli flag instead of the Palestinian one on a map of the Middle East, which caused the Education Ministry in September 2017 to order the removal of the controversial page from the book and bar it from further distribution. The head of the general education department said steps would be taken against the publisher if an investigation found that the textbook did not receive a license from the Education Ministry.⁵⁹

In January 2018, the independent media group Mosireen launched an Internet “resistance archive” (<https://www.youtube.com/user/Mosireen>) named “858” for the number of hours of footage that were shot during the 2011 Revolution (25 January–11 February 2011) and collected by the group. At the time, Mosireen had hoped to use the crowd-sourced videos as evidence against President Hosni Mubarak’s security forces in court, but those trials never came to pass (Courts cleared Mubarak and some of his top aides of any responsibility). In addition, after the 2013 coup, prosecutors used Mosireen’s videos against protesters in court. Members of Mosireen described the act of assembling their video archive as a defense of the revolution’s memory against a regime that wanted to erase history but they also saw the need to balance the publication of the videos with the security of people featuring in them (their risk to be prosecuted). In early 2018, the government also struck all reference to the 2011 and 2013 uprisings from school textbooks.⁶⁰

In [May] 2018, Ahmed Rashwan, a history lecturer at the Teachers’ School of state-run Damanhour University, was suspended. In his book *Studies in Modern Arab History*, Rashwan reportedly accused the government of President Hosni Mubarak (toppled in 2011) of promoting “religious mania” and political Islamism at the hands of theologians, including influential clerics Metwaly el-Sharawy (?–1998), former minister of religious affairs, and Amr Khaled, a television preacher. The university president ordered an internal investigation into Rashwan’s writings to find out whether he had defamed prominent Muslim clerics. The news of the possible defamation triggered online condemnations and angered Egyptian lawmakers, including Omar Hamrush, who headed the parliament’s religious committee. Rashwan denied the allegations.⁶¹

See also Israel.

⁵⁹ Roi Kais, “[Textbook Featuring Israeli Flag Raises Ire in Egypt](#),” *Ynetnews.com* (13 September 2017).

⁶⁰ Amir-Hussein Radjy, “[How to Save the Memories of the Egyptian Revolution](#),” *The Atlantic* (25 January 2018).

⁶¹ Ashraf Khaled, “[Lecturer Probed over Alleged Defamation of Top Clerics](#),” *University World News* (3 May 2018).

EL SALVADOR

Previous *Annual Report* entries: 2001–2017.

Measures were adopted nationally and internationally to redress crimes under international law and punish perpetrators of human rights violations committed during the armed conflict (1980–1992). In May 2017, a court ordered the reopening of the case of Óscar Arnulfo Romero y Galdámez, Archbishop of San Salvador, who was murdered in 1980 by a death squad while celebrating mass. Following a judgment by the Supreme Court in 2016 in which the 1993 Amnesty Law was ruled to be unconstitutional, the Court held a hearing in July to 2017 determine what steps the government had taken to comply with the ruling. In that hearing, both the executive and legislative branches of government admitted to being in contempt of the ruling. In September 2017, the government created a commission to search for people who had been subjected to enforced disappearance during the armed conflict. In November 2017, the United States Supreme Court cleared the way for Colonel Inocente Orlando Montano Morales to be tried in Spain on charges that he conspired in the killing of six Jesuit priests, their housekeeper and her daughter in El Salvador in 1989.⁶²

EQUATORIAL GUINEA

Previous *Annual Report* entries: —.

ERITREA

Previous *Annual Report* entries: 2008, 2016.

The right of people to leave Eritrea was severely restricted. The authorities continued to prohibit those aged between five and 50 from travelling abroad, and anyone attempting to leave was subject to arbitrary detention. If caught by the military, they were detained without charge until they paid exorbitant fines. People caught during national holidays to commemorate independence were subject to higher fines.⁶³

⁶² Amnesty International, *Report 2017/18: The State of the World's –Human Rights* (London: AI, 2018), 157–158.

⁶³ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 160.

ESTONIA

Previous *Annual Report* entries: 2007, 2010, 2015, 2017.

ETHIOPIA

Previous *Annual Report* entries: 1998–2011, 2015–2017.

On 3 September 2017, police broke up the launch party for “Ethiopia,” the fifth album of popular singer Teddy Afro (1976–) (born Tewodros Kassahun). Despite the fact that “Ethiopia” briefly hit no. 1 on Billboard’s world music chart and could be purchased or heard on virtually every street corner in the capital, Addis Ababa, after its May 2017 release, his songs were nowhere to be found on state radio and television. Teddy Afro’s music glorified Amhari rulers such as Emperors Menelik II (1844–1913) and Haile Selassie (1892–1975), in opposition to the nationalism of the ruling Ethiopian People’s Revolutionary Democratic Front, a formerly Marxist guerrilla movement that has ruled the country since 1991 (until 26 April 2018) and which was dominated by a political party from the Tigrayan people. The government promoted Ethiopia’s ethnic diversity and used “unity through diversity” as its slogan. The song – and its criticism of rising ethnic division in Ethiopia – reportedly challenged this official vision.

In 2005, a first confrontation with the government took place when Teddy Afro’s album “Yasteseryal” came out days before an election that descended into violence after the opposition denounced it as rigged. The album was a homage to Haile Selassie, and its lead single “Jah Yasteseryal,” questioning whether the government was improving the country, became a protest anthem. Another album, “Tikur Sew” (2012), was an homage to Menelik II. Among Ethiopia’s largest ethnic group, the Oromos, however, this album was seen as an affront because it glorified an emperor who brutally absorbed Oromo territory into Ethiopia’s borders.⁶⁴

⁶⁴ Paul Schemm, “[The World Loves Ethiopian Pop Star Teddy Afro—His Own Government Doesn’t](#),” *Washington Post* (17 September 2017); “[Teddy Afro](#),” *Wikipedia* (12 January 2018); AFP, “[Ethiopian Pop Star Teddy Afro Delights Fans](#),” *Enca.com* (28 December 2017).

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012, 2017.

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2014, 2016–2017.

On 15 September 2017, the Constitutional Council ruled that restrictions until 2021 on access to the archives of former President François Mitterand (1916–1996) concerning Rwanda were “justified on the grounds of common interest and are proportional,” citing a law protecting presidential archives for 25 years after the death of a head of state. Genocide researcher François Graner had sought permission to study them after an announcement by the French presidency in April 2015 that its archives on Rwanda for 1990–1995 would be declassified. Graner wrote a book accusing French officers of helping the Hutu militias during the 1994 genocide; France denied any such complicity. Graner called the ruling political. On 14 December 2017, he and Thomas Borrel, member of the association “Survie” submitted a complaint to the European Court of Human Rights.⁶⁵

See also Burkina Faso, Netherlands, Poland, Serbia/Kosovo.

⁶⁵ “[Rwanda Genocide: France Keeps 1990s Archives Secret](#),” *BBC News* (15 September 2017); “[Un chercheur réclame l’ouverture du ‘verrou’ des archives de l’Élysée sur le génocide rwandais](#),” *VOA* (13 December 2017); Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 457.

GABON

Previous *Annual Report* entries: 2016.

The International Criminal Court (ICC) continued its preliminary examination into whether alleged crimes committed after May 2016, including in the context of the 2016 presidential elections, could amount to crimes under the Rome Statute, and whether the criteria for opening an investigation were met. In June 2017, ICC representatives conducted a two-day visit.⁶⁶

GAMBIA

Previous *Annual Report* entries: 2016–2017.

The human rights climate in Gambia improved dramatically as the new president, Adama Barrow, and his government took steps to reverse former President Yahya Jammeh's legacy of authoritarian and abusive rule. After winning the December 2016 election and taking office in January 2017, Barrow moved quickly to distinguish his government from Jammeh's, whose security forces used arbitrary arrests, torture, and extrajudicial killings to suppress dissent and independent media during his 21 years in power (1996–2017). The new government promised to make Gambia the "human rights capital of Africa," released scores of political prisoners, and began to strengthen the judiciary and reform the security services. It also reversed Jammeh's planned withdrawal from the International Criminal Court (ICC).

In October 2017, the Ministry of Justice drafted legislation establishing a Truth, Reconciliation and Reparation Commission (TRRC) to document violations committed from 1994 to January 2017 and oversee reparations to victims. On 13 December 2017, the TRRC bill was passed by the National Assembly, following consultation on the bill with national and international actors. The Ministry of the Interior had created a specialized police unit, the Panel on Missing Persons, in February 2017 to investigate enforced disappearances during the Jammeh era. It was expected to submit a list of missing people to be investigated by the TRRC. The bodies of four people suspected of being forcibly disappeared during the Jammeh era were exhumed in March 2017, including opposition activist Solo Sandeng (murdered in April 2016). Ousmane Sonko, minister of the interior from 2006 until he fled the country in September 2016, was being investigated in Switzerland for alleged crimes against humanity committed during the Jammeh era.

⁶⁶ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 169.

In addition, the government had frozen assets suspected of belonging to Jammeh and established a commission of inquiry to investigate Jammeh's alleged abuses of public finances. The commission began hearing evidence in public sessions in August 2017.

Nevertheless, human rights groups were concerned that the government had not taken steps to preserve documentary and physical evidence of security force abuses. In October 2017, Gambian victims, civil society organizations, and international human rights groups formed a coalition to campaign to bring Jammeh and his accomplices to justice.⁶⁷

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012, 2014, 2016.

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2013, 2015–2017.

See Australia, Denmark, Netherlands, Poland, Tajikistan, Turkey, Ukraine.

GHANA

Previous *Annual Report* entries: 2002, 2004–2008, 2017.

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011, 2013–2017.

On 19 May 2018, the mayor of Thessaloniki, Yiannis Boutaris ([1943–]), was treated in hospital after being beaten up by a group of nationalists angry over his appearance at a remembrance event, a ceremony to mark the killing of ethnic Greeks by Turks in World War I, marking what is known in

⁶⁷ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 235, 237, 240; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 170–171.

Greece as the “Pontic Genocide” (1913–1922).⁶⁸

See also Macedonia.

GRENADA

Previous *Annual Report* entries: 2007.

GUATEMALA

Previous *Annual Report* entries: 1995–2017.

In April 2017, former dictator Efraín Ríos Montt (1926–2018) was ordered to stand trial for his role in the 1982 Dos Erres massacre, in which army Special Forces killed around 200 civilians. In 2011 and 2012, five former members of the military had been convicted for their roles in the massacre. At the end of 2017, no trial date for Ríos Montt had been set. In May 2013, Ríos Montt had been found guilty of genocide and crimes against humanity for the assassination of over 1,771 Mayan Ixil civilians in 105 massacres, when he was head of state in 1982 and 1983. He had been sentenced to 80 years in prison, but ten days later the Constitutional Court had overturned the verdict on procedural grounds. The retrial began in March 2016 but was suspended two months later. In May 2017, the Constitutional Court ruled that because Ríos Montt was mentally unfit for a public trial, proceedings against him would take place behind closed doors, but those against his co-defendant, José Mauricio Rodríguez Sánchez – the former intelligence director – would be public. The trial date for each defendant had yet to be scheduled at the end of 2017.

Mass protests took place in August and September 2017 and Guatemala faced a political crisis when several members of the government resigned in September, in reaction to President Jimmy Morales’s attempt to expel the head of the International Commission against Impunity in Guatemala (an independent body established by the United Nations and the Guatemalan government in 2006 to strengthen the rule of law post-conflict).⁶⁹

⁶⁸ [“Thessaloniki Mayor Yiannis Boutaris Beaten Up,”](#) *BBC News* (20 May 2018).

⁶⁹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 248–249; Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 30, 31, 180.

GUINEA

Previous *Annual Report* entries: 2007, 2009–2017.

There was progress in the trial proceedings relating to the killing of over 150 peaceful demonstrators and the rape of at least 100 women in the Conakry Stadium in 2009. In March 2017, Aboubacar Sidiki Diakité was extradited to Guinea from Senegal after being at large for several years, and faced charges in connection with the Stadium event. He was the former aide to Moussa Dadis Camara (leader of the military junta in 2009). Several people charged in connection with the killings and rapes retained influential positions, including Mathurin Bangoura, Moussa Tiégboro Camara, and Claude Pivi who were senior officials in the military junta at the time. In November 2017, the investigating judges announced that the judicial investigation had been completed; however, none of the suspected perpetrators had been brought to trial by the end of 2017. In September 2017, a group of victims filed a lawsuit against Sékouba Konaté, who served as Minister of Defense in 2009, as well as transitional President between 2009 and 2010.⁷⁰

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012, 2015.

GUYANA

Previous *Annual Report* entries: 1997.

⁷⁰ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 183.

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2013–2017.

The United Nations Human Rights Committee called on Haiti to continue investigations into financial and human rights crimes allegedly committed during the tenure of former President Jean-Claude Duvalier (1951–2014) from 1971 to 1986. It called on Haiti to bring to justice all those responsible for serious human rights violations committed during that time. Allegations of violations included arbitrary detentions, torture, disappearances, summary executions, and forced exile. Duvalier died in 2014, six months after the Port-of-Prince Court of Appeal ruled that the statute of limitations could not be applied to crimes against humanity and ordered that investigations against him should continue. As of November 2017, a re-opened investigation into crimes committed by Duvalier’s collaborators remained pending.⁷¹

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2015.

HONG KONG

Previous *Annual Report* entries: 1996. *See* China.

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2017.

On the instruction of the Hungarian Academy of Sciences, the removal and transfer of the manuscripts held at the György Lukács Archives began on 15 January 2018. On 24 May 2018, the last research associate was dismissed [see also *NCH Annual Reports 2016–2017*].⁷²

⁷¹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 253–254.

⁷² “[Statement on the Formation of the Lukács Archive International Foundation \(LAIF\) \(Hungarian: LANA\)](#)” (31 August 2016); updates (13 January 2018; 3 June 2018).

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2017.

The Supreme Court directed the Central Bureau of Investigation to investigate more than 80 alleged extrajudicial executions by police and security force personnel in the state of Manipur between 1979 and 2012, ruling that cases should not go uninvestigated merely because of the passage of time.⁷³

In May 2017, four men were arrested in Chennai and held in administrative detention for more than three months for attempting to stage a memorial for Tamils killed in the civil war in Sri Lanka (1983–2009).⁷⁴

A special investigation team set up in 2015 to reinvestigate closed cases related to the 1984 Sikh massacre closed 241 cases and filed charges in 12 others. In August 2017, the Supreme Court set up a panel comprising two former judges to examine the decisions to close the cases.⁷⁵

On 2 August 2017, the Madras High Court (Tamil Nadu) issued two court orders to ban Internet Archive (<http://web.archive.org>; a digital library allowing people to find archived versions of webpages via a free service called the Wayback Machine) and more than 2,600 other file-sharing websites. The ruling was based on the petitions of two Bollywood production houses, Red Chillies Entertainment and Prakash Jha Productions, to stop file-sharing websites from distributing pirated copies of two recently released Bollywood movies, “Jab Harry Met Sejal,” and “Lipstick under My Burkha.”⁷⁶

In October 2017, Sangeet Som, a lawmaker for the ruling Bharatiya Janata Party (BJP) in Uttar Pradesh, while addressing supporters in Meerut, called the Taj Mahal a “blot on Indian culture” built by “traitors.” The remarks came weeks after the famous mausoleum, built by Muslim Emperor Shah Jahan in memory of his favorite wife in 1643, was excluded from an Uttar Pradesh tourism booklet. In June 2017, Hindu nationalist Yogi Adityanath, the chief minister of Uttar Pradesh, had said that the Taj Mahal “did not reflect Indian culture.” Both remarks sparked shock and outrage online.⁷⁷

On 27 October 2017, the Additional Sessions court in Pune acquitted 68 members of the Shambhaji

⁷³ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 39.

⁷⁴ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 191.

⁷⁵ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 190.

⁷⁶ Global Voices Advox, “[India Bans the Internet Archive over Concerns of Pirated Bollywood Films](#),” *Ifex News* (14 August 2017).

⁷⁷ “[Indian Politician: ‘Taj Mahal Built by Traitors](#),” *BBC News* (16 October 2017).

Brigade, including its former president Anant Chonde, who had been charged with dacoity (an act of armed robbery committed by a gang) and rioting for ransacking the Bhandarkar Oriental Research Institute (BORI) in Pune in December 2003 during the James Laine affair [See *NCH Annual Report 2004*]. A total of 72 had been charged but four died during the trial. After examining nine witnesses, the prosecution failed to establish the identities and roles of the actual attackers and if the 72 had been among them.⁷⁸

In November 2017, Hindu groups and a Rajput caste organization called to ban *Padmavati*, a film that told the story of the fictional 14th-century Hindu queen Padmavati belonging to the high Rajput caste and the Muslim ruler Alauddin Khilji. The movie, based on the 1540 epic poem *Padmavat* by 16th-century poet Malik Muhammad Jayasi, was directed by Sanjay Leela Bhansali; Bollywood stars Deepika Padukone and Ranveer Singh played the lead roles. The epic extolled the virtue of Padmavati who committed sati (the practice of a widow immolating herself on her husband's funeral pyre) to protect her honor from the invading Khilji who had killed her husband, the Rajput king, in a battle. Rumors of a scene in the film of Khilji dreaming of getting romantic with Padmavati enraged many like the Rajput Karnik Sena, a fringe caste group, who called for the film to be banned. The group disrupted the film set and slapped Bhansali earlier in 2017, vandalized cinemas, and threatened to chop off Padukone's nose (referring to a story in the epic Ramayana where a character has her nose chopped off as punishment). The group also held protests against the film in several states ruled by the Hindu nationalist Bharatiya Janata Party (BJP). Rajput community members burned effigies of Bhansali and also sought a ban of the film. Rajasthan Chief Minister Vasundhara Raje said that the film should not be released until "necessary changes [were] made so that sentiments of any community are not hurt." A regional BJP leader announced a reward of nearly 1.5 million dollar for anyone beheading Bhansali and Padukone. Bhansali denied that the film contained such a dream sequence. Many cinemas refused to screen the film. On 19 November 2017, the producers announced that the 1 December 2017 release of the film – the most expensive film ever made in India – had been indefinitely delayed following the protests. On 28 November 2017, the Supreme Court rejected an appeal to block the global release of the film. On 30 December 2017, the Central Board of Film Certification (CBFC) told local media that it had not recommended any cuts. It added, however, that it wanted the film's title to be changed into *Padmaavat* and two disclaimers to be shown, one saying that the film did not claim historical accuracy and another saying that the film did not promote sati. On 1 January 2018, the general president of the Indian History Congress, historian K. M. Shrimali, said that the RSS and BJP were trying to rewrite

⁷⁸ ["68 Arrested for Ransacking BORI in 2004 Acquitted," Sakal Times \(27 October 2017\)](#); ["68 Sambhaji Brigade Men Acquitted of BORI Attack," Pune Mirror \(27 October 2017\)](#); Yogesh Yoshi, ["Pune Court Acquits 68 Members of Sambhaji Brigade Accused Of Ransacking Bhandarkar Institute," Hindustan Times \(28 October 2017\)](#).

history to create a Hindu nation, where minorities were treated as second-class citizens. On 23 January 2018, the Supreme Court ruled that bans on the film in Rajasthan and Madhya Pradesh were unlawful.⁷⁹

On 19 January 2018 Minister for Higher Education Satyapal Singh took aim at the theory of evolution. Calling himself “a responsible man of science,” Singh, a chemist, suggested that Darwin’s theory was “scientifically wrong” and “need[ed] to change” in school and university curricula. On 21 January 2018, India’s three science academies released a statement endorsed by more than 2000 scientists, declaring that “it would be a retrograde step to remove the teaching of the theory of evolution from school and college curricula or to dilute this by offering nonscientific explanations or myths.”⁸⁰

On 5 March 2018, a few days after a Bharatiya Janata Party (BJP)-led coalition defeated the Communist Party of India (Marxist) in elections, winning 43 out of 59 seats, BJP supporters allegedly pulled down a statue of Vladimir Lenin in Belonia, state of Tripura. Local BJP leader Raju Nath denied that the excavator used to remove the statue was hired by his party and told *The Indian Express* that the statue fell because of an “overflow of anger.” It was the first act in a wave of vandalism. On 6 March 2018, BJP leader H. Raja made calls on his Facebook page to destroy the statue of activist Periyar Ramasamy, admired by lower castes, in the state of Tamil Nadu. Hours later, the statue was defaced. On 7 March 2018, district officials in Meerut, state of Uttar Pradesh, discovered a statue of Dalit leader B. R. Ambedkar (1891–1956) in pieces. Dalits blamed upper-caste Tyagis for defacing the statue. On the same day, residents of Kolkata found the damaged and defiled bust of the BJP founder, Syama Prasad Mookerjee. On 8 March 2018, vandals attacked a statue of Mahatma Gandhi (1869–1948) in the state of Kerala, breaking its wire-rimmed eyeglasses.⁸¹

On 6 June 2018, Shoma Sen ([1958]–), professor of English at Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur (Maharashtra), and member of the Committee for the Protection of Democratic Rights, was arrested together with four others. Reasons for the detentions were shifting – from an initial accusation of involvement in violence that broke out at the Bhima Koregoan memorial on 1 January 2018, to a charge of being affiliated with Naxal (Maoist) groups, to a charge of plotting an assassination. On 1 January 2018 there had been a commemoration for the 200th anniversary of a battle in which the

⁷⁹ [“Padmavati: Why a Bollywood Epic Is Facing Fierce Protests,”](#) *BBC News* (21 November 2017); [“Padmavati: India’s Supreme Court Rejects Bid to Block Bollywood Epic,”](#) *BBC News* (28 November 2017); [“Padmavati: Controversial film ‘Cleared by Indian Censor Board,’”](#) *BBC News* (30 December 2017); “Distorting History Another Form of Terror, Says Historian,” *The Tribune* (2 January 2018); Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 191.

⁸⁰ Pallava Bagla, [“India’s Education Minister Assails Evolutionary Theory, Calls for Curricula Overhaul,”](#) *Science* (22 January 2018).

⁸¹ [“India Crowd Pulls Down Tripura Lenin Statue after Communist Defeat,”](#) *BBC News* (6 March 2018); Maria Abi-Habib & Hari Kumar, [“As India’s Tensions Boil, Even a Statue of Gandhi Isn’t Safe,”](#) *New York Times* (10 March 2018).

Dalits helped the British East India Company defeat the local ruling army. The commemoration caused riots between the Dalit and their allies and right-wing Hindu nationalists. Sen and the four others were charged with participation in an alleged left-wing conspiracy. Sen had also been involved in a fact-finding effort to look into an incident in which law enforcement authorities killed 40 people in an anti-Naxal operation in the Gadchiroli district of Maharashtra in April 2018.⁸²

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2013, 2015–2017.

Despite commitments made by President Joko Widodo, Indonesia failed to address past human rights violations. In February 2017, the Administrative Court in the capital, Jakarta, overturned a decision by the Public Information Commission ordering the government to publish a report on the 2004 murder of human rights defender Munir Said Thalib, which reportedly implicated senior intelligence officers. The Court made the decision on the grounds that the current government had not received the report from the previous government. In August 2017, the Supreme Court upheld the Administrative Court's decision.⁸³

In August 2017, police and military personnel forced the cancellation of a public workshop on financial compensation for victims of the massacres of 1965–1966. Security forces “interrogated and intimidated” organizers, claiming that they lacked a permit. On 16 September 2017, police blockaded the offices of the Jakarta Legal Aid Institute to stop a public forum (organized by Bonnie Setiawan) on the 1965 massacre. Police and military officers surrounded the compound, preventing participants from entering the building on the pretext that the organizers lacked a permit for the gathering. Two hundred people were trapped in the building. The next day, an armed mob – several hundred hard-line Islamists, nationalist militia members, and hired local street thugs, armed with rocks and sticks – laid siege to it. Police officers dispersed the mob with warning shots and tear gas. Those attending the event had to be evacuated to safety. The mob – opposed to public discussion of the 1965 massacre of Communists – apparently thought that they were breaking up an illegal gathering of Communist sympathizers. On 18 September 2017, 22 people were arrested for rioting. Five officers were injured in the confrontation.⁸⁴

⁸² Committee of Concerned Scientists, “[Chair of English Department at Nagpur University Arrested](#)” (18 June 2018).

⁸³ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 193.

⁸⁴ Reuters, “[Anti-communist Mob Attacks Indonesia Meeting, 22 Arrested](#),” *Bangkok Post* (18 September 2017); Joe Cochrane, “[Indonesia Takes a Step Back From Reckoning With a Past Atrocity](#),” *New York Times* (29 September 2017); Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 274.

On 16 October 2017, historian A. B. Kusuma said during a discussion at the Indonesian parliament in Jakarta that researchers faced difficulties in accessing primary sources about the Agency for the Preparatory Work for Indonesian Independence (BPUPKI) and the Indonesian Independence Preparation Committee (PPKI).⁸⁵

In October 2017, the National Security Archive, a United States (US) nongovernmental public transparency organization, released 39 declassified documents from the US Embassy in Jakarta showing that US diplomatic personnel had been fully aware of the 1965–1966 massacres. Amnesty International urged the government to use the information contained in these declassified US Embassy documents as new momentum to reveal the truth and deliver justice to survivors. It urged state institutions, including the TNI (Indonesian military) to also open their archives. In a response, Chief Security Minister Wiranto said that the declassified files could not automatically be taken into account in legal proceedings as they need to be examined first.⁸⁶

See also Timor-Leste.

IRAN

Previous *Annual Report* entries: 1996–2017.

In Iran, the authorities jailed scores of peaceful critics including women’s rights activists, minority rights and environmental activists, trade unionists, lawyers, and those seeking truth, justice and reparation for the mass executions and enforced disappearances of the 1980s.⁸⁷

On 7 August 2016, Xiyue Wang ([1980–]), a fourth-year graduate student in the Princeton University History Department and a China-born naturalized United States citizen since 2009, was detained and confined to Evin Prison in Tehran while in Iran to study Farsi and do Ph.D. research into late 19th and early 20th century Eurasian history, particularly regional governance practices across multiple countries. After he left Iran he was planning to continue his research in Russia. Wang was interested in

⁸⁵ [“Researchers Rue on the Difficulty of Accessing Sources from National Archives,”](#) *Netralnews.com* (17 October 2017).

⁸⁶ Adinda Putri, [“Amnesty International Urges Gov’t to Reveal Archives on 1965 Mass Killings,”](#) *Jakarta Globe* (22 October 2017); National Security Archive, [“U.S. Embassy Tracked Indonesia Mass Murder 1965”](#) (17 October 2017); Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 276.

⁸⁷ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 56, 197.

archives about the administrative and cultural history of the Qajar dynasty (1785–1925) in Tehran and Mashhad. He spent his first 18 days in solitary confinement. In February 2017, he was charged with two counts of espionage, widely believed to be fabricated. In April 2017 he was convicted and sentenced to ten years' imprisonment. On 16 July 2017, the Iranian judiciary's Mizan News Agency said that he was "sent" by Princeton University to "infiltrate" Iran and that he had connections to American and British intelligence agencies. The agency also declared that Wang had illicitly scanned 4,500 pages of digital documents and had done "highly confidential research for the United States State Department, Harvard Kennedy School and the British Institute of Persian Studies." Wang's appeal was denied in August 2017. On 5 December 2017, he was transferred to Ward 7; he was told that he would be with Taliban and other prisoners who have badly beaten him in the past.⁸⁸

See also Argentina, United States.

IRAQ

Previous *Annual Report* entries: 1998, 2000–2017.

In September 2017, the United Nations (UN) Security Council passed a resolution that was aimed at ensuring accountability for war crimes and human rights abuses committed by Islamic State (IS) in Iraq, but crucially failed to include any provisions to ensure accountability for crimes committed by Iraqi forces, militias, and the United States-led coalition.⁸⁹

In November 2017, writer and activist Saad Salloum (1975–), assistant professor at the College of Political Sciences of Mustansiriyah University and founding member of the Iraqi Council for Interfaith Dialogue, and his colleagues at the Iraqi-based NGO Masarat Foundation for Cultural and Media Development were subjected to death threats by an unknown Islamic armed group through phone calls

⁸⁸ "[Academic Statement for the Release of Xiyue Wang](#)" (petition); personal communication Trudy Peterson (18 July 2017); personal communication Eleanor Hubbard (24–25 July 2017); Princeton University, "[Frequently Asked Questions about Xiyue Wang](#)" (20 July 2017; updated 28 July 2017); Rick Gladstone, "[Iran Sentences U.S. Graduate Student to 10 Years on Spying Charges](#)," *New York Times* (16 July 2017); Carly Baldwin, "[Iran Convicts Princeton Grad Student Of Spying](#)," *Princeton Patch* (16 July 2017); Mitch Gerber, "[Iran Sentences Princeton Ph.D. Student to 10 Years in Prison](#)," *The Chronicle of Higher Education* (16 July 2017); Saeed Kamali Dehghan, "[Iran Sentences Chinese-born American to 10 years in Jail on Spying Charges](#)," *Guardian* (16 July 2017); AFP, "[Iran Sentences Chinese-American Princeton Historian Xiyue Wang to 10 years for Espionage](#)," *South China Morning Post* (17 July 2017); "[Iran Denies Graduate Student's Appeal of 10-Year Sentence](#)," *Town Topics* (23 August 2017); "[Iran Court Upholds 10-year Jail Sentence of US 'Spy'](#)," *BBC News* (3 September 2017); Hua Qu (Xiyue Wang's wife), "Xiyue Wang Transferred to More Extreme Prison" (5 December 2017).

⁸⁹ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 63.

and letters asking the foundation staff to halt its activities. The Masarat Foundation, coordinated by Salloum, worked to support the rights of minority groups, collective memory studies, and inter-faith dialogue. In 2017, it suffered from two cases of robbery of its archive material and possessions. Among Salloum's books were "Minorities in Iraq: Memory, Identity & Challenges" (2013) and "Êzidîs in Iraq: Memory, Beliefs and Current Genocide" (2016).⁹⁰

See also Kuwait, United Kingdom.

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006, 2013, 2015–2016.

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2014, 2016–2017.

More than three years after the end of the 2014 Gaza-Israel conflict, in which some 1,460 Palestinian civilians were killed, many in evidently unlawful attacks including war crimes, the authorities had previously indicted only three soldiers for looting and obstructing the investigation. The Office of the Prosecutor of the International Criminal Court continued its preliminary examination of alleged crimes under international law committed in the Occupied Palestinian Territories since 13 June 2014, including during the 2014 Gaza-Israel conflict.⁹¹

On 6 March 2017, dozens of Israeli soldiers invaded al-Biereh, near Ramallah (West Bank), and killed the Palestinian pharmacist and historian Bassel al-A'raj ([1986]–2017), who was hiding there, after exchanging fire with him for more than two hours. He was killed from a close range; his corpse was taken to an unknown destination. Al-A'raj had been wanted by the Israeli army for several months, and the soldiers frequently invaded his home, and his family's home, looking for him amidst violent searches. In March 2016, al-A'raj and five other Palestinians had gone missing for a week, but they were later detained and interrogated by the Palestinian Security Forces about their whereabouts. They had declared open-ended hunger strikes in Palestinian prisons until they were released. Shortly after

⁹⁰ PEN International, "[Iraq: Fears for Safety of Prominent Iraqi Writer and His Colleagues at Masarat Foundation](#)" (22 November 2017); Masarat Foundation, "[Statement](#)," (21 November 2017).

⁹¹ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 63, 211.

their release, Israeli soldiers abducted four of them but they could not find al-A'raj, who remained "wanted" by the army until he was killed. He was a pharmacist who graduated from an Egyptian university, and worked in this profession near Jerusalem. He was also a historian and a writer who documented the Palestinian revolutions, starting with those from the 1930s against the British occupation, and worked with various youth groups introducing them to the history of Palestine, including through trips to historic sites. He also wrote several detailed articles in support of resistance against the Israeli occupation, and had called for a complete boycott of Israel.⁹²

On 6 September 2017, the finance ministry stipulated that two events produced by Einat Weizman at the Jaffa Theater in June and August 2017 met the criteria of the 2011 Nakba law, which gave the finance minister the authority to reduce government funding to organizations that openly rejected the definition of Israel as a Jewish and democratic state, or that marked Israel's Independence Day as a day of mourning. At the second event, on 30 August 2017, actors Leora Rivlin and Doron Tavori read transcripts from Palestinian-Israeli poet Daren Tatour's trial. Tatour has been under house arrest for two years while tried on charges of incitement to violence and terrorism and of supporting a terrorist organization. Theater director Igal Ezraty would be summoned to a hearing on reducing the theater's budget for violating the law. The hearing would be conducted by a joint committee comprised of representatives of the ministries of finance, justice and culture and sports, after which Finance Minister Moshe Kahlon was to render a decision. Ezraty said: "[E]vents that we hosted and did not censor ... were recorded and transcribed, every word in them can be heard and we will prove they do not include a call for terrorism, revolt, or violence."⁹³

In January 2018, outgoing Chief Archivist Yaakov Lozowick published a comprehensive report on the state of the government archives and presented it to the High Council of the Archives (the statutory body with limited advisory jurisdiction in archival matters.) Lozowick said that "Israel is not dealing with its archival material in a manner befitting a democracy. The vast majority of the material is sealed and will never be opened. The little of the material that will be made accessible, will be accessible only with unreasonable restrictions. The process of releasing of records lacks any public accountability or transparency." Among the reasons for this situation were fear of exposing war crimes, fear of provoking the "Arab population," fear of harming Israel's image, and a power struggle between the chief archivist and the archives' legal advisor, as well as the Prime Minister's Office. Only some 1.29 percent of state archival material had been made accessible to the public.⁹⁴

⁹² "[Israeli Army Kills a Palestinian near Ramallah](#)," *IMEMCnews* (6 March 2017).

⁹³ Yair Ashkenazi, "[Israel Weighs Cutting Funding to Jaffa Theatre over Alleged Incitement](#)," *Haaretz* (6 September 2017); Ital Mol, "Israel knevelt kritische kunstenaars" *NRC Handelsblad* (10 October 2017), C3.

⁹⁴ Noam Hofstadter, "[What Secrets Is Israel's State Archive Hiding from the Public?](#)" *+972 Blog* (26 January 2018).

See also Argentina, Egypt, Poland, United States.

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012, 2016–2017.

In December 2017, arts activist Laura Ghianda posted a picture of the “Venus of Willendorf” (a famous 11-centimeter 30,000-year-old statuette depicting a naked woman as a fertility symbol) on Facebook. It went viral – and Facebook censored the photo, labeling it, at first, as “dangerously pornographic.” Ghianda messaged that the “war on human culture and modern intellectualism will not be tolerated.” On 28 February 2018, the Natural History Museum in Vienna, where the figurine was on display, expressed its outrage, saying: “An archaeological object, especially such an iconic one, should not be banned from Facebook because of ‘nudity,’ as no artwork should be.” On 1 March 2018, a Facebook spokesperson officially apologized for its censorship of the photo.⁹⁵

See also Poland.

IVORY COAST (Côte d’Ivoire)

Previous *Annual Report* entries: 2004, 2006–2017.

Ivorian judges continued to investigate crimes committed by both sides during the 2010-2011 post-election crisis, but the deeply flawed trial of former First Lady (and historian) Simone Gbagbo, acquitted on 28 March 2017, raised doubts about Ivorian courts’ ability to effectively try serious human rights cases. Human rights groups acting on behalf of victims refused to participate in Simone Gbagbo’s trial, which was marred both by fair trial concerns and the prosecution’s failure to present sufficient evidence to fully explore her role during the 2010–2011 crisis. Simone Gbagbo was also wanted by the International Criminal Court (ICC) on four counts of crimes against humanity, but so far the Ivorian government has refused to transfer her to The Hague. Neither Ivory Coast’s Special Investigative and Examination Cell, established in 2011, nor the ICC were investigating crimes committed during election-related violence in 2000 or the 2002–2003 armed conflict.

The ICC trial of former President (and historian) Laurent Gbagbo and the former youth minister and

⁹⁵ Dagmar Breitenbach, [“Facebook Apologizes for Censoring Prehistoric Figurine ‘Venus of Willendorf.’”](#) *Deutsche Welle* (1 March 2018).

militia leader Charles Blé Goudé for crimes against humanity committed during the 2010–2011 crisis continued in 2017. In July 2017, the ICC Appeals Chamber ordered the Trial Chamber to review its ruling to deny Gbagbo’s provisional release. The ICC also intensified its investigations into crimes committed by pro-Ouattara forces during the crisis, but had yet to issue arrest warrants. President Alassane Ouattara said that all further cases related to the 2010–2011 crisis would be tried in national courts.⁹⁶

⁹⁶ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 160–162; Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 137, 138.

JAMAICA

Previous *Annual Report* entries: 2017.

Jamaica again failed to ratify the Rome Statute of the International Criminal Court (ICC), which it signed in September 2000, nor had it adhered to the United Nations Convention against Torture or the International Convention for the Protection of All Persons from Enforced Disappearance.⁹⁷

More than a year after a Commission of Enquiry published its findings into the events that took place in Western Kingston during the 2010 state of emergency that left at least 69 people dead, the government had still not officially responded on how it planned to implement the recommendations, or made a public apology. In June 2017, the Jamaica Constabulary Force completed an internal administrative review into the conduct of officers named in the commissioners' report. However, it found no misconduct or responsibility for human rights violations during the state of emergency.⁹⁸

See also Trinidad and Tobago.

JAPAN

Previous *Annual Report* entries: 1995–2017.

Since March 2016, at least 11 national and private junior high schools across Japan had received many postcards and persistent phone calls objecting to their use of *Tomoni Manabu Ningen no Rekishi* (“Human history we learn together”), a history textbook for junior high schools published by Manabisha in Tokyo mentioning wartime comfort women, which the postcards described as “far left, anti-Japan.” Some of the postcard senders identified themselves as local assembly members or heads of local governments. One school had received more than 200 letters of protest over a six-month period. The textbook, edited by Kodomo to Manabu Rekishi Kyokasho no Kai (Association for History Textbooks to Teach Children), was reportedly the only junior high school history textbook that mentioned the comfort women issue.⁹⁹

⁹⁷ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 216.

⁹⁸ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 215.

⁹⁹ [“Schools Hit with Protests for Using History Textbook Mentioning ‘Comfort Women,’”](#) *The Mainichi* (9 August 2017).

In February 2017, the Japan Federation of Bar Associations pressed the Ministry of Health, Labor and Welfare to provide a formal government apology and financial compensation to the approximately 84,000 persons mostly with genetic disorder (including 16,500 persons forced to have sterilization surgery) victimized under the Eugenic Protection Act between 1948 and 1996.¹⁰⁰

Reflecting the recent rise of anti-ethnic Korean groups, Tokyo Governor Yuriko Koike, for the first time in a decade, did not send a eulogy to the annual memorial service on 1 September 2017 for ethnic Korean victims of the 1923 Kanto Great Earthquake. Ethnic Koreans (Zainichi) were massacred in the aftermath when demagogues claimed that Koreans were looting and committing arson. Historically, ethnic Koreans had faced widespread social and economic discrimination in Japan, attitudes that persisted in ultra-nationalist political groups.¹⁰¹

In December 2017, President Moon Jae-in of the Republic of Korea (South Korea) made a statement that the 2015 agreement between Japan and South Korea on Japan's Military Sexual Slavery System failed to solve the issue, following the findings of the task force appointed in July to review the deal. The agreement had been criticized by civil society organizations as well as historians for its failure to provide a fully victim-centered approach and to provide an official, unequivocal recognition of responsibility by Japan for serious human rights violations committed by its military against women and girls before and during World War II.¹⁰²

See also Korea, South, United States.

¹⁰⁰ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 303.

¹⁰¹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 302.

¹⁰² Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 217.

JORDAN

Previous *Annual Report* entries: 2003–2004, 2015.

In December 2017, the International Criminal Court (ICC) ruled that Jordan failed to comply with its obligations as a state party to the Rome Statute of the ICC after it did not execute the Court's request for the arrest of Sudanese President Omar al-Bashir. The ICC decided to refer Jordan's noncompliance to the Assembly of States Parties of the Rome Statute and to the United Nations Security Council. Jordanian authorities failed to arrest al-Bashir when he visited Jordan in March 2017 for the Arab League summit. The ICC has issued two arrest warrants against him on charges of genocide, war crimes, and crimes against humanity in Darfur, Sudan.¹⁰³

¹⁰³ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 219–220.

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2017.

Impunity for abuses committed during the 2007–2008 post-election violence persisted, after the International Criminal Court (ICC) dropped cases against President Uhuru Kenyatta, his deputy William Ruto, and four others. The government had yet to develop a plan to implement a reparations fund it established in 2015 to support the post-election violence victims. Although it had taken steps to help some victims from the 2007 political violence such as internally displaced persons, the government did not assist rape survivors who still needed medical treatment and financial help. Three men wanted by the ICC since 2013 and 2015 for witness interference in one of the cases had yet to be surrendered. Challenges to the arrest warrants or surrender were pending in Kenyan courts.¹⁰⁴

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011, 2013–2015, 2017.

See Korea, South.

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012–2013, 2016–2017.

South Korea's "North Korean Human Rights Act" came into effect on 4 September 2016. The law required that the government establish a foundation to support research on the human rights situation in North Korea, develop a strategy to promote human rights in the North, fund groups working on issues of North Korean human rights, and create the Center for North Korean Human Rights Records under

¹⁰⁴ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 317.

the Ministry of Unification (MOU) to do research and act as an archive of North Korean human rights violations for possible use in future prosecutions.¹⁰⁵

On 11 September 2017, following President Moon Jae-in's order to investigate unanswered questions about the Gwangju Democratization Movement of 18–27 May 1980, the Ministry of National Defense established a special investigation committee chaired by Lee Geon-lee. On 23 October 2017, it reported that the Chun Doo Hwan administration (1980–1988) had launched a top secret fact-finding mission (“80 Commission”) into the May 1980 uprising in June 1985, led by the Agency for National Security Planning, but used it to whitewash the military's repression of anti-government protesters. The 80 Commission manipulated military records on the uprising. A Gwangju White Paper supposedly produced by the 80 Commission had still to be located in the National Intelligence Service archives. Later, in 1988, military authorities ordered the unfavorable parts of 1981 statements about the 21 May 1980 shootings to be deleted before their publication. Also, the Defense Security Command under the administration of Roh Tae-woo, Chun's successor, operated a team to downplay the Chun regime's brutality in suppressing the uprising in order to influence public sentiment during the National Assembly hearings. Allegations that soldiers had been ordered to fire at protesters from a helicopter and that fighter jets armed with bombs had been ready to support the crackdown were not yet resolved. Meanwhile, on 23 October 2017, the May 18 Memorial Foundation said that it would start an excavation at the former site of Gwangju Prison.¹⁰⁶

On 27 October 2017, the Seoul High Court overturned the acquittal of Park Yu-ha, author of a book on the comfort women, fining her US\$ 8,846 for defaming victims of Japanese wartime sexual slavery in her book. Stating harmful facts, especially when those facts contravened narratives relevant to Japan's wartime aggressions, was punishable with up to three years in prison or a fine up to US\$ 17,849. The court found that Park's research, regardless of whether it was true or not, had harmed the nine plaintiffs by causing them “mental stress” [see also *NCH Annual Reports 2016–2017*].¹⁰⁷

On 28 December 2017, President Moon Ja-in said that the 2015 deal, in which Japan apologized for the wartime sexual slavery system and promised to give 1 billion yen (\$8.6 million) to a fund for Korean women, had deficiencies [see also *NCH Annual Report 2017*]. A commission who had investigated the deal criticized its secret aspects (including avoidance by South Korea of the term “sexual slavery” and

¹⁰⁵ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 499.

¹⁰⁶ Ser Myo-Ja, “[Gwangju Massacre Probe Makes Strides](#),” *Korea JoongAng Daily* (24 October 2017).

¹⁰⁷ Choe Sang-Hun, “[Professor Who Wrote of Korean ‘Comfort Women’ Wins Defamation Case](#),” *New York Times* (25 January 2017); David Volodzko, “[South Korean Professor Fined for Book about ‘Comfort Women’, Proving the Truth is Still Dangerous](#),” *South China Morning Post* (5 November 2017).

removal of a statue outside the Japanese embassy in Seoul).¹⁰⁸

See also Japan.

KOSOVO

See Serbia / Kosovo.

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005.

On 17 December 2016, the Iraqi Defense Ministry pledged high rewards to those who provided credible information about the whereabouts of remnants of Kuwaiti missing persons, and Kuwait's national archive. On 19 September 2017, Kuwait urged the United Nations Assistance Mission in Iraq (UNAMI) to press the Iraqi government to double efforts in the search of the Kuwaiti prisoners and missing persons, as well as property and the national archive.¹⁰⁹

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2013, 2016–2017.

¹⁰⁸ Kjeld Duits, "Zuid-Korea rakelt oude ruzie met Japan weer op," *NRC Handelsblad* (30–31 December 2017), 8; Annemarie Luck, "No Comfort in the Truth," *Index on Censorship* (2018 no. 1), 19–21.

¹⁰⁹ "[Iraqi Offers Rewards for Information about Kuwaiti POWs, Archive](#)," *Kuwait News Agency* (17 December 2016); "[Kuwait Urges UN to Press Iraq over Prisoners, Nat'l Archive](#)," *Kuna.net* (20 September 2017).

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008, 2015–2016.

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2017.

Lebanon failed to advance justice or accountability for the families of the estimated 17,000 kidnapped or “disappeared” during the 1975–1990 civil war and its aftermath. In October 2012, Justice Minister Shakib Qortbawi had put forward a draft decree to the cabinet to establish a national commission to investigate the fate of the “disappeared,” but no further action had been taken. In September 2014, the government finally provided the families of the disappeared with the files of the Official Commission of Inquiry appointed in 2000. These showed that the government had not conducted any serious investigation.¹¹⁰

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2015.

Most of the 2009 recommendations of the Truth and Reconciliation Commission were yet to be implemented, including a recommendation to establish a criminal tribunal to prosecute crimes under international law, and measures aimed at obtaining accountability and reparation for victims. The Commission was established following human rights violations and abuses carried out during the 14-year civil war (1979–2003). No one had been prosecuted for human rights violations committed during the civil war. However, Mohammed Jabbateh was convicted of perjury and immigration fraud in the United States, in relation to his role in alleged war crimes. Investigations also continued in Switzerland and Belgium into alleged war crimes committed by Alieu Kosiah and Martina Johnson – commanders in rebel groups – who were arrested in Switzerland and Belgium respectively, in 2014.¹¹¹

¹¹⁰ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 341.

¹¹¹ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 239.

LIBYA

Previous *Annual Report* entries: 2003, 2005–2017.

On 26 May 2017, the Tripoli Revolutionaries Brigade, a militia allied with the Interior Ministry of the United Nations-backed Government of National Accord (GNA), overran the al-Hadba Correctional Facility in Tripoli and transferred from there to another location in Tripoli detained Gaddafi-era officials, including former intelligence chief Abdullah Sanussi, former Prime Minister Abuzaid Dorda, and al-Saadi Gaddafi, a son of ousted Libyan leader Muammar Gaddafi (ruled 1969–2011).

The prosecutor of the International Criminal Court (ICC) has a mandate to investigate war crimes, crimes against humanity, and genocide committed in Libya since 15 February 2011, pursuant to United Nations Security Council Resolution 1970. In April 2017, the ICC unsealed an arrest warrant for Mohamed Khaled al-Tuhamy, a former chief of the Internal Security Agency under Muammar Gaddafi, for war crimes and crimes against humanity during the 2011 uprising. His whereabouts were unknown at the end of 2017.

Saif al-Islam Gaddafi, another son of Gaddafi, continued to be subject to an arrest warrant issued by the ICC to face charges of crimes against humanity. In 2015, the Tripoli Court of Assize sentenced Gaddafi to death in absentia for crimes committed during the 2011 uprising. The Abu Baker al-Siddiq militia in Zintan, which had held him since 2011, reported it released him on 9 June 2017, citing an amnesty law passed by Libya's parliament. His release could not be confirmed; independent international observers had not seen or heard from Gaddafi since June 2014.¹¹²

LITHUANIA

Previous *Annual Report* entries: 2005, 2009, 2015.

In 2017, a publishing house reportedly withdrew the books of a prominent historian of the Holocaust [name unknown] after she accused a national hero of complicity in atrocities against Jews during World War II.¹¹³

¹¹² Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 346.

¹¹³ David Matthews, "[Historians Fear 'Censorship' under Poland's Holocaust Law](#)," *Times Higher Education* (21 February 2018).

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2015, 2017.

On 17 June 2018, Greece and Macedonia (Former Yugoslav Republic of Macedonia – FYROM) signed an agreement that aimed to settle a decades-long dispute over Macedonia’s name. Under the agreement, Macedonia would be known as North Macedonia (name of the language: “Macedonian”; name of the inhabitants: Macedonians / citizens of the Republic of North Macedonia). As part of the agreement, Greece would lift its objections to the renamed nation joining the European Union and NATO. Greece had long feared that use of the name Macedonia implied a claim to its northern province also called Macedonia. The agreement still needed approval by both parliaments and by a referendum in Macedonia [see also *NCH Annual Reports 1995, 1999, 2006, 2009–2011, 2017*].¹¹⁴

See also Albania.

MADAGASCAR

Previous *Annual Report* entries: —.

In July 2017, the United Nations Human Rights Committee called on Madagascar to immediately provide the National Human Rights Commission with an independent and sufficient budget to enable it to carry out its mandate. It also recommended that the government expedite the establishment of the High Council for the Defense of Democracy and the Rule of Law, whose mission included the promotion and protection of human rights, and provide it with financial autonomy.¹¹⁵

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011, 2016–2017.

See United Kingdom.

¹¹⁴ “[Macedonia Name Dispute: PMs Watch as Ministers Sign ‘Historic’ Deal](#),” *BBC News* (17 June 2018).

¹¹⁵ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 246.

MALAWI

Previous *Annual Report* entries: 2011–2012.

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010, 2013.

MALI

Previous *Annual Report* entries: 2011, 2013–2017.

Efforts to tackle impunity faltered as several high-profile trials related to abuses committed in northern Mali during the 2012–2013 occupation failed to make significant progress. The 2015 peace agreement, which recommended the establishment of an international commission of inquiry to investigate crimes under international law including war crimes, crimes against humanity, and human rights violations, had not been implemented by the end of 2017. Judicial authorities made little progress in ensuring justice for the victims of violations committed during the 2012–2013 armed conflict. The Truth, Justice, and Reconciliation Commission, established by presidential executive order in 2014 with a three-year mandate to investigate crimes and the root causes of violence dating back to 1960, however, made meaningful progress in 2017. The 25-member commission operationalized five regional offices and took over 5,000 statements from victims and witnesses. The credibility of the commission was undermined, however, by government’s inclusion of nine armed group members, while excluding victims’ group representatives.¹¹⁶

The situation in Mali remained under investigation by the International Criminal Court (ICC) since 2012. On 17 August 2017, the ICC ordered Al Mahdi to pay 2.7 million euros (US\$ 3.2 million) for damage to the buildings, economic losses and moral harm to victims – primarily the people of Timbuktu, who depend on tourism. The ICC also ordered Al Mahdi to pay the symbolic sum of one euro (US\$ 1.17) to Mali and one euro to the international community via UNESCO, which is responsible for World Heritage site cultural listings. The ICC said that the destruction of cultural monuments like those in Timbuktu “carries a message of terror and helplessness. (It) destroys part of

¹¹⁶ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 362; Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 253.

humanity's shared memory and collective consciousness, and renders humanity unable to transmit its values and knowledge to future generations." In 2016, Al Mahdi had been convicted of the war crime of intentionally directing attacks against religious and historic buildings in Timbuktu, and sentenced to nine years' imprisonment.¹¹⁷

MALTA

Previous *Annual Report* entries: 2012.

MARSHALL ISLANDS

Previous *Annual Report* entries: 2013, 2015.

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011, 2017.

MAURITIUS

Previous *Annual Report* entries: 2012.

¹¹⁷ International Criminal Court, "[Ahmad Al Faqi Al Mahdi Makes First Appearance before the ICC](#)" (Press Release; 30 September 2015); Wim Brummelman, "Primeur: Aangeklaagd voor vernietigen werelderfgoed," *NRC Handelsblad* (30 September 2015); Bert Lanting, "[Strafhof berecht jihadist om vernieling graftombes](#)," *Volkskrant* (28 September 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 345; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 397; "[When Cultural Heritage Is under Attack, Human Rights Are under Attack' – UN Expert](#)," *UN News Centre* (4 March 2016); United Nations Special Rapporteur in the Field of Human Rights, [Intentional Destruction of Cultural Heritage](#) (A/HRC/31/59; 3 February 2016); "[Islamist Rebel Apologises for Destroying Timbuktu Shrines at ICC Trial](#)," *BBC News* (22 August 2016); "[Mali Islamist Jailed for Nine Years for Timbuktu Shrine Attacks](#)," *BBC News* (27 September 2016); "[Ahmad al-Faqi al-Mahdi: The Vandal of Timbuktu](#)," *BBC News* (27 September 2016); Lorne Cook, "[ICC Orders Mali Extremist to Pay \\$3.2 Million in Reparations](#)," *AP News* (17 August 2017); Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 22, 246; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 253–254; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 421–422; Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 363.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2017.

Since 2006, the security forces have carried out widespread enforced disappearances. In August 2017, the government reported that the whereabouts of more than 32,000 people who had gone missing since 2006 remain unknown. Prosecutors and police routinely failed to take basic investigative steps to identify those responsible for enforced disappearances, often telling the missing people’s families to investigate on their own. Authorities routinely failed to identify remains of bodies or body parts found in various locations, including in clandestine graves, throughout Mexico.

The federal government pursued potentially promising initiatives to find people who have gone missing, but they produced limited results. In 2013, it created a unit in the Attorney General’s Office to investigate disappearances, which became a Special Prosecutor’s Office in October 2015. However, the office has made only limited progress in investigating and prosecuting cases of forced disappearance. In 2015, Congress approved a constitutional reform giving it authority to pass general laws on enforced disappearances and torture that would establish a single nationwide definition for each of the crimes and facilitate their prosecution in all 31 states and Mexico City. The law was passed in November 2017. At the end of 2017, its implementation remained pending.¹¹⁸

As of July 2016, the National Human Rights Commission (CNDH) had received almost 10,000 complaints of abuse by the army since 2006 – including more than 2,000 during the administration of Enrique Peña Nieto (2012–2018). It found in more than 100 cases that military personnel committed serious human rights violations. In November 2017, the Chamber of Deputies approved the Law on Internal Security, authorizing military involvement in domestic law enforcement activities – including intelligence gathering – without including meaningful measures to improve accountability. At the end of 2017, the proposal was under discussion in the Senate.¹¹⁹

On 1 February 2017, the Supreme Court of Justice ruled that the families of the more than 1,200 people who disappeared during the “Dirty War” (1968–1982) had the right to access government records with the names “of all those listed as disappeared by the government,” on the grounds that the information requested could not be kept classified when it referred to human rights violations, including disappearances. The court ordered the National Institute of Access to Information and Personal Data to issue a new resolution, ordering the Procuraduría General de la República (PGR; federal prosecutor’s office) to disclose the requested information to the claimant, and allowing the claimant to make those

¹¹⁸ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 365–366.

¹¹⁹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 367; Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 29.

names public.

At the time of the crimes, systematic attempts to erase records that the disappeared persons ever existed (for example, by destroying birth or school certificates), had reportedly taken place. Some local prosecutors had launched investigations into disappearances, but all ended without any charges being filed, and with the investigative files and the names of the victims being kept secret by the PGR.

After 2003, a request was filed under the access to information law (2003) in order to obtain the names of those disappeared by the government. The PGR refused to release the relevant 135 files, a decision supported by the National Institute of Access to Information and Personal Data overseeing the law. The Open Society Justice Initiative and Litiga OLE then filed a constitutional challenge to this decision with the Supreme Court (an “*amparo*”) on the grounds that the access to information law included a “human rights override,” stipulating that government agencies could not withhold information related to investigations of human rights violations. The *amparo* also cited the collective aspect of the right to truth, the right to the recognition of legal personality, and the right to a name for the victims, which must be proportionally weighed in cases on enforced disappearances.¹²⁰

See also Spain.

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010.

MONGOLIA

Previous *Annual Report* entries: 2007, 2013.

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2013, 2015–2017.

¹²⁰ Mariana Mas, “[A Victory for the Truth about Mexico’s ‘Dirty War’](#),” *Open Society Foundations* (8 February 2017).

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2013, 2015–2017.

The authorities failed to take any steps toward addressing impunity for grave violations including systematic torture, enforced disappearances and extrajudicial executions in Morocco and Western Sahara between 1956 and 1999, despite the recommendations made by the Equity and Reconciliation Commission transitional justice body in 2005.¹²¹

The Polisario Front again failed to hold to account those responsible for committing human rights abuses in camps under its control during the 1970s and 1980s.¹²²

MOZAMBIQUE

Previous *Annual Report* entries: —.

Mozambican law enforcement continued its practice of not investigating a range of serious crimes. The cases of ten high-profile figures, including senior opposition members, state prosecutors, and prominent academics, who were either killed or injured in apparently politically motivated attacks in 2016, remained unresolved. Authorities also failed to investigate human rights abuses allegedly committed by government security forces in 2015 and 2016 in relation to clashes with armed men from the former rebel group, now political party, Resistência Nacional Moçambicana (RENAMO; Mozambican National Resistance), such as enforced disappearances, arbitrary arrests, and property destruction. In 2016, the United Nations High Commissioner for Human Rights said that at least 14 RENAMO officials were killed or abducted across the country in the first quarter of 2016.¹²³

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2017.

In 2017, the government failed to adequately investigate and hold to account perpetrators of serious human rights violations in Rakhine State, including crimes against humanity. In November 2017, a

¹²¹ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 267.

¹²² Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 267.

¹²³ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 382.

military investigation concluded that no human rights violations had been committed in Rakhine State following the 25 August 2017 attacks by the armed group Arakan Rohingya Salvation Army (ARSA) and subsequent military campaign against them.¹²⁴

The Office of the United Nations High Commissioner for Human Rights reported that the Myanmar security and armed forces purposely destroyed the property of the Rohingyas, scorched their dwellings and entire villages in northern Rakhine State. The destruction included “an effort to effectively erase all signs of memorable landmarks in the geography of the Rohingya landscape and memory in such a way that a return to their lands would yield nothing but a desolate and unrecognizable terrain. Information received also indicates that the Myanmar security forces targeted teachers, the cultural and religious leadership, and other people of influence in the Rohingya community in an effort to diminish Rohingya history, culture, and knowledge.” Meanwhile, according to Azrin Afrin, a history lecturer at Jahangirnagar University, Dhaka (Bangladesh), historical documents showed that Rohingyas had been living in Rakhine state for centuries, yet the Myanmar government insisted that they were illegal immigrants from Bangladesh, which underpinned their moves to drive them out of Myanmar.¹²⁵

¹²⁴ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 272–273.

¹²⁵ United Nations Human Rights Office of the High Commissioner of Human Rights, *Mission report of OHCHR rapid response mission to Cox's Bazar, Bangladesh—13-24 September 2017* (Geneva 2017), 1; Mushfique Wadud, “[Universities Take up Rohingya Cause, Call for Research](#),” *University World News* (6 October 2017).

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011, 2016–2017.

The trial of eight prisoners of conscience, accused in the long-running Caprivi case [see also *NCH Annual Reports 2009, 2011, 2016–2017*], resumed in May 2017. The eight were charged and convicted of treason and sedition in 2007. In 2013, the Supreme Court set aside their convictions and sentences ranging from 30 to 32 years and ordered a retrial. However, they remained in detention pending trial, in violation of international fair trial standards, at the end of 2017.¹²⁶

NEPAL

Previous *Annual Report* entries: 2007–2017.

The transitional justice process was plagued by a lack of political will from all parties, as well as the military. At least 13,000 people had been killed and over 1,300 forcibly disappeared during the civil war (1996–2006), yet political leaders continued to neglect calls for accountability. The government did not amend the Investigation of the Disappeared Persons, Truth and Reconciliation Commission Act 2014 as ordered by the Supreme Court in 2014 and 2015. By the end of 2017, two bodies – the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) – had respectively collected over 60,000 and 3,000 complaints of human rights violations, such as murder, torture, and enforced disappearances committed by state security forces and Maoists during the conflict. Effective investigations did not take place. An acute shortage of resources and capacity adversely affected the ability of the two bodies to deliver truth, justice, and reparation. Political parties resisted amending transitional justice laws in what was widely perceived as a prioritization of reconciliation and monetary compensation over truth, justice, and other reparations, including guarantees of non-repetition. No effective investigations had taken place into the hundreds of killings of demonstrators by security forces since 1990 in various parts of Nepal. In August 2017, the commissions began preliminary investigations into the more than 65,000 complaints they received. However, reports of flawed implementation, including lack of transparency and weak engagement with victims, sustained concerns among stakeholders.¹²⁷

¹²⁶ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 274.

¹²⁷ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 387–388; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 39, 276.

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2017.

On 22 February 2018, the Lower House (Second Chamber) of the Dutch parliament near unanimously passed a motion recognizing the massacre of an estimated 1.5 million Armenians in 1915 as a genocide. It also decided to send a cabinet-level representative to the Armenian capital, Yerevan, for the annual commemoration of the genocide on 24 April. The government, however, announced that it only recognized events as genocide if that was supported by a binding United Nations Security Council resolution or a verdict from an international court and, therefore, that it would not follow the parliamentary judgment and would continue to speak of “the question of the Armenian genocide.” Five members of the Dutch parliament from Turkish origin who had voted in favor of the motion were attacked in the Turkish press and on the social media as “traitors.” As early as 2004, the parliament had urged the cabinet to discuss the genocide. The new move heightened Dutch-Turkish tensions. More than twenty nations, including Russia, Germany, France and the Vatican, had recognized the 1915 massacres as genocide.¹²⁸

See also Azerbaijan, Central African Republic, Nigeria.

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007, 2017.

NICARAGUA

Previous *Annual Report* entries: 1998.

¹²⁸ [“Dutch MPs Vote to Recognise Disputed Armenian ‘Genocide’,”](#) *BBC News* (22 February 2018); “Kamer erkent Armeense genocide, kabinet niet,” *NRC Handelsblad* (23 February 2018); Clara van de Wiel, “Politici van Turkse komaf overspoeld met haat,” *NRC Handelsblad* (28 February 2018), 9; “Genocide: Gif in debat over Armeense genocide zit bij fractie van Denk,” *NRC Handelsblad* (1 March 2018), 17; Mike Corder (Associated Press), [“Dutch Lawmakers Label Massacre of Armenians as Genocide,”](#) *Business Insider* (22 February 2018).

NIGER

Previous *Annual Report* entries: 2009, 2013.

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2013, 2016–2017.

In June 2017, the widows of four men from the Ogoni region in the Niger Delta who were executed following an unfair trial in 1995, filed a lawsuit in the Netherlands against Shell, demanding compensation and a public apology. They accused Shell of complicity in the unlawful arrest and detention of their husbands during a brutal crackdown by the then military authorities on the Movement for the Survival of the Ogoni People. International organizations called for Shell to be investigated for involvement in these crimes. Environmental pollution linked to the oil industry continued to undermine the economic, social, and cultural rights of the Niger Delta communities.¹²⁹

NORWAY

Previous *Annual Report* entries: 2009, 2012, 2016–2017.

¹²⁹ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 285.

OMAN

Previous *Annual Report* entries: 2010, 2017.

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012, 2014, 2016.

Enforced disappearances continued in Pakistan; the victims were at considerable risk of torture and other ill-treatment, and even death. No perpetrators were known to have been brought to justice for the hundreds or thousands of cases reported across the country in recent years.¹³⁰

PALESTINIAN AUTHORITY

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2013–2015.

In Gaza, Hamas authorities took no steps to prosecute members of its forces and Hamas' military wing, the 'Izz al-Din al-Qassam Brigades, for extrajudicial executions they carried out in 2014 and 2016.¹³¹

See also Egypt, Israel.

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2013, 2015–2017.

PAPUA NEW GUINEA

Previous *Annual Report* entries: 2014.

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012, 2015.

¹³⁰ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 39.

¹³¹ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 294.

PERU

Previous *Annual Report* entries: 2001–2017.

The Truth and Reconciliation Commission estimated in 2003 that almost 70,000 people died or were subject to enforced disappearance during the armed conflict (1980–2000). Many were victims of atrocities by the Shining Path and other insurgent groups; others were victims of human rights violations by state agents. Authorities achieved limited progress in prosecuting wartime abuses by government forces, in part due to lack of collaboration from the Defense Ministry. According to Peruvian human rights groups, prosecutors had only achieved rulings in 78 cases related to abuses committed during the armed conflict, as of May 2017, and only 17 convictions. One year after its approval, the National Plan for the Search for Disappeared Persons was still not implemented.

Since May 2017, new evidence had become public corroborating longstanding allegations that former President Ollanta Humala Tasso (in office 2011–2016 and a former army officer) ordered egregious human rights violations committed by security forces in the early 1990s in the Madre Mía military base in the Alto Huallaga region. The evidence – including testimony from victims, witness, and soldiers involved in the abuses – strongly implicated Humala in crimes including torture, enforced disappearances, killings, and an attempt to conceal incriminating evidence when he ran for president in 2006. At the end of 2017, Humala remained under investigation for the abuses and in pre-trial detention on corruption charges.

Efforts to secure the early release of former President Alberto Fujimori gained strength during 2017. Fujimori was sentenced in a landmark trial in 2009 to 25 years in prison for killings, enforced disappearances, and kidnappings committed in 1991 and 1992. In May, Keiko Fujimori, his daughter and the runner-up in the 2016 tight presidential elections won by Pedro Pablo Kuczynski, filed a motion seeking to overturn her father's conviction for kidnappings. A Lima court rejected the motion, but her appeal remained pending at the end of 2017. In June 2017, Kuczynski told *The Economist* that the time to secure Fujimori's release from prison was "about now." Although the president denied it, his announcement seemed to be a reaction to growing pressure from Fujimori supporters who controlled the Congress under the lead of Keiko Fujimori. In 2016, prosecutors decided to close the investigation of Alberto Fujimori in connection with forced sterilizations of mostly poor and indigenous women committed during his administration. On 24 December 2017, Kuczynski granted a humanitarian pardon and grace to former President Fujimori. Thousands took to the streets to protest against the decision.

A national registry of victims of forced sterilizations committed between 1995 and 2001, was created in 2015 and more than 4,700 victims had been registered at the end of 2017. Fujimori's intelligence advisor, Vladimiro Montesinos, three former army generals, and members of the Colina group – a state-sponsored death squad – were also serving sentences ranging from 15 to 25 years for the 1991

assassination of 15 people in the Lima district of Barrios Altos, and for six disappearances. In August 2017, military officers were sentenced for the torture, enforced disappearance, and extrajudicial execution of 53 people in Los Cabitos military barracks in Ayacucho in 1983. In September 2017, the trial began of former navy personnel charged with killing more than 100 people during a riot in El Frontón prison in 1986, a charge which could amount to a crime against humanity. Courts made much less progress in addressing violations, including extrajudicial killings, disappearances, and torture, committed during the earlier administrations of Fernando Belaúnde (1980–1985) and Alan García (1985–1990).¹³²

PHILIPPINES

Previous *Annual Report* entries: 2011–2015.

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011, 2014–2017.

Under legislation passed in June 2017, the PiS government gave local officials and landowners one year to remove all public monuments and memorials that “paid tribute to persons, organizations, events, or dates symbolizing Communism or other totalitarian systems.” About 500 were identified, almost all from the Communist era as the Soviets had already removed Nazi ones.¹³³

In early 2018, a controversial memory law, sent to the Sejm on 16 August 2016, was approved by the Lower House (on 26 January 2018), the Senate (on 31 January 2018, with 57 against 23 votes and 2 abstentions), and President Andrzej Duda (on 6 February 2018), and would come into force on 1 March 2018. The bill – an amendment to a 1998 law which established the official Instytut Pamięci Narodowej (IPN, Institute for National Remembrance, a state body tasked with establishing an official historical narrative and prosecuting Nazi and Communist-era crimes) – was authored by Deputy Justice Minister Patryk Jaki. It said that:

“Art. 55a. 1. Whoever publicly and contrary to the facts attributes to the Polish Nation or to the

¹³² Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 423–424; Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 30, 298.

¹³³ Rick Lyman, “[Political Rage over Statues? Old News in the Old World](#),” *New York Times* (17 August 2017).

Polish State responsibility or co-responsibility for the Nazi crimes committed by the German Third Reich, as specified in Article 6 of the Charter of the International Military Tribunal – Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis, executed in London on 8 August 1945 (Journal of Laws of 1947, item 367), or for any other offenses constituting crimes against peace, humanity, or war crimes, or otherwise grossly diminishes the responsibility of the actual perpetrators of these crimes, shall be liable to a fine or deprivation of liberty for up to three years. The judgment shall be communicated to the public. 2. If the perpetrator of the act specified in section 1 above acts unintentionally, they shall be liable to a fine or restriction of liberty. 3. An offense is not committed if the perpetrator of a prohibited act set out in sections 1 and 2 above acted within the framework of artistic or scientific activity.”

The amendment would enable IPN or an NGO to bring a claim against individuals. Civil remedies could include a retraction of the statement and/or compensation (including large fines). The government insisted that the legislation aimed to prevent the international defamation of Poland, and was not intended to hamper academic debate. On 6 February 2018, Duda said that the bill “protect[ed] the Polish interests ... protect[ed] our dignity, the historical truth, so that we could be judged fairly in the world, so that we would not be slandered as a state and as a nation.” Duda also said that he would send the bill to the Constitutional Tribunal to check its regulations. The law would make it illegal to describe Nazi death camps on Polish soil as “Polish death camps,” which was a point of general consensus. However, critics of the bill (such as the Warsaw-based Polish Center of Holocaust Research of the Institute of Philosophy and Sociology of the Polish Academy of Sciences and Yad Vashem’s International Institute for Holocaust Research) said that this should not be imposed by law. The bill also did not clearly state how artistic or scientific activity would be defined. In addition, and above all, critics feared that due to its broad scope and terminology, the bill would have a chilling effect on free speech and on debating history by possibly outlawing any references to the collaboration with, or complicity of, Poles in crimes committed in Poland during the Holocaust, as found in evidence or expressed by Holocaust survivors, witnesses, journalists, teachers, academics – Polish or foreign. Not only did the law cover crimes committed during the Holocaust, it also tried to prevent any trivialization of massacres of Poles by Nazi-allied Ukrainian forces during the war (such as the Volyn [Volhynia] Massacre), and to stifle any criticism of post-war Polish partisans – who were accused of atrocities against Jews and Ukrainians – who fought the Communist government. The law was also widely criticized by, among others, Israel, the United States, and France. Israeli MPs were backing a bill that would give legal aid to any Holocaust survivors telling their story who were prosecuted in a foreign country. During World War II, Poland had been attacked and occupied by Nazi Germany. Millions of its citizens were killed, including three million Polish Jews in the Holocaust. The Polish Center for Holocaust Research described the law as an “unprecedented (and unknown in a democratic system) intrusion into the debate about the Polish history.” The American Historical Association and 41 other scientific associations condemned the law,

saying that as it referred specifically to histories that documented and explored Polish participation in violence against Jews during World War II, it therefore threatened free pursuit of historical inquiry. The Polish Government, in a reply to the Council of Europe, emphasized that the bill solely concerned protection of the “Polish Nation” and “Polish State” rather than of individuals or groups. On 22 March 2018, the office of Justice Minister and Prosecutor General Zbigniew Ziobro described as partly unconstitutional the memory law on the website of the Constitutional Court. It said that penalizing acts committed abroad independently of the laws in place there was against the constitution, which opposes “excessive interference,” and added that the law was “dysfunctional,” could have “opposite results than those intended,” and could “undermine the Polish state’s authority.” On 27 June 2018, the government proposed to decriminalize the offense, an amendment to the law which was backed by the lower house of parliament (with 388 voting in favor of the amendment, with 25 against and five abstentions). The government said that the amendment took into account the widespread international outrage caused by the law.

On 21 February 2018, Maja Borkowska, a journalist for the public broadcaster PR24 (Radio Poland 24), resigned after her supervisor ordered her not to report that the opposition political party Civic Platform was preparing amendments to the bill. Also in February, German historian Bernd Rother, who had participated in the IPN conference “Nations in Occupied Europe and the Holocaust” in Warsaw, declared that he would not offer his contribution for publication in a book as long as the law was in force. He also feared that the IPN would actively prosecute historians. According to Rother, eight other speakers also refused to offer their contribution for publication. In March 2018, the Polish League against Defamation, close to the PiS, filed defamation charges against Argentinian newspaper *Página 12*, which had published an article in December 2017 about the massacre of Jews in Jedwabne in 1941. In late March 2018, Deputy Prime Minister Piotr Gliński publicly attacked the head of Polin, a Warsaw museum of Polish-Jewish history, for what he termed “very deep political involvement,” saying that the museum was “supposed to create positive values, and not arouse conflicts.” In [early April 2018], IPN historian Adam Pulawski said he was to be transferred away from his post because of his work on Poland’s wartime relations with Jews. IPN would reportedly not publish his latest book. Polish-Canadian Holocaust researcher Jan Grabowski said that he received death threats after being accused by the Polish League against Defamation, a nationalist group, of falsifying the history of Poland. After the Holocaust law was approved, officials at the Auschwitz-Birkenau memorial and museum, including its director Piotr Cywiński, described how they were subjected to a wave of “hate, fake news and manipulations” at the hands of Polish nationalists. Concerns were raised about pressure being exerted on official guides at the site, after the home of one Italian guide in Krakow was attacked and supporters of a convicted anti-Semitic filmed themselves repeatedly bullying their guide during a visit to the camp in March 2018. The nationalists falsely accused the museum of deliberately downplaying the fate of the approximately 74,000 non-Jewish Polish prisoners who perished in the camp, by focusing exclusively

on its Jewish victims.

Polish lawmakers had tried to pass a similar bill in 2013 but failed. After the conservative Law and Justice Party won the first parliamentary majority since the end of Communism, new attempts were announced on 15 February 2016. An anti-Holocaust denial law has existed in Poland since 1998. As early as 23 November 2016, the United Nations Human Rights Committee had reported that it was “concerned about a draft law that would impose up to three years of imprisonment on anyone who referred to the Nazi camps operated in occupied Poland during the Second World War as Polish” and recommended that Poland should “review the draft law of August 2016 concerning reference to Nazi camps operated in occupied Poland during the Second World War to bring it into line with article 19 of the Covenant.”¹³⁴

¹³⁴ Certified English translation of the law: <https://www.ms.gov.pl/pl/informacje/news,10368,nowelizacja-ustawy-o-ipn-wersja-w-jezyku.html> (2 February 2018); United Nations Human Rights Committee, “Concluding observations on the seventh periodic report of Poland” (CCPR/C/POL/CO/7; 23 November 2016), paragraphs 37–38; Polish Government, “[Answer to the Alert on the Platform to Promote the Protection of Journalism and Safety of Journalists](#)” (6 February 2018); Institute of National Remembrance, “[A Statement of the Council of the Institute of National Remembrance](#)” (27 February 2018); Reuters, “[Poland Plans to Punish Use of the Phrase ‘Polish Death Camps’](#),” *Guardian* (13 February 2016); Jan Grabowski, “[‘Patriotic’ Move Threatens Academic Freedom](#),” *University World News* (17 February 2016); Roeland Termote, “Noem je Auschwitz een ‘Pools kamp’? 5 jaar celstraf,” *NRC Handelsblad* (17 February 2016), 14; Polish Center for Holocaust Research, “[Center’s Statement regarding the Planned Changes to the Law about the Institute of National Remembrance](#),” (12 September 2016); Don Snyder, “[Poland Is Poised to Put ‘Bad’ Historians of the Holocaust in Prison](#),” *Forward* (2 September 2016); AP, “[Poland Moves To Ban References to Nazi-era ‘Polish Death Camps’](#),” *World Israel News* (27 January 2018); Ruth Eglash & Avi Selk, “[Israel and Poland Try To Tamp Down Tensions after Poland’s ‘Death Camp’ Law Sparks Israeli Outrage](#),” *Washington Post* (28 January 2018), “[Israel Criticises Poland over Proposed Holocaust Law](#),” *BBC News* (29 January 2018); “[Poland President To Review Holocaust Bill after Israel Outcry](#),” *BBC News* (29 January 2018); “[Poland’s Senate Passes Controversial Holocaust Bill](#),” *BBC News* (1 February 2018); Joel Gunter, “[Holocaust Law Wields a ‘Blunt Instrument’ against Poland’s Past](#),” *BBC News* (3 February 2018); “[Poland President Duda ‘Will Sign’ Controversial Holocaust Bill](#),” *BBC News* (6 February 2018); “[Poland Holocaust Law: France Criticises ‘Ill Advised’ Text](#),” *BBC News* (7 February 2018); “[Israel Rebukes Poland PM for ‘Jewish Perpetrators’ Remark](#),” *BBC News* (18 February 2018); “[Israel-Poland Spat](#),” *BBC News* (19 February 2018); “[Poles Told to Report ‘Anti-Polish Slander’ to Diplomats](#),” *BBC News* (20 February 2018); American Historical Association, “[AHA Condemns Polish Law Criminalizing Public Discussion of Polish Complicity in Nazi War Crimes](#)” (February 2018); Uladzislau Belavusau, “[Polen verkondigt met herinneringswet de teloorgang van zijn liberale democratie](#),” *Volkskrant* (20 februari 2018); David Matthews, “[Historians Fear ‘Censorship’ under Poland’s Holocaust Law](#),” *Times Higher Education* (21 February 2018); Council of Europe, “[Poland: New Bill Could Ban Journalists from Historical Debate](#),” (1 February 2018); OSCE, “[New Law on World War II Crimes in Poland Can Threaten Freedom of Expression, Says OSCE Representative Désir](#)” (1 February 2018); Todor Gardos (Human Rights Watch), “[Poland’s Twisted Holocaust Law](#)” (10 February 2018); “[Poland: PR24 Journalist Resigns after Being Told Not Report on Opposition Amendments to Holocaust Law](#)” (21 February 2018); Nikolay Kuposov, “[Memory Laws and Nationalist Lies](#),” *Project Syndicate* (7 March 2018); Robert Mackey, “[Polish Law on Holocaust Draws New Attention to Anti-Semitism in Poland’s Past and Present](#),” *The Intercept* (3 March 2018); Paul Ingendaay, “[Widrige Fakten in Polen](#),” *Frankfurter Allgemeine Zeitung* (13 March 2018); AFP, “[Polish Attorney General’s Office Calls Holocaust Law Unconstitutional](#),” *Times of Israel* (22 March 2018); Sam Sokol, “[Polish Historian Says He Was Forced to Switch Jobs because of His Holocaust Research](#),” *Jewish Chronicle* (5 April 2018); Konstanty Gebert, “Projecting Poland and Its Past,” *Index on Censorship* (2018 no. 1), 35–37; Jemimah Steinfeld, “Holocaust Law: The Story So Far,” *Index on Censorship*, 47 no. 1 (Spring 2018), 36; Bernt Hagtvet, “Masters of None,” *Index on Censorship*, 47 no. 1 (Spring 2018), 55–56; *Resisting Ill Democracies in Europe: Understanding the Playbook of Illiberal Governments To Better Resist Them: A case-study of Croatia, Hungary, Poland and Serbia* (Oslo, Geneva, Zagreb, Human Rights House Foundation, November 2017), 28; Christian Davies,

See also Denmark, Russia.

PORTUGAL

Previous *Annual Report* entries: 2017.

[“Poland’s Holocaust Law Triggers Tide of Abuse against Auschwitz Museum,”](#) *The Guardian* (7 May 2018);
[“Poland Holocaust law: Government U-turn on Jail Threat,”](#) *BBC News* (27 June 2018).

QATAR

Previous *Annual Report* entries: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010.

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2017.

In [February] 2017, Mikhail Piotrovsky, director of the Hermitage Museum in St. Petersburg, spoke out against handing St. Isaac's Cathedral back to the Russian Orthodox Church. As a result, the security services – nominally working under the direction of the ministry of culture – began focusing their attention on the museum. Officers ransacked the museum's archives – devoting particular attention to Stalin's sale of art to the West in the 1920s and 1930s – and took catalogs and other archival materials. The security services reportedly accused the Hermitage of “illegally publishing documents” containing secret information “over the course of many years” about “the sale by the museum of art in the 1920s and 1930s.” They also banned the sale of books that were sold by the Hermitage's shop.¹³⁵

On 25 July 2017, the Memorial Human Rights Center demanded the release of historian Yuri Dmitriev [Dmitriyev] [see also *NCH Annual Report 2017*] and an end to what it called a political trial. On 26 December 2017, a group of experts ruled that the photos of Dmitriev's adopted daughter found at his home were not pornography. Prosecutors requested a third assessment of the photos. On 27 December 2017, the court in Petrozavodsk granted the request but at the same time ordered to release Dmitriev from pretrial custody by 28 January 2018. Dmitriev would be barred from leaving the city without permission while the investigation continued. In the week of 8 January 2018, Dmitriev was due to begin enforced psychiatric testing to determine whether he had “sexual deviations” amid fears he will be falsely declared insane and although a previous psychiatric evaluation had declared him to be of sound mind. On 20 March 2018, the prosecutor requested a nine-year prison sentence for Dmitriev. On 5 April 2018, Dmitriev was acquitted of the child pornography charge, but not of the charge of illegal possessing a weapon. He was sentenced to three months of probation and community service. On 13 April 2018, the Petrozavodsk city prosecutor appealed against Dmitriev's acquittal. On 14 June 2018, the acquittal was overturned by the Supreme Court of Karelia and Dmitriev was re-arrested on 27 June 2018.¹³⁶

¹³⁵ Paul Goble, “[Putin Regime now Seizing and Destroying Archives to Whitewash the Soviet Past](#),” *Euromaidan Press* (17 April 2017).

¹³⁶ Petition for Yuri Dmitriev: <https://www.change.org/p/chairman-of-petrozavodsk-city-court-a-a-sudakov->

In [July] 2017, Roskomnadsor (Federal Service for Supervision of Communications, Information Technology, and Mass Media) blacklisted *A Teachers' Guide to Studying, Understanding and Examining the Stalinist Repressions* (2015), a history textbook by Andrei Suslov, a history professor at Perm State University, and a colleague, because it was “dangerous to the health of children.” Perm’s education ministry had initially published the guide on its own website but removed it after the ban. The state prosecutor demanded the textbook’s nonprofit publisher Center for Political Education and Human Rights to mark the book with an age restriction of 18+ on its website. In response, Suslov and his publisher sued Roskomnadsor. A hearing was set for 3 October 2017 and a verdict was expected by the end of 2017. The textbook’s blacklisting reportedly came after activists from the Stalinist movement *sut vremeni* (Essence of Time) had protested against the textbook with a letter campaign to state authorities in [2015], followed by a report written in 2016 by Roskomnadsor-accredited experts, that determined that the textbook was “hostile to state and social views.” Pavel Guryanov of the Perm chapter of *sut vremeni* said that the work brainwashed the children of Perm in the interests of the publisher’s foreign sponsors. Suslov’s suit countered that the Roskomnadsor-accredited experts’ report damaged his reputation and demanded its removal from the Roskomnadsor website. He also applied for a second opinion on it, carried out by the “Laboratory for Applied Linguistics,” which concluded that it was “based on its own version of historical fact.”¹³⁷

From July 2017, an avant-première row concerning the film *Matilda* by director Alexei (Aleksei) Uchitel took place. The film explored the love of the last Tsar Nicholas II (1868–1918) for ballerina Matilda Kshesinskaya (1872–1971) before he came to the throne and married in November 1894; it included some erotic scenes. Russian Orthodox Christians saw Nicholas II, who was executed by the Bolsheviks in 1918, as a martyr; he was canonized in 2000 by the Orthodox Church. Campaigners interpreted the exposé of his love affair as an insult. They included Duma member Natalia Poklonskaya and groups called “Christian State, Holy Russia” and “The Tsar’s Cross.” The latter group said that the

[public-appeal-in-defense-of-yuri-dmitriev](#); Yelizaveta Mayetnaya, “[Supporters Rally Around Accused Russian Historian Of Stalin's Crimes](#),” *Radio Free Europe/Radio Liberty* (27 April 2017); “[Ukrainians Ask for International Protection for Russian Historian Who Is Persecuted by FSB](#),” *Human Rights Information Centre* (28 December 2016); [Petition: Освободить историка Юрия Дмитриева](#) (in Russian); “[Stalin’s Shadow: How a Gulag Historian Fell Victim to Russia’s Dark Past](#),” *Moscow Times* (9 June 2017); Andrew Osborn, “[Hunter of Stalin’s Mass Graves on Trial: Friends Say He’s Been Framed](#),” *Reuters* (13 July 2017); Halya Coynash, “[Russia Honours Founders of the Soviet Terror, Jails Historian who Uncovered their Victims](#),” *Human Rights in Ukraine* (3 October 2017); “[Russian Historian Charged With Child Pornography To Be Released](#),” *Radio Free Europe/Radio Liberty* (27 December 2017); Andrew Osborn, “[Russian Historian who Exposed Stalin’s Crimes Faces Enforced Psychiatric Testing](#),” *Reuters* (9 January 2018); Ivan Nechepurenko, “[Gulag Historian Ordered to Undergo Psychiatric Testing in Russia](#),” *New York Times* (11 January 2018); AFP, “[Russian Gulag Historian Faces 9 Years in Prison: Lawyer](#),” *Business Standard* (20 March 2018); Oleg Boldyrev, “[Stalin Crimes Expert Cleared over ‘Child Porn’](#),” *BBC News* (6 April 2018); Andrew Kramer, “[Russian Historian Who Exposed Soviet Crimes Is Cleared in Pornography Case](#),” *New York Times* (5 April 2018); “[Yury A. Dmitriev](#),” *Wikipedia* (2 July 2018).

¹³⁷ Elina Ibragimowa, “[Why Stalin Is Causing a Classroom Storm in Russia](#),” *Deutsche Welle* (29 July 2017).

“blasphemous” film “desecrated the memory of the Holy Regal Martyrs.” On 31 August 2017, petrol bombs were thrown at a St Petersburg building housing Uchitel’s studio, but the interior was not damaged. On 4 September a man was arrested in Yekaterinburg (the city where the tsar and his family were executed in July 1918) after crashing his jeep into a cinema. On 11 September, two cars were torched outside the Moscow office of a lawyer acting for Uchitel. The Kremlin condemned letters that warned cinemas that they would “burn” if they dared screen *Matilda*. Russia’s biggest cinema chain, the Cinema Park and Formula Kino group, canceled screenings of the film. The film was due to go on general release in Russia on 26 October 2017.¹³⁸

In October 2017, the United Nations High Commissioner for Human Rights reported that groups manifesting their attachment to Ukrainian national symbols, dates, or historic figures in the Crimea were sanctioned by courts for violating public order or conducting unauthorized rallies. The public activities of the unregistered Simferopol-based Ukrainian Cultural Center – such as paying tribute to Ukrainian literary, political, or historic figures – were often disrupted or prohibited. On 18 February 2015, the Bakhchysarai authorities prohibited the local Mejlis from carrying out a rally in commemoration of the anniversary of the death of Noman Çelebicihan (1885–1918), the first President of the short-lived independent Crimean People’s Republic (1917–1918). On 11 March 2015, a court in Simferopol ordered 40 hours of corrective labor for three pro-Ukrainian activists and 20 hours for a fourth after they unfurled a Ukrainian flag bearing the inscription “Crimea is Ukraine” during a rally to commemorate the anniversary of the national poet of Ukraine, Taras Shevchenko (1814–1861), two days earlier. Institutions promoting Ukrainian culture and traditions were shut down. The Museum of Ukrainian Vyshyvanka – a traditional Ukrainian embroidery – was closed in February 2015.

The Simferopol city authorities refused to grant permission for an assembly planned by the Crimean Tatar NGO Kardashlyk for 23 August 2014 near the memorial complex for the victims of the 1944 Crimean Tatar deportation. Crimean Tatars taking part in unauthorized motorcades to commemorate the 1944 Crimean Tatar deportation were regularly arrested, interrogated for hours, and fined. In June 2015, the city of Simferopol rejected an application by the Mejlis to hold celebrations of the Crimean Tatar Flag Day.¹³⁹

On 24 November 2017, Polish historian Henryk Glebocki was reportedly detained in Moscow and ordered to leave Russia within 24 hours after he gave lectures in St. Petersburg about the Soviet-era

¹³⁸ “[Rage at Tsar Film Suspected in Russia Car Blaze](#),” *BBC News* (11 September 2017); “[Russian Cinemas Shun Tsar Film Matilda after Threats](#),” *BBC News* (12 September 2017); Amie Ferris-Rotman, “Costume Drama,” *Index on Censorship*, 46, no. 3 (September 2017), 72–74.

¹³⁹ Office of the United Nations High Commissioner for Human Rights, *Situation of Human Rights in the Temporarily Occupied Autonomous Republic of Crimea and the City of Sevastopol (Ukraine)* (Geneva 2017), 3, 21, 23, 26, 32.

purges of 1937–1938. Glebocki had also been denied access to archives in Russia that he previously had used to research Polish-Russian relations during the 19th and 20th centuries. In October 2017, Polish authorities had expelled Russian historian Dmitry Karnaukhov – accusing him of having ties with Russian intelligence and “participating in a hybrid war against Poland.”¹⁴⁰

In January 2018, Memorial’s employees were threatened in the republics of Chechnya and Ingushetia. On 9 January 2018, the director of the Chechen office, Oyub Titiev (Titiyev), was arrested on a falsified charge of illegal drug possession (a common tactic used against activists and journalists in the region) that could bring ten years’ imprisonment. His family members received threats from the local police. The Kremlin’s human rights council did not exclude the possibility that drugs had been planted on Titiev by Chechen police. On 17 January 2018, security cameras captured two men in masks setting ablaze Memorial’s office in Nazran, capital of Ingushetia. This reportedly occurred three days after the arrival of a group of journalists and lawyers who were investigating Titiev’s arrest. On 19 January 2018, Chechen police arrived to raid the Memorial office in Grozny. Earlier, speaking at a meeting with police officers, Chechnya’s authoritarian leader Ramzan Kadyrov attacked Memorial, referring to its activists as “enemies of people” who told the world about Russian issues to discredit the state. Memorial’s chairman Alexander Cherkasov said that Kadyrov issued an ultimatum, banning Memorial’s activity in Chechnya. On 22 January 2018, a car belonging to the Memorial office in Dagestan was torched. As of 18 June 2018, Titiev was still in prison.

In December 2017, Chechnya’s leader Ramzan Kadyrov was sanctioned by the United States Treasury over alleged human rights violations, including involvement in extrajudicial killings. One of the sanctions was the deactivation by Facebook of his Instagram account, which had three million followers. The actions against Memorial were believed to be a revenge for the closure of the account and to have involved Chechen security forces: Memorial was held responsible for reporting about the human rights violations that gave rise to the sanctions.¹⁴¹

On 23 January 2018, following a screening before senior figures on 22 January, the distribution certificate of the British comedy film *The Death of Stalin* (2017), by director Armando Iannucci, was withdrawn, effectively canceling its release on 25 January. Among those who criticized it for its

¹⁴⁰ [“Russia Expels Polish Historian without Explanation,”](#) *Radio Free Europe/Radio Liberty* (27 November 2017).

¹⁴¹ [“‘Memorial’ Human Rights Activists in Russia Face Arrest, Arson, Murder,”](#) *Daily Beast* (20 January 2018); [“Critical Voices Targeted with Arson, Arrest and Legislation,”](#) *Ifex* (1 February 2018); European Parliament, [“Russian Government Urged To Release Oyub Titiev”](#) (press release; 8 February 2018); Marc Bennets, [“Chechen leader’s Instagram Closure ‘Led to Revenge Attacks’ on NGO,”](#) *Guardian* (21 January 2018); PEN International, [“Oral Statement on Freedom of Association and Peaceful Assembly in Russia for the United Nations Human Rights Council 38th Special Session, Item 3: Interactive Dialogue with the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association”](#) (18 June 2018).

“ideological warfare” or “extremism,” citing its unfavorable portrayal of historical figures like Marshal Georgy Zhukov (1896–1974), were Yelena Drapeko, deputy head of the lower house of parliament’s culture committee, Yury Polyakov, a member of the culture ministry’s advisory council, Zhukov’s daughter, and Nadezjda Umanova of the Russian Society for Military History. The film was a satire of the power struggle in the Kremlin following Stalin’s death in 1953. An open letter to Culture Minister Vladimir Medinsky signed by 21 senior figures criticized the film for parodying Russia’s history and denigrating the memory of Russian citizens who fought the Nazis. Pavel Pozhigaylo, a member of the Culture Ministry’s advisory board, said that the film’s release in advance of the 75th anniversary of the end in 1943 of the Battle of Stalingrad, to be celebrated nationwide on 2 February 2018, would be an affront to Russia’s World War II veterans. On 25 January 2018, Moscow’s Pioneer Cinema, the only Russian cinema to go ahead with the film, stopped the first screening after a police visit hours before. Tickets had been sold for showings until 3 February 2018. The culture ministry said that the cinema would be prosecuted for showing the comedy without a license. In 2015, the ministry had withdrawn the distribution license of “Child 44,” a Cold War thriller about a series of child murders in the USSR in 1953, saying it “distorted historical facts.”¹⁴²

On 12 May 2018, Pavel Chikov and Damir Gaynutdinov, head and legal researcher respectively of the international human rights group Agora, published a report, *Russia against History: Punishment for revision* (available in Russian at https://guides.files.bbc.co.uk/bbc-russian/Russia_vs_History.pdf), about the dangers that Russian historians face. The report observed that the most dangerous subject for historical research in Russia was World War II and the role of the USSR in it. Over the last decade, criminal charges were brought against 17 historians for their discussion of the war. One of these cases was dismissed because of the statute of limitations, but the other 16 were found guilty. The government also engaged in 41 acts of censorship on historical issues, seven efforts to revise the work of scholars, numerous acts of obstruction of access to archives, and routine prohibition of the use of materials found by scholars in government archives. According to the report, the Russian authorities had stepped up their efforts in recent years to impose a single conception of Russian history; their main instrument in that regard was the use of the provisions of anti-extremist legislation.¹⁴³

In June 2018, activists accused the government of erasing Gulag victims from memory after it was revealed that agencies were destroying Soviet prisoner records under a secret decree. The director of the Gulag museum in Moscow complained to the Russian Human Rights Council, that the interior

¹⁴² “[Russia Bars ‘Extremist’ British Comedy ‘The Death of Stalin’](#),” *BBC News* (23 January 2018); “[Death of Stalin: Russian Cinema Drops Film under Pressure](#),” *BBC News* (26 January 2018); Matthew Luxmoore, “[In Russia, ‘The Death of Stalin’ Is No Laughing Matter](#),” *New York Times* (24 January 2018).

¹⁴³ “[Being a Historian an Increasingly Dangerous Profession in Russia, Agora Study Says](#),” *Euromaidan Press* (13 May 2018).

ministry has been trashing irreplaceable cards containing the names of those repressed. The card system came into existence as follows: if prisoners survived their lengthy sentences in Gulag labor camps and were released, their case files were destroyed but archive cards were created instead recording their names, date and place of birth, what camps they had been in and when they were liberated. After a researcher requested information about a prisoner's Gulag sentence in vain, it had emerged that a secret 2014 decree signed by 11 government agencies allowed officials to dispose of a prisoner's card after his or her 80th birthday.¹⁴⁴

See also Afghanistan, China, India, Iran, Netherlands, Ukraine.

RWANDA

Previous *Annual Report* entries: 1998, 2000–2017.

¹⁴⁴ Alec Luhn, "[Russia Deleting Records of Gulag Victims under Secret 2014 Order](#)," *Telegraph* (8 June 2018).

SAINT VINCENT

Previous *Annual Report* entries: 2014.

SÃO TOMÉ

Previous *Annual Report* entries: —.

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011, 2013, 2017.

On 5 April 2017, United Nations experts on cultural rights, housing, and extreme poverty called on the government to halt the planned forced evictions and demolition of the 400-year-old walled Al-Masora (al-Masoura; Musawara) quarter in the village of Awamia. Al-Masora was considered a historical model of a walled village, including mosques, farms and farmers' markets, places of worship for Shia "Hussainiyat" and businesses; it was home to about 2,000 to 3,000 people. Part of a "development project," the demolition started in May 2017 and triggered deadly clashes between security forces and Shia militants. In late July 2017, security forces surrounded and sealed off Awamia as they confronted an armed group hiding in a historic neighborhood slated for demolition. The violence killed more than 20 civilians, five militants, and 12 security personnel. The interior ministry blamed the unrest on "terrorist groups who have been in the area for years."¹⁴⁵

See also Yemen.

¹⁴⁵ ["UN Experts Urge Saudi Arabia to Halt Forced Evictions and Demolitions of the Al-Masora Neighborhood in Awamia"](#) (press release; 5 April 2017); ["Awamiya: Inside Saudi Shia Town Devastated by Demolitions and Fighting,"](#) *BBC News* (16 August 2017); Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 465; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 318.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009, 2013, 2017.

In April 2017, the Extraordinary African Chambers in Senegal upheld the conviction and sentence of life imprisonment of former Chadian President Hissène Habré for war crimes, crimes against humanity, and torture committed in Chad between 1982 and 1990.¹⁴⁶

See also Guinea.

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2017.

Prosecutions for crimes committed during the war (1991–1995) were hampered due to lack of political support, insufficient staff, and other resources at the Office of the War Crimes Prosecutor, and weak witness support mechanisms. The Serbian parliament finally appointed a new war crimes prosecutor in May 2017, Snežana Stanojković, after an 18-month-long vacancy. Few high ranking officials implicated in serious wartime abuses had been held to account in Serbian courts. Between January and August 2017, 17 war crimes trials were pending before them. The war crimes prosecutor issued two new indictments during the same period. Over the same eight months, first instance courts delivered no judgments. The appeals court overturned convictions of three people. Over the same eight months, 11 cases were still at investigation stage. Since the establishment of the War Crimes Prosecution Office in 2003, 124 judgments had been issued, 82 people convicted and 42 acquitted.

The first trials in Serbia for war crimes in Srebrenica started in February 2017. Eight Bosnian Serb former police officers were charged with the killing in a warehouse of more than 1,300 Bosniak civilians from Srebrenica in July 1995. In July 2017, the Belgrade Appeals Court dismissed the charges, stating that the prosecutor who filed the charges was not authorized to do so. On appeal, the indictment was reinstated; proceedings started afresh in November 2017.

Relatives of the disappeared were denied recognition as civilian victims of war, if their missing family member had died outside Serbia. In May 2017, relatives of missing Kosovo Serbs called on the government to make progress in recovering their bodies.

Chief Prosecutor Serge Brammertz at the International Criminal Tribunal for the Former Yugoslavia

¹⁴⁶ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 23, 322.

(ICTY) urged Serbia in June 2017 to officially acknowledge the crimes committed in Srebrenica in 1995 as genocide.¹⁴⁷

Kosovo

Following the January 2017 arrest in France of former Kosovo Prime Minister and Kosovo Liberation Army fighter Ramush Haradinaj based on a Serbian arrest warrant, a French court in April rejected Serbia's extradition request. Haradinaj was wanted in Serbia on war crimes charges. He had been twice acquitted by the ICTY of war crimes during the 1998–1999 Kosovo conflict.

In July 2017, after months of delay, Kosovo's Constitutional Court approved the revised rules of procedure and evidence for the Specialist Chambers and Specialist Prosecutor's Office, the Hague-based court tasked with trying serious war crimes committed during the 1998–1999 Kosovo war. This allowed the court to issue first indictments. The court was set to adjudicate cases investigated by the Special Investigative Task Force, prompted by a 2011 Council of Europe report accusing some Kosovo Liberation Army (KLA) members of abductions, beatings, summary executions, and the forced removal of human organs in Kosovo and Albania during and after the Kosovo war. Senior KLA fighters were expected to be indicted and stand trial. The court will operate under Kosovo laws, with 19 international judges, appointed by the European Union in February 2017. In June 2017, the European Union approved a one-year budget for the court.

Under 2014 legislation, the competencies of the European Union-led Police and Justice Mission (EULEX) for the prosecution of crimes under international law were limited, although some prosecutions continued. The absence of any agreement on mutual legal assistance between Kosovo and Serbia hampered the prosecution of Serbs suspected of crimes under international law during the 1998–1999 armed conflict, including conflict-related sexual violence (CRSV). Hundreds of unresolved case files were due to be transferred by June 2018 to Kosovo's Special Prosecution Office. Prosecutors, NGOs and CRSV survivors were concerned that testimonies, known to have been gathered after the armed conflict by the United Nations Mission in Kosovo (UNMIK), had not been promptly or adequately investigated. In June 2017, former President Atifete Jahjaga was denied entry to Serbia, where she was due to present a book of testimonies from CRSV survivors. Progress was made in implementing legislation introduced in 2014, which provided some reparation for CRSV survivors. A commission was appointed to consider applications from survivors, who were due to be able to apply for monthly compensation payments from January 2018. Other reparation measures did not meet international standards, failing to provide survivors with free health care or adequate rehabilitation. Stigma associated with wartime rape continued to overshadow survivors. Little progress was made in

¹⁴⁷ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 470–471; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 323.

locating people still missing from the armed conflict and its aftermath. Some 1,658 people were still missing. The Kosovo Specialist Chambers opened in The Hague on 28 June 2017. They had been established to investigate the alleged abduction, torture, and murder of Kosovo Serbs and some Kosovo Albanians, transferred to Albania by members of the Kosovo Liberation Army (KLA) during and after the 1998–1999 war. In December 2017, members of parliament failed to revoke the law governing the Specialist Chambers, which they considered discriminated against the KLA.

The Human Rights Review Panel, an independent body set up in 2009 to review allegations of human rights violations by EULEX staff, ruled in eight cases between January and October 2017, four of which were follow-up decisions in earlier cases where violations had been found by the panel. Thirty cases were pending before the panel at the end of 2017.¹⁴⁸

The United Nations failed to follow recommendations made in 2016 by the Human Rights Advisory Panel (HRAP), an independent body set up in 2006 to examine complaints of abuses by the United Nations (UN) Interim Administration Mission in Kosovo (UNMIK), that the UN apologize and pay individual compensation to lead poison victims forced to live in UNMIK-run camps in northern Kosovo after the 1998–1999 war. Victims were displaced members of the Roma, Ashkali, and Balkan Egyptian communities. In May 2017, UN Secretary-General António Guterres proposed a watered-down plan to create a voluntary trust fund for community assistance projects not specifically targeting those affected by lead poisoning. At the end of 2017, no states had contributed to the trust fund.¹⁴⁹

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007. *See* Montenegro and Serbia / Kosovo.

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012, 2016.

¹⁴⁸ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 474–475; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 324–325.

¹⁴⁹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 475.

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011, 2015–2016.

On 4 August 2017, the National University of Singapore (NUS) suspended Chinese-born American professor Huang Jing, director of the Centre on Asia and Globalisation at the NUS Lee Kuan Yew School of Public Policy. The Ministry of Home Affairs had identified Huang as a spy, saying that he had used his senior position to “deliberately and covertly advance the agenda of a foreign country at Singapore’s expense. He did this in collaboration with foreign intelligence agents.” It did not name the foreign country involved. It added that Huang’s permanent residency status would be revoked and he would be banned from re-entering the country. Huang was planning an appeal against his expulsion. Huang received his master degree from Fudan University, Shanghai, where he read history. Later, he obtained a doctorate in political science from Harvard University. He was an expert on Chinese politics and United States-China relations. Many said that he held pro-Chinese views.¹⁵⁰

In September 2017, Amos Yee Pang Sang was granted political asylum in the United States on the grounds that Singapore had persecuted him for exercising his right to peaceful expression [See also *NCH Annual Reports 2015–2016*].¹⁵¹

In November 2017, activist Jolovan Wham was charged with violating the Public Order Act, among other things because he had been involved in a silent protest to commemorate the 1987 arrests of activists under the Internal Security Act (ISA).¹⁵²

On 29 March 2018, Thum Ping Tjin, a Singaporean research fellow at Oxford University, coordinator of the university’s Project Southeast Asia and historian of Singapore’s independence struggle of the 1950s and 1960s, appeared before the Parliamentary Select Committee on Deliberate Online Falsehoods at a public hearing on “fake news.” In his written submission to the committee, he had claimed that fake news had not had a big impact in Singapore with the exception of Operation Coldstore (the 1963 imprisonment without trial of over 100 people deemed to be part of a Communist conspiracy to overthrow the government), when politicians of the People’s Action Party Government had told Singaporeans that “people were being detained without trial on national security grounds due to involvement with radical Communist conspiracies to subvert the state,” adding that “declassified

¹⁵⁰ Yojana Sharma, “[University Suspends Professor after Foreign Spy Charge](#),” *University World News* (7 August 2017).

¹⁵¹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 480.

¹⁵² Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 479.

documents have proven this to be a lie.” He was interrogated about this research for six hours by Minister for Law and Home Affairs K[asiviswanatha] Shanmugam, a committee member, who challenged Thum with evidence to the contrary. Shanmugam repeatedly expressed disdain for Thum’s research, rephrasing its findings in general terms that misrepresented it, and attempting to get Thum to agree to the rephrasing by forcing him to provide only yes/no answers. Following Thum’s appearance, an open letter in support of him and academic freedom in Singapore, signed by nearly 300 academics from various countries, was submitted to the committee. In a reaction, committee chairman and deputy speaker of parliament Charles Chong suggested on 30 April 2018 that “there has been a coordinated attempt, with foreign actors involved, to try to influence and subvert our parliamentary processes.” Oxford University senior lecturer Philip Kreager, chair of the Project South East Asia, refuted Chong’s conspiracy allegations. On 2 May 2018, three Oxford University academics who supervised Thum’s 2011 doctoral thesis (*Chinese Language Political Mobilization in Singapore, 1953–1963*) defended the latter’s academic credentials in a letter to Chong. In a follow-up submission in early May 2018 to the parliamentary committee, Thum provided detailed responses to the questions raised by the committee specifically regarding his historical research.

After he had published and lectured about Operation Coldstore in late 2013 and early 2014, Thum had been told by a senior NUS colleague that he would no longer be able to work in Singapore.¹⁵³

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011, 2013–2015, 2017.

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2013, 2015–2017.

Long-standing human rights violations continued to persist against the “erased,” an estimated 25,000 former permanent residents of Slovenia mostly originating from other former Yugoslav republics. They were removed from the official registry following Slovenia’s independence in 1991. The authorities

¹⁵³ Low Youjin, “[Oxford Professors Defend Historian Thum’s Thesis and Academic Credentials](#),” *Today* (2 May 2018); Yojana Sharma, “[Academic Freedom Faces ‘Grave Threat’ from Parliament](#),” *University World News* (15 May 2018); Project SEA, “[In Defence of Dr PJ Thum and Academic Freedom in Singapore](#)” (Oxford 17 April 2018); The hearings on YouTube: “[Delving into Singapore’s history](#)” (Part 1 of 4) [1.28:48]; “[Delving into Singapore’s history](#)” (Part 2 of 4) [2.06:00]; “[Delving into Singapore’s history](#)” (Part 3 of 4) [1.33:20]; “[Delving into Singapore’s history](#)” (Part 4 of 4) [20:52].

failed to offer new options to the remaining “erased” in terms of restoring their legal status and related rights since the expiry of the Legal Status Act in 2013. In September and November 2017, the European Court of Human Rights ruled as inadmissible complaints by some of those whose applications for restoring legal status had been rejected under the Legal Status Act provisions.¹⁵⁴

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012–2014.

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012–2017.

In February 2017, the North Gauteng High Court ruled that the government’s attempt to withdraw from the International Criminal Court (ICC) was unconstitutional and invalid, as it had issued its withdrawal notice without consulting parliament. The court ordered President Jacob Zuma and the Ministries of Justice and Foreign Affairs to revoke the notice of withdrawal. The ICC debacle further dented South Africa’s international image as a champion of human rights and international justice. The government proposed legislation to parliament on withdrawal, but removed it from consideration in March. In December 2017, the government indicated at the ICC’s Assembly of States Parties in New York that it would indeed pursue its intent to withdraw.¹⁵⁵

In July 2017, the ICC Pre-Trial Chamber ruled that South Africa violated its legal obligations to the court in failing to arrest Sudanese President Omar al-Bashir in June 2015, when he attended the African Union Summit in the country. Al-Bashir was the subject of two ICC arrest warrants on charges of genocide, crimes against humanity, and war crimes committed in Darfur. South African courts had previously confirmed that the government had a duty to arrest al-Bashir. The chairperson of the African National Congress (ANC) International Relations subcommittee, Edna Molema, in an op-ed published a week later, said that the domestic court rulings on al-Bashir’s arrest had vindicated the ANC’s initial decision to withdraw from the ICC.¹⁵⁶

¹⁵⁴ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 330.

¹⁵⁵ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 493; Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 24, 334.

¹⁵⁶ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 493–494.

SOUTH SUDAN

Previous *Annual Report* entries: 2013, 2015–2017.

Three transitional justice bodies, provided for in the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan, had not been established by the end of 2017. In July 2017, the African Union (AU) Commission and the government agreed on the content of a statute and a memorandum of understanding for the establishment of one of the bodies, the Hybrid Court for South Sudan, although they were not formally approved or adopted. A technical committee for the Commission for Truth, Reconciliation, and Healing began consultations on the commission’s design and legislative framework. South Sudan’s legislative framework failed to define or criminalize torture, enforced disappearance, or crimes against humanity.¹⁵⁷

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2017.

Spanish authorities continued to close investigations into crimes under international law committed during the Civil War (1936–1939) and the Franco regime (1939–1975). They argued that it is not possible to investigate the crimes reported, such as enforced disappearances and torture, in view of, among other things, the 1977 Amnesty Act and the statute of limitations. The authorities continued to fail to take measures to locate and identify the remains of victims of enforced disappearances and extrajudicial executions during the Civil War, leaving families and organizations to undertake exhumation projects without state support.¹⁵⁸

In February 2017, Mexico’s Attorney General’s Office started an investigation into the so-called “stolen babies” case, making Mexico the second country to investigate crimes under international law committed in Spain during the Civil War and the Franco regime. The investigation concerned the case of a woman born in Spain in 1968 and handed over to a Mexican family, reportedly after having been abducted from her family. In September 2017, the United Nations Working Group on Enforced or Involuntary Disappearances stated that this case constituted a new opportunity for Spain to fully cooperate in the investigations carried out by other states into enforced disappearances which occurred in

¹⁵⁷ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 23, 338.

¹⁵⁸ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 341.

Spain.¹⁵⁹

See also El Salvador, Trinidad and Tobago, Turkey.

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2017.

In October 2015, the United Nations Human Rights Council adopted consensus resolution 30/1 in which Sri Lanka pledged to undertake several human rights reforms, including transitional justice demands arising from the civil war (1983–2009), and to establish four transitional justice mechanisms, including a judicial mechanism with “participation of international judges, prosecutors, lawyers and investigators.” Civil society leaders handed a comprehensive report to the government in January 2017. It contained strong recommendations, including for a hybrid justice mechanism. Neither the president nor the prime minister received the report publicly. Senior cabinet ministers explicitly rejected the recommendation that foreign nationals participate in the special court. Both the president and the prime minister publicly reiterated the point, and further emphasized that the government would not allow “war heroes” to be prosecuted.

One of the four pillars of the 2015 resolution was to create an Office of Missing Persons (OMP). Although the government had enacted a law to that effect in August 2016, efforts operationalizing it remained stalled until September 2017. Commissioners to the OMP had not been appointed and the OMP had yet to be formally set up at the end of 2017. In June 2017, President Maithripala Sirisena had promised families of the disappeared that he would order the release of lists of those who surrendered to, or were detained by, the armed forces during and after the armed conflict (1983–2009). The lists had not been made public by the end of 2017. Families of the disappeared said that the OMP was decided without proper consultation with affected groups. The 2016 act, therefore, did not address the need for psychosocial support, victim and witness protection measures, a minority rights commission, and symbolic gestures to allow public grieving, such as commemorating the dead.¹⁶⁰

Attempts by families to arrange stones as memorials for lost relatives were stopped by security forces. Catholic priest Elil Rajendram was detained and other residents of Mullaitivu were subjected to police

¹⁵⁹ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 341.

¹⁶⁰ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 507–509; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 40, 342, 343.

harassment following their efforts to hold memorials for family members who died during the armed conflict (1983–2009).¹⁶¹

See also India.

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2017.

The Security Council did not press Sudan to cooperate with the International Criminal Court (ICC) in its investigation into crimes committed in Darfur, despite having referred the situation to the ICC in 2005. The ICC first announced charges in 2007. It had outstanding arrest warrants against five individuals, including President Omar al-Bashir, for war crimes, crimes against humanity, and genocide committed in Darfur between 2003 and 2008.¹⁶²

See also Jordan, South Africa.

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012–2013, 2015–2016.

SWAZILAND

Previous *Annual Report* entries: 2011, 2013, 2016–2017.

In September 2017, King Mswati III told the United Nations General Assembly in New York that Swaziland was committed to peace and a decent life for all. He said that his government granted all citizens an opportunity to voice their views in order to constructively contribute to the social, economic, cultural, and political development of the country. He failed to mention, however, the recent amendments to the Public Order Act, which allowed critics of the king or the Swazi government to be prosecuted, and upon conviction be fined E 10,0000 (US\$ 770) or imprisoned for two years or both, for

¹⁶¹ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 343.

¹⁶² Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 519.

inciting “hatred or contempt” against the cultural and traditional heritage.¹⁶³

SWEDEN

Previous *Annual Report* entries: 1998, 2017.

In September 2017, a Syrian man who had served in the Syrian army was convicted of war crimes by the Södertörn District Court and sentenced to eight months’ imprisonment for violating the dignity of five dead or severely injured persons by posing for a photograph with his foot on one victim’s chest.¹⁶⁴

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009, 2014, 2016–2017.

In February 2018, it became known that the Federal Defense Department could not find 27 unpublished folders and dossiers from an investigation into a covert paramilitary group called “Projekt 26” or P-26 three decades ago. P-26 was established during the Cold War in the 1950s when, like in other countries, the Swiss military began assembling a guerrilla-style force to resist a Communist invasion. P-26 was disbanded in 1990 after revelations of its existence prompted a public scandal. Critics feared that the documents were destroyed or intentionally misplaced to hide embarrassing details about neutral Switzerland’s secret advances toward NATO or clandestine ties to foreign spy agencies such as MI6.¹⁶⁵

See also Algeria, Gambia, Liberia.

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2017.

The International Impartial and Independent Mechanism to assist in the investigation and prosecution of the most serious crimes under international law committed in Syria since March 2011 took shape

¹⁶³ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 520.

¹⁶⁴ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 348.

¹⁶⁵ John Miller, “[In Switzerland, Dismay as Papers on Secret Cold War Army Vanish](#),” *Reuters* (7 February 2018).

during 2017 after its formal establishment in December 2016 by the United Nations General Assembly.¹⁶⁶

On 1 August 2017, Syrian officials informed Noura Ghazi, the wife of computer engineer Bassel Khartabil Safadi (1981–2017), that he had been extrajudicially executed in October 2015. During that same month, his colleagues had produced a new 3D model of Palmyra using data collected by him before his detention [see also *NCH Annual Reports 2015–2016*].¹⁶⁷

On 20–22 and possibly 26 January 2018, Turkish air strikes damaged a neo-Hittite temple at the Ain Dara site near the Kurdish-held city of Afrin, Aleppo Governate, destroying about 60% of the temple including some colossal carved basalt lions. The temple was an important example of Syro-Hittite religious architecture, built by the Arameans in the first millennium BCE. The Turkish military operation inside Syria had the purpose to extend a “buffer zone” that would sever the access of YPG (Syrian-Kurdish “People’s Protection Units”) to the Turkish border. On 19 March 2018, Turkish-backed Syrian rebels seized Afrin, meanwhile looting properties. Rebels tore down a statue of the Kurdish hero Kawa Haddad (a blacksmith who as a symbol of resistance against repression is a central figure in a Kurdish legend about the new year celebration of *Nowruz*). Many YPG fighters withdrew along with the estimated 220,000 civilians who fled the city in the days before the seizure.¹⁶⁸

See also Sweden, Turkey.

¹⁶⁶ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 63.

¹⁶⁷ Louis Imbert, “Un cybermilitant syrien meurt en prison,” *Le Monde* (6–7 August 2017), 4; PEN International, “[Joint Statement – Syria: Rights Groups Condemn Extrajudicial Execution of Human Rights Defender and Software Engineer Bassel Khartabil](#)” (2 August 2017); Global Voices Advox, “[They Can Kill Bassel, but not His Memory](#),” *Ifex News* (1 August 2017); Bassel Safadi (Khartabil), Letter [9 April] 2014, *Index on Censorship*, 46, no. 3 (Autumn 2017), 63.

¹⁶⁸ “[Syria War: Turkish Air Strikes ‘Damage Ancient Afrin Temple’](#),” *BBC News* (29 January 2018); Michael Danti, Darren Ashby, Marina Gabriel & Susan Penacho, “[Update: Ain Dara](#),” *Asor: Cultural Heritage Initiatives* (s.d. [January 2018]); Diana Darke, “[How Historical Afrin Became a Prize Worth a War](#),” *BBC News* (24 January 2018); “[Syria War: Afrin Looted by Turkish-Backed Rebels](#),” *BBC News* (19 March 2018).

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012, 2016–2017.

From mid-February to early June 2017 when they were dispersed, Indigenous people and supporters staged a 100-day sit-in near the Presidential Office protesting against government guidelines, proposed by the cabinet-level Council of Indigenous Peoples, on changing the designation of traditional Indigenous territory.¹⁶⁹

TAJKISTAN

Previous *Annual Report* entries: 2017.

In October 2016, the government sentenced human rights lawyer Buzurgmehr Yorov to 21 years' imprisonment in a political trial. In two additional trials held in 2017, the authorities extended Yorov's prison sentence by two years for insulting a government official and for citing a stanza of the 11th- and 12th-century Persian poet Omar Khayyam (1048–1131), during his own trial. At the end of 2017, prosecutors were seeking Yorov's imprisonment for up to five more years in relation to additional charges of fraud and "insulting the president," increasing Yorov's total possible jail term from 25 to 30 years.¹⁷⁰

In July 2017, security service officers in seven cities across Tajikistan arbitrarily detained and interrogated the relatives of at least ten peaceful activists who, earlier that month, had attended a conference in Dortmund, Germany, commemorating the signing of the peace accords that formally ended Tajikistan's civil war (1992–1997). Authorities retaliated against the activists' relatives, publicly shaming them for their family members' activism.¹⁷¹

In August 2017, President Emomali Rahmon signed into law amendments to the Law on Traditions regulating the practice of cultural traditions and celebrations. The amendments compelled citizens to wear traditional dress at cultural celebrations or ceremonies, such as weddings and funerals. Women in particular were prohibited from wearing black at funerals. In the same month, police and local officials

¹⁶⁹ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 353–354.

¹⁷⁰ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 537.

¹⁷¹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 536.

approached over 8,000 women who were wearing the Islamic headscarf (hijab) in public places, ordered them to remove it because it was against the law, and asked them instead to wear a headscarf tied behind the head in the “traditional Tajik way.” Dozens of women were briefly detained, many had their hijabs forcibly removed. Women wearing western-style dress were not targeted. Government officials claimed that the hijab was a form of “alien culture and tradition” and a sign of “extremism.” Shops selling Islamic clothing were raided by security forces and many were forced to close.¹⁷²

TANZANIA

Previous *Annual Report* entries: 2010, 2016–2017.

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2017.

In spite of evidence showing that soldiers were responsible for most casualties during the 2010 political confrontations with the United Front for Democracy Against Dictatorship (UDD), or “Red Shirts,” that left at least 90 dead and more than 2,000 injured, no military personnel or officials from the government of former Prime Minister Abhisit Vejjajiva have been charged for killing and wounding civilians at the time. On the other hand, numerous UDD leaders and supporters faced serious criminal charges for their street protests in 2010.

In August 2017, the Supreme Court’s Criminal Division for Political Office Holders acquitted former Prime Minister Somchai Wongsawat and other senior government officials for their roles in the violent crackdown on the People’s Alliance for Democracy (PAD) protesters in October 2008, which left two people dead and more than 400 injured.¹⁷³

In 2017, six people were arrested for sharing Facebook posts concerning the removal of a plaque commemorating events in 1932 that brought an end to absolute monarchy. At the end of 2017 they remained imprisoned, facing charges on multiple counts of violation of Article 112 of the Penal Code (the *lèse majesté* provision).¹⁷⁴

¹⁷² Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 356.

¹⁷³ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 549.

¹⁷⁴ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 360.

On 9 October 2017, Sulak Sivaraksa was summoned for an interrogation before military prosecutors in his 2014 trial for *lèse majesté*. After Sivaraksa, a proclaimed monarchist, petitioned King Vajiralongkorn for help, the court dropped the charges for lack of evidence on 17 January 2018 [see also *NCH Annual Reports 1995, 2008, 2015, 2017*].¹⁷⁵

On 31 January 2018, historian Charnvit Kasetsiri ([1942–]), former President of Thammasat University, reported to the police’s Technology Crime Suppression Division (TCSD) to hear a cybercrime charge against him. The police accused him of violating Article 14 of the Computer Crime Act. If found guilty, he would face up to five years in prison, a fine of up to 100,00 baht, or both. The charge emerged after he had shared on his Facebook account a false news report that during a visit to Washington in October 2017, Naraporn Chan-ocha, wife of Prime Minister and junta leader Prayut Chan-o-cha, had a two-million-baht Hermes purse, while it was, in fact, a product of Thailand’s Royal Folk Arts and Crafts Center and cost no more than 10,000 baht. Subsequently, the TCSD accused Charnvit of disseminating forged computer data likely to cause damage to a third party, a violation of the Computer Crimes Act. Upon arriving at the TCSD, Charnvit read a statement, denying the charges, and emphasizing that he merely exercised his freedom of expression. He observed that his case was one of many SLAPP cases (Strategic Lawsuits against Public Participation), meant to shut down criticism.¹⁷⁶

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2013, 2015–2017.

A new government body – the Chega! National Center: From Memory to Hope (CNC) – was established through Decree Law No. 48/2016. The CNC’s purpose was to facilitate the implementation of recommendations made by the truth commission (CAVR) in 2005 and the bilateral Timor-Leste and Indonesia Commission of Truth and Friendship in 2008. The main planned activities of the CNC included memorialization, education, solidarity with victims of past human rights violations, and outreach. However, the CNC did not have a mandate to address the CAVR’s recommendations on justice and reparations for victims of serious human rights violations.¹⁷⁷

¹⁷⁵ Pravit Rojanaphruk, “[112 Case Moves Forward against Historian For Doubting 16th Century ‘Elephant Duel’](#)” (6 October 2017); PEN International, “[Thailand: Octogenarian Writer and Activist Faces 15-year Prison Sentence](#),” (27 October 2017); AP, “[Thailand Drops Royal Insult Charges against Elderly Historian](#),” *CBS News* (17 January 2018); Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 359–360; Global Coalition to Protect Education from Attack, *Education under Attack 2018* (New York: GCPEA, 2018), 243.

¹⁷⁶ “[Former TU Rector Charnvit Reports to Police over Cybercrime Charge](#),” *Prachatai* (31 January 2018).

¹⁷⁷ Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 361–

Victims of serious human rights violations committed during the Indonesian occupation (1975–1999) continued to demand justice and reparations.¹⁷⁸

TOGO

Previous *Annual Report* entries: 2002, 2008–2013, 2017.

The authorities continued to fail to take steps to identify those suspected of responsibility for human rights violations, including the deaths of nearly 500 people, during the violence surrounding the presidential election in 2005. Of the 72 complaints filed by the 364 victims' families with the Atakpamé, Amlamé and Lomé courts, none are known to have been fully investigated.¹⁷⁹

TRINIDAD and TOBAGO

Previous *Annual Report* entries: —.

In October 2017, a statue of Christopher Columbus in the capital Port of Spain was defaced with red paint by locals demanding its removal. The newly launched Jamaica-based Center for Reparations Research (CRR) resolved that Caribbean governments “be asked to remove from places of public celebration monuments statues and other effigies to persons who either committed or facilitated [...] crimes against humanity in the Caribbean.” “Therefore,” the CRC chair added, “monuments to such persons as Christopher Columbus, Horatio Nelson, and Francis Drake – and all other military and civil supporters of slavery and the colonial project – should be removed.”¹⁸⁰

362.

¹⁷⁸ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 43, 361.

¹⁷⁹ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 363–364.

¹⁸⁰ Earl Bousquet, “[Tri-Continental Nations Support Caribbean Quest for Reparations](#),” *Telesur* (1 December 2017).

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2017.

On 24 December 2013, the National Constituent Assembly (NCA) adopted the Law on Establishing and Organizing Transitional Justice. The law established a Truth and Dignity Commission (IVD) tasked with uncovering the truth about abuses committed between July 1955, shortly before Tunisia's independence from France, and the law's adoption in December 2013. The IVD (the only ongoing national transitional justice mechanism in North Africa) declared, in June 2016, that it had received 62,065 complaints from people alleging human rights abuses and had begun processing them. On 17–18 November 2016, the IVD held the first public hearings of victims of human rights violations, which were aired live on national television and radio stations. Since then, the IVD had held eleven more hearings covering various human rights violations during the Ben Ali and Bourguiba presidencies (1987–2011 and 1956–1987 respectively), such as torture, abuses against union rights, sexual assault against women imprisoned for political reasons, and violations of economic rights.

The transitional justice process suffered a major setback with the adoption, on 13 September 2017, of a law on “reconciliation in the administrative field” by a vote of 117 votes to nine, with one abstention. The law offered blanket impunity for those civil servants implicated in corruption and embezzlement of public funds but who did not benefit personally. For this category of persons, the law terminated any ongoing prosecutions and trials and preempted future trials. The law would thus impair the IVD work, which had a mandate to investigate economic crimes and situate them within the larger picture of systematic corruption under Ben Ali.

The transitional justice process also suffered from lack of criminal accountability for serious human rights violations. Authorities have failed in the seven years since Ben Ali's overthrow to investigate or hold anyone accountable for the vast majority of torture cases, including notorious cases of death in custody as a result of torture. By late 2017, the specialized chambers had not been set up.

There was no progress on the adoption of a memorandum of understanding between the IVD and the Ministry of Justice to allow for the referral of cases to specialized judicial chambers. Government institutions including the Ministries of the Interior, Defense, and Justice continued to fail to provide the IVD with the information it requested for its investigations. The Military Justice system refused to hand over to the IVD the case files of the trials of those accused of killing protesters during the 2011 uprising and of victims of police repression during the Siliana protests in 2012.¹⁸¹

¹⁸¹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 556–557; Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 63, 366.

On 30 January 2018, eleven NGO's, coordinated by Hassine Bouchiba, organized a sit-in in front of the IVD premises and asked what would be the fate of the files of those who were wounded and who died during the 2011 revolution. They recommended that the files be kept in the National Archives and not transferred abroad. None of the survivors had had access to their files [See also *NCH Annual Reports 2015–2017*].¹⁸²

TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2017.

On 30 March 2017, police reportedly detained 37 students from İstanbul University who participated in a peaceful demonstration commemorating the 1972 Kızıldereli Massacre – a military raid in which 10 activists in Turkey were killed after taking British intelligence officers hostage, allegedly to stop the execution of their imprisoned colleagues. Shortly after the demonstration began, plainclothes police arrived on the scene and detained 37 of the students.¹⁸³

On 21 July 2017, a new bill, passed by the Constitutional Committee, banned any mention of the 1915 Armenian genocide by parliamentarians. Those who broached the subject in parliament could have deductions made from their salaries and could be barred from attending parliamentary sessions. Armenians and governments of more than 29 countries labeled the deaths of Armenians during this period as genocide. The Turkish state called it *tehcir*, or forced displacement.¹⁸⁴

On 19 August 2017, German-Turkish writer Dogan Akhanli ([1956–]), a known critic of President Recep Tayyip Erdogan, was arrested in Granada, Spain, after an Interpol “red notice.” Akhanli wrote extensively on human rights in Turkey, including about the 2007 murder of Hrant Dink [See also *NCH Annual Reports 2006–2015*] and the 1915 Armenian genocide. He was granted release the next same day on condition that he would stay in Madrid. Akhanli had been a political prisoner between 1985 and 1987. He fled to Germany in 1991 as a refugee, achieving citizenship in 2001. He was arrested again in 2010 when he visited Istanbul, accused of a 1989 armed robbery. He was acquitted and released after a number of months - only to have proceedings reinstated at a later date.¹⁸⁵

¹⁸² “[Sit-in devant le siège de l’IVD pour réclamer le sort réservé aux dossiers des victimes](#)” *Shems FM* (30 January 2018); “[L’institution des Archives Nationales inquiète du sort des archives de l’IVD](#),” *Leaders* (27 February 2018).

¹⁸³ Scholars at Risk, [Free to Think 2017](#) (New York: SAR, 2017), 24–25; Global Coalition to Protect Education from Attack, *Education under Attack 2018* (New York: GCPEA, 2018), 248.

¹⁸⁴ Kaya Genç, “Unleashing the Past,” *Index on Censorship*, 47 no. 1 (Spring 2018), 23–24.

¹⁸⁵ “[Dogan Akhanli: Spain Grants Erdogan Critic Conditional Release](#),” *BBC News* (20 August 2017).

On 22 March 2018, police detained Kübra Sağır, a Turkish literature and history student at Boğaziçi University and head of the Kurdish literature commission at the university's student literature club, during a raid on her student dorm. They questioned Sağır about the preparations for the peaceful student protest on 19 March against the Turkish military operation in the northwest Syrian district of Afrin and for two of the slogans used then, neither of which promoted violence. On 3 April, the 6th Istanbul Peace Court accepted the prosecutor's request to arrest her, pending trial on charges of terrorism propaganda. She was held in the Bakırköy Women's Prison.¹⁸⁶

In early June 2018, Büşra Ersanlı – emeritus professor of political science at Marmara University specialized in historical subjects – who was on trial for having signed the January 2016 petition “We will not be party to this crime” (calling on the government to stop violence against civilian Kurds) was sentenced to 15 months in prison under Article 7.2 of the Anti-Terror Law (“propaganda for a terrorist organization.”) The measure was applied with immediate effect because Ersanlı did “not express any remorse.” Ersanlı had the right to object to the verdict within a week. The hearings against academics who had signed the petition started on 5 December 2017. As of June 2018, 242 academics had had their first hearings, 15 of which were sentenced to 15 months in prison. All the sentences were suspended, except those of Zübeyde Füsün Üstel and of Ersanlı [see also *NCH Annual Reports 2012–2013*].¹⁸⁷

See also Greece, Netherlands, Syria.

¹⁸⁶ Human Rights Watch, [Turkey: Government Targeting Academics: Dismissals, Prosecutions Create Campus Climate of Fear](#) (New York: Human Rights Watch, 14 May 2018), 6.

¹⁸⁷ Beyza Kural (Bianet), [“Prof. Dr. Büşra Ersanlı Sentenced to 1 Year, 3 Months in Prison Without Deferment,”](#) *Barış İçin Akademisyenler / Academics for Peace* (5 June 2018); Committee of Concerned Scientists, “Turkish Academic Sentenced to 15 Months for Signing Peace Petition” (8 June 2018); [“Turkish Academic Receives Jail Sentence for Signing Peace Petition,”](#) *Ahval News* (5 June 2018).

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012, 2015–2017.

Dozens of people arrested in the late 1990s and early 2000s remain forcibly disappeared in Turkmen prisons. They included at least 80 prisoners subjected to enforced disappearance after an alleged assassination attempt on then President Saparmurat Niyazov in November 2002. Following their arrest, the government denied their families access to them and information on their whereabouts. In 2017, the fate and whereabouts of these men remained unknown, except in the cases of three who died and whose bodies authorities returned to families, confirmed by Prove They Are Alive, an international campaign against enforced disappearances in Turkmenistan.¹⁸⁸

¹⁸⁸ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 373; Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 572.

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2013, 2015–2017.

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011, 2014–2017.

Justice for conflict-related abuses and crimes committed during the 2014 Maidan protests, which led to the ouster of the Ukrainian government and mass disturbances in Odessa, remained elusive. In September 2017, an Odessa court acquitted all 19 defendants who were on trial for offenses related to the 2 May 2014 mass disturbances, which pitted pro-Maidan and anti-Maidan groups against each other, and in which 48 people died and more than 200 were injured. All 19 were anti-Maidan activists, five of them were in pre-trial custody since 2014. The court stated that the prosecution “did not even try to prove their guilt.” The Security Service of Ukraine (SBU) immediately accused two of them of separatism, and a court remanded them to custody. A crowd of Ukrainian nationalists attempted to storm the courtroom as judges announced the verdict, using tear gas and stones, and injuring about 20 police officers. Police investigated, but at the end of 2017 no one was held accountable. One pro-Maidan suspect remains at liberty, pending trial.¹⁸⁹

On [17] January 2018, the State Committee for State TV and Radio Broadcasting banned *Stalingrad* (1998), an award-winning book by British historian Anthony Beevor ([1946]–) about the battle of Stalingrad (August 1942–February 1943). It was called anti-Ukrainian and prohibited on the grounds that it might incite “inter-ethnic, racial and religious hostility,” because it had mentioned the massacre of 90 Jewish orphans by Ukrainian nationalist militiamen on Nazi orders in Bila Tserkva on 21 August 1942. Officials banned the import of 30,000 Russian-language copies of the book. The authorities accused Beevor of wrongly ascribing the massacre to the militiamen. A head of the committee, Serhiy Oliyinyk, said that “several paragraphs did not allow us to give permission for [the import of] this book” and accused Beevor of falling for a “provocation” that was never confirmed by war crimes prosecutors after the conflict. Beevor responded that his source, Lieutenant-Colonel Helmuth Groscurth, an anti-Nazi German officer who tried to stop the executions, was clearly mentioned in the book; he denied that he used a Soviet source as the committee alleged. He demanded an apology. Together with this book, 24 other books were banned, including one by Russian historian Boris Sokolov. The ban was

¹⁸⁹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 581–582.

eventually overturned.¹⁹⁰

See also Russia.

UNITED ARAB EMIRATES

Previous *Annual Report* entries: 2013, 2016.

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2017.

The Iraq Historic Allegations Team, a body set up to investigate alleged abuses of civilians in Iraq by United Kingdom (UK) armed forces between 2003 and July 2009, was shut down by the government in June 2017. A preliminary examination by the Office of the Prosecutor of the International Criminal Court into alleged war crimes committed by UK personnel in Iraq remained open.¹⁹¹

In January 2017, the Historic Institutional Abuse Inquiry published findings from the investigation into 22 residential children’s institutions in Northern Ireland, covering the period from 1922 to 1995. It found widespread and systemic failings by the United Kingdom and institutions in their duties toward the children in their care. The government had not implemented any of the recommendations at the end of 2017. It continued to refuse funding to implement plans by the Lord Chief Justice of Northern Ireland to address the backlog of “legacy” coroners’ inquests.¹⁹²

In December 2017, *The Guardian* newspaper reported that thousands of files had “vanished” from the National Archives in Surrey after being requested by government departments (including the Ministry of Defence, Home Office, and Foreign Office). It reported that files included those related to the conflict in Northern Ireland, the Falklands War, and defense agreements with Malaya. Government files held at the National Archives had previously been key to exposing details of human rights violations carried

¹⁹⁰ Tom Parfitt, “Sir Antony Beevor Goes into Battle as Book on Stalingrad Is Banned,” *The Times* (20 January 2018); Coilin O’Connor & Andy Heil, “[Historian Beevor ‘Astonished’ at Ukraine Ban on Best-Selling ‘Stalingrad’](#),” *RFE/RL News* (17 January 2018); Stephen Komarnyckyj, “The Whole Truth,” *Index on Censorship*, 47 no. 1 (Spring 2018), 42–43.

¹⁹¹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018), 231.

¹⁹² Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (London: AI, 2018), 383.

out by United Kingdom security forces in Northern Ireland¹⁹³

See also China, India, Iran, Russia, Singapore, Switzerland, Trinidad and Tobago, Turkey, Ukraine, United States.

UNITED STATES

Previous *Annual Report* entries: 1995–2017.

In June 2017, it became known that the Central Intelligence Agency (CIA) destroyed records on its involvement in the 1953 coup in Iran when it moved offices on the incorrect belief that there were copies of the records elsewhere. In late 2017, a partially-declassified CIA history of the coup, entitled *Zendebad, Shah!*, was released; it reflected two documents: a 200-page internal CIA history of the coup from 2000 (the so-called Wilber report), which was leaked to the *New York Times*, and part of a declassified 2011 internal document confirming its coup activities [see also *NCH Annual Report 2017*].¹⁹⁴

The National Archives and Records Administration (NARA) formally approved a CIA records retention schedule that allowed the CIA to destroy information that is more than 30 years old – in spite of warnings from public interest groups that this would likely result in the destruction of many important documents, potentially including classified information related to the CIA’s official actions abroad, investigative files from the offices of the Inspector General, Security, and Counterintelligence, files relating to CIA spies that the CIA itself did not deem “significant,” and files related to CIA investigations into alleged unauthorized releases of classified information.¹⁹⁵

When in July 2017 dozens of the white supremacist Ku Klux Klan (KKK) group in Virginia took part in an authorized march to protest at the planned removal of a statue of General Robert E. Lee (who oversaw the pro-slavery Confederate forces in the United States civil war, 1860–1865) from Charlottesville, Virginia, they were met by hundreds of rival demonstrators. Police declared the counter-protests “unlawful” and used tear gas to disperse the crowds. On 12 August 2017, violent clashes took

¹⁹³ Amnesty International, “[UK: ‘Lost’ Archives—Amnesty Concern at Possible Loss of Evidence of Human Rights Violations in Northern Ireland](#)” (press release; 26 December 2017).

¹⁹⁴ Lauren Harper, “[Is NARA Rubber-Stamping Potentially Damaging Records Retention Schedules?](#)” *Unredacted* (15 February 2018).

¹⁹⁵ Lauren Harper, “[Is NARA Rubber-Stamping Potentially Damaging Records Retention Schedules?](#)” *Unredacted* (15 February 2018).

place during another march in Charlottesville, where white supremacists and neo-Nazis again protested against the removal of the Lee monument. A 32-year-old woman was killed and nearly 20 people injured when a car was driven into a crowd of counter-protesters. Following the clashes, dozens of schools and local governments began removing statues dedicated to the Confederacy. Four Confederate-era statues were taken down in Baltimore, Maryland, while the governors of Virginia and North Carolina ordered the removal of similar monuments in their states.

A rally in February 2016 had ended with the arrests of 13 people after a violent clash between members of the KKK and rival demonstrators resulted in a number of stabbings in Anaheim, California. In May [2017], a torch-lit rally against the removal of Confederate monuments in Virginia had been condemned by a local mayor. More than 100 people attended a counter-protest the following night.¹⁹⁶

On 28 August 2017, the American Historical Association published a [Statement on Confederate Monuments](#). It specified, among others: “To remove such monuments is neither to ‘change’ history nor ‘erase’ it. What changes with such removals is what American communities decide is worthy of civic honor,” and “We also encourage communities to remember that all memorials remain artifacts of their time and place. They should be preserved, just like any other historical document, whether in a museum or some other appropriate venue. Prior to removal they should be photographed and measured in their original contexts.”¹⁹⁷

In September 2017, Harvard University decided to overturn Michelle Jones’s admission to its Ph.D. program in History. Faculty of Arts and Sciences administrators overturned the History Department’s decision to admit Jones to its doctoral program, apparently out of concern over a potential backlash for admitting a formerly incarcerated student to the university. Jones had been convicted on charges of murder. She was later accepted by New York University.¹⁹⁸

In early September 2017, an opinion piece signed by Ronn Torossian, Hank Sheinkopf, and George Birnbaum appeared in three politically conservative Jewish publications (the Jewish Press, the *Algemeiner* and the Israeli network Arutz Sheva). It attacked David Myers, a UCLA historian of Jewish civilization who was appointed President of the Center for Jewish History in New York City in June 2017, as an extremist who “must be fired for radical viewpoints.” It criticized Myers for serving on the board of the liberal New Israel Fund; for having helped raise money online for If Not Now, which

¹⁹⁶ “[KKK Rally in Virginia Leads to Rival Protests and Clashes](#),” *BBC News* (9 July 2017); “[University of Texas Removes Four Confederate Statues](#),” *BBC News* (21 August 2017); Robert Lockett & Otis Pickett, “[Charlottesville and the Mississippi Flag](#),” *Jackson Free Press* (21 August 2017).

¹⁹⁷ American Historical Association, [Statement on Confederate Monuments](#) (28 August 2017).

¹⁹⁸ Jason Beckfield, Joyce E. Chaplin, & Khalil Gibran Muhammad, “[We Are Educators, Not Prosecutors](#),” *Harvard Crimson* (20 September 2017).

opposed the occupation of the West Bank; and for advising J Street, a lobby that supports a two-state solution. The piece also linked to several essays and reviews written by Myers, including one from 2008 in which he wrote that “the deep wound of the Nakba must finally be exposed to the light of day, and in some way be healed.” In a 7 September 2017 letter to the Center, nearly 500 scholars in the field of Jewish Studies, united in a Jewish Studies Activist Network, protested against the attack and defended Myers.¹⁹⁹

In early September 2017, the peer-reviewed development studies journal *Third World Quarterly* published an essay by Bruce Gilley ([1966–]), associate professor of political science at Portland State University, entitled “The Case for Colonialism.” The article argued for a return to Western colonialism as a solution to the problems facing weak and fragile states. Two petitions calling for the essay’s retraction gathered 10,000 signatures. Within a few weeks, half of the *Third World Quarterly* editorial board (15 of 34 members) had resigned, including the editor, Shahid Qadir, who had received “credible threats of personal violence” from Indian nationalists and resigned for his own safety. Approximately one month after its publication date, Gilley consented to the article’s withdrawal by the journal’s publisher. Some of the professors who had organized the petition to retract Gilley’s article found themselves the subject of online harassment. Portland State University’s diversity office investigated a complaint of discrimination and harassment against Gilley, which the latter described as a gross abuse of process.

In the United Kingdom, a similar heated controversy took place when Nigel Biggar ([1955–]), regius professor of moral and pastoral theology at Oxford, defended similar theses in *The Times* of 30 November 2017. Biggar ran a five-year interdisciplinary project, Ethics and Empire, with invitation-only workshops. Oxford University supported Biggar’s right to consider the historical context of the British empire.²⁰⁰

In early February 2018, vandals at the University of Tennessee Chattanooga campus tried to cover up posters for black history month with ones referencing Adolf Hitler. On 17 February 2018, the white nationalist group Traditionalist Workers Party advertised an event at the University of Tennessee Knoxville campus, but the group was not welcome on campus.²⁰¹

¹⁹⁹ Mark Oppenheimer, “[The Israel Litmus-test and Scholarly Freedom](#),” *Los Angeles Times* (8 September 2017); Jewish Studies Activist Network, “[Letter to the Board of the Center for Jewish History](#)” (7 September 2017).

²⁰⁰ Rebecca Schendel, “[Our Mission Is To Speak Truth to Power under Threat](#),” *University World News* (19 January 2018); Nigel Biggar, “Don’t Feel Guilty about our Colonial History,” *The Times* (30 November 2017); “Letters to the Editor: Our Colonial History and Guilt over Empire,” *The Times* (2 December 2017); Vimal Patel, “[Scholar Who Defended Colonialism Now Defends Himself](#),” *University World News* (23 March 2018); Reuben Rose-Redwood, “[Genocide Hoax Tests Ethics of Academic Publishing](#),” *The Conversation* (2 July 2018).

²⁰¹ “[Black History Month Posters Covered Up at University of Tennessee with Ones Referencing Hitler](#),” *CBS News* (9 February 2018).

In April 2018, New York City removed a statue of James Marion Sims (1813–1883), unveiled in the 1890s, from Central Park. Known as the “father of gynecology,” Sims had performed medical experiments on enslaved black women using no anesthetic. The statue was removed following a review into “hate symbols.”²⁰²

In its majority opinion upholding President Donald Trump’s ban on travel into the United States of citizens of several predominantly Muslim countries on 26 June 2018, the Supreme Court also overturned a long-criticized 1944 decision that the United States government could force more than 120,000 people of Japanese descent into internment camps in 1942–1946. Justice Sonia Sotomayor had mentioned the 1944 case, *Korematsu v. United States*, in her dissent, arguing that the rationale behind the majority decision had “stark parallels” to *Korematsu*; in both cases, Sotomayor argued, the government “invoked an ill-defined national security threat to justify an exclusionary policy of sweeping proportion.” Writing for the majority, Chief Justice John Roberts argued that the case was not relevant to the travel ban, but also said that it was now overturned: “The dissent’s reference to *Korematsu* ... affords this Court the opportunity to make express what is already obvious: *Korematsu* was gravely wrong the day it was decided, has been overruled in the court of history, and – to be clear – ‘has no place in law under the Constitution.’” The *Korematsu* decision (6–3), although much criticized, including by Supreme Court justices, had never been formally revoked.²⁰³

On 3 July 2018, Facebook sent a notice to the Liberty County *Vindicator* in Texas saying that some words in a post that violated its “standards on hate speech” were removed. The *Vindicator* had posted bite-size sections of the United States Declaration of Independence in the run-up to the 4 July 1776 independence celebrations, including its paragraphs 27–31 containing the phrase “Indian Savages.” Facebook apologized and restored the text a day later.²⁰⁴

See also Central African Republic, El Salvador, India, Indonesia, Iran, Iraq, Liberia, Poland, Russia, Singapore.

²⁰² “[New York: James Marion Sims Statue Removed from Central Park](#),” *BBC News* (17 April 2018).

²⁰³ Abby Vesoulis & Abigail Simon, “[The Supreme Court Overturned a Ruling That Enabled Internment of Japanese-Americans During World War II](#),” *Time* (26 June 2018); ; Jennifer Medina, “[For Survivors of Japanese Internment Camps, Court’s Korematsu Ruling Is ‘Bittersweet’](#),” *New York Times* (28 June 2018).

²⁰⁴ Jason Murdock, “[Declaration of Independence Flagged as Hate Speech by Facebook](#),” *Newsweek* (5 July 2018).

URUGUAY

Previous *Annual Report* entries: 2001–2013, 2015–2017.

In February 2017, human rights defenders investigating human rights violations that occurred during the military regime (1973–1985) reported receiving death threats; the sources of these threats were not investigated. In May 2017, human rights defenders denounced these threats at a hearing before the Inter-American Commission on Human Rights, which the Uruguayan authorities did not attend. The national Working Group on Truth and Justice, implemented in 2015, had not achieved concrete results regarding reparations for victims of past crimes under international law. In October 2017, the Supreme Court ruled that crimes committed during the military regime did not amount to crimes against humanity and were, therefore, subject to statutes of limitations, hindering victims' access to justice, and preventing the prosecution of those suspected of criminal responsibility.²⁰⁵

UZBEKISTAN

Previous *Annual Report* entries: 2005–2014, 2016.

²⁰⁵ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 30–31, 389.

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011, 2015.

See Colombia, Netherlands.

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012, 2014, 2017.

Most victims of human rights violations continued to lack access to truth, justice, and reparation. Victims and their families were often subjected to intimidation. In April 2017, two officers of the Bolivarian National Guard were sentenced for killing Geraldine Moreno during demonstrations in Carabobo state in 2014. The majority of victims of murder, torture, and other violations by state actors were yet to receive justice or reparation. The Attorney General's Office announced investigations into killings in the context of protests between April and July 2017. The National Constituent Assembly, established on 30 July 2017, appointed a Truth Commission to investigate cases of human rights violations during the protests, but there were concerns about its independence and impartiality. There were reports of victims or their families being pressured by authorities to testify and agree on facts that could waive the responsibility of state agents for these violations, as well as obstacles to the work of defense lawyers working with human rights organizations.²⁰⁶

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2013, 2016–2017.

²⁰⁶ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 396.

WESTERN SAHARA

See Morocco / Western Sahara.

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010, 2013–2016.

Since the civil war began in 2011 and international armed conflict followed in March 2015, all parties committed serious violations of international humanitarian law and violations and abuses of human rights law with absolute impunity. Since its inception in September 2015, the National Commission to Investigate Alleged Violations of Human Rights, established by the Yemeni government, failed to conduct prompt, impartial, and effective investigations consistent with international standards into alleged human rights violations committed by all parties to the conflict in Yemen. Similarly, the Saudi Arabia-led coalition investigative mechanism continued to appear to lack the necessary impartiality and independence to carry out its work credibly. With the proliferation of armed groups and security forces without command and the lack of effective control of the central government over its security forces and territories, the space for impunity further widened. In its mid-term report, the United Nations (UN) Panel of Experts on Yemen expressed concern that member states of the coalition were expressly shielding themselves from accountability and individual responsibility by hiding behind the umbrella of the coalition. In a positive development, the UN Human Rights Council passed a resolution in September 2017 mandating a group of experts to investigate abuses by all parties in Yemen. This constituted a first step toward justice for victims of human rights abuses and grave violations of international law.²⁰⁷

²⁰⁷ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 63, 402.

ZAMBIA

Previous *Annual Report* entries: 2009, 2015.

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2015.

On 10 November 2017, the police disrupted a meeting in Marange Village, in the east, of 22 activists from Latin American and Southern African countries to commemorate the ninth anniversary of the killing of 200 people by the military. The 200 had been killed after they took control of the diamond fields in protest at government plans to hand over diamond mines to Chinese businesses. The 22 activists were arrested and charged with entering a protected area without a government permit. They were released on 11 November after pleading guilty and were each fined US\$ 100.²⁰⁸

²⁰⁸ Amnesty International, *Report 2017/18: The State of the World's Human Rights* (London: AI, 2018), 406.

INTRODUCTION

The twenty-third *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists and archaeologists around the globe, as reported by various human rights organizations and other sources. It mainly covers events and developments of 2016 and 2017.

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							2017	2016	2015
2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
2004	2003	2002	2001	2000	1999	1998	1997	1996	1995

All *Annual Reports* (1995–2017) were compiled by [Antoon De Baets](#).

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AFGHANISTAN

Previous *Annual Report* entries: 2000–2016.

ALBANIA

Previous *Annual Report* entries: 1996, 2012, 2015–2016.

In April 2015, the parliament passed a law opening up files from the secret police (Sigurimi) of the Communist era (1944–1991) to people who were spied upon and barring former Sigurimi members from holding public office in the future. An estimated 7,000 opponents of the regime were killed and more than 100,000 deported to labor camps. During the Communist era, 90 percent of the Sigurimi files were destroyed every five years as a routine practice. In 1991 many of the remaining files were destroyed; the rest is kept in the Interior Ministry archive. Kastriot Dervishi, the archive's former director, estimated that the surviving documents comprised random samples from the files of only 12,000 or so Sigurimi collaborators—roughly 10 percent of the total. Unofficial sources believe that about 20 percent of Albanians collaborated with the Sigurimi.

In December 2016, Prime Minister Edi Rama announced that, as a follow-up to the 2015 law, a commission had been charged with opening the Sigurimi files and with vetting candidates for public office to see if they collaborated with the repressive regime. The commission was chaired by Gentiana Sula, a former deputy minister of social welfare. She said that initial estimates suggested that there were “millions of pages of documents, more than 120,000 files and 250,000 records.” Critics feared that the 2015 law did not oblige the government to publicize the findings of searches or to remove officials who were former collaborators. Albania also planned to sign an agreement with the International Commission on Missing Persons, paving the way for an official effort to find and identify the remains of some 6,000 disappeared.¹

¹ [“Albania Opens Communist Secret Police Files,”](#) *BBC News* (1 May 2015); Matthew Brunwasser, [“As Albania Reckons With Its Communist Past, Critics Say It’s Too Late,”](#) *New York Times* (26 February 2017); Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 62; Briseida Mema, [“Opening Secret Police Files, Albania Seeks to Drain the Swamp,”](#) *AFP News* (27 March 2017).

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2016.

Perpetrators of human rights crimes and abuses during the internal armed conflict (1992–2000) continued to enjoy impunity under the 2006 Charter for Peace and National Reconciliation. The charter criminalized comments deemed to denigrate the security forces or state institutions for their conduct during the armed conflict, when both state forces and extremist Islamist groups committed torture, enforced disappearances, unlawful killings, and other serious abuses. Associations representing the families of the disappeared continued to face denial for legal registration. Families of the disappeared alleged being subject to pressures because they refused compensation from the state in exchange for accepting a death certificate for their still-missing relatives. The authorities also continued to protect state forces responsible for serious crimes in the 1990s by criminalizing calls for justice, thus turning the law on its head.²

In June 2016, the French gave 22 volumes of copies of diplomatic documents about the Liberation War (1954–1962) to the Algerian national archives. On 31 October 2016, Director General of the National Archives Abdelmadjid Sheikhi (Chikhi) accused the French authorities of hiding their Algerian archives (estimated by him at sixty tons of documents), which were secretly transferred to France in the last years of colonization (1961–1962). On 2 February 2017, the Cour des comptes (public auditor) found that the archives brought to France from Algeria and Indochina after decolonization and located in its National Archives had not been preserved, catalogued or made accessible adequately. Only an unspecified quantity of records relating to the 17 October 1961 massacre and to the Algerian war of independence had been made accessible after May 1999 and April 2001 respectively.³

In 2017, Leila Sidhoum, assistant professor at the Faculty of Political Science of the University of Algiers 3, was awarded a distinction for her PhD research on the role of governing elites in the period between 1989 and 2016. However, the acting dean reportedly blocked her degree and pulled her work from the university library. Sidhoum said that she had been told to remove parts of the thesis referring to the army, the president and the banned Islamic Salvation Front political party (FIS) during the

² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 54, 65; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 76.

³ [“La France remet à l'Algérie des copies d'archives de guerre,”](#) *CRIonline* (22 June 2016); [“France Accused of Hiding Its Archive Smuggled during Colonial Era,”](#) *Memo: Middle East Monitor* (1 November 2016); APS [“La Conservation des archives rapatriés d'Algérie en 1962 est ‘défaillante’”](#) *Al Huffington Post* (4 February 2017).

armed conflict (1992–2000).⁴

See also France, Mali.

ANGOLA

Previous *Annual Report* entries: 2003, 2009, 2016.

On 29 June 2016, the Supreme Court in Luanda ordered the conditional release of the group of seventeen known as the Luanda Book Club [see *NCH Annual Report 2016*] after it upheld a habeas corpus petition filed in April, requesting that the seventeen be released pending a decision on their appeal to the Constitutional Court. The seventeen were not allowed to leave Angola and were required to check in with the authorities every month while waiting for the decision. Upon their release, they reportedly walked through the streets of Luanda, shouting “Reading is not a crime!”⁵

ARGENTINA

Previous *Annual Report* entries: 1997–2016.

As of September 2016, 2,541 people had been charged, 723 convicted, and 76 acquitted of crimes allegedly committed by the military junta during the “Dirty War” (1976–1983), according to the Attorney General’s Office. Prosecutions were made possible by a series of actions taken in the early 2000s by Congress, the Supreme Court, and federal judges annulling amnesty laws and striking down pardons of former officials implicated in the crimes. As of November 2016, 121 children illegally taken from their parents during the war had been located.

In May 2016, a federal court convicted fourteen former military and intelligence chiefs from Argentina and one from Uruguay of crimes against humanity committed as part of the “Plan Condor,” a coordinated intelligence plan launched in the 1970s by the de facto governing military regimes in Argentina, Brazil, Bolivia, Chile, Paraguay and Uruguay. Reynaldo Bignone, the last de facto president of Argentina at the time, was sentenced to twenty years’ imprisonment for his role in hundreds of enforced disappearances during Plan Condor. A further fourteen military leaders were

⁴ Ahmed Rouaba, “[Algerian Student: ‘University Censored My Political Thesis’](#),” *BBC News* (4 July 2017).

⁵ “[Angola Court Orders Conditional Release of Jailed Activist Book Club](#),” *Guardian* (29 June 2016); PEN International, “Luanda Book Club Activists Conditionally Released” (Update #1 to RAN 07/16; 8 July 2016).

sentenced to imprisonment.

In August 2016, the sentence on the “La Perla” historical trial—which included clandestine centers in Córdoba Province—was rendered, sentencing 28 perpetrators to life imprisonment without parole for crimes that included torture, homicide, and the illegal abduction of babies in 1974—the first conviction for abuses committed before the 1976 coup. Nine sentences were passed for between two and fourteen years’ imprisonment and six acquittals. By December 2016, the Bicameral Commission to identify economic and financial interests that had colluded with the military dictatorship, created by Law 27.217 in 2015, had not been established.

Given the large number of victims, suspects, and cases, prosecutors and judges faced challenges bringing those responsible to justice while respecting their due process rights. In September 2016, the Attorney General’s Office reported that 489 pretrial detainees and convicted prisoners were under house arrest, a right provided for by law to people over seventy years old. In August 2016, the government said it would not appeal judicial rulings granting house arrest to these detainees and convicted prisoners.⁶

Twenty-two years after the 1994 bombing of the Argentine Israelite Mutual Association (AMIA) in Buenos Aires that killed 85 people and injured more than 300, no one has been convicted of the crime. The investigation stalled when Iran, suspected by the Argentine judiciary of ordering the attack, refused to allow Argentine investigators to interview Iranian suspects in Argentina. In 2013, Argentina and Iran signed a memorandum of understanding (MOU) that allowed an international commission of jurists to review evidence and question Iranian suspects—but only in Tehran, which would likely have rendered the interviews inadmissible in an Argentine court. A federal court declared the MOU unconstitutional, a ruling that the administration of President Mauricio Macri said it would not appeal. The government said further that it would ask Interpol to reissue red notices—a form of international arrest warrant—to detain several Iranians implicated in the attack, and that it would present draft legislation to try the Iranians in absentia. In January 2015—days after he had filed a criminal complaint accusing then-President Cristina Fernández and her foreign affairs minister of conspiring with Iran to undermine the investigation—Alberto Nisman, the prosecutor in charge of investigating the bombing, had been found dead in his home with a single gunshot wound to the head and a pistol beside him. In 2015, a federal court dismissed Nisman’s complaint but an appeal by a federal prosecutor to reopen the investigation was pending in late 2016. As of November 2016, the courts had not determined if Nisman was a victim of suicide or murder.

In 2015, a court began the trial of several officials—including former President Carlos Meném, his

⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 30, 69; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 83–84.

head of intelligence, and a judge—for their alleged interference with the initial investigation into the bombing. The trial continued in late 2016.⁷

In 2017, at the occasion of their 40th anniversary, the Mothers of the Plaza de Mayo declared that they were worried that the present center-right government of President Mauricio Macri was attempting to “whitewash history,” because it had suggested that the number of victims of the dictatorship (1976–1983) may have only been around 9,000, a provisional figure drawn up by the 1984 CONADEP. But the military themselves reported killing 22,000 people in a 1978 communication to Chilean intelligence.” The Mothers warned that the current era of alternative facts, revisionist history and dictatorship denialism posed a new kind of threat for the country.⁸

See also Bolivia, Spain.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010, 2014–2016.

See Germany, Sweden, United States.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009, 2014–2016.

See China, Indonesia, United Kingdom.

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009.

⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 69; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 86.

⁸ Uki Goñi, [“40 Years Later, the Mothers of Argentina’s ‘Disappeared’ Refuse to Be Silent,”](#) *Guardian* (28 April 2017).

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2013, 2015–2016.

In April 2016, historians and human rights activists Leyla and Arif Yunus went to live in the Netherlands [see *NCH Annual Report 2016*].⁹

In May 2016, police arrested youth activists Giyas Ibrahimov and Bayram Mammadov for spraying graffiti on a monument to former President Heydar Aliyev and demanded that they apologize on camera. When they refused, policemen beat and threatened to rape them with truncheons to force them to confess to drug possession. Authorities failed to conduct effective investigation into the ill-treatment allegations. In October 2016, Ibrahimov was sentenced to ten years' imprisonment; Mammadov's trial was ongoing at the end of 2016.¹⁰

⁹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 77.

¹⁰ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 104.

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012, 2015–2016.

On 14 February 2016, the authorities sought to repress civil society actions commemorating the peaceful uprising of 14 February 2011, in which Bahrainis marched for human rights and democracy. They violently suppressed street protests and imposed sieges to restrict individuals from participating in these marches. In the days leading up to the anniversary and on the day itself, they attacked and arrested many of the protesters on the streets. On 9 February 2016, the Chief of Public Security issued a warning against protests. On 14 February, the police chief implied in a public statement that the protesters posed “security threats from Iran-backed elements and militants linked to Islamic State.” The Bahrain Center for Human Rights documented 157 protests, at least 33 protests of which were suppressed by riot police. Between 7 February and 14 February 2016, 89 individuals were arrested. By the end of 2016, no senior officers or officials responsible for torture, unlawful killings and other excessive use of force in 2011 had been held to account.¹¹

On 9 October 2016, the authorities arrested journalist and social media activist Faisal Hayyat and charged him with “insulting a sect and a religious figure” after he had published tweets on 7 October commenting on events from early Islamic history. On 28 November 2016, 46 human rights organizations signed a letter asking King Hamad bin Isa Al Khalifa to release him. On 29 November 2016, however, he was sentenced to three months’ imprisonment. Hayyat had already been imprisoned and tortured in 2011 for his involvement in the pro-democracy protests.¹²

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2016.

The International Crimes Tribunal (ICT), a court established to investigate the events of the 1971 independence war, continued its operations in 2016 without addressing serious procedural and substantive defects. It sentenced at least six people to death. The proceedings were marked by severe irregularities and violations of fair trial rights, such as the arbitrary restriction of the number of

¹¹ Bahrain Center for Human Rights, *Annual Report Bahrain 2016: A Series of Repressive Attacks against Rights and Human Rights Defenders* (Copenhagen: BCHR, 2017), 31–32; Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 54.

¹² International PEN, “[Bahrain: Government Must End Judicial Harassment of Faisal Hayyat and Other Journalists](#)” (28 November 2016); Bahrain Center for Human Rights, *Annual Report Bahrain 2016: A Series of Repressive Attacks against Rights and Human Rights Defenders* (Copenhagen: BCHR, 2017), 30.

defense witnesses allowed. Two people convicted of war crimes and crimes against humanity by the ICT were executed, both senior members of Jamaat-e-Islami—Motiur Rahman Nizami in May 2016 and Mir Quasem Ali in September 2016. Ali was a senior member of the executive committee of the opposition Jamaat-e-Islami party; he was convicted for crimes he allegedly committed in 1971, even as the chief justice criticized the attorney general, the prosecution, and investigators for producing insufficient evidence in the case. The government secretly detained Ali's son, a key member of his defense team, denied him access to his father before execution, and forbade him from participating in the funeral. On 23 August 2016, a group of United Nations human rights experts expressed concern about the fairness of ICT trials, and urged the government to annul Ali's death sentence and grant him a retrial, stating that proceedings were marred by irregularities.¹³

A new proposed law, entitled “Bangladesh Liberation War (Denial, Distortion, Opposition) Crime Law” (abbreviated as “Liberation War Denial Crimes Act”) and dated 8 March 2016, provided for imprisonment and fines if certain events of the 1971 war of independence were denied, distorted or opposed. The proposal would outlaw the “inaccurate” representation of war history and “malicious” statements in the press that “undermined any events” related to the war. Efforts to “trivialize” information related to the killing of civilians during the war would also be forbidden.¹⁴

The draft Digital Security Act 2016 proposed to do away with the contentious Section 57 of the 2006 Information and Communications Technology Act (amended in 2013), which was invoked against those who questioned facts about the 1971 independence war. The new law, however, included draconian clauses such as life sentences for spreading false information about the 1971 war or about the founder of Bangladesh, Sheikh Mujibur Rahman.¹⁵

In February 2017, the Education Ministry released a new version of textbooks for grades one to ten that many said displayed a shift toward radical Islam. Names of people affiliated with religions other than Islam had been replaced, including that of the poet Rabindranath Tagore (1861–1941), who wrote the national anthem for Bangladesh.¹⁶

On 26 May 2017, workers begun to dismantle the statue of Themis, the Greek goddess of justice

¹³ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 81; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 118–119.

¹⁴ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 118–119; David Bergman, “[The Politics of Bangladesh's Genocide Debate](#),” *New York Times* (5 April 2016); David Bergman, “[Bangladesh Liberation War \(Denial, Distortion, Opposition\) Crime Law](#),” *Bangladesh Politico* (10 April 2017).

¹⁵ Sadaf Saaz, “Dying to Tell a Story,” *Index on Censorship*, 46, no. 1 (spring 2017), 36.

¹⁶ GEM Report, “[What Did You Learn in School? Is 'B' for Banana? Or Burka?](#)” (8 February 2017).

(wearing a sari), from the Supreme Court complex. It was erected six months before but Islamists led by conservative Islamist group Hefazat-e-Islam had staged mass rallies in Dhaka demanding its removal. They claimed that it amounted to idolatry and hurt the religious sentiments of Muslims. Prime Minister Sheikh Hasina agreed to its removal, although secular groups opposed it.¹⁷

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011, 2014–2016.

On 23 March 2017, human rights organizations called on the authorities to drop all charges immediately against writers, publishers and journalists who were arrested following a wave of nationwide protests. The detainees included writer and historian Vladimir Orlov. He and others were arrested by six masked security officers at the entrance of a literature festival in Minsk. It was believed that the arrests were part of a crackdown by the authorities ahead of nationwide Freedom Day celebrations on 25 March 2017.¹⁸

Throughout March 2017, the government executed a crackdown on peaceful demonstrators against a tax to fight “social parasitism.” The crackdown came to a head around 25 March (Freedom Day), a popular but unacknowledged commemoration of national independence in 1918 (the establishment of the Belarusian People’s Republic). This wave of mass arrests was the severest since the post-election crackdown in December 2010.¹⁹

See also Denmark.

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012.

¹⁷ [“Greek Goddess Statue Removed in Bangladesh after Islamist Outcry,”](#) *BBC News* (26 May 2017).

¹⁸ John Keenan, [“Outrage as Belarus Arrests Authors, Publishers and Journalists in Crackdown,”](#) *Guardian* (23 March 2017).

¹⁹ United Nations General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in Belarus* (A/HRC/35/40; New York 21 April 2017), §§4–5; Andrei Aliaksandrau, “There’s Nothing New about Fake News,” *Index on Censorship* (2017, no. 2), 52–54.

BELIZE

Previous *Annual Report* entries: 2014.

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2016.

On 20 November 2016, the Foreign Ministry announced that it would declassify diplomatic documents from the dictatorships in 1964–1982 so that relatives of the dead and disappeared could obtain new information about the crimes committed at the time. They would include diplomatic files of René Barrientos Ortuño’s military regime (1964–1969)—regarding the execution of Argentine revolutionary Ernesto Che Guevara on 9 October 1967—and of Hugo Banzer Suárez’s military regime (1971–1978), on the steps it took against leftist opponents as part of Plan Condor.²⁰

Bolivia has prosecuted only a few of the officials responsible for human rights violations committed under authoritarian governments (1964–1982), in part because the armed forces had at times refused to provide information to judicial authorities on the fate of people killed or forcibly disappeared. Despite repeated commitments to do so, the government had yet to create a truth, justice and reconciliation commission to carry out independent investigations of abuses during that period; the creation was promised at a March 2015 public hearing before the Inter-American Commission on Human Rights.²¹

See also Argentina.

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2016.

There was slow progress in prosecuting crimes from the 1992–1995 war in domestic courts. Lack of capacity and resources, along with ineffective case management and persistent political obstruction,

²⁰ “[Bolivia to Declassify Operation Condor and Che Murder Files](#),” *Telesur* (22 November 2016).

²¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 86; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 127.

continued to slow down the progress of prosecution and access to redress before these courts. In July 2016, an independent analysis commissioned by the Organization for Security and Co-operation in Europe (OSCE) showed that the National War Crimes Strategy had failed to meet its targets, with a backlog of over 350 complex cases still pending before the State Court and Prosecutor's Office. In April 2016, the Constitutional Court declared that the statute of limitations applied to reparation claims for non-material damage and that claims could be directed only against the perpetrators, not the state, further limiting the ability of victims to claim and obtain compensation.

Although more than 75% of the missing persons from the war had been exhumed and identified, there were still 8,000 people missing. The process of exhumations encountered significant challenges, including reduced funding for the Missing Persons Institute and limited expertise domestically. The Law on Missing Persons remained unimplemented, with the Fund for the families of missing persons still awaiting establishment.

The trial in the State Court against Naser Orić, a former Bosnian army general, and Sabahudin Muhić, a former Bosnian army soldier, started on 26 January 2016—after the Mechanism for International Tribunals rejected a request by Orić's lawyers to order the State Court to stop the case against him because he had already been acquitted of the same charges at the International Criminal Tribunal for the Former Yugoslavia (ICTY).

The ICTY issued first-instance verdicts in cases of former high-ranking officials in relation to crimes committed during the 1992–1995 conflict. In March 2016, the ICTY found Radovan Karadžić, the wartime President of Republika Srpska (RS), guilty of genocide, war crimes and crimes against humanity and sentenced him to forty years' imprisonment. Karadžić was convicted of genocide in the area of Srebrenica in 1995, of persecution, extermination, murder, deportation, inhumane acts (forcible transfer), terror, unlawful attacks on civilians and hostage-taking. He was acquitted of the charge of genocide in other municipalities in Bosnia and Herzegovina in 1992. Also in March 2016, the ICTY found Vojislav Šešelj, the Serb Radical Party leader, not guilty on any counts of crimes against humanity and war crimes. In late 2016, the defense case in the trial of Ratko Mladić, the former commander of the Republika Srpska Army, was in progress at the ICTY. The case experienced a substantial slowdown due to delays in evidence presentation by the defense. Mladić was on trial for genocide in Srebrenica and seven other municipalities in Bosnia and Herzegovina, the persecution of Bosniaks and Croats throughout the country, terrorizing the civilian population of Sarajevo and taking United Nations peacekeepers hostage. The trial judgment was expected in November 2017.²²

See also Switzerland.

²² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 88–89; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 134–135.

BOTSWANA

Previous *Annual Report* entries: —.

See Namibia.

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2016.

The perpetrators of human rights abuses during military rule (1964–1985) continued to be shielded from justice by a 1979 amnesty law that was upheld by the Supreme Court in 2010, a decision that the Inter-American Court of Human Rights ruled was a violation of Brazil's obligations under international law. In 2014, the National Truth Commission identified 377 such perpetrators, but owing to the amnesty law, their crimes remained unpunished. Federal courts did allow the prosecution of at least two former military officers for killings during military rule, but the Supreme Court temporarily halted those prosecutions in 2014 and 2015, pending its re-examination of the validity of the amnesty law.²³

On 2 September 2016, the new government of President Michel Temer appointed twenty new members to and removed six members (Ana Guedes, José Carlos Moreira da Silva Filho, Virginius Lianza, Manoel Moraes, Carol Melo and Elayne Marcia Moraes) from the Amnesty Commission (a commission, established in 2001, that proposed laws and reparations for the victims of the dictatorship of 1964–1985). One of the new members, Paulo Lopo Saraiva, a former army sergeant during the military regime, participated in repression activities during the 1964 coup against President João Goulart. The Movimento por verdade, memória, justiça e reparação (Movement for Truth, Memory, Justice and Reparation) called this a dismantlement of the commission. It was the first time that members of the commission were appointed without consulting civil society and also the first time that the government removed former members.²⁴

See also Argentina.

²³ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 145.

²⁴ “[Temer Appoints Dictatorship Defender to Amnesty Commission](#),” *Telesur* (4 September 2016); [Nota pública do Movimento por verdade, memória, justiça e reparação](#) (4 September 2016).

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012, 2015–2016.

In 2016, Defense Minister Nikolai Nenchev's written reply to parliamentary questions revealed that at least 16000 records of military intelligence personnel (half of the total) were destroyed during the transition (1989–1991), most of them by the Bulgarian Communist Party. He handed the remaining military intelligence records (a total of 87280 archival units) over to the Dossier Commission (the body established in 2006 and charged with disclosing the affiliation of people in various categories of public life to the former State Security and the Military Intelligence).²⁵

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005, 2013, 2015–2016.

In May 2016, Burkina Faso issued an international arrest warrant for former President Blaise Compaoré. In June, the military tribunal indicted fourteen people, including Compaoré, suspected of involvement in the assassination of former President Thomas Sankara in 1987. Seven people, including Colonel Alidou Guebré and Caporal Wampasba Nacouma, were arrested in October and charged. The investigation into Sankara's death had been reopened after the fall of Compaoré in October 2014; he had succeeded Sankara in 1987.

An investigating judge from Burkina Faso, François Yaméogo, formally asked French authorities to declassify military documents to see whether France had played a role in the assassination of President Thomas Sankara in 1987. Sankara's widow and supporters had repeatedly accused France of masterminding his 1987 killing because he was a Marxist revolutionary. In March 2017, Pouria Amirshahi, a deputy in the French National Assembly for the Ninth constituency for French residents overseas, wrote a letter to President François Hollande, in which he asking to lift the secrecy status of the archives (blocking access until 2037) and their release in the name of a greater historical interest. In April 2015, Vincent Hiribarren, a lecturer in world history at King's College, London, tried to gain access to the archives but only a few documents of little relevance were released in August 2016.²⁶

²⁵ "[Bulgaria: Many Thousands of Communist-era Military Intelligence Staff Records Destroyed](#)," *The Sofia Globe* (18 August 2016).

²⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 98. "[Burkina Faso 'Wants France to Release Sankara Archives'](#)," *BBC News* (13 October 2016); "[Burkina Faso: un député français demande l'ouverture des archives sur Sankara](#)," *RFI Afrique* (18 March 2017); Vincent Hiribarren, "[Ouvrons les archives sur le meurtre de Thomas Sankara](#)," *Le Monde* (13 March 2017).

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2015.

The operational phase of the Truth and Reconciliation Commission, which covers 1962 to 2008, was launched in March 2016 and began collecting testimonies in September 2016. It did not have judicial authority and the special tribunal that was initially envisaged was not established.²⁷

²⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 103.

CAMBODIA

Previous *Annual Report* entries: 1999–2016.

The United Nations-supported Khmer Rouge Tribunal had been crippled since its inception in 2006 by official non-cooperation with its investigations into international crimes committed by Pol Pot's Khmer Rouge (1975–1979). In 2016, the court did not complete a second trial of two prominent ex-Khmer Rouge leaders, Nuon Chea and Khieu Samphan, and did not conclude investigations into four other, mid-level, Khmer Rouge leaders.²⁸

CAMEROON

Previous *Annual Report* entries: 2010, 2012–2014, 2016.

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012–2016.

In 2016, historian Dennis Molinaro of Trent University, Peterborough, Ontario, found records in the Library and Archives Canada (LAC) demonstrating that in 1951 the Federal Cabinet of Prime Minister Louis St-Laurent passed a secret order to authorize a Royal Canadian Mounted Police (RCMP) surveillance program codenamed “Picnic” to wiretap suspected spies, communist sympathizers and others deemed “disloyal” or “subversive.” By 1950, Canada had passed an Emergency Powers Act and sent troops to fight in the Korean War (1950–1953), but after the war, when the act was set to expire, the government kept the program going during peacetime using the Official Secrets Act, possibly until as late as 1980–1984. The cabinet order was never revealed to parliament and never transferred to the archives. Molinaro said that the Privy Council Office refused to release the secret order—or even confirm it existed. It also said that even if the government had it, officials would be exempt from releasing it publicly for fear that the 65-year-old order could be “injurious” to Canada’s international relations and covert police techniques.²⁹

²⁸ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 168.

²⁹ Dave Seglins & Rachel Houlihan, “[Federal Cabinet Secretly Approved Cold War Wiretaps on Anyone Deemed ‘Subversive,’ Historian Finds](#),” *CBC News* (15 December 2016).

See also Iran, Norway, Poland, Rwanda.

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012, 2014–2016.

In August and September 2016, the criminal court in the capital Bangui tried 55 cases, some of them dealing with serious crimes such as rape and murder. However, the court did not address any abuses or alleged war crimes related to the internal conflict (2002–2003). Resource constraints and administrative hurdles impeded operationalizing the Special Criminal Court, a hybrid court with national and international judges and prosecutors set up in June 2015 that would focus on grave international crimes committed since 2003. The vast majority of suspected perpetrators of serious crimes and gross violations of human rights remained at large, free of any arrest or investigations. In August 2016, the United Nations and the government signed a document that outlined their tasks and responsibilities related to the court. On 15 February 2017, President Faustin-Archange Touadéra appointed Toussaint Muntazini Mukimapa, a military prosecutor from the Democratic Republic of Congo, as prosecutor. It would partner with the International Criminal Court (ICC), which had a mandate to prosecute crimes since August 2012 but would only be able to focus on high-level suspects.

The ICC investigations on the so-called CAR II situation, based on crimes under international law committed from 2012 onward, continued. Two separate teams worked respectively on crimes committed by ex-Seleka (largely Muslim rebel groups) and by Anti-balaka and its affiliates (largely Christian and animist militias). On 20 June 2016, ICC investigations on the CAR I situation, which focused on crimes against humanity and war crimes since 1 July 2002, resulted in the conviction of a Congolese national (and former Vice President of the Democratic Republic of Congo), Jean-Pierre Bemba Gombo, as a military commander. He was sentenced to eighteen years' imprisonment for war crimes and crimes against humanity, including murder, rape and pillaging committed by his militia. Forces from Bemba's Mouvement pour la libération du Congo (Movement for the Liberation of the Congo) had been active in the Central African Republic in 2002 and 2003, acting at the behest of then-President Ange-Félix Patasse to repress a coup attempt by then-General Francois Bozize. The ICC's sentence followed its first conviction for rape as a war crime and its first conviction based on command responsibility. In September 2016, Bemba's legal team filed an appeal. The ICC prosecutor, who had sought a 25-year sentence, indicated that her office would appeal the sentence to "reflect the totality of Bemba's culpability." On 19 October 2016, ICC judges found Bemba and four associates

guilty of witness tampering because they attempted to bribe witnesses.³⁰

See also Democratic Republic Congo.

CHAD

Previous *Annual Report* entries: 2000–2012, 2015–2016.

See Senegal.

CHILE

Previous *Annual Report* entries: 1998–2016.

According to data released by the Ministry of the Interior’s human rights program in December 2015, justice authorities were investigating a total of 1,048 cases involving human rights violations committed during military rule under Augusto Pinochet (1973–1990). As of December 2015, 344 individuals had been sentenced for human rights crimes, including killings and enforced disappearances; 117 of them were serving prison sentences. While courts continued to prosecute abuses committed during military rule, the Supreme Court used its discretionary powers in many cases to reduce the sentences imposed on perpetrators, sometimes even to a non-custodial sentence. Victims, their relatives and civil society organizations opposed several attempts to obtain the early release on parole of convicted perpetrators. At the end of 2016, a bill was before Congress to deny the possibility of parole for those convicted of crimes against humanity.

In July 2016, Juan Emilio Cheyre, former army commander-in-chief, was placed under judicial investigation for his alleged role as accomplice in the 1973 murders of fifteen opponents of the Pinochet dictatorship. At the time, he was a lieutenant in the La Serena regiment, and the homicides were part of what became known as the “Caravan of Death,” a military death squad that tortured, extrajudicially killed, and disappeared suspected dissidents throughout Northern Chile. General Sergio Víctor Arellano Stark, who led the Caravan of Death, died in March 2016 without serving prison time, although the Supreme Court convicted and sentenced him to six years’ imprisonment.

³⁰ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 21, 22, 113; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 178–179; Human Rights Watch (Lewis Mudge), “[A Step Toward Justice in the Central African Republic](#)” (21 February 2017).

In September 2016, the Supreme Court confirmed the four-year sentences of two former military officials for the torture of General Alberto Bachelet in 1973. In October 2016, the Supreme Court overturned the 1974–1975 convictions for sedition and treason of 12 ex-members of the Chilean air force who refused to join the 1973 military coup.³¹

See also Argentina, United States.

CHINA

Previous *Annual Report* entries: 1995–2016.

In 2013, historian Hong Zhenkuai, a former executive editor of the history journal *Yanhuang Chunqiu* (China Through the Ages), challenged in two articles the official narrative about the Five Heroes of Langya Mountain, whose reportedly heroic defense of the area against invading Japanese troops and ensuing suicide in 1941 became part of the revolutionary mythology of the Chinese Communist Party (CCP). In August 2015, the sons of two of the five men sued him. On 27 June 2016, the Beijing Xicheng District People’s Court ruled that Hong had defamed the heroes and that he should apologize publicly on websites and news outlets to the complainants. In its verdict, it wrote that Hong’s articles failed to portray the five men positively and, “based on insufficient evidence,” cast doubt on the CCP’s narrative of events. According to the verdict, “The national sentiments, historical memories and the national spirit reflected in the five heroes of Langya Mountain and their story are important sources and components of modern China’s socialist core values ... Thus, it also damages the Chinese nation’s spiritual values.” On 15 August 2016, the Beijing Second Intermediate People’s Court upheld the ruling. In a reaction, Hong declared that he would not apologize, saying that the plaintiffs had not provided any evidence that disproved his findings: “This is basic academic freedom, and I need to maintain my dignity as an intellectual.” The court would probably publish the verdict in the news media and order Hong to pay the publication costs. In July 2016, one of the plaintiffs, Ge Changsheng, had said in an interview that Hong’s articles negated CCP history and heroes and constituted “historical nihilism”.

Among the issues raised by Hong were whether the men jumped from the peak of Langya Mountain or a lower level, whether they leapt voluntarily or slipped off the mountain, and the number of casualties. He said that the district court verdict failed to mention where he falsified or vilified the

³¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 117; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 181–182.

heroes. He said he drew on published accounts by the two survivors, “who appeared in my articles as witnesses—I quoted what they said.” In one of the two articles, published on the news website Caijing.com, Hong wrote that while it was important for people to respect war heroes who resisted the Japanese invasion, historical truth should be respected too. Jiang Keshi, a Chinese historian at Okayama University in Japan who studied modern Japanese history, also said that the official Chinese version had major flaws. Based on the records that he had found in Japan, he said that no Japanese soldier died in the fighting with the five at the mountain. The Chinese version, which first appeared in 1941 in a CCP newspaper, asserted that many Japanese had died. And in 2005, an article in the CCP newspaper *People’s Daily* said that the five Langya heroes shot and killed or wounded at least ninety Japanese soldiers.³²

In [March] 2016, Yang Jisheng (1940–), deputy editor of the liberal historical journal *Yanhuang Chunqiu*, finished *The World Turned Upside Down*, a history of the Cultural Revolution and sequel to *Tombstone: The Great Chinese Famine, 1958–1962* (Chinese 2008; English abridged version 2012). But officials warned Yang against publishing it and barred him from traveling to the United States to receive a journalistic award. The book was published in Hong Kong in late December 2016. An abridged English translation was expected in 2019. Yang did not have extensive access to archives for his book but he drew on hundreds of memoirs, histories and studies [see also *NCH Annual Reports 2013, 2016*].³³

In late April 2016, a few weeks before the fiftieth anniversary of the start of the Cultural Revolution (1966–1976), the Cultural Revolution Museum in Shantou (established in 2005; the only one dedicated to the Cultural Revolution in mainland China) was covered up without the knowledge of Peng Qi’an, a former local Chinese Communist Party (CCP) official and the museum’s founder. Signs appeared, saying: “Because of the need to adjust the function of the park, repairs will be carried out.” Workers smoothed concrete over the names of victims, wrapped “Socialist Core Values” banners around the main exhibition hall, placed red-and-yellow propaganda posters over stone memorials to the terror, and raised scaffolding around statues of critics of Mao Zedong (like Liu Shaoqi and Marshal Ye). Peng Qi’an believed the order to cover up the museum was not local, but came from “higher up.”³⁴

³² Kiki Zhao, “[Chinese Court Orders Apology Over Challenge to Tale of Wartime Heroes](#),” *New York Times* (28 June 2016); Kiki Zhao, “[Chinese Court Upholds Ruling Against Historian Who Questioned Tale of Wartime Heroes](#),” *New York Times* (15 August 2016).

³³ Chris Buckley, “[Historian’s Latest Book on Mao Turns Acclaim in China to Censure](#),” *New York Times* (21 January 2017).

³⁴ Didi Kirsten Tatlow, “[Fate Catches Up to a Cultural Revolution Museum in China](#),” *New York Times* (2 October 2016).

As in previous years, authorities were on high alert ahead of the anniversary to preempt commemorations of the Tiananmen massacre of 4 June 1989. Measures included putting under house arrest or restricting the movement of activists, including Ding Zilin [See also *NCH Annual Reports 2000, 2004–2005, 2008–2009*], a founding member of the Tiananmen Mothers, and Sun Wenguang [See also *NCH Annual Report 2009*], a retired professor of Shandong University, Jinan, Shandong Province. Journalist Gao Yu and former top official Bao Tong [see also *NCH Annual Reports 1999, 2005, 2009*] were required to leave Beijing for enforced “vacations.” Yu Shiwen, who spent 18 months in prison for his 1989 work organizing pro-democracy efforts in Guangzhou, has been detained since 2014 for commemorating the massacre that year. Activists who commemorated the 1989 Tiananmen crackdown continued to be detained, including Sichuan activists Fu Hailu and Luo Fuyu. Despite systematic harassment and intimidation, activists found subversive ways to commemorate it online. Four human rights defenders were arrested for commemorating the anniversary. They posted an online advertisement for a popular alcohol with a label reading “Remember, Eight Liquor Six Four”—a play on words in Chinese echoing the date of the notorious event, accompanied by the “tank man’s” picture. The action was covered widely on social media before being censored. Miao Deshun, a labor activist arrested after participating in the 1989 protests was reportedly released in October 2016 after 27 years’ imprisonment.³⁵

In July 2016, the offices of the history magazine *Yanhuang Chunqiu* (see item above) were taken over by strangers, who changed the computer passwords, opened the mail and took over the running of the magazine. Among the staff purged were founder and director Du Daozheng ([1923–]), a Chinese Communist Party (CCP) member and former senior editor at the state-run news agency Xinhua, and Hu Dehua, the son of reform-minded former leader Hu Yaobang. The magazine, with a reported readership of some 200,000 a month, had long offered a mild critique of the official Communist version of China’s history, including by publishing critical articles in 2008 about former party leader Zhao Ziyang and in 2013 about the Five Heroes of Langya Mountain (see item above). The original staff issued a notice that any future editions of the magazine had nothing to do with them and in August 2016 they went to court to challenge the censorship.³⁶

In the summer of 2016, academic Wang Changjiang criticized former leader Mao Zedong in a lecture

³⁵ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 19, 34, 121; Human Rights Watch, “[China: Tell the Truth About Tiananmen on Anniversary](#)” (1 June 2016).

See also <http://www.tiananmenmother.org/> and <http://www.64memo.com/html/victims.htm>.

³⁶ John Sudworth, “[China Censorship: How a Moderate Magazine Was Targeted](#),” *BBC News* (17 August 2016); Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 191; “[What Was behind China Magazine Takeover?](#)” *BBC News* (interview with Du Daozheng; 17 August 2016).

at the Chinese Communist Party (CCP)'s elite training academy, saying that he had been unable to satisfy people's basic wants of food and clothing. The lecture was secretly videotaped. Shortly thereafter, Wang stepped down from his position as the director of a research department at the Central Party School, citing reasons of age.³⁷

In September 2016, Kwon Pyong (Chinese name: Quan Ping) ([1988]–), an ethnic-Korean citizen from Yanbian who had studied aerospace engineering at Iowa State University in the USA, used Twitter to mock and criticize the nation's rulers, including posting a selfie in which he wore a T-shirt that likened President Xi Jinping to Hitler. Kwon, who on Twitter described himself as a "perpetual student, citizen, dedicated to overturning communism," was arrested and put into police custody. On 15 February 2017, he faced trial on a charge of "inciting subversion." Kwon's two defense lawyers were abruptly dismissed from the case days before the trial. He risked eighteen months' imprisonment.³⁸

In [November 2016], new film censorship laws were decreed. Among other things, they stipulated that those Chinese films that "distorted national history or national historical figures, hurt national sentiments and undermined national unity" were to be banned. The laws were due to come into effect in March 2017.³⁹

On 5 January 2017, the University Party committee of Shandong Jianzhu University dismissed Deng Xiangchao ([1954–]), communications professor and deputy head of the university's School of Art, for his "erroneous remarks" about former leader Mao Zedong, posted on the Sina Weibo social-media service on the eve of Mao's 123rd birthday (26 December 2016). Deng had written: "If he'd died in 1945, China would have seen 6 million fewer killed in war. If he'd died in 1958, 30 million fewer would've starved to death." and: "It wasn't until 1976 when he finally died that we at last had food to eat. The only correct thing he did was to die." In the aftermath of the postings, Deng was also vilified by protesters and online, with some calling him "an enemy of the people." His Weibo account was deleted. He was also dismissed from his jobs as a member of the Standing Committee of the Shandong Provincial Committee of the Chinese People's Political Consultative Conference and as counselor to the provincial government.

When writer Lu Yong showed support for Deng, he was threatened. Video taken hours later showed Mao loyalists parading through the campus of Jinan University with large banners while

³⁷ Te-Ping Chen, "[History Lesson: Mao Remarks Get Chinese Professor Fired](#)," *Wall Street Journal* (10 January 2017).

³⁸ Chris Buckley, "[He Called China's President 'Xitler' on Twitter—Now He Faces Prison](#)," *New York Times* (16 February 2017).

³⁹ Stephen McDonnell, "[Will New Censorship Kill Chinese Filmmaking?](#)" *BBC News* (26 november 2016).

chanting “Down with Deng Xiangchao, down with traitors.” When Liu Yong, a television employee in the central city of Luohe, reposted Deng’s remarks, he was suspended from his advertising job. According to Luohe Television, Liu had made “erroneous comments and distorted the truth” on his personal Weibo account.⁴⁰

On 11 January 2017, the Education Ministry ordered that history textbooks move the start of China’s war against Japanese invaders six years back to 1931, calling it the “14-Year War of Resistance Against Japanese Aggression” (1931–1945), apparently to broaden the scope of the struggle from which the Chinese Communist Party (CCP) derived its legitimacy. In 1931, the Imperial Japanese Army invaded Manchuria.⁴¹

On 24 and 25 March 2017, historian Feng Chongyi ([1960]–), a Chinese-born associate professor of China studies at the University of Technology Sydney, Australia, who had often criticized Beijing’s crackdown on political dissent (particularly the so-called 709 crackdown on human rights lawyers which started on 9 July 2015) on overseas Chinese websites and in interviews with foreign journalists, was put on a no-fly list and barred from leaving China, first in Kunming, then twice in Guangzhou. Although he was not arrested or charged, state security officers questioned him, suspecting him of being a “threat to national security.” On 2 April 2017, Feng was allowed to return home. As a condition of his departure, Feng was required to sign a document promising not say anything about the police interrogations.

The confinement occurred while premier, Li Keqiang visited Australia to promote deeper ties. Feng had also criticized the Chinese government’s increasing efforts to exert influence over ethnic Chinese in Australia. In 2016, he had spoken out against plans for concerts to honor Mao Zedong in Sydney and Melbourne, writing that for many Australians Mao was a symbol of dictatorship, violence and political persecution. His research focused on intellectual and political developments in modern and contemporary China.⁴²

In March 2017, Shen Zhihua ([1950–]), reputedly China’s foremost historian of the Cold War and

⁴⁰ Te-Ping Chen, “[History Lesson: Mao Remarks Get Chinese Professor Fired](#),” *Wall Street Journal* (10 January 2017); “[University Party Committee Makes Professor Retire after Controversial Mao Comments](#),” *Global Times* (8 January 2017); Gerry Shih, “[Critics Attacked, History Revised as China Nationalism Rises](#),” *ABC News* (13 January 2017).

⁴¹ Gerry Shih, “[Critics Attacked, History Revised as China Nationalism Rises](#),” *ABC News* (13 January 2017); Javier Hernández, “[China, Fanning Patriotism, Adds 6 Years to War with Japan in History Books](#),” *New York Times* (11 January 2017).

⁴² Chris Buckley, “[China Bars Professor at Australian University From Leaving, Lawyer Says](#),” *New York Times* (26 March 2017); “[Australian Academic Chongyi Feng Prevented from Leaving China](#),” *Guardian* (26 March 2017); Yojana Sharma, “[Sydney Professor Barred from Leaving China](#),” *University World News* (30 March 2017); Yojana Sharma, “[Professor Allowed to Leave after Being Questioned](#),” *University World News* (6 April 2017).

specialist of the Korean War (1950–1953), criticized the official policy of China toward North Korea at a university lecture in Dalian. He declared: “Judging by the current situation, North Korea is China’s latent enemy and South Korea could be China’s friend.” His views and the debate about them were not reported in Chinese state news media. But his speech remained on the website of the Center for Cold War International History Studies at East China Normal University in Shanghai, where Shen worked. He restated his views in lectures in Shanghai and, in mid-April 2017, in Xian. The son of Chinese Communist Party (CCP) officials, Shen previously used his earnings from gold trafficking business to pay for dredging archives in Russia, after serving a prison term (1983–May 1984) on a charge (reportedly groundless) of leaking state secrets.⁴³

On 26 May 2017, Hong Kong activist Fung Ka Keung submitted a Tiananmen-themed frame (a layer of text across his Facebook page profile picture) for approval to Facebook, which rejected it the next day on the grounds that it “belittled, threatened or attacked a particular person, legal entity, nationality or group.” After it was accused of an act of censorship with political and economic motivations in Hong Kong media outlets, Facebook apologized for “incorrectly” rejecting the frame and approved it. The network had been blocked in China since 2009, and was thought to be keen to re-enter the market. Fung’s frame stated in a mixture of Chinese and English: “June 4 28th Anniversary,” “Vindicate June 4th” and “End Dictatorial Rule.” A second similar frame created by Fung was also approved.⁴⁴

On 4 June 2017, tens of thousands of people gathered in Hong Kong’s Victoria Park for a vigil organized by the Hong Kong Alliance in Support of Patriotic Democratic Movements in China to commemorate the 1989 Tiananmen massacre. Organizers estimated that 110,000 people had gathered, while police thought that just 18,000 took part. Hong Kong remained the only place under China’s jurisdiction that allowed open memorialization of the 1989 crackdown.⁴⁵

On 13 July 2017, dissident Liu Xiaobo (1955–2017) died. He was one of the original signatories of *Charter 08*, a human rights movement established on 10 December 2008, the sixtieth anniversary of the *Universal Declaration of Human Rights*. Liu was a leading participant in and hunger striker during the 1989 student demonstrations on Tiananmen Square, a lecturer in literature and chairman of the Independent Chinese PEN Center since 2003. He was originally detained in December 2008 and sentenced to eleven years’ imprisonment on charges of “inciting subversion of state power” on 25

⁴³ Chris Buckley, “[Criticism of Beijing’s North Korea Policy Comes From Unlikely Place: China](#),” *New York Times* (18 April 2017); “[Shen Zhihua](#),” *The China Story* (retrieved 19 April 2017).

⁴⁴ “[Facebook Sorry for Tiananmen Picture Frame Rejection](#),” *BBC News* (31 May 2017).

⁴⁵ Kevin Lui, “[Tens of Thousands in Hong Kong Commemorate the 1989 Tiananmen Massacre](#),” *Time* (4 June 2017).

December 2009 for his role in drafting and circulating the charter. His lawyers were given only twenty minutes to present their case, in a trial that lasted less than three hours. On 10 February 2010, a Beijing court rejected Liu's appeal. On 10 December 2010, he was awarded the Nobel Peace Prize. He had already been imprisoned in [1989–90], 1995, and [1996–98]. He was released a few weeks before he died.

Point 19 of *Charter 08* read: “*Transitional Justice*. Rehabilitate the reputation of and give state compensation to the victims who suffered political persecution during past political movements as well as their families; release all political prisoners, prisoners of conscience, and people who are convicted because of their beliefs; establish a truth commission to restore historical truth, to pursue accountability and to fulfill justice; seek a settlement of the society on this foundation.” The text of Charter 08 also included a direct reference to the 4 June events, as an example of the “long trail of human rights disasters” caused by the Chinese Communist Party power monopoly. The Charter was initially signed by over 300 scholars, journalists, freelance writers and activists (including Liu Xiaobo, Jiang Qisheng, Ding Zilin, Jiang Peikun, Dai Qing, Li Datong, Tsering Woeser, Wang Lixiong and Zhang Yaojie, and by December 2009 had over 10,000 signatories from throughout China. Chinese living outside China, including Yu Ying-shih, signed a letter of support for the charter [see also *NCH Annual Reports 2009–2010, 2013*].⁴⁶

See also Japan, Taiwan, Thailand.

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2016.

In June 2016, the government and the guerrilla group Fuerzas Armadas Revolucionarias de Colombia (FARC; Colombian Revolutionary Armed Forces) signed a bilateral ceasefire and cessation of hostilities agreement. This came into force on 29 August 2016, although a de facto ceasefire had been in place since 2015. On 24 August 2016, the two sides reached agreement on a peace deal, which was signed on 26 September 2016 in Cartagena. However, on 2 October 2016, the deal was rejected in a referendum, in part because of concerns over the agreement's lax justice provisions. On 12 November 2016, the two sides announced a revised peace deal, which was signed on 24 November. It was ratified by Congress on 30 November, after which the FARC was due to begin a six-month process of

⁴⁶ Human Rights Watch, “China: Tiananmen's Unhealed Wounds” (13 May 2009); Human Rights Watch, “China: End June 1989 Massacre Denial, Free Dissidents” (1 June 2010); *Ifex Communiqué* (3 June 2009); *Index on Censorship* (2010, no. 4), 182–83, 221–22; *NRC Handelsblad* (9 December 2010), 3; PEN American Center, *Ifex Alert* (2 April 2009); *Wordt Vervolgd* (December 2010–January 2011) 38.

demobilization and disarmament, to be monitored and verified in part by a mission of unarmed United Nations observers. By the end of 2016, FARC combatants had yet to congregate in the concentration zones from where they were due to start the demobilization process, because of delays in making these areas habitable. On 28 December 2016, Congress approved a law to provide amnesties or pardons to FARC combatants and the waiving of criminal prosecutions for security force personnel not under investigation for or convicted of crimes under international law. Those who had served at least five years' imprisonment for crimes under international law would, under certain circumstances, be conditionally released. Ambiguities in the law could result in many human rights abusers evading justice. The modifications made to the peace agreement did not significantly strengthen victims' rights. However, a provision requiring the FARC to provide an inventory of the assets it had acquired in the conflict, which would be used to provide reparation to victims, would, if effectively implemented, be a positive development.

The peace agreement established a Special Jurisdiction for Peace—to come into force once approved by Congress—to investigate and punish those responsible for crimes under international law, a truth commission and a mechanism to locate and identify those missing as a result of the conflict. Despite some positive features, however, it fell short of international law and standards on victims' rights, including punishments that appeared to be inconsistent with the gravity of certain crimes and a definition of command responsibility that could make it difficult to hold to account FARC and security force commanders for crimes committed by their subordinates.

On 30 March 2016, the government and the second largest guerrilla group, the National Liberation Army (ELN) announced that they would begin peace talks. However, the process had not started by the end of 2016 because of the ELN's failure to release one of its high-profile hostages. President Juan Manuel Santos Calderón was awarded the Nobel Peace Prize on 7 October 2016 for his role in securing the peace deal.

Very few of those suspected of responsibility for conflict-related crimes under international law were brought to justice. However, as part of the peace process, the government and the FARC formally apologized for their role in several emblematic human rights cases. On 15 September 2016, Santos formally apologized for the state's role in the killing in the 1980s and 1990s of some 3,000 members of the Patriotic Union party, set up by the Colombian Communist Party and the FARC as part of the failed peace process with the government of Belisario Betancur (1982–1986).

In February 2016, the Constitutional Court ruled that a 2015 reform (Legislative Act No. 1) giving military courts jurisdiction over cases related to military service and over crimes committed on active service was constitutional. The reform also stipulated that international humanitarian law, rather than international human rights law, would apply when investigating armed forces personnel for conflict-related crimes, even though many such crimes were not committed during combat and the victims were overwhelmingly civilians. However, the Court ruled that international human rights law should

also apply during investigations. Nevertheless, there were concerns that the Court's ruling would do little to overcome impunity given the military justice system's woeful record in bringing to justice members of the armed forces implicated in human rights violations.⁴⁷

In 2013, then-Attorney General Alejandro Ordoñez ordered Miguel Ángel Beltrán Villegas (1965–), a historian, sociologist and associate professor (2005–) at the Universidad Nacional in Bogotá [see *NCH Annual Reports 2010, 2012.*], dismissed and stripped him of his right to teach at public universities for thirteen years. In 2014, he was found guilty of rebellion, arrested in August 2015 and sent to La Picota prison in Bogotá. While imprisoned, he participated in a hunger strike in February 2016 in solidarity with his fellow inmates protesting prison conditions. On 1 September 2016, he was released after a Supreme Court ruling reversed a lower court judgment because it based its finding that he was a member of the Fuerzas Armadas Revolucionarias de Colombia (FARC) on faulty evidence.⁴⁸

On 5 April 2017, President Juan Manuel Santos inaugurated a Truth Commission that would investigate the victimization of civilians during the 52-year civil war (1964–2016). The commission was part of the transitional justice system (including in addition, a Transitional Justice Tribunal and an amnesty court), agreed with guerrilla group Fuerzas Armadas Revolucionarias de Colombia (FARC) in a peace deal in November 2016. The justice system was approved by Congress earlier in 2016 in a series of votes. In one of these, almost one third of the senate claimed to have a conflict of interests related to war crimes. The commission's task was to find out what happened to the eight million victims of the conflict. It would not be able to impose penalties or transfer evidence or confessions to any court. Former President Álvaro Uribe dismissed the transitional justice system as a “terrorist tribunal” and condemned the peace process.⁴⁹

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2016.

On 19 December 2015, two rebel leaders convicted by the International Criminal Court (ICC), Germain Katanga and Thomas Lubanga, returned to Congo to serve the remainder of their sentences in Kinshasa. While Katanga finished his sentence from the ICC ruling in January 2016, he remained

⁴⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 123–124, 126.

⁴⁸ “[Colombian Political Prisoner and Professor Freed From Prison](#),” *Telesur* (2 September 2016).

⁴⁹ Adriaan Alsema, “[Colombia Creates Historic Truth Commission](#),” *Colombia Reports* (5 April 2017).

in detention and faced national war crimes charges that were filed against him before he was transferred to the ICC. On 21 March 2016, the ICC found the Congolese politician and former rebel leader Jean-Pierre Bemba guilty of rape, murder, and pillage in neighboring Central African Republic. On 19 October 2016, the ICC found Bemba and his defense team guilty of bribing witnesses to lie in his favor at his trial. In October 2016, warlord Gedeon Kyungu Mutanga surrendered. Instead of arresting him, local officials in Lubumbashi gave Gedeon, as he was commonly known, a celebratory welcome. In late 2016, it remained unclear whether he would serve the remainder of his 2009 sentence.⁵⁰

See also Central African Republic, Rwanda.

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012.

COSTA RICA

Previous *Annual Report* entries: 2010.

CÔTE D’IVOIRE

See Ivory Coast.

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2013, 2015–2016.

The International Criminal Tribunal for the Former Yugoslavia raised concerns about the pace and effectiveness of prosecutions by the national courts of crimes committed during the 1992–1995 war. The law regulating the status of civilian victims of war passed in 2015 helped ease access to reparations and made it easier for survivors to access crucial services, but challenges remained in

⁵⁰ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 224.

providing all victims, especially ethnic minorities, with equal and effective access to justice. For the second consecutive year, no progress was made in establishing the fate and whereabouts of 1,600 persons disappeared during the war.⁵¹

The period of political instability around the turn of the year 2015 was accompanied by a surge in nationalist rhetoric and hate speech targeting specific groups, in particular ethnic Serbs, refugees and migrants. Civil society groups recorded increased instances of the media and public officials “evoking fascist ideology” from the past [Ustasha ideology] by promoting the use of inflammatory iconography and generally fueling an anti-minority sentiment.⁵²

On 23 January 2017, far-right news site Maxportal and local television show Bujica broadcast two videos from 1992 in which former Croatian President (2000–2010) Stjepan Mesic called into question the death toll at the Jasenovac concentration camp during World War II: he spoke about 25,000 deaths while 83,145 people (47,627 Serbs, 16,173 Roma, 13,116 Jews and partisans) had been identified on a name-by-name basis. He also said it was a labor camp rather than a concentration camp. Historians refuted the claims. The Ustasa deliberately destroyed the camp and the village of Jasenovac while retreating before the advancing anti-fascist Partisan troops in April 1945 in order to cover the massive crimes committed there.⁵³

On 13 March 2017, American descendants of Serbs, Jews and Roma seeking compensation for property seized by the Independent State of Croatia (NDH), which was led by the Nazi-allied Ustasa movement (1941–1944) filed a 3.2 billion euro lawsuit against Croatia in the Illinois Northern District Court. Critics said that the suit was likely to fail because the constitution’s preamble stated that Croatia was not the legal successor to the NDH state. The confiscations under NDH rule were part of a process known as the “aryanization of property,” in which property of Serbs, Jews and Roma was given to ethnic Croats according to 1941 racial laws. In 1996, Croatia had passed a law which enabled the return of property seized for the state during the Communist era (1944–1991).⁵⁴

See also Slovenia.

⁵¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 132.

⁵² Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 132.

⁵³ Sven Milekic (BIRN), “[Croatia Ex-President Shown Downplaying WWII Crimes](#),” *Balkan Insight* (24 January 2017); Sven Milekic (BIRN), “[Jasenovac Concentration Camp Photos Show Post-War Reality](#),” *Balkan Insight* (7 June 2017).

⁵⁴ Sven Milekic (BIRN), “[WWII Compensation Lawsuit Against Croatia ‘Likely to Fail’](#),” *Balkan Insight* (13 March 2017).

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012, 2015–2016.

See United States.

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011, 2013, 2015–2016.

In 2016, the Committee of Missing Persons in Cyprus (CMP) exhumed the remains of 96 people, bringing the total number of exhumations since 2006 to 1,192. Between 2007 and 2016, the remains of 740 missing individuals (556 Greek Cypriots and 184 Turkish Cypriots) were identified. With information from private individuals drying up and CMP access to Turkish military files continuing to be obstructed, the rate of exhumation and identification of remains was starting to slow down.⁵⁵

The 2017 calendar prepared by the Cyprus Turkish Teacher’s Union (KTOS) sparked controversy because it contained information which contradicted the “official history” taught in Turkish Cypriot schools: (1) Archbishop Makarios III (president of Greek Cyprus, 1960–1974) was presented as the “President of the Republic of Cyprus” while Turkey and the Turkish Republic of Northern Cyprus (TRNC) had not recognized the Republic; (2) Twelve June 1958 was marked as the date when Turkish Cypriots “brutally murdered” nine Greek Cypriots in Gonyeli after being provoked by the British; (3) An incident was mentioned where Turkish Cypriots were murdered by the Turkish Resistance Organisation (TMT) on 22 April 1962; and (4) Fifteen November—the date that northern Cyprus unilaterally declared independence in 1983—was referred to as: “The date when the common existence of the Turkish Cypriots was put in jeopardy and the date Turkish Cypriot international relations with the rest of the world came to an end after Rauf Denktaş struck a deal with the generals of the coup in Turkey to establish the TRNC.”

The People’s Party (HP) and numerous NGOs with nationalist views issued statements condemning KTOS. On 29 December 2016, the Party of Rebirth (YDP; the political movement of Turkish immigrants in the north) laid a “black wreath” in front of KTOS’s headquarters. Threats were sent to KTOS and its members. KTOS general secretary Sener Elcil declared that the calendar did not contain any false information. KTOS secretary Besim Baysal wrote that KTOS was trying to create an

⁵⁵ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 135.

alternative to calendars brought from Turkey which only presented the “official view.” Turkish Cypriot education officials had asked the authorities to launch an investigation against KTOS, hoping that it would lead to a court case. The Denktash Foundation said it also had called for a criminal investigation. It planned a protest against KTOS.⁵⁶

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010, 2013–2016.

On 11 January 2017, the Constitutional Court ruled by a narrow majority that the accessibility of archives from Nazi and Communist regimes would remain unchanged, thereby overturning a Supreme Court proposal which doubted the constitutionality of that accessibility given its privacy implications.⁵⁷

See also Russia.

⁵⁶ Tahsin Eroglu, “[Teachers Union Calendar in the North Causes Outrage over ‘Unofficial’ Historical Content](#),” *CyprusMail* (29 December 2016).

⁵⁷ Ruth Fraňková, “[Researchers Welcome Ruling Protecting Access to Historical Archives](#),” *Radio Praha* (12 January 2017).

DENMARK

Previous *Annual Report* entries: 2006–2007, 2013, 2016.

In [May] 2016, researcher Martin Rasmussen, who investigated 1,000 of approximately 6,000 case files about members of the Frikorps Danmark (Danish Nazi volunteers who served in the Waffen SS and in concentration camps abroad), discovered that between half and two thirds of these (including payroll books and photographs) stored at the National Archives had been removed. They included documents central to the criminal case against Danish Nazi Helmuth Leif Rasmussen ([1925–])—accused of war crimes at the extermination camp near Bobruisk in Belarus—which were torn out of police reports, and materials about the paramilitary group Petergruppen (Peter group) which was responsible for the murder of the poet-priest Kaj Munch. The discovery of the removed files was immediately linked to a case of archival theft from 2012. In that year, it was discovered that Kim Dorph Vinther and Henrik Irdan had over many years stolen at least 1,062 pieces of Nazi memorabilia and documents (emblems, police reports, court files, and cases about deserters) from the National Archives and sold them to collectors. In 2013, they were sentenced to two years' and 21 months' imprisonment respectively. There were strong suspicions that more persons were involved in the archival theft.⁵⁸

DJIBOUTI

Previous *Annual Report* entries: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: 2013.

⁵⁸ Anja Hansen, personal communication (4 May 2016), based on 7 Danish newspaper reports; AFP, "['Irreplaceable' Nazi-era Documents Stolen from Danish Archives](#)," *Telegraph* (25 October 2012).

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2016.

A truth commission set up by the administration of President Rafael Correa to investigate government abuses from 1984 to 2008 (from the beginning of the repressive presidency of León Febres Cordero [1984–1988] until Correa took office) documented 136 cases involving 456 victims, including 68 victims of extrajudicial execution and 17 of enforced disappearance. Progress by a special prosecutorial unit created in 2010 to investigate the cases was slow. According to government statistics from December 2015, judicial procedures had been initiated in only eight cases. In its periodic review of Ecuador in July 2016, the United Nations Human Rights Committee called on Ecuador to carry out timely investigations of cases documented by the truth commission, and bring those responsible to justice [see also *NCH Annual Reports 2007, 2009–2010, 2015*].⁵⁹

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2016.

In April 2016, Khaled Fahmy, head of the history department at the American University in Cairo, [See also *NCH Annual Report 2013*] criticized the fact that foreign researchers had to obtain a security permit before they could work in the National Archives. For example, United States researchers were denied a permit for a project on the history of private presses in the nineteenth century. To obtain it, they had to follow a procedure which on average took three months after they had submitted a form, a recommendation letter from their university, a copy of their passports, a personal photograph and, often, a synopsis of their research project. Many permits for foreign researchers were denied. Fahmy denounced this state of affairs in which foreign researchers were seen or treated as spies.

Fahmy also related that when in about 1991 he did research in the Egyptian National Archives about the Levantine campaign led by Ibrahim Pasha, Mohamed Ali's son, from 1831 to 1840, he was barred from photocopying three maps: (1) a map of enemy Ottoman positions around Jaffa, on which Ibrahim's forces were preparing to march; (2) a proposed postal system to connect Ibrahim's command in the Levant and Cairo, with thirty points along a route that would deliver correspondence between Mohammed Ali and his son; and (3) a map illustrating a proposal of Ibrahim to his father in 1838 or 1839 to reinforce positions on Egypt's northern border by building naval fortifications across

⁵⁹ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 230.

the Delta coastline. The reason given was national security. According to Fahmy, after the Egyptian-Israeli border dispute over Taba (1988) following the 1979 peace treaty, the Egyptian team, which included historian Younan Labib Rizk, proved Egypt's claim to the town by using documents that showed Egypt exercised sovereignty over it. The evidence was supported by old maps, prompting the security apparatus to understand the significance of old maps for national security.

Examples of researchers denied a research permit included an Egyptian working on Mamluk history, a student working on the history of the Labour Corps during World War I, and a student working on the history of the British irrigation expertise in Egypt in the late 19th century (because of the dispute with Ethiopia over the Nile waters, it was feared to contain information that could harm Egypt's negotiating position—for example, information about Ethiopia's right to the Nile waters).⁶⁰

In January 2017, the NGO Cairo Institute for Human Rights Studies (CIHRS) published a report entitled [Toward the Emancipation of Egypt: A Study on Assembly Law 10/1914](#) (Cairo: CIHRS, 2017, 95 pages). Without properly consulting parliament, the British colonial authorities had issued the so-called Assembly Law during World War I (1914) in order to stifle dissent. Although the law was repealed by parliament in 1928, King Fuad I did not officially notify parliament of his objection to the repeal bill and the latter was not published in the *Official Gazette* and therefore never entered into force. Successive post-independence governments continued to apply it against meetings and demonstrations until the present day. The draconian law legalized the concept of collective liability, which allowed for mass sentences against participants in any assembly where a crime was alleged to have occurred, regardless of each participant's individual criminal liability.

The report was authored by a researcher specialized in modern Egyptian history who wished to remain anonymous together with legal researcher Salah al-Ansary. The authors' access to the National Archive was obstructed: an employee told the research team that the archives were not open to the public; access required affiliation with a university and the filing of an application. Since the topic was political, the application had to be approved by the General Intelligence, the National Security Council, and Homeland Security. The authors commented: "The requirement of security establishment approval to access historical documents dating back a century was odd indeed. The only explanation for such a procedure is that it reflects the state's attempt to control the historical record and narrative" (p. 16).

Several Egyptian lawyers and historians who were consulted for the report requested anonymity, fearing for their personal safety. The CIHRS Cairo office encountered several difficulties (registration duty, foreign funding prohibition), causing it to move some of its activities and staff to Tunisia. One of the lead researchers for the report left Egypt, amid fears that he could be convicted in connection

⁶⁰ Khaled Fahmy, "[Giulio, the Islands and National Security](#)," *Mada Masr* (23 April 2016); Lisa Anderson, "[Academic Freedom in a Globalized World](#)," *Science & Diplomacy* (17 August 2016).

with the foreign funding prohibition. The editor of the report was banned from travel.⁶¹

On 23 February 2017, the institution “Censorship of Artistic Works” banned the film “18 Days,” which covered events between the start of the Revolution on 25 January 2011 and the departure of President Hosni Mubarak on 11 February 2011 on the charge that it contained many obscene words. The same institution did not issue a permit to screen the film “The Last Days of the City” during the first quarter of 2017.⁶²

See also Israel, South Sudan.

EL SALVADOR

Previous *Annual Report* entries: 2001–2016.

In June 2016, a monitoring compliance hearing relating to two cases of enforced disappearance committed during the armed conflict (1980–1992) took place before the Inter-American Court of Human Rights. In September 2016, the Court rendered a judgment in one of the cases, *Contreras versus El Salvador*, and updated information about the criminal investigations and all the efforts made to identify and bring to justice those suspected of criminal responsibility for crimes under international law and human rights violations.

In July 2016, the Supreme Court declared the 1993 Amnesty Law unconstitutional, an important step forward for victims of past human rights violations seeking justice. Five days after the United Nations Truth Commission had published its recommendations in 1993, authorities had passed the Amnesty Law that had so far prevented investigations into the human rights violations committed during the conflict.

Four military officers who were the subject of a 2011 arrest warrant issued by a Spanish judge for their involvement in the 1989 killing of six Jesuit priests, their housekeeper and her daughter were reportedly arrested in February 2016. However, according to press reports, the Supreme Court denied the extradition request in August 2016. In September, a court ordered the reopening of the El Mozote case in which hundreds of civilians were executed by military officials in December 1981. During 2016, two former military officers who served as ministers of defense during the armed conflict were deported from the United States to El Salvador accused of human rights violations committed during

⁶¹ Cairo Institute for Human Rights Studies, [Toward the Emancipation of Egypt: A Study on Assembly Law 10/1914](#) (Cairo: CIHRS, 2017, 95 pages), 1–17.

⁶² Association for Freedom of Thought and Expression (AFTE), [The Quarterly Report on the State of Freedom of Expression in Egypt: First Quarter \(January–March 2017\)](#) ([Cairo]: AFTE, 2017), 14–15.

the 1980s.

In 2017, judge Ricardo Chicas reopened the case of the murder of Archbishop Oscar Romero, who was shot by a right-wing death squad in 1980 as he celebrated mass. The case against the prime suspect had been dismissed in 1993 as a result of the amnesty law. The ruling followed a 2016 decision by the constitutional court to repeal the amnesty law that prohibited criminal trials stemming from the civil war (1980–1992).⁶³

In late January 2017, United States (US) Congressman James McGovern met with President Salvador Sánchez Cerén and urged him to open the military archives relating to the more than 10,000 disappearances from the civil war (1980–1992) and to create a national commission to search for them. Official data report 75,000 dead and 8,000 missing. In August 2016, 27 Congressmen, including McGovern, called on President Barack Obama to declassify United States military and intelligence records and reports relating to unresolved cases of disappearances and human rights violations during the civil war. Some documents still remained classified, mainly those of United States intelligence agencies.⁶⁴

EQUATORIAL GUINEA

Previous *Annual Report* entries: —.

See Gambia.

ERITREA

Previous *Annual Report* entries: 2008, 2016.

⁶³ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 30, 151; "[El Salvador Judge Reopens Case of Slain Archbishop Romero](#)," *Telesur* (18 May 2017).

⁶⁴ EFE, "[Congresista de EE.UU. pedirá a El Salvador abrir archivos de la guerra civil](#)," *El Mundo* (27 January 2017); "[A Leader on Human Rights, McGovern to Receive Testimonies of Families Whose Loved Ones Disappeared During Civil War](#)" (press release: 27 January 2017).

ESTONIA

Previous *Annual Report* entries: 2007, 2010, 2015.

On 31 May 2017, nationalist politician Georg Kirsberg of the far-right Conservative People's Party vowed in his election campaign to decriminalize Holocaust denial and outlaw instead revisionism on the Soviet domination of Estonia.⁶⁵

ETHIOPIA

Previous *Annual Report* entries: 1998–2011, 2015–2016.

Large-scale and unprecedented protests swept through Ethiopia's largest region of Oromia beginning in November 2015, and in the Amhara region from July 2016. Ethiopian security forces cracked-down on these largely peaceful demonstrations, killing more than 500 people. Protesters from Oromia expressed concerns over decades of historical grievances and the wrongful use of lethal force by the security forces. Similar protests and a resultant crackdown had occurred in Oromia in April and May 2014 [see also *NCH Annual Reports 1998, 2000, 2003, 2015–2016*].⁶⁶

In October 2016, security services started killing people at the annual Irreecha festival—a thanksgiving celebration of the Oromos at which those attending wear traditional clothes and sing resistance songs—in Bishoftu. The numbers killed were disputed: official sources counted 52 deaths, Oromo Federalist Congress activists claimed that 678 people died. Many condemned the attack as a massacre and an “attack on Oromo identity.” After the crackdown, pictures of the festival goers who were killed were published internationally, but the state shut down all access to the outside world.⁶⁷

The right of people to leave the country was restricted. If people seeking to leave were caught by the military during national holidays to commemorate independence, they were subject to higher fines than on other days.⁶⁸

See also Egypt.

⁶⁵ “[Estonian Politician Vows to Legalize Holocaust Denial](#),” *Arutz Sheva: Israel National News* (10 July 2017).

⁶⁶ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 251, 253.

⁶⁷ Ismail Einashe, “Ethiopia in Crisis, Closes Down News,” *Index on Censorship*, 45, no. 4 (Winter 2016), 32–35.

⁶⁸ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 154.

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012.

On 5 May 2017, the government and the Sámi parliament officially agreed to launch a truth and reconciliation process. The chairwoman of the Sami parliament, Tiina Sanila Aikio, said that negotiations were beginning on what the content, mandate and resources of the commission would be. The relationship between the government and the Sámi parliament had been difficult in the past few years, among other reasons, because of the rejection of Sámi bills during the previous government term.⁶⁹

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2014, 2016.

In December 2016, the Collective against Islamophobia in France and a French human rights organization that was founded by Jews in the 1920s sued Morocco-born French-Jewish scholar Georges Bensoussan ([1952–]), author of *Jews in Arab Lands* (2012) and editor of *The Shoah History Review*, before the 17th Criminal Tribunal of Paris on charges of incitement to racial hatred for remarks about the anti-Semitism of Muslim French made in 2015 during an interview aired on France Culture radio station. Bensoussan had said: “In French Arab families, babies suckle anti-Semitism with their mothers’ milk.” Bensoussan argued that he had paraphrased Algerian sociologist and filmmaker Smain Laacher. In reality, Laacher had said in an interview that for many Arab families, anti-Semitism is in “the air that one breathes.” Bensoussan told the court that he had apologized several times to those who were hurt by his comments and that he did not mean to generalize his remarks to all Muslims. In a statement of 16 December 2016, scholars called Bensoussan’s remarks legitimate criticism and dismissed the charge as an attempt at intimidation. On 7 March 2017, the tribunal acquitted Bensoussan, ruling that the plaintiffs had failed to substantiate the charges and

⁶⁹ Yle Sapmi, “[Truth and Reconciliation Commission May Be Launched in Finland Already after Summer.](#)” *The Independent Barents Observer* (11 May 2017).

concluding that Bensoussan merely “misspoke” in quoting Laacher without intention to incite hatred.⁷⁰

On 26–28 May 1967 at Pointe-à-Pitre, capital of Guadeloupe, a strike of construction workers (which began on 24 May 1967) for a wage increase of two percent developed into a major clash between the CRS (French mobile police forces or Képis rouges) and black workers, students, and other protesters. The prefect Pierre Bolotte ordered to shoot, leading the CRS and French army to kill 87 persons and wound several hundreds. One of the first people to be shot and killed was Jacques Nestor, believed to be a member of Groupe d’organisation nationale de la Guadeloupe (GONG), a clandestine movement for Guadeloupean independence. Although Guadeloupeans had demanded an inquiry into the killings since 2005, all relevant archives (of hospitals, barracks, offices of mayors) mysteriously disappeared; the archives in France were inaccessible. A French inquiry in 2014–2016 said that “due to lack of evidence, it was impossible to ascertain the number of people who died.” The official record held that seven were killed. France never officially acknowledged its role in the massacre. The intelligence police reports from 1967, initially classified for 50 years, were mandated—on the eve of the 50th anniversary of the massacre—to remain closed for another 25 years. On 24 April 2017, a collective of Guadeloupean associations and workers’ movements made plans to commemorate the massacre’s fiftieth anniversary in Paris.⁷¹

See also Algeria, Burkina Faso, Greece, Morocco, Rwanda, Senegal, Tunisia, United States.

⁷⁰ [“Leading Jewish Scholar Prosecuted in France for Alleged anti-Muslim Remarks,”](#) *Haaretz* (20 December 2016); Shirli Sitbon, [“French Historian Georges Bensoussan Sued over ‘Arab Hate’ Comment,”](#) *Jewish Chronicle* (7 February 2017); [“French Jewish Historian Cleared of Hate Speech Charges against Muslims,”](#) *Jewish Telegraphic Agency* (8 March 2017).

⁷¹ [“Guadeloupe: Appel pour la vérité, la justice, la réparation et la réhabilitation pour les victimes des massacres des 26 et 27 mai 1967 à Pointe à Pitre,”](#) *CaribCreoleNews* (24 April 2017); Susannah Savage, [“50 Years On: Guadeloupeans Remember French Brutality,”](#) *Al-Jazeera* ([May] 2017).

GABON

Previous *Annual Report* entries: 2016.

GAMBIA

Previous *Annual Report* entries: 2016.

On 23 March 2017, Justice Minister Abubacarr Tambadou said in a statement that a Truth and Reconciliation Commission would be set up and reparations would be offered to victims of former President Yahya Jammeh's government, which was accused of the torture and killing of perceived opponents. The government would also probe the finances of Jammeh, who fled into exile in January 2017 to Equatorial Guinea after a rule that began in 1994 when he seized power in a coup. Public hearings would be expected to commence by the end of 2017.⁷²

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012, 2014, 2016.

See Russia.

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2013, 2015–2016.

In early 2017, Jörg Baberowski, professor of Eastern European history at Humboldt University in Berlin, filed an interim injunction with the Cologne District Court against the General Student Committee Asta, a left-wing student union, at the University of Bremen with the aim of prohibiting as defamation the reproduction or circulation of Asta leaflets which criticized Baberowski's statements on Nazi crimes and refugees. After Baberowski had addressed a political meeting in Bremen, Asta had accused him of glorifying violence and playing down arson attacks on refugee hostels as a natural response by outraged citizens. The union also claimed that he advocated racism, confronted people

⁷² "[Gambia to Set Up Truth and Reconciliation Commission](#)," *Reuters* (23 March 2017).

with sheer hatred and represented right-wing radical positions. When the injunction was granted, Asta objected and proceedings were held. In March 2017, the court ruled that whereas the student union had the right to call Baberowski a “right-wing radical,” it must not take his controversial statements about refugees out of context because this violated his right to publicity.

In February 2014, Baberowski had told *Der Spiegel* that he shared historian Ernst Nolte’s views in the 1986 “Historikerstreit” on the singularity of the Holocaust. He compared Hitler with Stalin in *Der Spiegel*, claiming that Hitler was not “a psychopath, he wasn’t cruel, and he tolerated no mention of the extermination of the Jews in his presence.” Stalin, on the other hand, “had fun adding names to the death lists and signing them. He was evil-minded, a psychopath.” Further debate arose when Baberowski spoke at the German Museum of History in Berlin at the height of discussions over Germany possibly engaging in the Iraq and Syrian crises, stating: “If one is not prepared to take hostages, burn villages to the ground, hang people and spread fear and terror, which is what the terrorists are doing, one cannot win such a conflict.” Attempts by students to organize an event at Humboldt University to address these remarks were initially blocked by university officials, who spoke of a possible “defamation of staff members.” But the meeting was eventually held. In early December 2014, Peter Burschel, director of the Humboldt University history department, issued a statement calling on students and teaching staff to counter what he called a campaign against Baberowski.⁷³

On 2 June 2016, the German parliament approved overwhelmingly (one vote against, one abstention) a resolution describing the 1915 massacre of Armenians by Ottoman Turks as a genocide. The resolution used the word “genocide” in the headline and text. It also said that Germany, at the time an ally of the Ottomans, bore some guilt for doing nothing to stop the killings. The German government distanced itself from the resolution. In Istanbul, armed riot police were deployed outside the German consulate, near Taksim square, where a protest against the vote was taking place. Days later, eleven German members of parliament (MPs) of Turkish origin were put under police protection as they received death threats after supporting the motion. Turkish President Recep Tayyip Erdogan had questioned the Turkishness of the eleven. A tweet of Ankara’s mayor showing the eleven MPs and saying they had “stabbed us in the back,” was retweeted by many Turkish nationalists, some of whom made death threats. A group of Turkish lawyers reportedly filed a complaint accusing the MPs of “insulting Turkishness and the Turkish state.” The leader of Germany’s Green Party, Cem Özdemir—who initiated the debate on the genocide in the Bundestag—told a newspaper that he had been

⁷³ Michael Gardner, “[University Defends Controversial Scholar](#),” *University World News* (5 December 2014); “[Germany: Growing Support for Defense of Bremen University Students against Right-wing Professor Jörg Baberowski](#),” *World Socialist Web Site* (6 February 2017); Michael Gardner, “[Controversial German Professor ‘Hounded by Commissars’](#)” *University World News* (31 March 2017).

emailed threats.⁷⁴

On 22 October 2016, Manfred Grieger's contract as head of historical communication of Volkswagen (VW) was terminated. He was replaced by archivist Ulrike Gutzman. The apparent reason for Grieger's departure (which many called a dismissal) was his critical 2015 review of a 518-page 2014 study of the World War II labor practices of Auto Union (now Audi), a VW subsidiary. The review received scant attention until the German business weekly, *Wirtschaftswoche*, mentioned it in late August 2016. Grieger had written that the 2014 study was biased and played down the relationship between Auto Union officials and the Nazi elite during World War II. An open letter drafted by historian Hartmut Berghoff and signed by 75 German academics accused VW of a vindictive punishment.

With Hans Mommsen, Grieger co-authored an exhaustive study financed by VW and published in 1996, exposing how the company had made extensive use of forced labor during World War II, when its factory in Wolfsburg produced weapons and military equipment. The book also uncovered embarrassing information about Ferdinand Porsche and Anton Piëch; the sons of the latter owned a majority of VW's voting stock since 2012.⁷⁵

See also Hungary, Namibia, Poland, Russia, Rwanda, Tanzania, Ukraine, United States.

GHANA

Previous *Annual Report* entries: 2002, 2004–2008.

In October 2016, the authorities announced that they would remove a statue of the Indian leader and pacifist Mahatma Gandhi (unveiled by Indian President Pranab Mukherjee in June 2016) from the University of Ghana's Legon campus in Accra and relocate it. The statue had sparked protests over Gandhi's racism: when he lived in South Africa at the turn of the 19th and 20th centuries, he had advocated the superiority of Indians over black Africans and used the derogatory term *kaffir* to refer to native Africans.⁷⁶

⁷⁴ "[Armenia 'Genocide' Row: Turkey Recalls Envoy to Germany after Vote](#)," *BBC News* (2 June 2016); "[Eleven German MPs under Police Protection in 'Genocide' Row](#)," *BBC News* (12 June 2016).

⁷⁵ "[VW Fires Corporate Historian—Views on World War II Era to Blame?](#)" *Europe Online Magazine* (22 October 2016); Alison Smale & Jack Ewing, "[Volkswagen Parts Ways With the Historian Who Chronicled Its Nazi Past](#)," *New York Times* (2 November 2016).

⁷⁶ Abigail Abrams, "[Ghana Will Remove 'Racist' Gandhi Statue From Its Oldest University](#)," *Time* (6 October 2016); "[Petition: Gandhi's Statue at the University Of Ghana Must Come Down](#)" (12 September 2016).

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011, 2013–2016.

In [October] 2016, British historian Sheila Lecoer, lecturer in Italian at the Imperial College, London, and her Greek publisher Alexandria Publications were sued for defamation in Athens by the family of the late Vayias Vaitsis. In the original English edition and the 2013 Greek translation of her book *Mussolini's Greek Island: Fascism and the Italian Occupation of Syros in World War II* (2009), Lecoer had mentioned that in 1944 Vaitsis had accepted the post of acting prefect of Syros, capital of the Cyclades archipelago, under the quisling government of Prime Minister Ioannis Rallis (1878–1946) and the German occupation force (October 1943–November 1944). She also wrote that “a continuing controversy surround[ed] his name” (pages 182–183 of the 2009 edition). The family demanded 300,000 euros in damages as they claimed that Vaitsis’s reputation was tarnished and many inhabitants of the island now considered him to be a traitor and Nazi collaborator. The trial was planned for 27 October 2016.⁷⁷

In [November] 2016, deputy Education Minister Kostas Zouraris reportedly suggested openly that the neo-Nazi political party Golden Dawn should harass historian, history textbook author and member of parliament Maria Repoussi. He spoke about her in derogatory terms. He also reportedly accused some historians of being paid agents by “enemies of the nation” from abroad.⁷⁸

In [May] 2017, human rights activist Panayote Dimitras, head of the Greek Helsinki Monitor and of Racist Crimes Watch [See also *NCH Annual Report 2008*], filed a lawsuit against author, columnist and historian Soti Triantafyllou (1957–) under the anti-racism legislation over claims she had defamed Islam and incited violence via a quote in one of her articles. This quote, which she attributed to 13th-century Venetian traveler Marco Polo (1254–1324), said, “The militant Muslim is the person who beheads the infidel, while the moderate Muslim holds the feet of the victim.” Dimitras claimed that Triantafyllou could have verified the quote, which was never uttered by Marco Polo. The article, entitled “Rock and Roll will Never Die,” was published in the free magazine *Athens Voice* in November 2015, the day after jihadi gunmen burst into the Bataclan music hall in Paris and killed ninety people during a series of terrorist attacks. In several of her writings, Triantafyllou had criticized radical Islam and the underestimation of the threat of Islamic extremism. She was set to appear in court on 21 July 2017. Dimitras had to prove that the author acted with an intention to incite violence,

⁷⁷ [Network of Concerned Historians Campaign](#); “[Petition for Sheila Lecoer: Greek version](#)” (19 October 2016); “[Petition for Sheila Lecoer: English version](#)” (24 October 2016); Damian Mac Con Uladh, personal communications (19 and 25 October 2016).

⁷⁸ Antonis Liakos, personal communication (7 November 2016).

hate or discrimination against Islam in a way that endangered public order.⁷⁹

On 2 and 8 May 2017, historian Polymeris Voglis (1964–), the head of a committee appointed by the education minister to propose revisions to primary school history textbooks, was targeted by Proto Thema, one of the biggest-selling Sunday tabloids. In two successive issues, he was attacked as an enemy of the nation: someone who called FYROM “Macedonia” and who termed the Greek civil war (1946–1949) as a “revolution”. He was also called a “janissary” of the minister in the second article, which included comments from one academic and some other non-academic historians attacking him as “illiterate” and as someone who wanted to “denationalize” Greece. The Pan-Hellenic Association of Philologists also condemned the revisions.⁸⁰

See also Bangladesh.

GRENADA

Previous *Annual Report* entries: 2007.

GUATEMALA

Previous *Annual Report* entries: 1995–2016.

Civil society organizations continued to push for approval of Law 3590, which would create a National Commission for the Search for Victims of Enforced Disappearance and Other Forms of Disappearance. The law, which was first presented before Congress in 2006, had not been discussed by the end of 2016.

In February 2016, a court convicted two former military officers on charges of crimes against humanity in the form of sexual violence and domestic and sexual slavery. It was the first time that a Guatemalan court had prosecuted a case of sexual violence related to the country’s 36-year internal armed conflict (1960–1996). The victims were 15 Maya Q’eqchi’ women.

José Efraín Ríos Montt, former President and commander-in-chief, was found guilty in May 2013

⁷⁹ Damian Mac Con Uladh, personal communication (18 May 2017); Harry van Versendaal, “[Lawsuit over Islam Comments Tests Boundaries between Controversial Language and Free Speech](#),” *Ekathimerini.com* (23 May 2017); “[Soti Triantafyllou](#),” *Wikipedia* (retrieved 23 May 2017).

⁸⁰ Damian Mac Con Uladh, personal communication (18 May 2017); Philip Chrysopoulos, “[Greek Philologists Criticize Education Ministry for Biased History Books](#),” *Greek Reporter* (18 May 2017).

of genocide and crimes against humanity. He was sentenced to 80 years' imprisonment, but several days later the Constitutional Court overturned the verdict on procedural grounds. Ríos Montt had led a military government from 1982 to 1983, when the military carried out hundreds of massacres of unarmed civilians. In August 2015, a trial court declared Ríos Montt mentally unfit for retrial, ruling instead that he should be represented by his lawyers in a special closed-door proceeding. In October 2015, an appellate court rejected a two-year-old petition by Ríos Montt's attorneys to apply a 1986 amnesty decree that would put an end to his prosecution, ruling that the decree, applicable to "all political and related common crimes" committed between March 1982 and January 1986, did not apply to genocide and crimes against humanity. The trial remained stalled at the end of 2016.

In recent years, the Attorney General's Office had obtained convictions in several other cases involving human rights crimes committed during the internal conflict. In 2011, four army Special Forces soldiers received lengthy sentences for their role in the 1982 Dos Erres massacre of more than 250 people. In 2013, former National Police Chief Héctor Bol de la Cruz received a 40-year sentence for ordering the disappearance of a student activist in 1984. In January 2015, former Police Chief Pedro García Arredondo was sentenced to 90 years' imprisonment for a raid on the Spanish embassy in 1980, in which 37 people burned to death. In July 2014, Fermín Felipe Solano Barillas became the first ex-guerrilla to be convicted in connection with atrocities. Found guilty of ordering the massacre of 22 residents of the town of El Aguacate in 1988, he was sentenced to 90 years' imprisonment.⁸¹

GUINEA

Previous *Annual Report* entries: 2007, 2009–2016.

More than seven years on, Guinea had yet to deliver justice for the grave crimes committed in September 2009, when security forces massacred some 150 opposition supporters and raped over 100 women. The crimes were committed during the military rule of then-Captain Moussa Dadis Camara. The panel of judges appointed in 2010 to investigate the massacre made important strides despite political, financial, and logistical obstacles. They had interviewed more than 400 victims and charged some fifteen suspects, including several high-level members of the security forces and the former junta leader, Camara. While the investigation appeared to enjoy increased political and financial support from the government, the failure to suspend high-level suspects from their government posts, the March 2016 appointment of accused General Mathurin Bangoura to the position of governor of

⁸¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 173; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 294–295.

the capital Conakry, and the failure to close the investigation, raised concern. In late 2016, several investigative aspects remained outstanding, including the questioning of key witnesses and locating mass graves believed to contain the bodies of some one hundred victims who remained unaccounted for.⁸²

In August 2016, the Provisional Commission on National Reconciliation (CPRN) submitted its final report to President Alpha Condé. The CPRN was established by presidential decree in 2011 to explore the roots of decades of political and communal violence and present a roadmap for addressing them. The report made 22 recommendations, including the creation of an independent truth commission, justice for key perpetrators, and reparations for victims of political and communal violence. The National Human Rights Commission (INIDH), established in 2015 and mandated by the 2010 constitution, largely failed to fulfil its mandate and suffered from a lack of credibility as a few commissioners quit amid concerns over lack of fiscal transparency.⁸³

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012, 2015.

GUYANA

Previous *Annual Report* entries: 1997.

⁸² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 176; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 299–300.

⁸³ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 300–301.

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2013–2016.

The United Nations Human Rights Committee and the United Nations independent expert on Haiti both called on Haiti to continue investigations into financial and human rights crimes allegedly committed during former President Jean-Claude Duvalier's tenure as president (1971–1986). They called on Haiti to bring to justice all those responsible for serious human rights violations committed during Duvalier's tenure. Allegations of violations included arbitrary detentions, torture, disappearances, summary executions, and forced exile. Duvalier died in 2014, six months after the Port-of-Prince Court of Appeal ruled that the statute of limitations could not be applied to crimes against humanity and ordered that investigations against him should continue. A reopened investigation into crimes committed by Duvalier's collaborators remained pending in late 2016.⁸⁴

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2015.

HONG KONG

Previous *Annual Report* entries: 1996. *See* China.

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2016.

On 31 August 2016, Ágnes Heller and János Weis founded the Lukács Archive International Foundation (LAIF) to support the survival of the Lukács Archives. György Lukács (1885–1971) was a renowned Jewish philosopher and literary historian known for his original views of the Marxist

⁸⁴ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 30, 179; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 306.

doctrine [see *NCH Annual Report 2016*].⁸⁵

In March 2017, the city council of Budapest, which was dominated by the ruling Fidesz party, announced plans to remove the statue of György Lukács from Szent István Park. The statue was to be replaced by that of King (and Saint) Stephen (975–1038), considered the founder of the Hungarian State and the person who converted the Hungarian tribes to Christianity.⁸⁶

On 15 May 2017, German Holocaust denier Horst Mahler (1936–) was arrested in Hungary after illegally leaving Germany. Mahler had announced that he was seeking asylum in Hungary. He was a former Marxist urban guerrilla who became a far-right extremist; he had been sentenced to ten years' imprisonment for Holocaust denial in 2009 but released in 2015 due to ill health and placed on probation. Mahler's parents had been Nazi Party members, even though Mahler had Jewish ancestors.⁸⁷

⁸⁵ [Network of Concerned Historians Campaign](#); "[Protest Against Closing Down the Lukács Archiv](#)" (Petition; 8 March 2016); Alex Doherty, "[History Has a Habit of Intruding: Save the Lukács Archive](#)" (14 March 2016); "[György Lukács](#)," *Wikipedia* (31 March 2016); "[Statement on the Formation of the Lukács Archive International Foundation \(LAIF\) \(Hungarian: LANA\)](#)" (31 August 2016).

⁸⁶ Vladislav Davidzon, "[Statue of György Lukács in Budapest to Be Removed](#)," *Tablet* (30 March 2017).

⁸⁷ Sewell Chan, "[Horst Mahler, German Holocaust Denier, Is Arrested in Hungary](#)," *New York Times* (15 May 2017).

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2016.

In early 2016, officials, including Muhammad Shafi Zahid, director of the Department of Archives and Archaeology of the government of Jammu and Kashmir, and Abdul Ahad, its former director, reported that after independence, and especially after 1985, the government of Jammu and Kashmir, and particularly its judiciary and police departments, had broken the archives law by not regularly transferring documents to the archives. This endangered the writing of history, including about the 1953 events (when Prime Minister of Jammu and Kashmir Sheikh Abdullah was dismissed and later arrested). The police department was said to have an own archive. There were no significant records of the Jammu and Kashmir Assembly available: two volumes of Jammu and Kashmir Constituent Assembly debates and a copy of the debates of the Autonomy resolution, which was passed by the Assembly in 2000 for restoration of the pre-1953 status to Jammu and Kashmir, were available at the Assembly while the rest was untraceable or available in bits and pieces. On 22 April 2016, minister for finance and culture Haseeb Drabu issued a six months' deadline to the department of archives to archive all cabinet decisions.⁸⁸

On 12 February 2016, Kanhaiya Kumar—a doctoral student in African studies, elected president of the Jawaharlal Nehru University Student Union (JNUSU) and a member of the student wing of the Communist Party of India—was arrested after a campus event on 9 February 2016 for allegedly shouting anti-India slogans at a protest against the hanging in February 2013 of Afzal Guru, a Kashmiri activist convicted of playing a role in the 2001 attack on the Indian parliament. On 24 February 2016, Umar Khalid and Anirban Bhattacharya, two PhD students in history, were arrested in connection with their participation in the same demonstration. The three were interrogated on charges of sedition. After their release on bail, Kumar gave a speech on campus about poverty, caste and freedom. Subsequently, JNU took disciplinary action against the three. Also in 2016, violent clashes had broken out in Ramjas College over an invitation to Umar Khalid⁸⁹

In February 2016, scholars in India, led by a professor at the Indian Institute of Technology Bombay,

⁸⁸ Naseer Ganai, "[Jammu and Kashmir Archives Denied Record for Past 6 Decades](#)," *Mail Today* (12 January 2016); "[Official Documents, Cabinet Decisions not Archived since 1985](#)," *Kashmir Reader* (23 April 2016).

⁸⁹ Saikat Majumdar & Prakash Shah, "[The Battle for the Indian Mind](#)," *Times Higher Education* (5 May 2016); PEN & International Human Rights Program, *Fearful Silence: The Chill on India's Public Sphere* (Toronto / London 2016), 8, 18; PTI, "[JNU Row: Umar Khalid, Anirban Bhattacharya's Police Custody Extended by 2 More Days](#)," *Indian Express* (27 February 2016); Scholars at Risk, *Free to Think 2016: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: Scholars at Risk, 2016), 6–7; Vasudha Venugopal, "[Universities to Dedicate a Wall to War Heroes](#)," *The Economic Times* (2 May 2017).

initiated a petition calling for the removal of Sheldon Pollock, a Sanskrit scholar working at Columbia University, as chief editor of a Harvard University Press series of Indian classical texts on the grounds that his writings “misrepresented our cultural heritage” and that he had “shown disrespect for the unity and integrity of India” In the past, Pollock had received the Indian president’s award for Sanskrit and the Padma Shri Award. The scholars also criticized his support for recent statements condemning the arrest of student leader Kanhaiya Kumar at New Delhi’s Jawaharlal Nehru University on the charge of sedition (see item above). Radical Hindu activist Rajiv Malhotra accused Pollock of engaging in a “tendentious reading of the Indian past and of its present problems that is fixated on caste, class, race and gender oppression and regards our cultural achievements as tainted by this legacy.”⁹⁰

In [late April] 2016, Anurag Thakur, member of the Lok Sabha belonging to the ruling Bharatiya Janata Party (BJP), named Bipan Chandra (1928–2014), Aditya Mukherjee (1950–), K. N. Panikkar (1936–), Sucheta Mahajan (1958–), and Mridula Mukherjee (1950–) (all current or former historians of Jawaharlal Nehru University) in parliament and attacked their book *India’s Struggle for Independence*. He alleged that the authors used the term “terrorist” for Bhagat Singh (1907–1931), a revolutionary socialist who was influential in the Indian independence movement, and that this amounted to willful defamation of a national hero. He asked for an inquiry. Chandra c.s., however, never used the term “terrorist” to describe Singh although the latter used the term to describe himself. Chandra c.s. sometimes spoke of a “revolutionary terrorist.” Gradually, when the connotation of the term “terrorist” became negative, Chandra stopped using it. In 2007, he issued a public statement urging that it should be dropped; he used the phrase “revolutionary socialist” instead. The book under attack, however, still carried the earlier terminology as it was a 1988 edition which was never revised, although reprinted fifty times. The co-authors issued a statement on the day of the attack saying that they wanted to change the term with immediate effect and wrote to the publishers of the English and Hindi versions to do so. Nevertheless, the sale of the book remained prohibited by Delhi University, RSS ideologue Dinanath Batra demanded destruction of the English copies, and criminal cases were filed in Kanpur court (Uttar Pradesh) against the authors.⁹¹

In June 2016, a special court in Gujarat convicted 24 people for their involvement in the mass killing of 69 people by a Hindu mob in Gulbarg Society, a Muslim neighborhood in Ahmedabad, during the

⁹⁰ Elizabeth Redden, “[Scholars Who Study Hinduism and India Face Hostile Climate](#),” *Inside HigherEd* (12 April 2016); Saikat Majumdar & Prakash Shah, “[The Battle for the Indian Mind](#),” *Times Higher Education* (5 May 2016).

⁹¹ Mridula Mukherjee, “[A History of Their Own: Behind the Bhagat Singh Controversy Lies an Attempt to Impose One Notion of Nationalism](#),” *Indian Express* (4 May 2016); Romila Thapar and others, *Bipan Chandra and Bhagat Singh* (booklet; 2016); Kashmir Dhankhar, personal communications (3 May 2016; 10 & 13 & 16 July 2016).

2002 Gujarat riots. While pronouncing the verdict, the court called the killings the “darkest day in the history of civil society.” But some victims’ families, lawyers, and rights activists criticized the acquittals of senior Bharatiya Janata Party leaders and a police official.⁹²

In July 2016, the High Court in Chennai (Madras) rejected a series of petitions demanding the prosecution of Tamil novelist Perumal Murugan ([1966–]). In December 2013, Murugan had published a novel, *Madhorubhagan* (English: *One Part Woman*, published by Penguin). Set in the early twentieth century in the village Namakkal, Tiruchengode, Tamil Nadu, it told the story of a poor, childless couple, of which the wife participated in a sex ritual during an ancient chariot festival in order to conceive. In 2015, Hindu and caste-based groups protested against the book, saying that the “fictitious” extramarital sex ritual at the center of the plot insulted the town, its temple and its women. Copies of the novel were burned and a petition sought the arrest of Murugan, although the latter asserted that the scenario was based on historical fact. He was forced to a “settlement” with a “peace council” in Tamil Nadu state, according to which Murugan agreed to apologize for his novel and withdraw all unsold copies of the book. Murugan also announced that he gave up writing. The court declared the settlement not binding.⁹³

On 19 July 2016, the Supreme Court criticized Congress vice-president Rahul Gandhi for his remark that the Hindu nationalist Rashtriya Swayamsevak Sangh (RSS) was behind the 1948 assassination of Mahatma Gandhi and indicated that he would have to face trial for criminal defamation and prove that he made the statement in the public interest. Gandhi made the comment in March 2014 during a parliamentary election rally at Bhiwandi, Maharashtra; it led to a criminal complaint filed by RSS activist Rajesh Kunte. On 13 May 2016, the Supreme Court had ruled that India's criminal defamation law did not have a chilling effect on free speech, and told three petitioners who challenged the constitutional validity of Indian Penal Code Sections 499 and 500 (making defamation a criminal offense punishable with up to two years’ imprisonment), including Rahul Gandhi, that they would have to stand trial in the cases against them.⁹⁴

On 5 November 2016, the police of Bastar district, Chhattisgarh state, lodged a First Information

⁹² Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 316–317.

⁹³ [“Perumal Murugan: Indian Court Drops Charges against Author,”](#) *BBC News* (5 July 2016); Soutik Biswas, [“How an Indian Writer ‘Returned from the Dead,’”](#) *BBC News* (25 August 2016); PEN & International Human Rights Program, *Imposing Silence: The Use of India’s Laws to Suppress Free Speech* (Toronto / London 2015), 43.

⁹⁴ Krishnadas Rajagopal, [“SC Slams Rahul Gandhi in Defamation Case,”](#) *The Hindu* (19 July 2016); Dhananjay Mahapatra, [“RSS killed Gandhi: Express Regret or Face Trial, Supreme Court Tells Rahul Gandhi,”](#) *Times of India* (19 July 2016); Betwa Sharma, [“Criminal Defamation: The Urgent Cause that Has United Rahul Gandhi, Arvind Kejriwal and Subramanian Swamy,”](#) *Huffington Post* (15 July 2015).

Report (FIR) against Nandini Sundar (professor of sociology at Delhi University), Archana Prasad, a history professor at Jawaharlal Nehru University and a member of the All India Democratic Women's Association, Vineet Tiwari (Joshi-Adhikari Institute in Delhi and member of the Communist Party of India), Sanjay Parate (Chhattisgarh State Secretary of the Communist Party of India [Marxist]) and others along with Maoists for the murder of anti-Maoist activist Shamnath Baghel based on a complaint of the latter's wife. They were charged with criminal conspiracy, murder, and punishment for rioting. Naxals (members of a Maoist guerrilla group) allegedly killed Baghel on 4 November in Nama village. Sundar and the other accused said that the charges were fabricated as part of pressure tactics against scholars and activists documenting human rights abuses committed by the police in the state.

Sundar, who had studied tribal-dominated Bastar since 1990, had initiated a public-interest litigation (PIL) against human right violations in Chhattisgarh in 2007. This led the Supreme Court in 2011 to ban the violent, government-sponsored Salwa Judum vigilante movement. More recently, in May 2016, Sundar, Prasad, Tiwari and Parate belonged to a fact-finding team that looked into the impact of Maoist violence and state excesses on ordinary villagers in Bastar, finding that they were not only victims of fake encounters, gang rapes and arrests (by the police and security forces), beatings (by both police and Maoists), killing of informers (by Maoists), but were also increasingly falling prey to a new form of Salwa Judum. The scholars and activists were allegedly intimidated and harassed by the police. One month earlier, in April 2016, Baghel and other villagers had formed a security group and spearheaded the protest against Naxal activities in their village. Since May 2016, they had reportedly received threats from Maoists after they had filed a complaint against Sundar, Prasad, Tiwari, Parate and others for allegedly inciting tribals against the government and seeking their support for the Maoists during the fact-finding mission. They alleged that Sundar and the others had "threatened" the villagers not to oppose the Maoists—an accusation the scholars called a fake charge. On 8 October 2016, Sundar's book on the conflict in the region, *The Burning Forest: India's War in Bastar*, was released. On 24 October 2016, the police and security forces in Chhattisgarh burnt effigies of critics of human rights violations, including Sundar, at an official protest. Prasad was an expert in the contemporary history of adivasi (ethnic and tribal groups considered the aboriginal population of India); she focused on the ideologies of resistance and forms of protest amongst adivasi workers through the collection of their oral histories.⁹⁵

In 2013, some Tamil Nadu politicians claimed that the Nadar community was depicted in a poor light in a National Council for Educational Research and Training (NCERT) social science textbook for

⁹⁵ "[After Burning their Effigies, Chhattisgarh Police Now Charge Critics With 'Murder'](#)," *The Wire* (8 November 2016); "[DU Professor Nandini Sundar Booked for Tribal Man's Murder](#)," *The Hindu* (8 November 2016); Anjali Puri, "[Burning the Constitution Among the Tribals](#)," *The Wire* (book review of *The Burning Forest*; 8 October 2016).

Class IX, *India and the Contemporary World-1* (used by the Central Board of Secondary Education [CBSE] and 15 state boards). A chapter entitled “Clothing: A Social History” mentioned that the Nadars were toddy-tappers and had migrated to the southern Travancore state in the nineteenth century to work under Nair landlords. The recommendation of the NCERT’s textbook development committee (that had prepared the book) to delete these references was carried out. On 19 December 2016, the CBSE decided to remove the section entitled “Caste, Conflict and Dress Change” from the textbook, following an order by the Madras High Court to remove “objectionable content.” The section discussed how the Nadars were forced to keep their upper bodies uncovered by the caste council of the Nairs of Travancore state in the early 1800s. This was perceived as a sign of respect towards the “upper” castes, and they had to pay a so-called “breast tax” if they chose to cover themselves. In 1822, the practice sparked the Channar Revolt, in which women from the Nadar and Ezhava communities demanded the right to wear the same clothing as “upper” caste women. Hostility continued until 1858. While some groups approved the removal of the section, saying that its content was “degrading” and “inaccurate,” historians condemned it as “sanitizing history” and “erasing the anti-caste struggle.”⁹⁶

On 19 April 2017, the Supreme Court ruled that Bharatiya Janata Party (BJP) leaders Lal Krishna Advani (a former deputy prime minister), Murli Manohar Joshi (a former government minister) and Uma Bharti (a current government minister) had to be tried for criminal conspiracy over the 1992 destruction of the mosque at Ayodhya. The three leaders, who denied any wrongdoing, had made inflammatory speeches that encouraged Hindu mobs to tear down the Babri mosque at Ayodhya on December 1992. The riots that followed killed nearly 2,000 people. The Court added that the trial had to be concluded in two years. It had been hearing the case since 2011 after setting aside the 2010 Allahabad High Court ruling [See also *NCH Annual Reports 2002–2004, 2006–2007, 2010–2011, 2015*].⁹⁷

See also Ghana, United Kingdom, United States.

⁹⁶ Basant Kumar Mohanty, “[Assam Boy Forces Textbook Revision](#),” *Telegraph* (5 February 2014); Maya Palit, “[The CBSE Just Removed an Entire History of Women’s Caste Struggle](#),” *The Wire* (24 December 2016).

⁹⁷ “[Ayodhya Dispute: India Top Court Orders Trial for BJP Leaders](#),” *BBC News* (19 April 2017).

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2013, 2015–2016.

On 23 February 2016, after numerous complaints of “nudity” and “explicit content,” Facebook user Dea Basuri ([1993]–) had her account suspended after she posted a series of historical mostly black-and-white photos of local women. The posts showed Indonesian women in traditional attire with their breasts exposed and were a reaction to what Basuri called unreasonable censorship by television stations in Indonesia. The album had gone viral within 24 hours with almost 3000 shares on Facebook. Social media users threw their support behind Basuri by sharing her Twitter posts as well as signing her online petition appealing to the Facebook CEO entitled “Dear Mark Zuckerberg: Please stand up for gender equality and the preservation of history”.⁹⁸

In March 2016, the Indonesian Commission for Human Rights (Komnas HAM) sent a letter to United States President Barack Obama, requesting the White House to disclose confidential documents on the 1965–1966 massacres.

On 18–19 April 2016, a two-day symposium on the 1965–1966 killings was held in Jakarta. It was the first time that a public discussion of the massacres was endorsed by the government. It brought together survivors, scholars, activists and artists, as well as military and other government officials. Retired General Luhut Pandjaitan, the Coordinating Minister for Political, Legal and Security Affairs, delivered the opening speech, saying that no official apologies were to be expected. He also ruled out a criminal investigation of the killings.

On 25 April 2016, President Joko Widodo instructed Luhut “to begin gathering information about mass graves scattered across the archipelago. The coordinator of NGO Commission for Missing Persons and Victims of Violence (KONTRAS), Haris Azhar, said it had evidence of at least sixteen mass graves containing as many as forty bodies each, mostly on Java, but also on Bali and Sulawesi, but it expressed concerns about guarantees of legal protection of the sites and people who knew about them.

On 9 May 2016, Bedo Untung, coordinator of the Foundation for the Research of 1965/66 Massacre (YPKP 65) handed the government a list of 122 mass graves, believed to contain 1,999 bodies, asking that the sites and witnesses to those deaths be protected. It included sites in Java and Sumatra but no other regions where killings occurred, such as Bali, Kalimantan, Sulawesi, East Nusa Tenggara and West Nusa Tenggara.

In October 2016, the government announced that it would redress the violations using non-judicial

⁹⁸ Marguerite Afra Sapiie, “[Facebook Suspends Indonesian User for Posting Historical Photos Featuring Topless Women](#),” *Jakarta Post* (26 February 2016).

measures to ensure “national harmony and unity.” Victims and NGOs raised concerns that this process might prioritize reconciliation while abandoning the quest for truth and justice.⁹⁹

On 3 May 2016, a World Press Freedom Day celebration in Yogyakarta was disbanded. The police urged journalists and press activists to cancel the event, which planned to screen *Pulau Buru Tanah Air Beta* (Buru Island: My Homeland), a documentary by Rahung Nasution on the 1965–1966 massacres.¹⁰⁰

On 2 June 2016, *Rappler.com* reporter Febriana Firdaus attempted to cover a meeting in Jakarta of over 300 Islamic hardliners and retired army generals opposed to government-backed efforts to officially acknowledge the 1965–1966 massacres. The crowd began to target Firdaus as she was interviewing members of the Indonesian Catholic Students Association (PMKRI). The PMKRI members had come to the venue to protest their logo removal from the symposium. Organizers of the meeting and supporters of the Islam Defenders Front (FPI) and State Defense Movement (GBN) surrounded her and began to yell at and threaten her. She was banned from the venue. Following the meeting, FPI supporters and other Islamic hardliners took to the Internet, sending violent threats to Firdaus on social media as part of a campaign of intimidation against her that lasted for more than 24 hours. Users labeled her a “fake Islamist” and a communist supporter. The Alliance of Independent Journalists (AJI) transferred Firdaus to a secure location. She feared for her life and the lives of her family members.¹⁰¹

On 20 July 2016, an international panel of judges—established in 2014, presided over by judge Zak Yacoob, a former South African Constitutional Court Justice, and operating under the name People’s Tribunal on the 1965 Crimes against Humanity in Indonesia—concluded that the 1965 mass killings were crimes against humanity, and that the United States, United Kingdom and Australia were complicit in them. Its report estimated that 400,000 to 500,000 people—believed associated with the Partai Komunis Indonesia (PKI; Indonesian Communist Party)—were killed by military death squads. In November 2015, the tribunal had held a four-day hearing in The Hague, hearing over twenty witnesses, some of whom gave evidence behind a screen to protect their identity. In an official

⁹⁹ “[US Must Open Its Archives on 1965-66 Massacre: Human Rights Watch in Jakarta](#),” *Jakarta Globe* (n.d. [2016]); Jeffrey Hutton, “[Indonesia Moves to Investigate Anti-Communist Atrocities](#),” *New York Times* (26 April 2016); Joe Cochrane, “[After Long Silence, Indonesia Allows Talk of Anti-Communist Atrocities](#),” *New York Times* (17 April 2016); Melle Garschagen, “Voor altijd het stigma van een communist,” *NRC Handelsblad* (22 April 2016), 14–15; Lintang Sulastri, “[Activists Hand Indonesian Government List of Mass Grave Sites](#),” *Benar News* (9 May 2016); Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 189.

¹⁰⁰ Bambang Muryanto & Jon Afrizal, “[Scholars, Government Differ on Marxism](#),” *Jakarta Post* (23 May 2016).

¹⁰¹ IPI, “[Indonesian Reporter in Hiding after Harassment Campaign](#)” (8 June 2016); “[AJI Condemns Intimidation against Journalist](#),” *Tempo.co* (3 June 2016).

reaction, coordinating Political, Legal and Security Affairs Minister Luhut Pandjaitan told the press that Indonesia had its own legal system, that no external party could dictate the way it solved its problems and that the government would not bow to the panel's recommendations.¹⁰²

In July 2016, the local Aceh provincial parliament selected seven commissioners to the Aceh Truth and Reconciliation Commission, which was expected to operate between 2016 and 2020. The Commission was established to examine the circumstances which led to past abuses during the Aceh conflict between the Indonesian security forces and the Free Aceh Movement, in particular between 1989 and 2004.¹⁰³

See also Japan.

IRAN

Previous *Annual Report* entries: 1996–2016.

In February 2016, Homa Hoodfar ([1950–]), a triple citizen of Canada, Ireland and Iran and professor of social anthropology at Concordia University in Canada, traveled to Iran to visit relatives and conduct historical and ethnographic research on the participation of Muslim women in public life. In March, the counter-intelligence unit of the Revolutionary Guards raided her apartment, confiscated her computer, her passports and her cell phone, and arrested her. Released on bail shortly thereafter, she was not permitted to leave Iran. Over the subsequent two months, she was summoned repeatedly to report to authorities to be interrogated. On 6 June 2016, she was arrested and taken into custody in Evin prison. On 11 June 2016, she was indicted on unknown charges, although they reportedly included “dabbling in feminism and security matters” and “co-operating with a foreign state against Iran.” It was not yet clear whether she had been charged with espionage, sedition or propaganda against the state. She was denied medical care. Homa was a world expert on sexuality and gender in Islam and had written books and papers. Iran did not recognize dual nationality and treated detainees only as Iranian, depriving them of consular access. On 26 September 2016, Hoodfar was released on “humanitarian grounds.” She went to Oman, where she would receive urgent medical attention.¹⁰⁴

¹⁰² Juliet Perry, “[Tribunal: Indonesia Guilty of 1965 Genocide](#),” *WDSU News* (21 July 2016).

¹⁰³ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 189.

¹⁰⁴ Scholars at Risk, “[Canadian-Iranian Professor Arrested in Iran](#)” (9 June 2016); Susan Ormiston, “[Concordia University Prof Jailed in Iran's Evin Prison, Family Says](#),” *CBC* (9 June 2016); Saeed Kamali Dehghan & Ashifa Kassam, “[Canadian-Iranian Professor Arrested in Tehran by Revolutionary Guards](#),” *Guardian* (8 June 2016); Sidhartha Banerjee, “[Canadian Academic Homa Hoodfar Indicted on Unknown Charges in](#)

On 9 August 2016, the website of late Grand Ayatollah Hussein Ali Montazeri (1922–2009) posted an audio recording of a meeting in which he objected to the state-sanctioned execution of 4,000–5,000 political prisoners, mostly members of the Mujahedeen-e-Khalq (MEK), over the course of two months in 1988. One of those responsible for ordering the executions was conservative cleric Ebrahim Raisi ([1962–]), a candidate for the presidential elections in 2017 and, in 1988, a deputy prosecutor-general and member of a committee that decided on the executions in Tehran. Montazeri's son Ahmad, the cleric behind making the recording public, was twice interrogated by the Special Court for the Clergy about the release of the tape and pressed to remove it. According to him, the interrogators accused him of “divulging state secrets” and helping the “alliance of Saudi Arabia and the MEK.” Very few government officials defended the release of the tape or criticized the MEK executions. Ali Motahari, a member of parliament representing Tehran, published an open letter to Interior Minister Mostafa Pourmohammadi on 27 August 2016, saying that while the MEK's crimes were known to everyone, Pourmohammadi should respond to doubts and questions about the executions. In response, 35 members of parliament signed a letter of complaint against him.

By the time Ahmad Montazeri was arrested, the audio file was disseminated widely in the social media and in media outlets outside of the Iran. In November 2016, a Special Clerical Court sentenced Montazeri to 21 years' imprisonment, reduced to six years because his brother was a martyr. He was also defrocked for three years. Montazeri refuted the charge of divulgence of state secrets with the argument that his father had already written about this meeting in one of his books. His father had been put under house arrest from 1997 until his death in 2009.¹⁰⁵

On 30 October 2016, the authorities arrested several organizers of a demonstration with thousands of participants at the tomb of pre-Islamic King Cyrus the Great (c. 590–530 BC) in Pasargadae, 630km (390 miles) south of Tehran, on charges of violating “the values” of the Islamic Republic of Iran and chanting nationalistic slogans. The activists said that 30 October marked the day that Cyrus conquered Babylon in modern-day Iraq and declared all peoples equal in his Achaemenid Empire. Cyrus was also said to have freed slaves, including thousands of Jews. Iranian nationalists had marked the “Day of Cyrus” for the past several years.¹⁰⁶

[Iran](#),” *Globe and Mail* (11 July 2016); Charles Taylor, “[We Can't Delay: Homa Hoodfar Must Be Freed](#),” *Boston Globe and Mail* (2 September 2016); Alan Shepard, “[Message from the President: Professor Emerita Homa Hoodfar Is Jailed in Iran](#)” (Press release Concordia University; 9 June 2016); Melissa Etehad, “[Iran Has Detained an Iranian Canadian Professor, and Her Family Doesn't Know Why](#),” *Washington Post* (9 June 2016); Alex Neve, “[The World Must Step Up for Homa Hoodfar](#),” *The Globe and Mail* (14 September 2016).

¹⁰⁵ “[Iran Officials behind 1980s Executions Defend Decision](#),” *Al Monitor* (30 August 2016); Radio Zamaneh, “[Iran: 21 Year Sentence for Disclosing File on State Execution of 4000 Political Prisoners](#),” *Eurasia Review* (30 November 2016); Ehsan Abdoh-Tabrizi, “[Iran's Presidential Election: The Cynical Moderate Versus the Representative of the Deep State](#),” *Open Democracy* (17 May 2017).

¹⁰⁶ “[‘Activists Held’ at King Cyrus Tomb in Iran](#),” *BBC News* (31 October 2016).

On 7 June 2017, terror attacks in Tehran at the parliament and Ayatollah Khomeini's shrine (mausoleum) claimed seventeen lives and left 42 people injured. Questions remained about the number and nationality of the terrorists involved; some thought that the assailants were Iranians who had joined Islamic State. The attacks took place just as President Hassan Rouhani settled into his second term.¹⁰⁷

See also Argentina, Bahrain, United States.

IRAQ

Previous *Annual Report* entries: 1998, 2000–2016.

An anonymous history professor at the university identifying himself as an “independent historian” started the blog Mosul Eye (<http://mosuleye.wordpress.com>) in English and Arabic in order to chronicle events in Mosul under Islamic State (IS) domination [See also *NCH Annual Report 2016*]. In October 2015, the blog had 11,500 followers. The chronicler reportedly received many threats from IS. The historian had been keeping journals and collecting an archive of materials on Iraqi militias and insurgent groups since the 2003 invasion. He declared that there was heavy damage to the archives of the Sunni Muslim library of the 265-year-old Latin Church and Monastery of the Dominican Fathers and the Mosul Museum Library (which contained works dating back to 5000 BCE). In February 2017, when IS was chased from the university, the anonymous historian started a campaign to restore the university library under the slogan “Let it be a book, rising from the ashes.” The aim was to collect at least 200,000 books.¹⁰⁸

Between mid-March and early April 2016, Islamic State (IS) militants destroyed the Northwest Palace of Assyrian King Ashurnasipal II, built in the 9th century BCE, and blew up the Temple of Nabu in the ancient Assyrian royal capital Nimrud (near Mosul). Nabu was the ancient Mesopotamian god of writing and scholarship.¹⁰⁹

¹⁰⁷ Ramin Jahanbegloo, “[Islam and Sectarianism](#),” *New Age Islam* (13 June 2017); “[Iraanse Revolutionaire Garde: dat IS aanslagen Teheran opeist, bewijst dat Saoedi-Arabië erachter zit](#),” *Volkskrant* (7 June 2017).

¹⁰⁸ Ursula Lindsey, “[An Independent Historian Documents Life Under the Islamic State](#),” *Al-Fanar* (9 October 2015); Gilgamesh Nabeel, “[Q & A with the ‘Mosul Eye’ Historian](#)” *Al-Fanar* (9 October 2015); Neveen Youssef, “[Rebuilding Mosul’s Libraries Book by Book](#),” *BBC News* (12 April 2017).

¹⁰⁹ Zainab Bahrani, “[It’s Time To End The Boycott Of Iraqi And Syrian Academics](#),” *Huffington Post* (1 July 2016); Kristin Romey, “[Iconic Ancient Sites Ravaged in ISIS’s Last Stand in Iraq](#),” *National Geographic* (10 November 2016); Kristin Romey, “[Why ISIS Hates Archaeology and Blew Up Ancient Iraqi Palace](#),” *National Geographic* (14 April 2015).

In 2016, it was reported that Iraqi and Syrian scholars were unable to attend international conferences on heritage preservation that concerned their own countries because of visa restrictions. A (female) Iraqi archaeologist who won a post-doctoral fellowship at Columbia University, New York, was denied a visa.¹¹⁰

Around 8 July 2016, suicide bombers and gunmen killed at least 35 people in an attack by Islamic State (IS) militants at a Shia shrine, the mausoleum of Sayid Mohammed bin Ali al-Hadi, in Balad.¹¹¹

Between the end of August and the beginning of October 2016, the ziggurat at the ancient Neo-Assyrian capital of Nimrud, a stepped tower built in 879 BCE, was leveled by the Islamic State (IS). Kurdish Peshmerga forces severely damaged archaeological remains at the site of Dur-Sharrukin, Sargon II's capital of the Neo-Assyrian Empire, while digging defensive berms and trenches at the site between mid-October and early November 2016. Dur-Sharrukin had been looted by IS in the spring of 2015. When Nimrud was recaptured by Iraqi government forces on 13 November 2016, the full extent of the destructions by IS became visible, prompting UNESCO to describe the act as a war crime. The custodian of the Nimrud site, Sheikh Abdullah Saleh, was chased away from it for the duration of its occupation by IS. Iraq's deputy antiquities minister, Qais Rasheed, estimated that as much as 70% of Nimrud has been destroyed by IS.¹¹²

On 17 December 2016, the Iraqi Defense Ministry pledged high rewards to those who provided credible information about the whereabouts of remnants of Kuwaiti missing persons, and Kuwait's national archive.¹¹³

On 9 January 2017, Meriwan al-Naqshabandi, representative of Sunni Endowment Diwan in Kurdistan, said in a statement that Islamic State (IS) destroyed nearly one hundred religious places, including churches and Yazidi shrines in Nineveh Plain, during their occupation of villages and cities of Iraqi Kurdistan.

Meanwhile, more than 400 historic texts (13th–20th centuries) were stored in cans and hidden behind a wall constructed before IS occupied (June 2014–November 2016) and partly destroyed the Christian monastery of Mar Behnam, near Mosul. The texts were recovered; texts that had not been

¹¹⁰ Zainab Bahrani, "[It's Time To End The Boycott Of Iraqi And Syrian Academics](#)," *Huffington Post* (1 July 2016).

¹¹¹ Jeremy Bowen, "[Iraq Shrine Attack: IS Kills Dozens in Balad](#)," *BBC News* (8 July 2016).

¹¹² Kristin Romey, "[Iconic Ancient Sites Ravaged in ISIS's Last Stand in Iraq](#)," *National Geographic* (10 November 2016); "[Nimrud: Iraqi Forces 'Retake Ancient City from IS'](#)," *BBC News* (13 November 2016); Martin Chulov and Salem Rizk, "[Piecing Back Together an Iraqi Archaeological Gem Blown Sky-high by Isis](#)," *Guardian* (24 November 2016).

¹¹³ "[Iraqi Offers Rewards for Information about Kuwaiti POWs, Archive](#)," *Kuwait News Agency* (17 December 2016).

secreted were burned.¹¹⁴

On or around 24 January 2017, Islamic State (IS) evacuated its headquarters and reportedly burned tons of its archives “amid strict procedures” in Tal Afar District, west of Mosul. On 29 May 2017, IS began to burn tons of its archives at its main offices near residential areas in Baaj, west of Mosul, in order to cover crimes committed by the group and to conceal the identity of its sympathizers.¹¹⁵

On 21 June 2017, as Iraqi security forces were approaching, Islamic State (IS) militants blew up the Great Mosque of al-Nuri and the Hadba Minaret (built in 1172) in Mosul. In July 2014, IS leader Abu Bakr al-Baghdadi gave a Friday sermon from the pulpit inside the mosque during which he demanded allegiance in what was his first and only public appearance following the declaration days earlier of a “caliphate” (a state governed in accordance with Islamic law, or Sharia, by God’s deputy on Earth, or caliph). The Sunni mosque was named after the Muslim General Nur al-Din Mahmoud Zanki, famous for waging jihad against Christian crusaders.¹¹⁶

See also Germany, Iran, Israel, United Kingdom, United States.

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006, 2013, 2015–2016.

See Iran, United Kingdom.

¹¹⁴ Loaa Adel, “[Islamic State Destroys 100 Religious Shrines in Nineveh Plain](#),” *Iraqi News* (9 January 2017); Owen Jarus, “[Hundreds of Historic Texts Hidden in ISIS-Occupied Monastery](#),” *Life Science* (16 December 2016).

¹¹⁵ Loaa Adel, “[Islamic State Evacuates Headquarters in Tal Afar, Burns Its Archives](#),” *Iraqi News* (24 January 2017); Mohamed Mostafa, “[Paramilitary Leader Says IS Burn Archives in Baaj, West of Mosul](#),” *IraqiNews.com* (29 May 2017).

¹¹⁶ “[Battle for Mosul: Destruction of al-Nuri Mosque ‘Shows IS Defeated’](#),” *BBC News* (22 June 2017); Kishwar Rizvi, “[Destruction of Mosul Mosque Desecrates History](#),” *CNN* (24 June 2017).

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2014, 2016.

In April 2016, a report by the Akevot Institute for Israeli-Palestinian Conflict Research, *Point of Access*, found that public access to 99% of 14 million archival records kept in Israel's State Archive and in the archives of the Israeli Defense Forces and the Defense Establishment was blocked due to decisions made without legal authority, disregard for the regulations on accessing archival material and other failures. The archives also failed to provide reasons for decisions to deny applications to access archival material. Israeli government archives concealed certain documentation related to state-sanctioned human rights violations, without legal authority to do so and years after the so-called Restricted Access Period (usually between fifteen and seventy years, depending on the sensitivity of the material) expired. Neither the General Security Service nor the Mossad were preparing for the nearing end of the 70-year Restricted Access Period on their archival material. Akevot tried in vain to access files from 1948–1949 relating to Israeli Arabs, files labeled "Occupied territories" from 1967–1968, police files from the 1970s, and files compiled by a committee examining the 1990 riots on the Temple Mount. Akevot also discovered a forgotten clause ("The state is prohibited from divulging information that could harm relations with other minorities, and which could serve as a basis for filing charges against the state.") in a recommendation made by a ministerial committee that dealt with viewing classified archival material. The Association of Israeli Archivists and the family of Paul Alsberg awarded the 2016 Alsberg Prize for Research on Archives to Akevot Institute researchers Noam Hofstadter and Lior Yavne for their report, *Point of Access*.¹¹⁷

On 14 October 2016, Israel froze its ties with UNESCO after it approved at committee stage a draft decision submitted by seven Arab countries that criticized Israel's excavation activities at holy places in Jerusalem and the occupied West Bank. The draft aimed at "the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem" and repeatedly used only the Arab name Haram al-Sharif (Noble Sanctuary) for one of the holiest sites in both Islam and Judaism and never the Jewish name, Temple Mount. It denounced Israeli actions, including the use of force and the imposition of restrictions on Muslim worshippers and archaeological work. Israel accused UNESCO of denying Judaism's connections to the religion's holiest sites; Education Minister Naftali Bennett said that the draft decision "denied history and encouraged terror." On 18 October 2016,

¹¹⁷ Lior Yavne, "Akevot's Report on Access to Israeli Gov't Archives Released" (press release; 30 May 2016); Akevot, [Point of Access: Barriers for Public Access to Israeli Government Archives](#) (Tel Aviv: Akevot, 2016); Ofer Aderet, "[Activists: Israel State Archives Buries History To Save Government from Shame.](#)" *Haaretz* (22 May 2016).

UNESCO passed the resolution.¹¹⁸

More than two years after the end of the 2014 Gaza-Israel conflict, in which some 1,460 Palestinian civilians were killed, many in evidently unlawful attacks including war crimes, the Israeli authorities had indicted only three soldiers for looting and obstructing an investigation. In August 2016, the Military Advocate General announced the closure of investigations into twelve incidents, despite evidence that some should be investigated as war crimes. Israel's military investigations were not independent or impartial, and failed to deliver justice.

The prosecutor of the International Criminal Court (ICC) continued her preliminary examination of allegations of crimes under international law carried out by Israeli forces and Palestinian armed groups since 13 June 2014. The Israeli government allowed an ICC delegation to visit Israel and the West Bank in October 2016.

In December 2016, the United Nations (UN) Security Council demonstrated rare unity when it reaffirmed that Israel's establishment of settlements in Palestinian territory it had occupied since 1967 had no legal validity and constituted a flagrant violation of international law and an obstacle to peace and security. Rather than exercise its veto, the United States abstained while the Council's fourteen other member states supported the resolution.¹¹⁹

In June 2017, on the fiftieth anniversary of the Six-Day War (5–10 June 1967), Israel released 150,000 confidential documents (officially inaccessible until 2037). The Egyptian archives remained classified, with many doubting that they still existed, while many of those in Iraq and Syria had been destroyed by years of neglect, corruption, and ongoing wars. One observer wrote that Arab leaders had been “glad to keep that dark part of their history under lock and key, fearing that if too much were revealed, it would be shown just how weak—and complicit—they were in one of the worst collective military disasters of modern times.”¹²⁰

See also Poland, Ukraine, United States.

¹¹⁸ [“Israel Freezes Ties with Unesco for ‘Denying Jewish Holy Sites’,”](#) *BBC News* (14 October 2016); [“Unesco Passes Contentious Jerusalem Resolution,”](#) *BBC News* (18 October 2016); “Israël overdrijft conflict Tempelberg [Interview with Ofer Zalzburg],” *NRC Handelsblad* (17 October 2016), 12.

¹¹⁹ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 204–205.

¹²⁰ Sami Moubayed, [“Opening of 1967 Israeli Archives Disturbs Old Arab Wounds,”](#) *Asia Times* (5 June 2017).

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012, 2016.

On or around 1 January 2017, Facebook removed the picture of a sixteenth-century Renaissance statue of the sea god Neptune (dominating the Piazza del Nettuno in Bologna) from the Facebook page of art historian and writer Elisa Barbari in compliance with its policy on nudity. The Facebook page was called “Stories, curiosities and views of Bologna.” The intervention was much criticized.¹²¹

See also United States.

IVORY COAST (Côte d’Ivoire)

Previous *Annual Report* entries: 2004, 2006–2016.

The trial of former President (and historian) Laurent Gbagbo and his Youth Minister and militia leader Charles Blé Goudé for crimes against humanity committed during the 2010–2011 post-election crisis before the International Criminal Court (ICC) began in January 2016 and was ongoing at the end of 2016. The ICC and national judges were also investigating high-level perpetrators from pro-Ouattara forces but had yet to bring them to trial in late 2016. In February 2016, however, President Alassane Ouattara announced that no more Ivorian nationals would be sent to the ICC for prosecution because the national justice system was operational. The domestic Special Investigative and Examination Cell, established in 2011, continued its investigations into human rights crimes committed during the crisis. The cell charged high-level perpetrators from both sides, including several pro-Ouattara commanders now in senior positions in the Ivorian army. In May 2016, the highest criminal court (cour d’assises) began trying the former President’s wife (and historian), Simone Gbagbo, for crimes against humanity, despite an outstanding ICC warrant for her arrest. Prior to this, in May 2015, the ICC rejected Ivory Coast’s appeal against the admissibility of her case before the Court.

At least 146 Gbagbo supporters who were arrested between 2011 and 2015 were still awaiting trial for crimes allegedly committed during the post-electoral violence of 2010. Approximately 87 of them had been in detention since 2011 or 2012. Despite Ouattara’s commitment to ensure that justice would be applied equally under his presidency, only those suspected of being Gbagbo supporters were tried

¹²¹ Nick Squires, “[Facebook ‘Censors’ Nude Statue of Sea God Neptune, the Well-known Renaissance Symbol of Northern Italian City](#),” *Telegraph* (2 January 2017).

for serious human rights violations committed during and after the 2010 election. Forces loyal to Ouattara who committed serious violations were not prosecuted. Some of them had been identified by victims' families; although the killings were investigated no one was prosecuted by the end of 2016.

In February 2016, 24 military officers charged with the assassinations of former coup leader and Ivorian President, General Robert Guéi, and his family in 2002, were tried before the Military Tribunal. Three defendants, including General Bruno Dogbo Blé, former head of Gbagbo's Presidential Guard, and Commander Anselme Séka Yapo, former security chief, were sentenced to life imprisonment. Ten defendants were sentenced to ten years' imprisonment each and the others were acquitted. Neither the special cell nor the ICC were investigating crimes committed during election-related violence in 2000 or the 2002–2003 armed conflict.

Ivory Coast's reparations body had, when it submitted its report in April 2016, compiled a list of more than 316,000 victims potentially eligible for reparations, although the vast majority of victims had yet to receive assistance. On October 25 2016, the government published the report of the Dialogue, Truth and Reconciliation Commission, which completed its work December 2014, although the report did little to identify those responsible for crimes committed during the 2002–2003 conflict or 2010–2011 crisis.¹²²

¹²² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 22, 130; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 209, 211.

JAMAICA

Previous *Annual Report* entries: —.

Impunity prevailed for the decades-long pattern of alleged unlawful killings and extrajudicial executions by law enforcement officials. While more than 3,000 people had been killed by law enforcement officials since 2000, only a handful of officials had been held accountable to date.¹²³

JAPAN

Previous *Annual Report* entries: 1995–2016.

In March 2016, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) published concluding observations on the combined 7th and 8th periodic reports of Japan. Among other things, it expressed concerns related to the issue of comfort women, including the lack of a full victim-centered approach, and the need for “full and effective redress and reparation” for all victims, including those from countries not covered by the agreement with South Korea. Comfort women came also from such countries as the Philippines, China, Taiwan, the Netherlands, Indonesia, and East Timor.¹²⁴

The Japanese APA hotels chain was criticized by the Chinese government because a book written by its owner Toshio Motoya was widely distributed in its outlets. Entitled “The Real History of Japan: Theoretical Modern History II,” the book was a compilation of Motoya’s columns for the hotel’s newsletter. It denied that the 1937 Nanjing massacre had happened and cast doubt on historical evidence for the sexual slavery system during the Pacific War (1931–1945). Popular Chinese hotel booking portals pulled APA’s listings from their sites. Existence of the book was highlighted in a widely shared video posted on Chinese microblog site Weibo on 15 January 2017.¹²⁵

See also China, Korea, North, Korea South, United States.

¹²³ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 29.

¹²⁴ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 210; “Japan / S. Korea: [“The Long Awaited Apology to ‘Comfort Women’ Victims Is yet to Come—UN Rights Experts”](#) (United Nations press release; 11 March 2016); Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Combined Seventh and Eighth Periodic Reports of Japan* (CEDAW/C/JPN/CO/7-8; 7 March 2017), paras. 28–29; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 359.

¹²⁵ [“Japan Hotelier’s Nanjing Massacre Denial Angers China,”](#) *BBC News* (19 January 2017).

JORDAN

Previous *Annual Report* entries: 2003–2004, 2015.

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2016.

The collapse of the last International Criminal Court (ICC) case directly related to the 2007–2008 post-election violence devastated victims' hopes for justice. National authorities made no progress to address these crimes. The ICC vacated charges against Deputy President William Ruto and Joshua arap Sang, a former radio journalist, for lack of evidence in April 2016. For one judge, the combination of witness interference and political obstruction warranted a mistrial. The case's collapse followed that of cases against four others, including President Uhuru Kenyatta. In September 2016, an ICC trial chamber referred Kenya's lack of cooperation in the Kenyatta case to the ICC's Assembly of States Parties.

The government continued its campaign to press the African Union to consider calling on its member countries who also belong to the ICC to leave the court, but several countries blocked consensus at a July 2016 summit. A bill related to Kenya's withdrawal from the ICC remained pending in parliament. The government continued to ignore the plight of thousands of women and men who were raped during the post-election violence in 2007–2008. It had failed to provide livelihood support, as well as medical and psychosocial care to them, including for children who were born from rape and faced violence and discrimination. The government had not established a restorative justice fund that was promised to survivors of historical injustices, including post-election violence. Hearings continued over the course of 2016 in the Kenyan high court on a petition brought by survivors of election-related sexual violence seeking to compel the government to investigate. A second case, related to shootings by police during the violence, was also pending.¹²⁶

¹²⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 21; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 380–381.

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011, 2013–2015.

In February 2016, the authorities stopped all investigations into abductions of Japanese citizens, reversing the 2014 bilateral agreement to investigate cases. Media reports said that the decision followed Japan's reinstating previously eased sanctions after North Korea's nuclear weapons tests in January. North Korea had previously admitted that its security agents abducted twelve Japanese nationals during the 1970s and 1980s [see also *NCH Annual Report 2015*].¹²⁷

See also China.

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012–2013, 2016.

On 28 November 2016, amidst a political crisis involving President Park Geun-hye, the Education Minister Lee Joon-sik unveiled the drafts of three new textbooks (written by a secretly selected panel of scholars) during a nationally televised news conference but at the same time indicated that it was rolling back its plan to require schools to use only state-issued history textbooks [See also *NCH Annual Report 2016*]. Opposition parties and many local education offices criticized the drafts, saying that they highlighted former President Park Chung Hee's achievements while giving only cursory descriptions of his brutal dictatorship (1961–1979) and that they did not or only scarcely mention mass executions of civilians during the Korean War (1950–1953).

On 12 May 2017, President Moon Jae-in ordered his government to abolish the state-issued history textbooks for middle and high school students which had been developed under the auspices of his impeached and ousted predecessor, former President Park. The history textbooks prepared by Park's government had been so unpopular that only one of the 5,500 middle and high schools adopted one of them; but even that school was temporarily barred from using it after parents filed a lawsuit.¹²⁸

On 28 December 2016, activists put up a statue representing wartime sex slaves outside the Japanese

¹²⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 221.

¹²⁸ Choe Sang-Hun, "[Amid Scandal, South Korean Officials Retreat on Controversial Textbook Plan](#)," *New York Times* (28 November 2016); Choe Sang-Hun, "[Professor Who Wrote of Korean 'Comfort Women' Wins Defamation Case](#)," *New York Times* (25 January 2017); Choe Sang-Hun, "[South Korea's New Leader Abolishes State-Issued History Textbooks](#)," *New York Times* (12 May 2017).

consulate in Busan as a protest against a deal struck exactly one year before, in which Japan apologized and promised to give 1 billion yen (8.6 million US dollars) to a fund for Korean women. Critics said the deal was reached without consultation with victims, did not contain Japan's acknowledgement of legal responsibility, and did not provide direct compensation to the victims. Busan police initially removed the statue but there was fierce pressure for it to remain. Days later, local authorities allowed it to be reinstalled. Japan said that the statue violated the 2015 deal, which agreed that Japan's reparations would "finally and irreversibly" resolve the issue and in January 2017 temporarily withdrew its ambassador to South Korea. Around 37 similar statues were thought to exist in South Korea.¹²⁹

On 25 January 2017, historian Park Yu-ha, author of a book on the comfort women, was found not guilty of defamation [see *NCH Annual Report 2016*]. Justice Lee Sang-yoon said: "The opinions the defendant expressed in her book can invite criticism and objections and can even be abused by those who deny that the comfort women were forcibly mobilized ... But academic expressions must be protected not only when they are right but also when they are wrong."¹³⁰

On 12 May 2017, President Moon Jae-in ordered that a protest song be sung again during a government ceremony marking the anniversary of the May 1980 pro-democracy uprising in the southern city of Gwangju, when local citizens rose up against the military dictator Chun Doo-hwan. During the uprising, hundreds of protesters were killed by Chun's police, paratroopers and tanks. In subsequent decades, "March Song for My Dear," which commemorated those killed in Gwangju, became a rallying cry in anti-government or labor protests. Like the Gwangju 1980 protest itself, the song became a symbol of South Koreans' struggle for democracy. During annual government-sponsored ceremonies for the uprising, all those participating used to be required to sing the song in unison as part of the official program. But after the conservatives took power in 2008, that requirement was abolished. Instead, a choir sang the song.¹³¹

See also China, Japan.

¹²⁹ ["Japan Recalls Korean Envoy over 'Comfort Women' Statue,"](#) *BBC News* (6 January 2017); Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 359.

¹³⁰ ["Statement against the Indictment of Professor Park Yu-ha"](#) (26 November 2015); Choe Sang-Hun, ["Professor Who Wrote of Korean 'Comfort Women' Wins Defamation Case,"](#) *New York Times* (25 January 2017).

¹³¹ Choe Sang-Hun, ["Amid Scandal, South Korean Officials Retreat on Controversial Textbook Plan,"](#) *New York Times* (28 November 2016); Choe Sang-Hun, ["South Korea's New Leader Abolishes State-Issued History Textbooks,"](#) *New York Times* (12 May 2017).

KOSOVO

See Serbia / Kosovo.

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005.

See Iraq.

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2013, 2016.

The authorities failed to make a genuine effort to effectively investigate the June 2010 inter-ethnic violence in southern Kyrgyzstan. While violence was used by members of both ethnic Kyrgyz and Uzbek communities, and while the latter sustained most deaths, injuries and damage, prosecutions were disproportionately aimed at members of the ethnic Uzbek community.¹³²

See also Turkey.

¹³² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 227.

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008, 2015–2016.

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2016.

In October 2012, Justice Minister Shakib Qortbawi put forward a draft decree to the cabinet to establish a national commission to investigate the fate of thousands of people who were forcibly disappeared or went missing during the civil war (1975–1990) and its aftermath and who may have been unlawfully killed, but no further action was taken. In September 2014, the government finally provided the families of the disappeared with the files of the Official Commission of Inquiry appointed in 2000 to investigate the fate of the kidnapped. These showed that the government had not conducted any serious investigation. The failure perpetuated the suffering of the families, who continued to face administrative, legal, social and economic hurdles resulting from the enforced disappearance of their relatives.

On 13 April 2017, the 42nd anniversary of the start of the civil war, the International Committee of the Red Cross urged the government to help families of the thousands of missing by approving a law and a project to collect DNA samples to try to trace their whereabouts. There was currently no public database or exact numbers of people who went missing during the civil war in which an estimated 150,000 people were killed.¹³³

The Netherlands-based Special Tribunal for Lebanon (STL) continued to try in their absence four men accused of complicity in the killing of former Lebanese Prime Minister Rafic Hariri and others in a 2005 car bombing in Beirut. The four continued to evade arrest. A fifth accused died in Syria. On 15 July 2016, the STL charged al-Akhbar newspaper and its editor-in-chief, Ibrahim al-Amine, with contempt of court for failing to comply with a court order requiring them to remove information concerning confidential witnesses and obstruction of justice. On 29 August, the court sentenced al-Amine to a fine of € 20,000 and the newspaper to a fine of € 6,000.¹³⁴

¹³³ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 231; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 401; Heba Kanso, "[Lebanon Urged to Do More to Trace Thousands Missing from Civil War](#)," *Thomson Reuters Foundation News* (13 April 2017).

¹³⁴ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 231.

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2015.

LIBYA

Previous *Annual Report* entries: 2003, 2005–2016.

The International Criminal Court (ICC) had the mandate to investigate war crimes and crimes against humanity in Libya pursuant to United Nations (UN) Security Council Resolution 1970 passed on 27 February 2011. Impunity continued to prevail, although in January 2016 the Public Prosecutor informed the ICC that arrest warrants had been issued against three officials accused of torturing As-Saadi al-Gaddafi (son of former leader Muammar Gaddafi) in detention. It remained unclear whether those accused were arrested and prosecuted. The head of al-Hadba Prison, who was suspended after the torture of al-Gaddafi, was reportedly restored to his position. In November 2016, the ICC committed to prioritize its investigations in 2017 into ongoing crimes in Libya, including those committed by Islamic State (IS) and other armed groups, and issue new arrest warrants. However, the ICC initiated no new investigations in 2016, citing security concerns and insufficient resources. Saif al-Islam al-Gaddafi (another son of Muammar Gaddafi), against whom the ICC issued an arrest warrant in relation to alleged crimes against humanity committed during the 2011 conflict, continued to be detained by a militia in Zintan. He was last seen by United Nations monitors in June 2014.¹³⁵

On 7 February 2017, during combing operations in the Ghanfouda area of Benghazi after its liberation from terrorist groups affiliated to Islamic State, hundreds of antique books and rare Islamic manuscripts from Benghazi University were discovered by a battalion of the Libyan army. The groups had stolen and transferred the manuscripts to the positions they controlled during the period of their seizure of the university.¹³⁶

See also United States.

¹³⁵ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 235; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 407.

¹³⁶ ["Rare Islamic Manuscripts Stolen by ISIS Restored in Libya,"](#) *ABNA News Agency* (9 February 2017).

LITHUANIA

Previous *Annual Report* entries: 2005, 2009, 2015.

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2015.

In its second ruling against Macedonia's controversial lustration process, the European Court of Human Rights (ECHR) has ruled that Macedonian institutions deprived a communist-era official, Petar Karajanov (1936–), of a fair trial and violated his privacy by publishing his name before a final ruling was passed. A former member of the Central Committee of the League of Communists of Macedonia (SKM), and former head of the SKM branch in Skopje, Karajanov had contested the verdict against him in 2013, shortly after the Lustration Commission pronounced him a spy and after the Administrative Court, to which he had submitted a complaint, confirmed the ruling. He declared that he felt targeted for having taken an open stand against the lustration process: in 2008, he had been among those who submitted a case to the Constitutional Court, calling on it to scrap the lustration law passed. Karajanov also claimed that his case was based on another person's documents who had allegedly collaborated with the former communist secret services and who had the same name. He pointed out several inconsistencies to back this claim.

In 2016, the former head of the Constitutional Court, Trendafil Ivanovski, won his case against the state before the ECHR, which ruled that Macedonia had broken Ivanovski's human rights by not giving him the right to defend himself before the commission, and by denying him access to the evidence against him. At least ten other people were suing Macedonia in Strasbourg on similar grounds.

Ever since the Lustration Commission started work in 2009, many critics complained that the process was abused to attack critics of the VMRO DPMNE party-led government. In August 2015, after criticism from Brussels, the Commission said it was terminating the lustration process, starting from the beginning of 2016. Since 2016, the Administrative Court had begun annulling dozens of lustration decisions made by the commission and it had yet to decide on many others.¹³⁷

See also Greece.

¹³⁷ Sinisa Jakov Marusic, "[Strasbourg Rules Against Macedonia in Lustration Case](#)," *Balkan Insight* (7 April 2017).

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011, 2016.

In March 2016, a magistrate acquitted Lena Hendry, a staff member of the human rights group Pusat KOMAS, of the charge that she had illegally organized a private screening of the documentary, “No Fire Zone: The Killing Fields of Sri Lanka,” finding that the government had failed to show her guilt [See also *NCH Annual Report 2016*]. On 21 September 2016, the High Court reversed the acquittal and ordered a resumption of the case after the government appealed. Section 6 of the Film Censorship Act prohibited the circulation, distribution, display, production, sale, hire or possession of any film, whether imported or domestically produced, without first obtaining approval from the government-appointed Board of Censors. The Sri Lankan embassy had publicly demanded that the film not be shown. The documentary concerned war crimes committed in the last months of Sri Lanka’s civil war (2009), including Sri Lankan army artillery attacks that killed thousands of civilians and the extrajudicial executions of captured fighters and supporters of the secessionist Liberation Tigers of Tamil Eelam. On 21 February 2017, the Kuala Lumpur Magistrate’s Court convicted Hendry for screening the documentary. On 22 March 2017, Hendry was sentenced to pay a fine of RM 10,000 (about €2,100) or spend a year in prison. She was the first human rights defender to be charged and convicted under the Film Censorship Act.¹³⁸

See also Thailand.

MALAWI

Previous *Annual Report* entries: 2011–2012.

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010, 2013.

¹³⁸ Centre for Independent Journalism, “[Malaysian Convicted for Screening Doc on Sri Lanka](#),” *Ifex* (23 February 2017); Human Rights Watch, “[Malaysia: Convicted for Showing a Film](#)” (21 February 2017); Article 19, “[Statement Malaysia: Article 19 Condemns Conviction of Human Rights Activist for Screening Banned Film](#)” (22 February 2017).

MALI

Previous *Annual Report* entries: 2011, 2013–2016.

On 22 August 2016, at the opening of the International Criminal Court (ICC) trial against Ahmad Al Faqi Al Mahdi, the accused admitted having destroyed cultural sites in Timbuktu and apologized [See also *NCH Annual Report 2016*]. On 27 September 2016, he was sentenced to nine years' imprisonment. The court found that Al Mahdi had written a sermon dedicated to the destruction and given instruction and tools to complete the operation. He had not only offered "logistical and moral support" for the attacks, but also taken part in the physical destruction of at least five out of the ten buildings. The trial was the ICC's first prosecution for this war crime (destruction of cultural and religious sites, as well as historical monuments) and the first time an ICC defendant pleaded guilty.¹³⁹

Progress in addressing impunity was evident in the trial of former coup leader General Amadou Haya Sanogo and 17 co-defendants, many members of the security services, for the 2012 abduction and killing of 21 elite "Red Beret" soldiers (accused of supporting the ousted President, Amadou Toumani Touré), which began on 30 November 2016. However, the Malian government made scant progress in holding to account those responsible for many other violations committed during the 2012–2013 armed conflict. The United Nations (UN) Independent Expert on Mali highlighted the lack of progress, particularly regarding meaningful access to justice for women who had experienced violence. Insecurity and lack of logistical support for magistrates were cited as among the major impediments. Serious crimes include the summary execution by armed Islamists of approximately 150 Malian soldiers in Aguelhok, sexual violence, and widespread pillage by various armed groups in the north, as well as the extrajudicial execution, enforced disappearance, and torture of suspected Islamist rebels by the security forces. With a few exceptions, judicial authorities failed to investigate over one hundred complaints filed by victims and their family members.

The Truth, Justice and Reconciliation Commission, established by executive order of the president in 2014 with a three-year mandate to investigate serious human rights violations between 1960 and 2013, was still not operational at the end of 2016. In December 2015, the Council of Ministers approved the appointment of fourteen commission members, and in May 2016, an additional ten commissioners were appointed. During 2016, the 25-member commission developed a work plan and commenced research into past violations. The credibility of the body was undermined by the

¹³⁹ "[Islamist Rebel Apologises for Destroying Timbuktu Shrines at ICC Trial](#)," *BBC News* (22 August 2016); "[Mali Islamist Jailed for Nine Years for Timbuktu Shrine Attacks](#)," *BBC News* (27 September 2016); "[Ahmad al-Faqi al-Mahdi: The Vandal of Timbuktu](#)," *BBC News* (27 September 2016); Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 22, 246; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 421–422.

government's failure to consult sufficiently with a wide variety of stakeholders on the commission's membership, mandated powers, and degree of independence. The commission's inclusion of nine members of armed groups and lack of inclusion of those representing victims' groups drew sharp criticism from Malian civil society. In July 2016, the CEDAW (United Nations Convention on the Elimination of All Forms of Discrimination against Women) Committee voiced concern about the low level of representation of women on the commission and at decision-making levels following the 2015 Algiers peace agreement.¹⁴⁰

MALTA

Previous *Annual Report* entries: 2012.

MARSHALL ISLANDS

Previous *Annual Report* entries: 2013, 2015.

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011, 2016.

Although slavery was abolished officially in 1981 and was recognized as a crime in domestic law, human rights organizations including SOS Esclaves and the Initiative for the Resurgence of the Abolitionist Movement (IRA), regularly criticized the continuation of this practice. In May 2016, the Special Tribunal against Slavery opened in Nema, and in the same month two former slave owners were handed a one-year prison sentence and a four-year suspended sentence and ordered to pay compensation to two women victims. Yet in the same month, in the same town, President Mohamed Ould Abdel Aziz denied that slavery existed and called on the Haratines, the former slave population, to have fewer children in order to address the legacy of slavery and poverty.¹⁴¹

¹⁴⁰ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 245–246; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 421–422.

¹⁴¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 249.

In 2010, Biram Dah Abeid (1965–), a historian and lawyer by training, a politician and advocate for the abolition of slavery inflicted upon the Haratin ethnic group, to which he belonged, was discharged as a senior adviser to the President of the National Commission for Human Rights in Mauritania because he had continuously voiced slavery issues. He was also threatened with prosecution and imprisonment for “illegal activities” if he would not suspend his active role in the fight against slavery. In December 2010, Abeid was arrested, detained and tortured during a dispute between the police and his group (the Initiative for the Resurgence of the Abolitionist Movement [IRA-Mauritania], founded in 2008), when about eighty activists descended on the house of an owner of two slave girls, demanding that the owner be imprisoned. On 6 January 2011, along with two other activists, Abeid was sentenced to one year’s imprisonment. He was imprisoned a month later but pardoned by President Mohamed Ould Abdel Aziz. In August 2011, police suppressed a sit-in in front of the police brigade over their “employment of minors against the law.” Abeid and ten other IRA activists were injured and hospitalized in the capital Nouakchott. In April 2012, during a demonstration in Nouakchott, the group was accused of burning early Islamic legal texts of the Maliki school of Islamic law that permitted slavery. The president publicly promised to administer the death penalty against him. Abeid’s telephone and internet service were cut off and he was imprisoned with other IRA activists. Later IRA apologized for the incident. On 3 September 2012, after several months of detention and cancelation of their trial, the activists were released on bail following pressure from the European Union. On 11 November 2014, Abeid and 16 other IRA activists were arrested for protesting against the repeal of charges against a slave master who raped a fifteen-year-old girl that worked as his slave. On 15 January 2015, hearings of the case took place and Abeid was sentenced to two years’ imprisonment. In August 2015, an appeal was rejected. On 17 May 2016, the Supreme Court of Mauritania decided to release Abeid.¹⁴²

The authorities continued to bar the legal registration of several NGOs and human rights organizations. For example, the Association des Veuves de la Mauritanie, an organization calling for the truth about summary executions and disappearances in the 1990s, had been waiting for recognition since 1993; it renewed its request in 2010.¹⁴³

MAURITIUS

Previous *Annual Report* entries: 2012.

¹⁴² “Biram Dah Abeid,” *Wikipedia* (10 July 2017).

¹⁴³ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 249.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2016.

After 2003, a request was filed under the access to information law (2003) in order to obtain the names of those disappeared by the government during the “Dirty War” (1968–1982). The Procuraduría General de la República (PGR; federal prosecutor’s office) refused to release the relevant 135 files, a decision supported by the National Institute of Access to Information and Personal Data overseeing the law. The Open Society Justice Initiative and Litiga OLE then filed a constitutional challenge to this decision with the Supreme Court (an “*amparo*”) on the grounds that the access to information law included a “human rights override,” stipulating that government agencies could not withhold information related to investigations of human rights violations. The *amparo* also cited the collective aspect of the right to the truth, the right to the recognition of legal personality, and the right to a name for the victims, which must be proportionally weighed in cases on forced disappearances. At the time of the crimes, systematic attempts to erase records that the disappeared persons ever existed (for example, by destroying birth or school certificates), had reportedly taken place. Some local prosecutors had launched investigations into disappearances, but all ended without any charges being filed, and with the investigative files and the names of the victims being kept secret by the PGR. On 1 February 2017, the Supreme Court of Justice ruled in the case that the families of the more than 1,200 people who had the right to access government records with the names “of all those listed as disappeared by the government,” on the grounds that the information requested could not be kept classified when it referred to human rights violations, including disappearances. The court ordered the National Institute of Access to Information and Personal Data to issue a new resolution, ordering the PGR to disclose the requested information to the claimants, and allowing claimants to make those names public.¹⁴⁴

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010.

¹⁴⁴ Mariana Mas, “[A Victory for the Truth about Mexico’s ‘Dirty War’](#),” *Open Society Foundations* (8 February 2017).

MONGOLIA

Previous *Annual Report* entries: 2007, 2013.

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2013, 2015–2016.

Opposition parties, which entered the cabinet in May 2016 as part of a pre-election agreement, would propose a retired intelligence officer, Gojko Pejovic, for the post of Inspector General in the National Security Agency, who is allowed access to secret service operations and surveillance files, including sealed Communist-era files from the UDBA [Yugoslav communist secret police] and files from the 1990s.¹⁴⁵

By the end of 2016, the authorities had not acted on the recommendations of the United Nations Committee on Enforced Disappearances to include disappearance as a separate criminal offense in the Criminal Code. The authorities also failed to enable access to justice and reparation for victims. Additionally, they failed to ensure that the continuous nature of enforced disappearance was recognized in its system of criminal law. The fate and whereabouts of the 61 individuals still reported missing following the 1991–1999 armed conflicts in the former Yugoslavia were not investigated.¹⁴⁶

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2013, 2015–2016.

The authorities failed to implement key recommendations from the Equity and Reconciliation Commission, ten years after the Commission published its report examining human rights violations between 1956 and 1999.¹⁴⁷

In the 2014 documentary *Briser le silence / Break the silence* by filmmaker Tarik El-Idrissi, former

¹⁴⁵ Dusica Tomovic, "[Montenegro under Pressure to Open Secret Files](#)," *Balkan Insight* (31 May 2016).

¹⁴⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 257.

¹⁴⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 54, 260.

victims of the violent suppression of a separatist rebellion in the Rif region (north of Morocco) in 1958–1959 by the army under then Crown Prince Hassan (soon to be King Hassan II) were interviewed. It revealed that the victimization of the Rifis in the 1950s was never properly documented or publicly acknowledged and that the survivors refused to speak of it, guarding their secret within the family.¹⁴⁸

In March 2017, the French Commission du Secret de la Défense national (CSDN), an independent administrative body in charge of advising on documents declassification, approved declassification of 89 documents of the Service de Documentation Extérieure et de Contre-Espionnage (SDECE; the former external and counter-espionage services) between 1965 and 1966 were to be declassified. The documents related to leftist politician Mehdi Ben Barka's 1965 disappearance [See also *NCH Annual Reports 2000, 2002–2003, 2016.*]

In 1967, Morocco's former head of intelligence and Minister of Interior, General Mohammed Oufkir, had been sentenced in absentia by a French court to life imprisonment for his alleged role in the kidnapping of Ben Barka. In 1975, an investigation into the case was opened in France in 1975, and since then it had not made significant advancements. In 2000, 2004 and 2008, tens of documents had been declassified without any result. Some thought that crucial information was destroyed before 1982.¹⁴⁹

See also France.

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2016.

The institutional and legislative framework maintained obstacles to holding perpetrators of human rights violations to account, and delivering justice, truth and reparations to victims and their families. Most perpetrators of past and current human rights violations continued to evade justice. In January 2016, just days before it was dissolved, parliament adopted the Former Presidents' Security Law, which could grant immunity to former presidents for crimes committed while they were in office,

¹⁴⁸ Susan Gilson Miller, "[Why History Matters in Post-2011 Morocco](#)," *Jadaliyya* (30 November 2016).

¹⁴⁹ Amnesty International, "[Time for Truth 50 Years after Enforced Disappearance of Opposition Leader Mehdi Ben Barka](#)" (MDE 29/2747/2015; London: AI, 28 October 2015); "[Will Declassified French Documents Uncover Truth about Ben Barka's Mysterious Disappearance?](#)" *Morocco World News* (11 May 2017); "[France: vers une déclassification des documents dans l'affaire Ben Barka](#)," *RFI* (10 May 2017).

including for crimes against humanity, war crimes and other crimes under international law.¹⁵⁰

In [March 2017], some—including Soe Win, the great-grandson of Burma’s last King Thibaw [reigned 1878–1885])—called for cancelation of a Thai soap opera and historical drama, entitled *Plerng Phra Nang* (A Lady’s Flames), because they found it defaming in its depiction of Burmese palace intrigue. In the drama, Ananthip, a character who schemes to seize control of the kingdom, reportedly closely resembled Hsinbyumashin, a real-life Burmese palace consort who orchestrated the massacre of scores of royals so that Thibaw could ascend the throne. In 1885, Thibaw abdicated and the monarchy was abolished when British forces defeated and invaded Burma.¹⁵¹

¹⁵⁰ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 266.

¹⁵¹ [“‘Insulting’ Thai Palace Soap Opera Angers Myanmar,”](#) *BBC News* (13 March 2017).

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011, 2016.

Forty-two released Caprivi detainees—accused of treason after their arrests in 1999 and acquitted between 2013 and 2015—continued to live in fear after facing threats and intimidation. On 17 May 2016, they were notified that the Prosecutor General would appeal against their acquittals. The Vice Chairperson of the Caprivi Concerned Group (CCG), Retief Kangongo, went missing on 30 April 2016 following alleged threats by the Inspector General of the Namibian police. The CCG supported the acquitted detainees. Kangongo reportedly sought asylum in Botswana. In August 2016, the Supreme Court ruled in favour of Boster Mubuyaeta Samuele, one of the Caprivi detainees. He had fled to Botswana, and, in December 2002, he was abducted by Namibian security forces in Botswana and brought to Namibia to face trial. He then spent 13 years in prison. Samuele successfully argued that the Namibian courts had no jurisdiction to prosecute him since Namibian officials had violated international law when he was abducted and arbitrarily detained.¹⁵²

In their section of the municipal cemetery of Swakopmund, the Herero, traditional cattle herders, exhibited the horns of a cow belonging to their late paramount chief—drawing complaints, presumably from people tending to the cemetery's German section. In 2016, the city council eventually ordered the horns to be removed, angering many Hereros.¹⁵³

In 2016, protesters splashed paint on the statue known as the Marine Denkmal (erected 1908) in Swakopmund, that commemorates German soldiers who in 1904–1908 helped crush a rebellion against German colonial rule by the Herero and Nama ethnic groups, a crime recognized as genocide. The statue was the site where the German-speaking minority held annual commemorations. Uahimisa Kaapehi, an ethnic Herero city councilor, introduced a motion for the monument's removal. The city council referred the matter to the National Heritage Council.

In [2009], the most prominent statue of the German colonial era—an equestrian monument known as the Reiterdenkmal—had been toppled from a hill overlooking Windhoek, the capital. The monument was moved to courtyard of a nearby German fortress.¹⁵⁴

In the summer of 2016, the German government announced that it would recognize the killings of 1904–1908 as genocide for the first time. To that end, it engaged in talks with the Namibian

¹⁵² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 267.

¹⁵³ Norimitsu Onishi, "[A Colonial-Era Wound Opens in Namibia](#)," *New York Times* (21 January 2017).

¹⁵⁴ Norimitsu Onishi, "[A Colonial-Era Wound Opens in Namibia](#)," *New York Times* (21 January 2017).

government. As the victims of the crime, Herero and Nama representatives demanded a place at these talks and argued that no settlement could be agreed without their approval.¹⁵⁵

In [January 2017], representatives of the Herero and Nama peoples filed a class action lawsuit in New York under the Alien Tort Statute (a 1789 law frequently invoked in human rights cases) to demand reparations for the systematic massacre of some 100,000 of their forebears between 1904 and 1908 (widely regarded as the first genocide of the twentieth century). It was not clear whether the American courts would rule that they had jurisdiction to hear the case. The 1789 law was controversial and the United States Supreme Court had acted to restrict the scope of claims under it in 2013.¹⁵⁶

NEPAL

Previous *Annual Report* entries: 2007–2016.

Nepal made little concrete progress on justice for serious abuses committed by both sides during its civil war (1996–2006). At least 13,000 people were killed and over 1,300 were forcibly disappeared during the conflict. Efforts to ensure prosecutions in civilian courts for serious human rights and humanitarian law violations during the conflict remain stalled. While Nepal had delivered interim monetary and in-kind compensation to the families of those who were “disappeared” or killed during the conflict, others, such as survivors of sexual violence or torture, had received no compensation from the state.

In May 2016, the ruling Communist Party of Nepal (Unified Marxist-Leninist) and the Communist Party of Nepal (Maoist Center) agreed an amnesty for perpetrators of human rights abuses during the conflict. In July 2016, the Communist Party of Nepal (Maoist Center) and the Nepali Congress agreed to form a coalition government with the understanding that the Commission on Truth and Reconciliation (TRC) and the Commission on Investigation of Enforced Disappeared Persons (CIEDP) would focus on reconciliation and compensation, and not prioritize criminal prosecutions for past human rights violations. The 2014 Truth and Reconciliation Commission Act retained language which allowed amnesties for serious crimes under international law, despite the Supreme Court’s ruling against these provisions in 2015. The government did not amend the law and had yet to come up with a concrete roadmap in late 2016. The TRC and the CIEDP began registering complaints in mid-April 2016, fourteen months after their establishment and started public hearings; as of August

¹⁵⁵ Justin Huggler, [“Germany Sued for Reparations over Colonial-era Genocide in Namibia,”](#) *Telegraph* (6 January 2017).

¹⁵⁶ Justin Huggler, [“Germany Sued for Reparations over Colonial-era Genocide in Namibia,”](#) *Telegraph* (6 January 2017).

2016, they had received nearly 59,000 complaints. Officials of both commissions raised concerns about government delays and non-co-operation, lack of resources and unrealistically short deadlines for filing cases. Victims groups and civil society protested against the lack of transparency and consultation in the appointment of commissioners to both commissions.¹⁵⁷

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2016.

Jules Schelvis (1921–2016), a Jewish typesetter and graphic designer passed through seven concentration camps from May 1943 until May 1945 and became a historian after his retirement. He wrote books about the camps, including Sobibór, and was a complainant (Nebenkläger) in the case of John Demjanjuk. In 2008, he received an honorary doctorate from the University of Amsterdam.¹⁵⁸

In August 2016, the Carmel Secondary School in Oldenzaal dismissed a recently appointed history teacher who posted neo-Nazi texts and pictures on the internet and liked similar messages on social media. On 1 September 2016, a judge in Enschede endorsed the school's decision in summary proceedings.¹⁵⁹

See also Azerbaijan, Japan, Lebanon, Rwanda, Serbia/Kosovo.

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007.

In [early April] 2017, Paul Moon, a historian at Auckland University of Technology, wrote an open letter rejecting the “forceful silencing of dissenting or unpopular views” on university campuses. It was signed by 27 high-profile New Zealanders, including former Prime Minister Sir Geoffrey Palmer (in office 1984–1990), Dame Tariana Turia and Don Brash. The letter came in response to Human

¹⁵⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 270; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 447.

¹⁵⁸ *NRC Handelsblad* (13 April 2011), 16; *Wikipedia* (29 April 2011); Bas Blokker, “Hij móést over Sobibor vertellen,” *NRC Handelsblad* (5 april 2016), 6.

¹⁵⁹ “[Oldenzaalse school ontslaat docent met extreemrechtse ideeën](#),” *NOS* (6 September 2016); Thomas de Veen, “Middelbare school ontslaat extreem-rechtse leraar,” *NRC Handelsblad* (7 September 2016), 8–9.

Rights Commissioner Dame Susan Devoy's call for a review of the hate speech law. Police had suggested that hate speech be looked at as a specific crime. Moon pointed at the risk that unpopular or offensive speech would be dismissed too easily as hate speech, creating a culture of fear. Moon planned to send a copy of the letter to all party leaders in parliament.¹⁶⁰

NICARAGUA

Previous *Annual Report* entries: 1998.

NIGER

Previous *Annual Report* entries: 2009, 2013.

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2013, 2016.

There was continued lack of accountability for serious human rights violations committed by security officers. No independent and impartial investigations into crimes committed by the military had taken place despite President Muhammadu Buhari's repeated promises in May 2016. Moreover, senior military officials alleged to have committed crimes under international law remained uninvestigated; Major General Ahmadu Mohammed was reinstated into the army in January 2016. He had been in command of operations when the military executed more than 640 detainees following a Boko Haram attack on the detention center in Giwa barracks on 14 March 2014.

In its November 2016 preliminary report, the Office of the Prosecutor of the International Criminal Court (ICC) announced that it would continue its analysis of any new allegations of crimes committed in Nigeria and its assessment of admissibility of the eight potential cases identified in 2015, in order to reach a decision on whether the criteria for opening an investigation were met.¹⁶¹

¹⁶⁰ "[High-profile Kiwis: Free Speech under Threat in NZ Universities](#)," *NZHerald.co.nz* (4 April 2017).

¹⁶¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 278.

NORWAY

Previous *Annual Report* entries: 2009, 2012, 2016.

On 24 June 2016, the Ministry of Justice ruled that a 43-year-old Rwandan national accused of complicity in the 1994 genocide in Rwanda, whose appeal rights were exhausted, could be extradited to Rwanda. The extradition had not been carried out by the end of 2016.¹⁶²

In September 2016, Facebook deleted a post by writer Tom Egeland that featured “The Terror of War,” a Pulitzer prize-winning photograph by Nick Ut that showed children, including the naked nine-year-old girl Kim Phúc, fleeing from an aerial napalm attack in 1972 during the Vietnam War. Egeland’s post discussed “seven photographs that changed the history of warfare.” When Egeland complained about the censorship, the company suspended his Facebook account. Widespread protest erupted with Facebook users sharing the photo. Some 180,000 people used Facebook to view the *Guardian*’s account of the row—illustrated with the same uncensored photo. Another 4,000 shared it on Facebook. Phúc, living in Canada, declared: “I’m saddened by those who would focus on the nudity in the historic picture rather than the powerful message it conveys. I fully support the documentary image taken by Nick Ut as a moment of truth that captures the horror of war and its effects on innocent victims.” The leading evening newspaper *Aftenposten* wrote an open letter of protest to Facebook’s CEO Marc Zuckerberg and Prime Minister Erna Solberg reposted the image. After it was removed from Solberg’s page, she denounced it as an attempt to “edit our common history” and added: “I want my children and other children to grow up in a society where history is taught as it was. Where they can learn from historical events and mistakes.” Facebook justified its censorship with reference to its “Community Standards” against pornography but on 9 September 2016 reversed its decision and allowed users to share the iconic photo, stating that “In this case, we recognize the history and global importance of this image in documenting a particular moment in time.”¹⁶³

¹⁶² Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 282.

¹⁶³ Reporters without Borders, “[Facebook’s Iconic Blunder](#),” *Ifex* (9 September 2016); Sam Levin with Julia Carrie Wong and Luke Harding, “[Facebook Backs Down from ‘Napalm Girl’ Censorship and Reinstates Photo](#),” *Guardian* (9 September 2016).

OMAN

Previous *Annual Report* entries: 2010.

On 15 April 2016, writer, film-maker and intellectual Abdullah Habib ([1964–]) was summoned by the internal security service for questioning before the Special Division of the Omani Police General Command in Muscat. Detained upon arrival, he remained in incommunicado detention for over a week. No official reason was given for his arrest, although it may be in connection with a Facebook post (14 April 2016) he wrote calling on the government to reveal the burial sites of rebels executed during the Dhofar rebellion, an insurgency which took place in the south of Oman between 1962–1976. In the post, Habib related the story of the execution of two groups of rebels he called “Group 72” and “Group 74,” highlighting the cruel treatment meted out to the victims. He also pointed to the British involvement in suppressing the rebellion and mentioned Tim Landon, a Brigadier in the British army at the time who was influential in engineering the coup which placed the current Sultan Qaboos on the throne. He was released on 5 May 2016.¹⁶⁴

See also Iran.

¹⁶⁴ Network of Concerned Historians Campaigns [1] and [2]; Abdullah Habib’s [post](#) (in Arab); [Release Abdullah Habib Now Community](#); Pen International Rapid Action Network, Oman: Prominent Artist Arrested and Detained (RAN 09/16; 29 April 2016 & update 5 May 2016).

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012, 2014, 2016.

PALESTINIAN AUTHORITY

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2013–2015.

See Israel, United States.

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2013, 2015–2016.

In July 2016, a Comisión 20 de Diciembre (Commission 20 December), chaired by Juan Planells, was created to look into the events surrounding the United States invasion of Panama (labeled Operation Just Cause) and the overthrow of the government of Manuel Noriega (20 December 1989–31 January 1990). In March 2017, the Supreme Court agreed to give the commission access to its archives. An estimated 3,000 people died during the invasion. On 29 May 2017, Noriega died in a hospital in Panama City.¹⁶⁵

PAPUA NEW GUINEA

Previous *Annual Report* entries: 2014.

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012, 2015.

See Argentina.

¹⁶⁵ [“Justicia panameña abre archivos sobre invasión de EE.UU.”](#) *Prensa Latina* (8 March 2017).

PERU

Previous *Annual Report* entries: 2001–2016.

The Truth and Reconciliation Commission estimated that almost 70,000 people died or were subject to enforced disappearance during the armed conflict (1980–2000). Many had become victims of atrocities by the Shining Path and other insurgent groups; others were victims of human rights violations by state agents.

In a landmark trial, former President Alberto Fujimori was sentenced in 2009 to 25 years' imprisonment for killings and "disappearances" committed in 1991 and 1992. In July 2016, he requested a pardon on humanitarian grounds, but withdrew it in September after newly elected President Pedro Pablo Kuczynski said he would likely reject it. Fujimori's intelligence advisor, Vladimiro Montesinos, three former army generals, and members of the Colina group, a government death squad, were also serving sentences ranging from 15 to 25 years for the 1991 assassination of 15 people in the Lima district of Barrios Altos, and for six "disappearances." Courts have made much less progress in addressing violations, including extrajudicial killings, disappearances, and torture, committed during the earlier administrations of Fernando Belaúnde (1980–1985) and Alan García (1985–1990).

Only a tiny percentage of the human rights violations committed during the armed conflict had been brought to trial, according to Human Rights Trials in Peru, a project based at George Mason University, Fairfax, Virginia, that monitored human rights prosecutions. In 2016, court hearings continued into their sixth year in the case of torture and disappearances at the Los Cabitos military base in Ayacucho in 1983. Abuses committed in that military base in 1984 and 1985 had been under criminal investigation for over ten years, but had not been brought to trial in late 2016.

In July 2016, a prosecutor decided to close the investigation against former President Alberto Fujimori for forced sterilizations of mostly poor and indigenous women committed during his administration (1990–2000). A month later, a higher-ranking prosecutor requested that the closure be reconsidered, but a ruling on his request remained pending in late 2016. More than 2,000 forced sterilizations have been reported to authorities, but human rights groups contend that these represent only a small portion of such cases. In November 2015, then-President Ollanta Humala had signed a decree creating a national registry of victims of forced sterilizations. In June 2016, he signed the "Law on the Search of Disappeared Persons," a bill to search for victims of disappearances committed during the armed conflict. The law created a national registry of the disappeared and ordered that the Justice Ministry approve and implement a national search plan.

In May 2016, a court ordered that the government pay reparations to victims of abuses committed by both sides of the conflict and their relatives for each of the abuses they suffered, overturning the

limits on reparations established by the legislature.¹⁶⁶

PHILIPPINES

Previous *Annual Report* entries: 2011–2015.

See also Japan, United States.

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011, 2014–2016.

On 15 February 2016, the government announced a new memory law enabling “the defense of the good name of the Polish Republic and the Polish Nation” that would impose a sentence of up to three years’ imprisonment for those who “attribute to the Polish Nation or to the Polish State, the participation, organization, responsibility or complicity, in crimes committed by the III German Reich, or other crimes against peace and war crimes” [See also *NCH Annual Report 2016*.] In particular the phrase “Polish death camps” in reference to wartime Nazi concentration camps on Polish soil, would be targeted, justice minister Zbigniew Ziobro declared. Poland had long sought to eliminate the misleading phrase from historical and newspaper accounts since it suggested that Poland, itself occupied by Nazi Germany during World War II, was responsible for concentration camps on its territory. The new law was sent to the Sejm on 16 August 2016. Critics like the Polish Center of Holocaust Research of the Institute of Philosophy and Sociology of the Polish Academy of Sciences (including Jan Grabowski) and Yad Vashem’s International Institute for Holocaust Research said that the law lacked precision and threatened to criminalize historical research which focused on the actions of Poles during World War II. Yehuda Bauer called the assertion that there were no Poles who took part in the murder of Jews Holocaust denial. On 14 November 2016, the American Historical Association expressed its concern in relation to the draft memory law which would “allow police and judicial authorities to overrule the judgments of trained historians,” and would “threaten the ability of historians to conduct impartial research that might reveal facts that these authorities find

¹⁶⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 294; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 481–482.

uncomfortable.”¹⁶⁷

On 12 April 2016, a prosecutor in Katowice questioned historian Jan Gross for five hours to determine if he had broken laws prohibiting the defamation of the nation [see *NCH Annual Report 2016*]. If found guilty, Gross could be sentenced to up to three years' imprisonment. On 14 November 2016, the American Historical Association expressed its concern in relation to the potential legal proceedings against Gross. Gross had been investigated before for defaming Poland for his book *Fear*. The investigation had not led to charges.¹⁶⁸

In June 2016, the Institute of National Remembrance (IPN) proposed plans to move 229 monuments marking the Soviet army's liberation of Poland at the end of World War II to an open-air museum north-west of Warsaw. The monuments were erected to glorify the Red Army's role in ousting the Nazis, but Poland rejected the associated claim that the Red Army gave Poland its independence, instead seeing the Soviet domination as a period of oppression. Russia protested the plan, saying that it exposed a lack of gratitude. Cemeteries were not affected by the plan.¹⁶⁹

In [January] 2017, the Minister of Culture Piotr Glinski declared that the new Museum of the Second World War in Gdansk was “not patriotic and heroic enough” and did not present a full picture of Polish heroism during the war. He cut the budget requested by the museum director, historian Pawel Machcewicz, by nearly half. Glinski accused Machcewicz of distorting Polish history and not focusing enough in the exhibits on Poland's military campaigns against the Nazis and Soviet forces. The government also announced plans to change the entire concept of the museum. The city of Gdansk (where World War II began when Germany invaded it in September 1939) filed complaint with the Supreme Administrative Court in Warsaw, which twice suspended the governmental plans. On 23 March 2017, the new museum opened; it approached the history of the Second World War from a European and worldwide perspective. On 5 April 2017, however, the court gave the

¹⁶⁷ Reuters, “[Poland Plans to Punish Use of the Phrase ‘Polish Death Camps’](#),” *Guardian* (13 February 2016); Jan Grabowski, “[‘Patriotic’ Move Threatens Academic Freedom](#),” *University World News* (17 February 2016); Roeland Termote, “Noem je Auschwitz een ‘Pools kamp’? 5 jaar celstraf,” *NRC Handelsblad* (17 February 2016), 14; Polish Center for Holocaust Research, “[Center’s Statement regarding the Planned Changes to the Law about the Institute of National Remembrance](#),” (12 September 2016); Don Snyder, “[Poland Is Poised to Put ‘Bad’ Historians of the Holocaust in Prison](#),” *Forward* (2 September 2016); American Historical Association, “[Letter of Concern to Polish Government regarding Treatment of Historian Jan Gross](#)” (14 November 2016).

¹⁶⁸ Alex Duval Smith, “[Polish Move to Strip Holocaust Expert of Award Sparks Protests](#),” *Guardian* (14 February 2016); Selma Leydesdorff, “Polen dupeert zijn schrijver Jan Gross – om de Joden,” *NRC Handelsblad* (16 February 2016), 16; AP, “[Holocaust Scholar Questioned on Claim Poles Killed More Jews than Germans in War](#),” *Guardian* (14 April 2016); Catherine Porter, “[Poland Wrestles with Its Past—and Present](#),” *The Toronto Star* (24 September 2016); American Historical Association, “[Letter of Concern to Polish Government regarding Treatment of Historian Jan Gross](#)” (14 November 2016).

¹⁶⁹ “[Soviet Troop Monuments in Poland To Be Moved to New Museum](#),” *BBC News* (28 June 2016).

government permission to merge it with another museum that still had to be established on Gdansk's peninsula Westerplatte. The Gdansk museum had been commissioned by the predecessor government of Donald Tusk, a historian, Gdansk native, president of the European Council and political rival of the incumbent nationalist Law and Justice (PiS)-led government. In the summer of 2016, Education Minister Anna Zalewska had drawn protests from the Anti-Defamation League after saying in an interview that Polish citizens were not responsible for the pogroms in Jedwabne and another Polish town.¹⁷⁰

In May 2017, Holocaust historian Jan Grabowski was accused of slandering Poland's reputation with research that focused on the participation of some Poles in the killing of Jews during World War II. The Polish League against Defamation said that Grabowski's scholarship "falsified the history of Poland, proclaiming the thesis that Poles were complicit in the extermination of Jews." On 19 June 2017, more than 180 historians of modern European history came to his defense, calling the statement against him a "distorted and whitewashed version of the history of Poland during the Holocaust era." Based at the University of Ottawa in Canada, Grabowski, the son of a Holocaust survivor, received several death threats, leading to security patrols in his department.¹⁷¹

See also Russia, Ukraine.

PORTUGAL

Previous *Annual Report* entries: —.

On 7 January 2017, Mário Soares (1924–2017) died. In March 1968, lawyer Soares, who had a degree in history and philosophy from Lisbon University (1951), was deported to São Tomé but was able to return in 1969 during a brief liberalization period. As he attacked the dictatorship and its colonial policies in Africa, he was harassed by the political police. (During the 1960s he had already been arrested at least twelve times.) The 1969 elections in which he participated as an opposition candidate were rigged. He went into exile in France (1969–1974), where he taught at the Sorbonne. In 1973 he

¹⁷⁰ Adam Easton, "Poland in Row with Historians over Landmark War Museum," *BBC News* (5 May 2016); Pawel Adamowicz, "[Is Museum of the Second World War not Patriotic enough?](#)" *Huffington Post* (s.d. [February] 2017); Jenne Jan Holtland, "[Rechter geeft groen licht voor 'fusie' Pools Tweede Wereldoorlogmuseum.](#)" *Volkskrant* (5 April 2017); Soraya Sarhaddi Nelson, "[Poland's New World War II Museum Just Opened, But Maybe Not For Long.](#)" *NPR* (4 April 2017); Marcin Król, "The Past Is Not a Foreign Country," *Index on Censorship*, 46, no. 1 (spring 2017), 74–76.

¹⁷¹ Vanessa Gera, "[Historians Defend Scholar who Studies Poland and Holocaust.](#)" *Washington Post* (20 June 2017).

helped re-establish the Socialist Party. After 1974, he was prime minister on several occasions, and from 1985 to 1996 he was elected president twice.¹⁷²

¹⁷² Amnesty International, *Report 1967–68* (London: Amnesty International, 1968), 11; M. Azevedo, *Historical Dictionary of Mozambique* (Metuchen 1991), 122; *Index on Censorship* (1972, no. 2), 55; Derek Jones, ed., *Censorship: A World Encyclopedia* (London / Chicago: Fitzroy Dearborn, 2001), 1916; D. L. Wheeler, *Historical Dictionary of Portugal* (Metuchen 1993), 49–52, 165–166.

QATAR

Previous *Annual Report* entries: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010.

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2016.

After a complaint by member of the Just Russia party Dmitry Zakharov that the state-run Library of Ukrainian Literature in Moscow was storing newspapers that “distorted historical facts” and exhibited a “Russophobic nature,” armed and masked law enforcement officers raided the library on 28 October 2015, seized files and about 200 books and pamphlets, and detained director [since 2006] Natalya Sharina ([1957–]) [See also *NCH Annual Report 2016*]. The next day a criminal case was opened against her on suspicion of inciting ethnic hatred and breaking the law on extremism. The Investigative Committee stated that it wanted her arrest after the investigators found books in the library that allegedly disseminated “anti-Russian propaganda,” including works by radical nationalist activist Dmytro Korchynsky [Dmitry Korchinsky], which were declared extremist by a court and banned in Russia. A spokesman for the library said the most controversial items were stored in a separate room and could only be given to political analysts and historians who need it for professional purposes. Sharina herself denied that the books belonged to the library and claimed they had been secretly planted there by some law enforcement officials. On 5 April 2016, weeks before her house arrest was due to expire, she was charged with embezzlement for allegedly misappropriating library funds to pay for a lawyer to defend her during a previous unfounded attempt to prosecute in 2011–2013. Her house arrest was extended several times. On 15 August 2016, the Moscow Prosecutor General’s office refused to sign the indictment against Sharina and the case was sent back for further investigation. On 2 November 2016, her trial began. She was charged with “inciting hatred and enmity through misuse of office” under Article 282 of the Criminal Code and of fraudulent use of library funds, offenses for which she could face up to ten years’ imprisonment. On 5 June 2017, the Meshchanskiy District Court in Moscow found her guilty of “incitement of hatred” toward Russian people and “embezzlement” and handed-down a four-year suspended sentence for holding “extremist literature.” She appealed the conviction.¹⁷³

¹⁷³ [“Urgent Action: Librarian’s Case Sent Back for Investigation”](#) (UA: 261/15; Index: EUR 46/4710/2016; 25 August 2016); Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 307; PEN International, [“Russia: Conviction of Librarian Must Be Quashed”](#) (7 July 2017); Nataliya Vasalyeva, [“Chief of Moscow’s Ukrainian Library Gets Suspended Sentence,”](#) *AP News Archive* (5 June 2017).

On 4 April 2016, President Vladimir Putin announced at a meeting with head of Federal Archive Agency Andrei Artizov that he had signed an executive order bringing the agency under direct subordination to the President because “the materials in [the] agency’s possession are of particular value for the country.”¹⁷⁴

In June 2016, a court in Perm convicted Vladimir Luzgin ([1979]–) and gave him a fine of 200,000 rubles for reposting on his social network page a text, entitled “[15 Facts about Banderites, or What the Kremlin Is Silent About](#),” which stated (correctly) that the Soviet Union, in collaboration with the Nazis, invaded Poland in 1939. Luzgin had written: “The communists and Germany jointly invaded Poland, sparking off the Second World War. That is, communism and Nazism closely collaborated, yet for some reason they blame Bandera who was in a German concentration camp for declaring Ukrainian independence.” Luzgin was found guilty of posting “knowingly false information.” The dean of Perm University’s History Faculty Alexander Vertinsky appeared as a witness for the prosecution and claimed that the material contained “statements that do not correspond with the position accepted at international level.” Luzgin was probably the first person in Russia to face criminal prosecution under a controversial 2014 law envisaging anything from fines to five years’ imprisonment for so-called “rehabilitation of Nazism.” The Sova Center had criticized the law, saying its aim was to prohibit historical discussion. Luzgin refused to pay the fine and sought political asylum in Prague.

At a press conference with German Chancellor Angela Merkel on 10 May 2015, President Vladimir Putin had defended the Molotov-Ribbentrop Pact, claiming that the USSR was left to face Hitler’s Germany by itself. Culture minister Vladimir Medinsky called the pact a “colossal achievement of Stalin’s diplomacy.” On 20 September 2015, Russia’s ambassador to Venezuela, Vladimir Zayemsky, claimed that the USSR did not invade Poland on 17 September 1939 and that it was in fact Poland, not the USSR, that collaborated with Nazi Germany. He wrote that “the alleged invasion by Soviet forces of Poland in 1939 is a lie” and went on to claim that although Poland was the first victim of World War II, it tried to be “Hitler’s faithful ally” in the period before the war.¹⁷⁵

On 13 July 2016, the official list of active “foreign agents” comprised 104 groups. In 2012, the parliament had adopted a law that required NGO’s to register as “foreign agents” (a term interpreted as “spy” or “traitor”) with the Ministry of Justice if they engaged in “political activity” (overbroadly defined) and received foreign funding. The law aimed to marginalize independent advocacy groups. In early March 2013, the government launched a nationwide campaign of inspections of hundreds of

¹⁷⁴ “[Meeting with Head of Federal Archive Agency Andrei Artizov](#)” (press release, Kremlin, 4 April 2016).

¹⁷⁵ Halya Coynash, “[Russian Fined for Reposting that the USSR & Nazi Germany Invaded Poland](#),” *Human Rights in Ukraine* (1 July 2016); “[How Russia Is Engaged in a Battle for its Own History](#),” *Sky News* (11 December 2016).

NGOs to identify groups seen as “foreign agents” and force them to register as such. Numerous groups challenged the prosecutor’s office and the Ministry of Justice in courts; most lost their cases. As a result, by February 2015, at least 13 groups chose to shut down rather than wear the “foreign agent” label. In August 2013, the then-federal ombudsman Vladimir Lukin, acting on behalf of four NGO’s, challenged the law in the Constitutional Court. On 8 April 2014, the Court upheld the law, ruling that there were no legal or constitutional grounds for contending that the term “foreign agent” had negative connotations from the Soviet era and that, therefore, its use was “not intended to persecute or discredit” NGO’s. It also found that the “foreign agent” designation was in line with the public interest and the interest of state sovereignty. On 23 May 2014, parliament amended the law, this time authorizing the Ministry of Justice to register independent groups as “foreign agents” without their consent, if the ministry regarded the organizations as engaged in “political activity” and if the organization was receiving foreign funding. On 4 June 2014, the amendments were signed into law. On 5 June 2014, the Ministry of Justice promptly registered five groups as “foreign agents,” and since then has registered a total of 130. By 2 June 2016 the registry included the following groups among others: Human Rights Center “Memorial” (Moscow), Educational Center “Memorial” (Sverdlovsk region), Commemorative Centre of History of Political Repressions “Perm-36,” Komi Human Rights Commission “Memorial” (Syktyvkar), Research and Information Center “Memorial” (St. Petersburg), Yekaterinburg Memorial Society (Yekaterinburg), Ryazan Historical, Educational and Human Rights Center “Memorial” (Ryazan). Groups that a court found responsible for failing to register as a “foreign agent” and fined included, among others: Anti-Discrimination Center “Memorial” (St. Petersburg) [the NGO won two administrative cases, but later lost a similar civil suit to the prosecutor’s office and chose to shut down], Educational Center “Memorial” (Sverdlovsk region) [the NGO lost the suit, the appeals court decreased the amount of the fine], and the Human Rights Center “Memorial” [the NGO lost the suit]. The leaders of at least eight NGO’s faced administrative charges personally, including the Anti-Discrimination Center “Memorial” (St. Petersburg) [the NGO won the suit but the organization chose to shut down when it lost a “foreign agent” civil suit to the prosecutor’s office]. On 1 February 2016, around 90 members of the Russian PEN Center, together with 21 historians belonging to the Free Historical Society and Russian academics, called on the Ministry of Justice to halt its abuse of power against NGOs deemed to be “foreign agents.” They feared that any public criticism or appeal to the state authorities or their representatives to amend the provisions of a particular law or overturn an unlawful decision would be deemed a “political activity” and grounds for inclusion on the list of “foreign agents”. The amendments to the law published by the Justice Ministry on 22 January 2016 contained a proviso that scientific, cultural and charitable activities would not be deemed political. PEN and the historians rejected this since an exception would only be made if the organization had not conducted the activity “with the aim of exerting influence on public opinion and decisions by the state authorities” [See also

NCH Annual Report 2016].¹⁷⁶

In early August 2016, Vadim Potomsky, the governor of Oryol (a city south of Moscow), planned to unveil a monument for the first Tsar, Ivan the Terrible (1530–1584; ruling 1547–1584), during the 450th anniversary of Ivan’s decree that a fortress be built there. But the inauguration was delayed after a protest in July by local people holding signs such as: “We don’t need a monument to a tyrant.” They initiated three lawsuits to remove the statue. The founder of tsardom was known for his long campaign of terror against the nobility and populace, as well as for killing his son during an argument. On 15 October 2016, the statue was unveiled, not on the intended location—the theater—but at the Oka river. In his speech, Potomsky compared Ivan to President Vladimir Putin.¹⁷⁷

In September 2016, during events commemorating victims of the September 2004 school hostage-taking in Beslan, North Ossetia, police roughed up and detained several activists wearing T-shirts and holding a sign saying: “Putin is the Slaughterer of Beslan.” Thugs apparently acting as proxies of local law enforcement attacked two journalists.¹⁷⁸

On 31 October 2016, the scientific council of the National Security Council (NSC) reportedly opposed what it called efforts that distorted the meaning of the 1917 Russian Revolution and other historical events (such as the nationality policies of the tsarist Empire and the USSR, the role of the USSR in World War II, the 1939 Molotov-Ribbentrop Pact, and the political crises in Warsaw Pact countries) in view of the coming centennial of the Revolution. It advocated the establishment of a new government center that would take up the role of the commission for preventing attempts at the falsification of history that was disbanded in 2012. This fitted into a broader pattern. Point 21 of the National Security Strategy (2015) stated that other countries were increasingly using information technology to manipulate public consciousness and falsify history, while the Draft Information Security Doctrine (2016, point 12) noted that they were trying to “undermine the historical foundations” of the Russian people. The Presidential Administration and the Institute of History of the Russian Academy of Sciences, however, were opposed to that step.¹⁷⁹

¹⁷⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 306; Human Rights Watch, “[Russia: Government against Rights Groups](#)” (14 July 2016); Russian PEN, “[Writers and Academics Speak Out against Law on ‘Foreign Agents’](#)” (1 February 2016).

¹⁷⁷ Alec Luhn, “[Russian Orthodox Church Head Backs Ivan the Terrible Sculpture](#),” *Guardian* (2 August 2016); “[Omstreden standbeeld van Ivan de Verschrikkelijke onthuld](#),” *NOS* (15 October 2016); Steven Derix, “[Waarom Ivan de Verschrikkelijke in Rusland een standbeeld krijgt](#),” *NRC Handelsblad* (1 December 2016), 14–15.

¹⁷⁸ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 498.

¹⁷⁹ Paul Goble, “[History Of Russia’s 1917 Revolution Now In Danger?](#)” *Eurasia Review* (1 November 2016); Cameron Johnston, “[Russia: History as Myth?](#)” *European Union Institute for Security Studies Alert Issue no. 40* (November 2016), 1–2.

On 14 November 2016, the Prosecutor of the International Criminal Court (ICC) said that the situation within the territory of Crimea and Sevastopol amounted to an international armed conflict between Russia and Ukraine. The ICC Prosecutor was conducting an assessment as to whether the same was true for eastern Ukraine. On 16 November 2016, President Vladimir Putin announced that Russia no longer intended to become a party to the Rome Statute of the ICC, which it had signed in 2000 but did not ratify.¹⁸⁰

On 13 December 2016, the FSB arrested Karelian historian Yuri Dmitriyev ([1955–]) and held him in remand prison on charges of “preparing and circulating child pornography.” His trial before a local court in the regional capital of Petrozavodsk was scheduled to begin in May 2017, and, if convicted, he faced between eight and fifteen years’ imprisonment. He also faced an illegal-weapons charge stemming from a piece of a vintage hunting rifle that investigators found in his flat—a relic his lawyer said Dmitriyev recovered during a research dig. Dmitriyev denied all allegations, saying that he had been framed because of his activities as a historian, and colleagues both in Russia and abroad argued that the charges were trumped-up to punish him for his past research and to silence him in the future.

As the head of the Karelian chapter of the rights-advocacy group Memorial, Dmitriyev had assembled a Book of Remembrance that included the names of 13,000 Great Terror victims. In 1997, he and his colleagues Irina Fliege and Veniamin Iofe, discovered the Sandarmokh mass grave, where more than 9,500 prisoners representing over 60 ethnic groups from the Solovki GULAG camp were executed and buried by Stalin’s secret police in 1937–1938. In addition, over strong resistance from Karelian security agents, Dmitriyev lobbied to have the spot memorialized (today there is a large stone memorial at the site). Recently, he had participated in a Memorial project to create an online database giving details about some 40,000 agents of Stalin’s secret police, who were directly responsible for the murders of some one million Soviet citizens during the Great Terror period, as well as the persecution of millions more (the “executioners’ database”). Shortly after the publication, Memorial started receiving threats and unambiguous “recommendations” to end the project. More than 7,000 people signed an online petition denouncing the charges against Dmitriyev as “a provocation.” Historians and activists from Ukraine and Poland have published open letters of support. During the investigation and while Dmitriyev was in custody, the latter’s latest research—450 pages of meticulous investigation—and his entire research archive disappeared without a trace.

In August [2016], for the first time in 20 years, the Karelian government and the Russian Orthodox Church declined from taking part in commemorations in Sandarmokh.¹⁸¹

¹⁸⁰ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 309.

¹⁸¹ Yelizaveta Mayetnaya, “[Supporters Rally Around Accused Russian Historian of Stalin’s Crimes](#),” *Radio Free Europe/Radio Liberty* (27 April 2017); “[Ukrainians Ask for International Protection for Russian Historian Who Is Persecuted by FSB](#),” *Human Rights Information Centre* (28 December 2016); [Petition:](#)

On 13 June 2017, a court in Podolsk tried Vladimir Melikhov ([1957–]), a descendant of Cossacks and founder of two private history museums. The museums focused on the persecution of the anti-Bolshevik resistance following the 1917 Revolution and on the reasons why many Cossacks and other persecuted Soviet citizens welcomed, at least initially, Hitler’s invasion of the Soviet Union in June 1941. Melikhov was denounced on state television as a traitor and border guards defaced his passport to prevent him from leaving Russia. The court in Podolsk found him guilty of trumped-up criminal charges such as illegal possession of weapons and sentenced him to one year of “restricted freedom” (house arrest). The evidence against him consisted of a 19th-century gun and a stash of bullets. Melikhov claimed that investigators had planted them.¹⁸²

See also China, Poland.

RWANDA

Previous *Annual Report* entries: 1998, 2000–2016.

Individuals suspected of involvement in the 1994 genocide faced trial in Rwanda and Sweden. In March 2016, the Congolese authorities transferred Ladislav Ntaganzwa to Rwanda to stand trial on charges of genocide and crimes against humanity, in line with an arrest warrant issued by the United Nations Mechanism for International Criminal Tribunals—the body responsible for following up the work of the International Criminal Tribunal for Rwanda (ICTR), which closed in December 2015 after delivering its final judgement against former minister Pauline Nyiramasuhuko and five co-accused.

In April 2016, Rwanda’s High Court sentenced to life imprisonment an academic and former government official, Léon Mugesera, extradited from Canada in 2012. He was convicted of incitement to commit genocide, inciting ethnic hatred and persecution as a crime against humanity. He was acquitted of preparing and planning the genocide and conspiracy to commit genocide.

In July 2016, a French court found Octavien Ngenzi and Tito Barahira, two former mayors, guilty of genocide and crimes against humanity, and sentenced them to life imprisonment. It was only the second time that Rwandan genocide suspects were convicted in France, a close ally of the Rwandan government before and during the 1994 genocide. In December 2016 a French court confirmed the 25-year prison sentence of Rwandan former intelligence chief Pascal Simbikangwa for genocide and

[Освободить историка Юрия Дмитриева](#) (in Russian); “[Stalin’s Shadow: How a Gulag Historian Fell Victim to Russia’s Dark Past](#),” *Moscow Times* (9 June 2017).

¹⁸² Andrew Higgins, “[Putin-Era Taboo: Telling Why Some Soviets Aided Nazis](#),” *New York Times* (21 June 2017).

complicity in crimes against humanity. A German court convicted another former mayor, Onesphore Rwabukombe, to life imprisonment for his role in the genocide in December 2015. In July 2016, Enoch Ruhigira, who in 1994 was chief of staff of the then President, Juvénal Habyarimana, was arrested in Germany at the request of the Rwandan authorities, who were seeking his extradition on genocide charges. In May 2016, a court in Sweden convicted Claver Berinkindi of genocide and sentenced him to life in prison. A court in London in December 2015 denied an extradition request for five genocide suspects. On 12 November 2016, genocide suspects Jean-Claude Iyamuremye and Jean-Baptiste Mugimba were extradited from the Netherlands and transferred to Kigali Central Prison. On 17 November 2016, Henri Jean-Claude Seyoboka, a former military official, was deported from Canada, accused of involvement in the genocide. He had not disclosed his military background in his asylum application. On 28 September 2016, university professor Léopold Munyakazi was deported from the USA to Rwanda. He was charged with committing genocide, complicity in genocide, conspiracy to commit genocide, extermination and genocide negation. He had been arrested after the genocide, but was released in 1999 due to a lack of evidence. Rwanda issued an international warrant for his arrest in 2006 a month after he gave a speech in which he described the massacres of 1994 as fratricide rather than genocide. In a hearing in October 2016, Munyakazi pleaded not guilty.¹⁸³

See also Norway.

¹⁸³ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 310–311; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 507–508.

SAINT VINCENT

Previous *Annual Report* entries: 2014.

SÃO TOMÉ

Previous *Annual Report* entries: —.

See Portugal.

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011, 2013.

On 5 April 2017, United Nations experts on cultural rights, housing and extreme poverty called on the government to halt the planned forced evictions and demolition of the 400-year-old walled Al-Masora quarter in the village of Awamia. Al-Masora was considered a historical model of a walled village, including mosques, farms and farmers' markets, places of worship for Shia "Hussainiyat" and businesses; it was home to about 2,000 to 3,000 people.¹⁸⁴

See also Iran.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009, 2013.

In 2016, France promised to give Senegal 2.5 million digital images of documents relating to Senegal's colonial history, particularly archives relating to the Thiaroye massacre. The Thiaroye massacre was a mutiny against poor work conditions and revocation of pay by 1,300 volunteers and conscripts of the Tirailleurs Sénégalais (infantry) units of the French army, and the subsequent killing of at least 35 to 70 (and perhaps as many as 300 to 400) of them by French forces at Thiaroy camp,

¹⁸⁴ ["UN Experts Urge Saudi Arabia to Halt Forced Evictions and Demolitions of the Al-Masora Neighborhood in Awamia"](#) (press release; 5 April 2017).

near Dakar, on the night of 30 November to 1 December 1944. In March 1945 a military tribunal sentenced 34 survivors to ten years' imprisonment. The families of the massacre victims demanded that France turn over all the Ministry of Defense archives on the massacre, including a list of victims, that the texts on the memorial at Thiaroy cemetery be rewritten and that the 1945 trials be reviewed. In 2012, French President François Hollande had promised to restitute the archives to Senegal; at that occasion he had called the event a "bloody suppression." *Camp de Thiaroye*, a 1988 film by Ousmane Sembène about the massacre, was called "inaccurate" at the time and banned in France for a decade and censored in Senegal.¹⁸⁵

On 30 May 2016, Chad's former President Hissène Habré was sentenced to life imprisonment by the Extraordinary African Chambers (EAC) in Senegal, a court established under an agreement between the African Union and Senegal. He was found guilty of crimes against humanity, war crimes and torture committed in Chad between 1982 and 1990. His lawyers lodged an appeal. The sentence set a new benchmark for efforts to end impunity in Africa. The case was the continent's first universal jurisdiction case and Habré the first former African leader to be prosecuted before a court in another country for crimes under international law. On 29 July 2016, the EAC awarded the victims of rape and sexual violence in the case 20 million CFA (US\$33,880) each; the victims of arbitrary detention and torture, as well as prisoners of war and survivors, 15 million CFA (US\$25,410) each; and the indirect victims, 10 million CFA (US\$16,935) each.¹⁸⁶

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2016.

Journalists and researchers reported that the Serbian interior and defense ministries, and the army and police systematically obstructed the Freedom of Information Law by denying access to information which could prove who was responsible for crimes or their cover-up and help locate missing persons during the wars of the 1990s with Croatia (1991–1995), Bosnia and Herzegovina (1992–1995) and Kosovo (1998–1999). In most cases, even when ordered to disclose the documents, the ministries did not obey decisions made by the Commissioner for Information and Public Importance and Personal Data Protection. The four most common answers to requests were "state secret," "strictly

¹⁸⁵ "[Thiaroye Massacre](#)," *Wikipedia* (1 February 2017); "[Thiaroye 44: les familles des victimes demandent 'la fin de l'obstruction à la manifestation de la vérité'](#)" *Dakaractu* (1 December 2016); Mamadou Seck, "[Le président Sall: 'La France va rendre au Sénégal ses archives'](#)," *Sanslimitesn.com* (20 December 2016); Jeremy Black, *Using History* (London 2005), 31.

¹⁸⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 21–22, 116.

confidential,” “we don’t have that information,” and “you need to provide more details.” International organizations warned that many suspected war criminals were still active as army and police officers, including some who worked in the police witness protection unit, and were preventing further investigation of war crimes.¹⁸⁷

In March 2016, the Prosecutor’s Office confirmed the indictment of eight former members of the Special Brigade of the Ministry of the Interior of Republika Srpska, the ethnic Serb party to the war in Bosnia, for war crimes committed against civilians in Srebrenica in 1995. Since its establishment in 2003, 110 judgments were issued: 75 convictions and 35 acquittals.

Also in March 2016, the International Criminal Tribunal for the former Yugoslavia (ICTY) acquitted Vojislav Šešelj, President of the Serbian Radical Party. He had been indicted on three counts of crimes against humanity (persecution, deportation and inhumane acts of forcible transfer) and six counts of war crimes (murder, torture and cruel treatment, wanton destruction, destruction or willful damage done to institutions dedicated to religion or education and plunder of public or private property). The prosecution lodged an appeal which was pending at the end of 2016. Following the April 2016 elections, Šešelj returned to the National Assembly.

In February 2016, the Serbian government adopted a war crimes strategy which sets out criteria for prioritizing cases and commitment to prosecute high ranking officials suspected of war crimes, while failing to specify how. The strategy was part of the European Union (EU) requirements that focused on rule of law, and part of EU’s enlargement process with Serbia. The War Crimes Prosecutor’s Office separately was drafting another strategy concerning war crimes prosecutions. The chief prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY), Serge Brammertz, expressed concern in June 2016 that Serbia had failed to appoint a new chief war crimes prosecutor after almost a year. In late 2016, Serbia had still yet to do so.¹⁸⁸

Kosovo

EU Rule of Law Mission (EULEX) has been involved in a total of 38 verdicts on war crimes since it was established in 2008. The Human Rights Review Panel, an independent body set up in 2009 to review allegations of human rights violations by EULEX, did not rule on any cases between January and September 2016. Forty-nine cases were pending before the panel in late 2016. The EULEX mandate was extended until June 2018. However, EULEX announced it would not launch new investigations into cases of crimes under international law. At the end of 2016, hundreds of pending

¹⁸⁷ Marija Ristic, “[Serbian Ministries Block Public Access to War Files](#),” *Balkan Insight* (8 April 2016).

¹⁸⁸ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 318; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 520–521.

cases were due to be transferred to the Kosovo authorities despite the European Commission declaring the Kosovo judiciary “slow” and “vulnerable to undue political influence.” The Kosovo Special Prosecution Office remained understaffed and struggled to recruit adequately trained and experienced prosecutors to investigate and prosecute crimes under international law and to launch new investigations.

The Human Rights Advisory Panel (HRAP), an independent body set up in 2006 to examine complaints of abuses committed by or attributable to the United Nations Interim Administration Mission in Kosovo (UNMIK), ceased its operations on 1 July 2016. In a critical July report, HRAP found that UNMIK had violated human rights; had not properly investigated serious allegations of wrongdoings, and had failed to comply with the panel’s recommendations. Abuses by UNMIK included lack of adequate criminal investigations in relation to disappearances, abductions, killings, and excessive use of force by UNMIK police during a crowd control operation in 2007, resulting in deaths and serious injuries of four protesters. The panel found violations in all nine cases that it addressed between January and July 2016.

The Kosovo Specialist Chambers, a relocated special court to prosecute former members of the Kosovo Liberation Army (KLA) for crimes committed during and after the war (1998–1999), was set up in The Hague. At the end of 2016, the first indictments by the Specialist Prosecutor had yet to be issued. The Council of the European Union allocated €29 million to support the setting up and functioning of the relocated judicial proceedings between April 2016 and June 2017. In January 2016, Oliver Ivanović, leader of a Kosovo Serb political party, was sentenced by a panel of international judges at the Basic Court of Mitrovicë/Mitrovica to nine years’ imprisonment for ordering the murder of ethnic Albanians in the town in April 1999. He remained under house arrest at the end of 2016 while his appeal against his conviction was pending before the Court of Appeals in Pristinë/Pristina. Over 1,600 people remained missing in the aftermath of the armed conflict (1998–1999). No further grave sites were identified in Serbia or Kosovo despite exhumations at potential mass graves. Co-operation agreements between the two parties remained unimplemented.¹⁸⁹

On 13 February 2017, Kosovo President Hashim Thaci launched consultations to establish a new Truth and Reconciliation Commission to deal with the human rights violations (including dozens of massacres) during the 1998–1999 war. Thaci, who was the political leader of the Kosovo Liberation Army during the war, said that the commission would support the judiciary in prosecuting war crimes. A similar commission, launched by former Yugoslav President Vojislav Kostunica in 2001, failed to

¹⁸⁹ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 319–320; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 525–527.

yield results [See also *NCH Annual Report 2003*].¹⁹⁰

See also Croatia, Slovenia.

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007. *See* Montenegro and Serbia / Kosovo.

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012, 2016.

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011, 2015–2016.

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011, 2013–2015.

On 2 August 2016, the 72nd anniversary of the Roma Holocaust ('Porrajmos' or 'Pharrajimos'), Rita Izsák-Ndiaye, the United Nations special rapporteur on minority issues, and Adama Dieng, the Special Adviser of the United Nations Secretary-General on the Prevention of Genocide, issued a statement calling on all states to recognize and ensure the right to remembrance for the Roma, to make 2 August an official day of remembrance for the victims of the Pharrajimos and to identify and preserve Roma graves and mass graves, including those that had not yet been marked, to enable survivors to remember and mourn in dignity.¹⁹¹

¹⁹⁰ Die Morina & Doruntina Baliu (BIRN), "[Kosovo's Thaci Announces Post-War Reconciliation Commission](#)," *Balkan Insight* (13 February 2017).

¹⁹¹ "[UN Experts Call on All Governments To Recognise the Right to Remembrance for the Roma People](#)" (press release, Geneva; 2 August 2016).

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2013, 2015–2016.

On 13 May 2016, the Platform of European Memory and Conscience expressed concerns about the official unveiling on 26 April 2016 (on the so-called Day of Uprising against Occupation) of a monument to former chief of the secret political police OZNA/UDBA and high Communist party official Ivan Maček-Matija in the area of Kočevski Rog (Southern Slovenia), where tens of thousands of unarmed people—mostly Slovenes, Croats and Serbs—were murdered in 1945 after World War II by Yugoslav Communists.¹⁹²

Long-standing human rights violations against the “erased”—former permanent residents of Slovenia originating from other former Yugoslav republics—persisted. No new options were offered to the remaining “erased” to restore their legal status and related rights since the expiry of the Legal Status Act in 2013. In November 2016, the European Court of Human Rights (ECHR) dismissed the complaint against Slovenia of some of the “erased” whose legal status had already been regulated. However, additional human rights issues of the “erased” remained pending before the ECHR at the end of 2016.¹⁹³

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012–2014.

See United States.

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012–2016.

In October 2016, the government submitted an instrument of withdrawal from the Rome Statute of the International Criminal Court (ICC) without consulting parliament. The withdrawal would take effect

¹⁹² Platform of European Memory and Conscience, [“The EU Must Stop Glorifying Communist Perpetrators!”](#) (13 May 2016).

¹⁹³ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 325.

after one year. The move followed non-cooperation procedures by the ICC against South Africa after the authorities failed to execute warrants of arrest for genocide, crimes against humanity and war crimes against Sudanese President Omar al-Bashir when he visited South Africa in June 2015 to attend the African Union (AU) summit. The move also followed the dismissal by the Supreme Court of Appeal on 15 March 2016 of an appeal against the 2015 North Gauteng High Court judgment that the failure to arrest al-Bashir violated the constitution. State authorities had allowed al-Bashir to leave South Africa in contravention of an interim order by North Gauteng High Court that he must remain.¹⁹⁴

On 15 March 2017, Helen Zille, former opposition leader of the Democratic Alliance (DA) political party, tweeted: “For those claiming legacy of colonialism was ONLY negative, think of our independent judiciary, transport infrastructure, piped water etc.” Many reacted angrily to the tweet. On 16 March 2017, she tweeted: “I never justified colonialism. I apologise if my tweet read that way.” DA leader Mmusi Maimane responded: “Let’s make this clear: Colonialism, like Apartheid, was a system of oppression and subjugation. It can never be justified.” He said that apologies were not enough and that Zille had to face a disciplinary hearing. On 2 April 2017, the DA announced that Zille stood accused of bringing the party into disrepute and of undermining DA’s reconciliation project. On 3 June 2017, Zille was suspended pending the outcome of the hearing.¹⁹⁵

See also Ghana, Indonesia, Sudan.

SOUTH SUDAN

Previous *Annual Report* entries: 2013, 2015–2016.

Despite a deficient legal framework, the scattered and often damaged archives of South Sudan, spanning the period from 1903 until the present, were slowly collected by archivists, curators and folklorists in shipping containers, storage tents and rented houses in the capital Juba—although funding for cultural projects such as archive construction and artifact collection was regularly suspended. A process of emergency conservation, organization and digitization of the documents was initiated.

¹⁹⁴ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 330.

¹⁹⁵ “[SA Politician To Be Investigated over Colonialism Tweets](#),” *BBC News* (AFP; 16 March 2017); “[Zuid-Afrikaanse politicus berispt nadat ze kolonisatie ophemelt](#),” *Algemeen Dagblad* (17 March 2017); “[Helen Zille Faces Disciplinary Action after Colonialism Tweets](#),” *BBC News* (2 April 2017); “[South Africa Opposition Party Suspends Helen Zille over Colonialism Tweets](#),” *BBC News* (3 June 2017).

Records in South Sudan had suffered serious damage during the 1955–1972 and 1983–2005 civil wars in Sudan. The half-century struggle for autonomy by the African-Christian south against the Arab-Muslim north left two million southerners dead and millions exiled. South Sudan became independent on 9 July 2011. Many archives still remained abroad. Filing cabinets in Durham, United Kingdom, held thousands of pages of colonial-era records. Much else was located in Khartoum, Sudan, despite a 2012 agreement that stipulated the return of cultural and archival materials to South Sudan. When civil war erupted again in 2013, artifacts collected for a national museum were either sent to the Nile River Museum in Egypt for safekeeping or piled into a shipping container behind the Ministry of Culture, Youth and Sports.¹⁹⁶

Although the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) between government and opposition forces provided for the establishment of a Hybrid Court for South Sudan by the African Union Commission, little progress was made towards its establishment. Such a court would represent the most viable option for ensuring accountability for crimes such as war crimes and crimes against humanity committed during the armed conflict (2013–2015), and for deterring further abuses. There was also little progress toward the establishment of a Commission on Truth Reconciliation and Healing or a Compensation and Reparations Authority. These two bodies were also provided for in the ARCSS.¹⁹⁷

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2016.

The authorities continued to refuse to cooperate with the Argentine judiciary to investigate crimes under international law committed during the Spanish Civil War (1936–1939) and by the Franco regime (1939–1975). They obstructed Argentine prosecuting authorities in the class action known as “querrela argentina” (Argentinian lawsuit) from taking statements from some of the victims and the nineteen defendants. By means of a circular dated 30 September 2016, the Spanish Prosecutor’s Office instructed territorial prosecutor offices to refuse to conduct any of the judicial inquiries requested by the Argentine prosecuting authorities, arguing that it would not be possible to investigate the crimes reported, such as enforced disappearances and torture, under the 1977 Amnesty Act

¹⁹⁶ Nina Stochlic, “[Can Archivists Save the World’s Newest Nation?](#)” *National Geographic* (3 November 2016); Rift Valley Institute, “[National Archive of South Sudan](#)” (2008–).

¹⁹⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 21, 335.

(among others) and because of the statute of limitations.¹⁹⁸

On 26 May 2016, the municipality of Tortosa unanimously withdrew General Francisco Franco's perpetual title of honorary mayor which was given to him in 1964. There was also a controversy about the possible removal of a Francoist monument in the river Ebro. In March 2016, the Catalanian parliament had condemned "all forms of fascism, including the Franquist dictatorship," asking Tortosa to remove the monument.¹⁹⁹

In October 2016, protesters in Barcelona defiled and destroyed a statue of General Francisco Franco. The statue, representing a headless Franco on a horse, was part of the exhibition "Franco, Victòria i República" (Franco, Victory and Republic). The statue was eventually removed.²⁰⁰

In January 2017, after having received a complaint of the Guardia Civil (military police) in April 2016, the High Court (Audiencia Nacional) charged history student Casandra Vera ([1996]–), from Murcia, with "humiliating victims of terrorism" because she had tweeted thirteen satirical remarks about Admiral and former Prime Minister Luis Carrero Blanco (1904–1973) between late 2013 and early 2016. On 20 December 1973, Carrero Blanco had been assassinated in Madrid by four members of Basque pro-independence group ETA with a car bomb that had catapulted him twenty meters in the air ("Operation Ogre"). If convicted, Vera could be imprisoned for thirty months followed by a three-year parole term and a term of "total disqualification" for another eight years, which would block her teacher aspirations. On demand of the public prosecutor, Vera deleted the tweets. In a letter to the newspaper *El País*, Carrero Blanco's granddaughter called the potential sentence disproportional. The affair enchainned a wave of jokes about Carrero Blanco on Twitter. During her trial, Vera declared that she had mocked a historical figure and would never do this with other victims of terrorism. In April 2017, she was sentenced to one year's imprisonment.

In 2015, Beñat Lasa Fernández had been sentenced to 18 months' imprisonment for glorifying terrorism and humiliating its victims because he had tweeted his support for ETA and mocked Carrero Blanco. The sentence was later reduced after Lasa Fernández pleaded guilty.²⁰¹

In April 2017, the government admitted to member of parliament Alberto Garzón of the political party

¹⁹⁸ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 338.

¹⁹⁹ Marc Rovira, "[Tortosa Retira la Alcaldía Perpetua a Franco](#)," *El País* (26 May 2016).

²⁰⁰ "[Beeld van Franco drie dagen belaagd, Barcelona is er klaar mee](#)," *NOS* (21 October 2016).

²⁰¹ Maartje Bakker, "[Spaanse aangeklaagd voor satirische tweets over ETA-aanslag](#)," *Volkscrant* (19 January 2017); "[Relative of Franco-era Leader Slams Suggested Prison Term for Student who Tweeted Jokes about Murder](#)," *El País* (19 January 2017); Gloria Rodríguez-Pina, "[Una estudiante se enfrenta a dos años y medio de cárcel por hacer chistes en Twitter sobre Carrero Blanco](#)," *El País* (11 January 2017); Silvia Nortes, "No Laughing Matter," *Index on Censorship* (2017, no. 2), 86.

Izquierda Unida (United Left) that it had withdrawn some archives (from the franquist presidency and government until June 1973) from public consultation and relocated them under a classified status in the private Francisco Franco National Foundation. This operation was possibly carried out in 2007, after the adoption of the Ley de Memoria Histórica.²⁰²

On 7 May 2017, British historian and prolific author Hugh Thomas (1931–2017) died. His book *The Spanish Civil War* (1961) was banned during the Franco era. In 1962, it won the Somerset Maugham Prize. It remained in print, with several revisions. After graduation in the early 1950s, Thomas had worked at the British Foreign Office and had been secretary to the British delegation at major disarmament talks. In 1979, Thomas became chairman of the Centre for Policy Studies, a right-wing policy institute whose supporters included Margaret Thatcher before and after she was elected prime minister (1979–1990). In 1982, according to newspaper reports, Thomas acted as Thatcher’s adviser during the Falklands war against Argentina.²⁰³

In May 2017, Spanish comedian Dani Mateo was summoned to testify before a judge after in May 2016 he had referred to the Valle de los Caídos (Valley of the Fallen), a monument built by Franco’s regime, as “shit” during a satirical television show. The Asociación para la defensa del Valle de los Caídos (Association for the Defense of the Valley of the Fallen) accused him of insulting religious feelings.²⁰⁴

In May 2017, the Catholic Church and Ministry of Health agreed to open up their archives to parents who believed their children may have been stolen at birth. The practice of an estimated 300,000 niños robados (stolen children) began in the late 1930s and aimed at removing babies from families deemed “undesirable.” By the 1950s organized criminal gangs had reportedly become involved selling infants for adoption to make profits. Nuns, priests, nurses and doctors were implicated in the mass theft and trafficking of infants. Several organizations in Spain dedicated to reuniting stolen babies with their birth parents were formed in recent years.²⁰⁵

See also El Salvador.

²⁰² “[Archivos reabren debate sobre el franquismo](#),” *El Telégrafo* (11 April 2017).

²⁰³ Alan Cowellmay, “[Hugh Thomas, Prodigious Author of Spanish History, Dies at 85](#),” *New York Times* (10 May 2017).

²⁰⁴ Silvia Nortes, “No Laughing Matter,” *Index on Censorship* (2017, no. 2), 85.

²⁰⁵ “[Spanish Authorities Agree to Open ‘Stolen’ Baby Archives](#),” *BBC News* (24 May 2017).

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2016.

In October 2015, the UN Human Rights Council adopted a consensus resolution in which Sri Lanka pledged to undertake many human rights reforms, including resolving the many transitional justice demands arising out of the civil war (1983–2009). Under the resolution, Sri Lanka promised to establish four transitional justice mechanisms, including a special court “integrating international judges, prosecutors, lawyers and investigators” with an independent investigative and prosecuting body. The resolution also called for an office on missing and disappeared persons, a truth-telling mechanism, and a mechanism designed to guarantee non-recurrence and reparations. A government task force designed to hold public consultations nationally on the four transitional justice mechanisms was slow to get off the ground. Shortly after, the government announced a framework to create an office to discover the fate of those missing and forcibly disappeared, leading to an outcry over inadequate public consultations. This lack of trust marred the ongoing public consultations on the other three mechanisms. Senior members of government continued issuing contradictory statements on the need to have international participation in the four transitional justice mechanisms, with the president and prime minister both claiming these would be wholly domestic processes, contrary to the Human Rights Council resolution.²⁰⁶

In May 2016, Sri Lanka ratified the International Convention against Enforced Disappearance, but by the end of 2016 had not passed legislation criminalizing enforced disappearance in domestic law. The Presidential Commission to Investigate into Complaints Regarding Missing Persons concluded in July 2016, having received over 19,000 civilian complaints. However, little progress was made in clarifying the fate of the missing or bringing perpetrators of enforced disappearance to justice. In August 2016, parliament bypassed public consultation when it adopted an Act establishing the Office on Missing Persons to assist families to trace missing relatives and take on the case load left by the Commission.²⁰⁷

On 20 May 2017, President Maithripala Sirisena announced new investigations into alleged secret detention centers as part of a drive to find tens of thousands of people still missing after the decades-long war (1983–2009). In 2016, the International Red Cross had urged the government to disclose the fate of the more than 16,000 people still officially missing. On 12 June 2017, Sirisena met with

²⁰⁶ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 554–556.

²⁰⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 340.

families of disappeared persons in Jaffna and promised that he would issue directives to the National Security Council to release lists of persons who surrendered to the Armed forces in final phase of the war (2009), detainees, and political prisoners. Families of the disappeared in the north had been holding a demonstration for more than hundred days seeking to find the whereabouts of their disappeared family members.²⁰⁸

See also Malaysia.

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2016.

The authorities continued to refuse to execute five arrest warrants issued by the International Criminal Court (ICC) for Sudanese nationals, including two warrants for President Omar al-Bashir on charges of genocide, crimes against humanity and war crimes allegedly committed in Darfur since 2003. The African Union continued to call on states to disregard their international obligations to arrest Al-Bashir. In May 2016, Uganda failed to arrest visiting Al-Bashir and hand him over to the ICC, failing hundreds of thousands of people killed or displaced in the Darfur conflict. Elsewhere, South Africa's Supreme Court rebuked the government for its failure to abide by its domestic and international obligations when it failed to arrest Al-Bashir during a visit to the country in 2015. This affirmed the international norm of rejection of immunity of perpetrators for international crimes, irrespective of official capacity.²⁰⁹

See also South Africa, South Sudan, United States.

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012–2013, 2015–2016.

²⁰⁸ AFP, "[Sri Lanka Offers Fresh Probes into Civil War's Missing Thousands](#)," *New Indian Express* (20 May 2017); "[Sri Lanka President Meets Families of Disappeared in the North, Promises Immediate Measures](#)," *ColomboPage* (13 June 2017).

²⁰⁹ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 21, 22, 343.

SWAZILAND

Previous *Annual Report* entries: 2011, 2013, 2016.

Swaziland's dual legal system where both common law and Swazi customary law operate side by side, resulted in conflicts leading to numerous violations of women's rights, despite constitutionally guaranteed equality. In practice, women, especially those living in rural areas under traditional leaders and governed by highly patriarchal Swazi law and custom, were often subjected to discrimination and harmful practices. Violence against women was endemic. Civil society activists criticized the widely held view among traditional authorities that human rights and equal rights for women were foreign values that should be subordinated to Swazi culture and tradition.²¹⁰

SWEDEN

Previous *Annual Report* entries: 1998.

On 24 April 2016, the 101th anniversary of the 1915 Armenian genocide, the Turkish embassy in Stockholm wrote an email to TV4 television station, asking not to broadcast a documentary about the Armenian genocide. Program director Viveka Hansson declined the request.²¹¹

See also Rwanda.

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009, 2014, 2016.

On 13 June 2017, an appeals court found Donatello Poggi, a local politician in the canton of Ticino, guilty of racial discrimination because of two articles on the *Corriere del Ticino* and *TicinoLibero* websites in 2012. Poggi had written that the 1995 genocide of Bosniaks from Srebrenica were “propaganda lies” and that Serbs, not Bosniaks, were the greatest victims of the Bosnian war (1992–1995). He was fined and given a two-year suspended prison sentence. In so doing, the court confirmed

²¹⁰ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 569.

²¹¹ [“Turkse druk om Zweedse docu over Armeense genocide te weren,”](#) *Volkskrant* (25 April 2016).

an earlier conviction of May 2016.²¹²

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2016.

On 7 July 2016, Islamic State (IS) released a 57-second video showing its destruction of the Palmyrene funerary portraiture as well as desecration of the mummies of the Palmyra Museum after it overtook the city in May 2015. IS considered worshipping or mourning at grave sites to be equal to idolatry; it often destroyed burial sites throughout areas under their control²¹³

Government forces held thousands of detainees without trial, often in conditions that amounted to enforced disappearance, adding to the tens of thousands whose fate and whereabouts remained undisclosed following their enforced disappearance by government forces since 2011. They included peaceful critics and opponents of the government as well as family members detained in place of relatives whom the authorities sought. Thousands of people, mostly Islamists, also remained disappeared since they were detained by Syrian government forces in the late 1970s and early 1980s. In December 2016, the United Nations (UN) General Assembly established an independent international mechanism to ensure accountability for war crimes and crimes against humanity committed in Syria since March 2011.²¹⁴

See also Germany, Iraq, Israel, Lebanon, United States.

²¹² Danijel Kovacevic (BIRN), "[Swiss Politician Convicted of Srebrenica Genocide Denial](#)," *Balkan Insight* (20 June 2017).

²¹³ "[ISIS Releases Video Showing Its Destruction of the Palmyra Museum's Artifacts](#)," *Association for Research into Crimes against Art (ARCA)* (7 July 2016).

²¹⁴ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 55, 353.

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012, 2016.

On 21 May 2016, the new Education Minister, Pan Wen-chung announced that he would scrap by executive order the controversial adjustment of guidelines for high school history textbooks [See also *NCH Annual Report 2016*]. The ministry had voted at a screening meeting in January 2014 that it would make several adjustments to history textbooks, such as changing “the period of Japan’s occupation” to “the period of Japan’s colonial occupation,” or adding anti-Communist policy to the background in sections on the “White Terror” period (1947–1987). The adjustments sparked student protests, and civic groups blasted the revisions as China-centric.²¹⁵

As of 1 August 2016, the Academia Historica—Taiwan’s highest-level national archive administered directly by the Presidential Office—restricted access to its files for scholars from mainland China, (including Hong Kong and Macau). The archive said that the step was in accordance with the Freedom of Government Information Law and equivalent to mainland China’s restriction of archive access to Taiwanese scholars. The opposition Kuomintang (KMT) condemned the move. The confidential files (including documents related to the Northern Expedition—a KMT campaign led by Chiang Kai-Shek against local warlords in China [1926–1928]; the Second Sino-Japanese War (1937–1945); Taiwan-China unification plans and government suppression of civil strife) were reviewed between August and December 2016, however, and posted online between January and April 2017. The files represented 98.8 percent of all existing documents related to Chiang²¹⁶

In March 2017, it was announced that a committee would be established to investigate cases from 5 October 1945, when the Chinese Nationalist Party (Kuomintang; KMT) arrived in Taiwan, to 16 November 1992, when the then-KMT government ended martial law. One of its seven members would be nominated by Academia Historica. It was yet unclear whether the committee would also address the issue of political archives and the restoration of justice for those who were convicted by a flawed judicial process during the era of martial law (1949–1987) [See also *NCH Annual Report 2016*].²¹⁷

See also Japan.

²¹⁵ Chen Chih-chung, Yu Hsiao-han & Lilian Wu, “[New Education Head to Scrap Adjustment of Textbook Guidelines](#),” *Focus Taiwan* (21 May 2016).

²¹⁶ “[Top Archive To Bar Mainland China Scholars](#),” *The China Post* (30 July 2016); Lee Hsin-fang, “[Tsai Recommits to Transitional Justice](#),” *Tapei Times* (25 June 2017).

²¹⁷ Lo Tien-ping, “[Committee to Ease Transitional Justice Expected](#),” *Taipei Times* (19 March 2017).

TAJIKISTAN

Previous *Annual Report* entries: —.

The government took steps to extend its control over the legal profession, significantly curtailing its independence. In November 2015, authorities approved a new law requiring all lawyers to renew their licenses with the justice ministry, instead of the independent bar association or licensing body, and to retake the bar examination every five years. Lawyers declared that the exam included questions on a broad range of subjects unrelated to law, such as history, culture, and politics, and that they were concerned it was being used to exclude those who took on politically sensitive cases.²¹⁸

TANZANIA

Previous *Annual Report* entries: 2010, 2016.

On 8 February 2017, the government announced that it considered legal action against Germany to pay reparations for atrocities committed from 1890 to 1919, when the country, then named Tanganyika, was a German colony. Tens of thousands of people were allegedly starved, tortured and killed by German forces while trying to put down rebellious tribes (including forced starvations following the tribal revolt known as Maji Maji in 1905–1907), defense minister Hussein Mwinyi told lawmakers.²¹⁹

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2016.

In October 2013, Patiwat Saraiyaem ([1990–]), a student at Khon Kaen University's Fine and Applied Arts Faculty and Secretary General of the Student Federation of the North East, and Pornthip Munkong [Mankong] (f) ([1987–]), a graduate of the Faculty of Political Science at Ramkhamhaeng University and political activist, performed the play *Jao Sao Ma Pa (The Wolf's Bride)* to commemorate the fortieth anniversary of the October 1973 pro-democracy student protest at Thammasat University [See also *NCH Annual Report 2015*]. The play, which was organized by a

²¹⁸ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 582.

²¹⁹ Sylvester Domasa, "[Tanzania Seeks German Reparations Over Colonial Acts](#)," *AP* (8 February 2017).

now-defunct theater group, dramatized the story of a fictional king and his advisor in a fantasy kingdom. While the show was performed only once at Thammasat University, it was recorded and shared on social media. In mid-August 2014, Saraiyaem and Munkong were arrested, imprisoned and in October 2014 charged with *lèse majesté*. Denied bail, they pleaded guilty on 29 December 2014 in order to reduce their sentence. On 23 February 2015, they were each sentenced to two and a half years' imprisonment. In August 2016, they were released: Saraiyaem on 12 August in a royal pardon to mark the Queen's 84th birthday, Munkong on 27 August. Popularly known as the "14 October Event," the 14 October 1973 uprising was led by student activists. While it was initially crushed by the army, it ultimately resulted in the end of 26-year military dictatorship.²²⁰

On 11 April 2016, the Administrative Court ruled against Thammasat University that self-imposed exile historian Somsak Jeamteerasakul [See also *NCH Annual Reports 2011, 2014–2015*] was not guilty of leaving the university after the 2014 coup and had to be reinstated. The university order had been finalized despite the fact that Somsak had requested leave of absence from 1 August 2014 to 31 July 2015 to pursue academic activities overseas. In March 2016, the Thai police announced that they were considering further *lèse majesté* charges against Somsak together with the Thai PBS channel (the only public television channel in Thailand), over a talk program called Tob Jod (The Answers). On 11, 14 and 18 March 2013, Tob Jod had broadcast a series of discussions on the *lèse majesté* law. Apart from Somsak, the program featured social critic Sulak Sivaraksa [See also *NCH Annual Reports 1995, 2008, 2015*] and others.²²¹

On 24 June 2016, seven student activists were arrested while holding an activity to mark the 24 June revolution (the Siam Revolution) in 1932 at Laksi intersection in Bangkok. As they had distributed copies of the New Democracy Movement's *Kao Kham* newspaper, police asked them stop their activity. When they refused and marched to Laksi monument, they were arrested and charged with "illegal assembly" in forming a public gathering of more than five people. The June 24 revolution was a bloodless coup led by a small group of Bangkok intellectuals that put an end to 700 years of absolute monarchy in Thailand and replaced it with the current system of a constitutional monarchy.²²²

On 5 October 2016, Joshua Wong ([1997–]), pro-democracy student activist from Hong Kong, one of the leaders of the 2014 Umbrella Movement there, and founder of the political party Demosisto,

²²⁰ Charlie Campbell, "[The Draconian Legal Weapon Being Used to Silence Thai Dissent](#)," *Time Magazine* (31 December 2014); PEN International Rapid Action Network, "Thailand: Student Activists Sentenced for Insulting the Monarchy in a Play" (24 February 2015); "[Thammasat University](#)" (27 October 2014).

²²¹ "[Exiled Academic Somsak Wins Lawsuit against Thammasat University](#)," *Prachatai English* (11 April 2016).

²²² Online Reporters, "[Arrests, Campaign Mark Revolution Day](#)," *Bangkok Post* (24 June 2016).

arrived at Bangkok airport. He was due to speak about “the politics of the new generation” to Thai students commemorating the fortieth anniversary commemoration of the 6 October 1976 Thammasat University massacre. Thai authorities prevented him from entering the country, reportedly at the request of the Chinese government, and held him for twelve hours. On 6 October, he was allowed to address students at Chulalongkorn University, Bangkok, via a Skype link. According to several students, Thai police banned umbrellas—the symbol of the Hong Kong pro-democracy movement—from the auditorium during the 6 October events. In May 2016, Wong had been denied entry to Malaysia where he was to take part in talks about democracy in China.²²³

On 12 April 2017, the Ministry of Digital Economy and Society told Thai internet users in a letter to stop following and sharing posts from the social media accounts of three overseas critics of the military-backed government, including Somsak Jeamteerasakul (see item above), Pavin Chachavalpongpun and Andrew MacGregor Marshall, lest they be accused of violating the 2007 Computer Crimes Act. Pavin was a lecturer based in Japan, Marshall a Reuter’s correspondent formerly based in Bangkok, whose book about the Thai monarchy was banned in Thailand in 2011. Aside from being critics of the Thai government, they were all accused of violating the *lèse majesté* law. Instead of reducing the online followers of the three critics, the unintended effect of the letter and the subsequent media hype it generated was increasing the popularity of the banned social media accounts.²²⁴

See also Myanmar.

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2013, 2015–2016.

A working group was established by Prime Minister Rui Maria de Araújo in May 2016 to advise the government on implementation of the recommendations of the Commission for Reception, Truth and Reconciliation (CAVR), issued in 2005. Many recommendations related to impunity had not been implemented by the end of 2016.²²⁵

²²³ Yojana Sharma & Mimi Leung, “[Deported Activist Talks to Student Massacre Memorial](#),” *University World News* (7 October 2016); “[Hong Kong Activist Joshua Wong Barred from Entering Thailand](#),” *BBC News* (5 October 2016); Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 360.

²²⁴ “[Thailand Tells Internet Users to Unfollow Junta Critics on Social Media—or Face Consequences](#),” *Advoc Global Voices* (19 April 2017).

²²⁵ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights*

See also Japan.

TOGO

Previous *Annual Report* entries: 2002, 2008–2013.

More than eleven years after the deaths of nearly 500 people during the violence surrounding the presidential election of 24 April 2005, the authorities had taken no steps to identify those responsible for the deaths. Of the 72 complaints filed by the victims' families with the Atakpamé, Amlamé and Lomé courts, none are known to have been fully investigated.²²⁶

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2016.

Although the security forces under former President Zine El Abidine Ben Ali's regime (1987–2011) used torture extensively, authorities failed to investigate or hold anyone accountable for the vast majority of torture cases. They also have held no one accountable for the politically motivated long-term imprisonment of thousands of persons after unfair trials during his tenure.

On 24 December 2013, the National Constituent Assembly (NCA) adopted the Law on Establishing and Organizing Transitional Justice. The law set out a comprehensive approach to addressing past human rights abuses. It provided criminal accountability via specialized chambers within the civil court system for human rights violations that occurred between July 1955 and December 2013. The law also established a Truth and Dignity Commission tasked with uncovering the truth about abuses committed between 1 July 1955, shortly before Tunisia's 1956 independence from France, and the law's adoption in December 2013. The NCA elected fifteen of the commission's members on 15 May 2014. In June 2016, the commission reported that it had received 62,065 complaints from people concerning a wide range of human rights violations, including arbitrary detentions, torture, unfair trials, sexual violence and religious and ethnic discrimination, and had begun processing them. On 17–18 November 2016, it held the first public hearings of victims of

(London: AI, 2017), 361.

²²⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 363.

human rights violations. The hearings were aired live on national television and radio stations.

The family and friends of ex-President Zine El ‘Abidine Ben Ali diverted public funds and lands for their benefit, instrumentalizing state institutions such as public banks, the judiciary, and the police to benefit themselves and to punish those who resisted their business initiatives, according to the 2012 report of the National Commission to Investigate Corruption and Embezzlement. In June 2016, however, parliament started debating the Law on Economic and Financial Reconciliation, which the government approved in 2015 with strong support from President Beji Caid Essebsi. Discussion of the proposed law had been suspended in 2015 following protests led by the popular movement Manich Msameh (“I will not forgive”). If adopted, the proposed law would offer officials and business executives accused of corruption and embezzlement under the Ben ‘Ali administration an amnesty and immunity from further prosecution if they returned the proceeds of their crimes. Its immunity provisions would also undermine investigations under the transitional justice process. The draft law had not been enacted at the end of 2016.²²⁷

During or after the January 2011 uprising, many state security and political police archives disappeared: they were either stolen or destroyed because they contained evidence of crimes. The rest was located in the Interior Ministry where they remained inaccessible. In November 2016, Khaled Krichi, the chairman of the arbitration and reconciliation committee of the Instance Vérité et Dignité (IVD), the Tunisian truth commission (see item above), accused the Interior Ministry of refusing to hand over its archives containing information about human rights violations, which caused the commission to slow down the handling of cases of victims.²²⁸

See also Egypt.

TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2016.

On 11 January 2016, the Initiative of Academics for Peace issued a petition “We will not be party to this crime” signed by 1128 scholars from 89 Turkish universities and by more than 300 scholars from abroad. It called on the government to end its military operations in southeastern Turkey, including in

²²⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 55, 364; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 596–597.

²²⁸ “[IVD : Le ministère de l’Intérieur refuse de nous communiquer les archives](#),” *Business News* (14 November 2016); Sadri Khiari, “[Qu’en est-il des archives de la police politique?](#)” *Nawaat* (6 February 2017).

civilian areas, and to stop violence against civilian Kurds. Shortly after the publication of the appeal, a criminal investigation was opened into the initial signatories, including the following historians: Ramazan Kurt (see *NCH Annual Report 2016*); Muzaffer Kaya: see item below; Turan Keskin: see item below; Candan Badem: see item below. Academics for Peace were at first accused of making propaganda for the PKK (Kurdistan Workers' Party) although many of the signatories were neither Kurdish nor pro-PKK. After the coup attempt of 15 July 2016, they were called "Gülenist coupists" (after Fethullah Gülen, a Muslim cleric living in the United States and accused by Turkish authorities of organizing the July 15 coup attempt)²²⁹

On 10 March 2016, the academics Muzaffer Kaya (historian), Esra Mungan (psychologist), Kıvanç Ersoy (mathematician) and Meral Camcı (linguist) organized a press conference at which they renewed their call for peace and condemned the harassment of academics who had signed the January 2016 petition. The Chief Prosecutor in Istanbul initiated a new investigation accusing them of "making propaganda for a terrorist organization" (Article 7.2 Anti-Terrorism Law). The first three were detained on 15 March and Camcı followed on 31 March. On 22 April 2016, they were released but not acquitted. The Minister of Justice decided that investigation on charges of "denigrating the Turkish nation" (Article 301 Penal Code) should proceed, but the trial was delayed and scheduled for 30 March 2017. Kaya had been dismissed by his university after signing the January 2016 petition.²³⁰

On 21 July 2016, 56 associations, including the American Historical Association, the American Society for Environmental History, the Economic History Association, the Organization of American Historians, the Society of Architectural Historians and the World History Association, expressed concern about the acceleration of purges in the educational sector and the assault on academic freedom and institutional autonomy after the failed coup attempt of 15 July 2016.²³¹

On 27 July 2016, twelve days after the failed coup attempt of 15 July 2016 unleashed a massive purge of academics, Turan Keskin ([1984–]), PhD student in history and economics, was suspended from the Yüzüncü Yıl University in Van with 20 other staff members, in his case probably because as one of the signatories of the petition of January 2016, he was openly critical of official policies. With reduced salary, he took a temporary job as a research assistant and student tutor in Van while

²²⁹ Candan Badem, "[The Quest to Quell Opposition Leads to 'Academocide'](#)," *University World News* (10 February 2017).

²³⁰ Amnesty International, "[Turkey: Academics Detained for Signing Peace Appeal](#) (UA 78/16; EUR 44/3792/2016; 7 April 2016); Amnesty International, "[Turkey: Academics Targeted for Peace Appeal Released](#)" (UA 78/16; EUR 44/3902/2016; 25 April 2016); Note du conseil du Corps scientifique de l'UCL à soumettre au Conseil Académique, "Le musèlement des universités turques: Pour un soutien académique à une communauté scientifique menacée" ([20 November] 2016); Amandine Thiry, personal communication (20 November 2016, 22 December 2016).

²³¹ "[Threats to Academic Freedom and Higher Education in Turkey](#)" (Statement; 21 July 2016).

continuing his research at Boğaziçi University [Bosphorus University] in Istanbul.²³²

On 1 August 2016, two weeks after the failed coup attempt of 15 July 2016, Candan Badem ([1970–]), an associate history professor at Munzur University in Tunceli, was suspended for three months because he had signed the January 2016 petition and on allegations of connections to the Islamist Gülenist movement, which according to President Erdogan had been behind the coup. On 3 August 2016, Badem was arrested on charges of “coup attempt.” His office and house were searched. A book by Fethullah Gülen found in his office was used as evidence to link him to the Gülenist movement. Although Badem was released the next day, he stayed under judicial control. His passport was canceled and a block was placed on his credit cards, bank accounts and car. On 1 September 2016, he was dismissed by decree. Badem, who had denounced one of Gülen’s books in a tweet in May 2014, declared that he had read Gülen’s book in order to criticize it.²³³

On 2 August 2016, Clyde Forsberg, an American historian of religions and American culture at the Department of Western Languages and Literatures at Karabük University, and a musician and playwright, was suspended after his university accused him of aiding and abetting the FETÖ/PDY armed terror organization (the Fethullah Terrorist Organization, an official label for the Gülen movement) because on 26 July he had posted a poem about the aftermath of the coup. On 14 August 2016, he was arrested on charges of “aiding and abetting terrorism and treason following the failed coup attempt,” detained for four days, interrogated several times, and, upon his release, dismissed from the university in a notice signed by the vice rector and labeled “top secret.” Forsberg accepted a position at the American University of Central Asia in Bishkek, Kyrgyzstan.²³⁴

In 2016, a statue of Atatürk was removed from the main square in Rize. It would be replaced by a monument to those killed in the 15 July 2016 coup attempt.²³⁵

In June 2017, Alpaslan Durmuş, chairman of the Turkish Board of Education, announced that evolution as a subject would not be taught anymore because it was “debatable, controversial and too complicated for students.” A chapter on evolution was being removed from ninth grade biology

²³² Marloes de Koning, “Ze zijn bang om met me gezien te worden,” *NRC Handelsblad* (28 July 2016), 14–15.

²³³ Cem Oyvatt, “[‘Witch-Hunt’ against Academics Continues Following Attempted Turkey Coup](#),” *Times Higher Education* (11 August 2016); Can Uğur, “[Marxist Historian Candan Badem Is Free](#),” *BirGün* (4 August 2016); Joe Parkinson & Emre Peker, “[In University Purge, Turkey’s Erdogan Hits Secularists and Boosts Conservatives](#),” *Wall Street Journal* (24 August 2016); Scholars at Risk, “[Candan Badem](#)” (November 2016); Tim Whewell, “[The Human Impact of Turkey’s Purges](#),” *BBC News* (25 November 2016); Candan Badem, “[The Quest to Quell Opposition Leads to ‘Academocide’](#),” *University World News* (10 February 2017).

²³⁴ Elizabeth Redden, “[A Foreign Academic Briefly Detained in Turkey Tells His Story](#),” *Inside HigherEd* (31 August 2016); Verle John, “[Release Professor Clyde Forsberg from Turkish Prison NOW](#)” (petition).

²³⁵ Kaya Genç, “Talking a Tightrope,” *Index on Censorship*, 46, no. 1 (spring 2017), 14.

course books, and the subject was postponed to the undergraduate period. Final changes to the curriculum were likely to be announced at the end of June 2017. The draft changes had been put forth for public consultation at the beginning of 2017. Reports in Turkish media, based on apparent leaks of school board meetings, also predicted a diminished role in the curriculum for the study of the nation's founder Atatürk, and an increase in the hours devoted to studying religion. Durmuş said that a greater emphasis would be placed on the contributions of Muslim and Turkish scientists; history classes would move away from a "Eurocentric" approach. Secular critics worried that the government was clung to neo-Ottoman ideals that saw Turkey as the vanguard of a greater Islamic nation.²³⁶

See also Germany, Sweden, United States.

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012, 2015–2016.

The whereabouts of prisoners who were subjected to enforced disappearance after an alleged assassination attempt on then President Saparmurat Niyazov in 2002 remained unknown.²³⁷

²³⁶ "[Turkish Schools to Stop Teaching Evolution, Official Says](#)," *Guardian* (23 June 2017); Toon Beemsterboer, "Darwin raakt in ongenade in Turkije," *NRC Handelsblad* (30 June 2017).

²³⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 372.

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2013, 2015–2016.

On 15 August 2016, the pre-trial hearing of former Lord's Resistance Army (LRA) commander Colonel Thomas Kwoyelo, charged with war crimes and crimes against humanity in northern Uganda, began in the International Crime Division of Uganda's High Court. The hearing was adjourned because Kwoyelo's lawyers were not notified in time. The prosecution also introduced new charges relating to sexual and gender-based violence. In September, a court in Gulu, northern Uganda, ruled that victims could participate in the proceedings in line with their right to participate before the International Criminal Court (ICC). Kwoyelo, who had been captured by the Ugandan army in 2008, remained in detention.

On 23 March 2016, the ICC Pre-Trial Chamber confirmed seventy charges against Dominic Ongwen, a former LRA commander who had been abducted as a child and forcibly recruited into the LRA. The charges included crimes against humanity and war crimes, sexual and gender-based crimes, and conscription and use of child soldiers in northern Uganda. The trial was due to begin in December 2016.²³⁸

See also Sudan.

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011, 2014–2016.

On 10 January 2017, a monument honoring some 900, mostly ethnic Polish, victims of a 1944 massacre by a Nazi unit composed mostly of Ukrainian volunteers was severely damaged by unknown vandals in Huta Peniatska, near Lviv. A stone cross was smashed to pieces and two slabs bearing the names of the victims were painted with a Ukrainian flag, Ukrainian nationalist symbols, and a Nazi SS emblem. The local police started an investigation. Poland's Foreign Ministry asked Ukraine to ensure that the perpetrators were punished.²³⁹

In late February or early March 2017, Eduard Dolinsky, director of the Ukrainian Jewish Committee,

²³⁸ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 375.

²³⁹ "[World War II Monument Damaged In Ukraine's Lviv Region](#)," *Radio Free Europe / Radio Liberty* (11 January 2017).

protested the attendance of historian Volodymyr Viatrovykh, director of the Ukrainian National Memory Institute since 2014, at an international symposium on the Holocaust in Paris. Dolinsky maintained that Viatrovykh had praised Roman Shukhevych, a former leader of the wartime the nationalist Ukrainian Insurgent Army (UPA) and Nazi collaborator whose troops killed thousands of ethnic Poles and Jews. Twenty-eight historians signed a petition objecting to Viatrovykh's inclusion in the symposium.²⁴⁰

See also Russia.

UNITED ARAB EMIRATES

Previous *Annual Report* entries: 2013, 2016.

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2016.

The Iraq Historic Allegations Team, a body set up to investigate possible war crimes by United Kingdom forces, continued work in 2016, despite unwarranted political criticism of its existence and the principle of legal scrutiny of military operations.²⁴¹

In 2016, declassified MI5 records revealed that social historian and political activist Edward Palmer [E. P.] Thompson (1924–1993) had been spied upon from 1943 (when he served in the army) to at least 1963. Among others, it intercepted a letter written by Thompson and addressed to a regional party official in Yorkshire in which he attacked the Communist Party of Great Britain (CPGB) leadership in 1956 [See also *NCH Annual Report 2015*].²⁴²

In October 2016, the Foreign Office (“Whitehall”) reportedly pulled dozens of files from the National Archive amid fears that they contain details of British military assistance when in June 1984 the Indian army assaulted Sikh militants at the Golden Temple in Amritsar where thousands of people

²⁴⁰ Cnaan Liphshiz, [“Ukrainian Historian Who Praised Nazi Collaborator Invited To Holocaust Conference,”](#) *Forward* (6 March 2017); [“Historians Sign Petition Objecting to the Inclusion of a Nationalist Who Praised a Nazi Collaborator,”](#) *History News Network* (8 March 2017).

²⁴¹ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 280.

²⁴² Ian Cobain, [“Historian EP Thompson Denounced Communist Party Chiefs, Files Show,”](#) *Guardian* (28 September 2016).

were killed and the temple destroyed. Papers released to the archive in the summer of 2016 were recalled abruptly days after the Sikh Federation wrote to Foreign Secretary Boris Johnson, saying that they had uncovered “delicate information” concerning “UK military assistance to India” (a note dated July 1984 referring to the possibility of an involvement by SAS [Special Air Service, a unit of the British Army]) after “an Indian request for military assistance in the setting up of a National Guard for internal security duties.” A 2014 Whitehall review of 23,000 documents from December 1983 to June 1984 by Sir Jeremy Heywood, the cabinet secretary, had said that British assistance to India at the time had been limited to a visit by a military adviser in February 1984. It also had found that a Ministry of Defence file on military assistance to India over the Golden Temple operation had been destroyed in November 2009. Files reportedly removed in October 2016 included papers about a meeting between Prime Ministers Indira Gandhi and Margaret Thatcher, British defense sales to India and Sikh demonstrations in the United Kingdom. The period of sectarian conflict in India saw the assassination of Prime Minister Indira Gandhi by two Sikh bodyguards on 31 October 1984.²⁴³

The University of Cambridge’s Museum of Archaeology and Anthropology refused a request done in November 2016 by the Australian Rodney Kelly on behalf of the Gweagal people in Sydney to return four spears taken by British explorer Captain James Cook in 1770. Kelly claimed to be a direct descendant of the Gweagal warrior Cooman, from whom the spears and also a shield (currently held by the British Museum) were allegedly taken. In 2016, both the Australian senate and state parliament of New South Wales had voted to support the repatriation of the artifacts from the two museums.²⁴⁴

Northern Ireland

In order to mark the centenary of the Easter Rising in April 1916, the International Mural Wall on Divis Street, Belfast, was temporarily repainted to tell its story from a Belfast perspective. However, an image of unionist leader Edward Carson (1854–1935) and the Ulster Volunteers, the first loyalist paramilitary group, was paintbombed, and a poster for the “People’s Parade”—organized for 24 April to mark the calendar date of the rising—covered Carson’s face. In addition, former republican prisoner and leading mural artist Danny Devenny was subjected to threats via social media.²⁴⁵

In April 2016, the British government lodged a subpoena with Boston College seeking access to taped interviews given by Anthony McIntyre (an interviewer in the Boston College Belfast Project with a PhD in history and a former Irish Republican Army [IRA]) volunteer who was imprisoned in the

²⁴³ Sean O’Neill, “[Files on Sikh Massacre Are Withdrawn ‘to Hide SAS Role’](#),” *The Times* (4 November 2016).

²⁴⁴ Harry Pearl, “[Cambridge University Refuses to Return Aboriginal Artifacts to Australia](#),” *Reuters* (17 June 2017).

²⁴⁵ Allison Morris, “[Row over International Wall Escalates with Threats to Artist](#),” *Irish News* (12 April 2016).

North) [See also *NCH Annual Reports 2012–2016*]. The subpoena was issued in sealed proceedings; Boston College was requested to treat them as confidential. Former Belfast Project director Ed Moloney and interviewer Wilson McArthur declared that the action by the Public Prosecution Service (PPS) and Police Service of Northern Ireland (PSNI) was a fishing expedition, which was prohibited by international law.

On 7 June 2016, at the High Court, lawyers for McIntyre said they wanted to see the full legal document, which listed the reasons why the PSNI and PPS wanted to seize some of the Boston tapes, after they were given a heavily redacted copy of it. The court allowed the PSNI to apply for a Public Interest Immunity Certificate in order to keep secret the reasons why they wanted access to some of the tapes.

In May 2017, the High Court ruled that McIntyre's legal team would be given access to the correspondence between the PPS and U. S. authorities when PPS sought access to McIntyre's interviews deposited at Boston College. The British authorities wanted access to McIntyre's recorded recollection of his own IRA activities and for that reason they had served a subpoena on Boston College seeking copies of his recorded interviews. To that end, PPS and PSNI issued an International Letter of Request (ILOR). McIntyre wanted to know if an American court dealing with the case received his affidavit denying involvement in alleged terrorist offenses under investigation.²⁴⁶

See also Burkina Faso, Egypt, Greece, Indonesia, Myanmar, Oman, Rwanda, South Sudan, Spain, United States.

UNITED STATES

Previous *Annual Report* entries: 1995–2016.

The volume *Iran 1952–1954*—published in 1989 as part of the series *Foreign Relations of the United States (FRUS)*, the official history of United States foreign policy published by the State Department since 1861—left out any reference to the coup that overthrew Prime Minister Muhammad (Mohammad) Musaddiq (Mosaddegh, Mosaddeq) in 1953. The coup had been backed by the Central Intelligence Agency (CIA). The chairman of the State Department Advisory Committee on Historical Diplomatic Documentation (a committee established to review records, advise, and make recommendations to the State Department's Historian's Office concerning the *FRUS*), Warren Cohen,

²⁴⁶ Gerry Moriarty, "[Boston College Subpoenaed for Anthony McIntyre Interviews](#)," *Irish Times* (25 April 2016); Will Leitch, "[Boston Tapes: Police May Seek Immunity over Interviews](#)," *BBC News* (6 June 2016); Alan Erwin, "[Ex-Provo in Boston Tapes Row Can Examine PPS Files](#)," *Belfast Telegraph* (25 May 2017).

historian at the University of Michigan, resigned in protest. At its April 1990 convention, the Organization of American Historians (OAH) adopted a resolution condemning excessive secrecy and gaps in *FRUS*. The OAH claimed that recent *FRUS* volumes showed “significant increases in deletions and omissions.” In 1991 Congress passed a law requiring the *FRUS* volumes to include covert operations as well as overt diplomacy in order to present a “thorough, accurate, and reliable documentary record” of American policy. In 1997, CIA officials admitted that various files concerning the operations in the 1950s had been destroyed in the early 1960s, among them nearly all files concerning the Iranian coup. In 2000, a 200-page internal CIA history of the coup (the so-called Wilber report) was leaked to the *New York Times*. In 2011, the CIA declassified part of an internal document confirming its coup activities. Meanwhile, the State Department Historian’s Office promised a make-up volume, which was ready in 2013. In 2016, however, the State Department decided not to release the volume, saying it was concerned about the fragility of United States relations with Iran. On 15 June 2017, the State Department finally released the long-awaited “retrospective” 970-page volume of declassified United States government documents on the 1953 coup in Iran, including details on Iranian, American and British planning and implementation of the covert operation, as well as information about American contacts with key figures such as Ayatollah Abol-Ghasem Kashani (the main cleric involved in national politics), and insights into American concerns about the influence of the communist Tudeh Party. Justifications given in the past not to publish the volume included protecting intelligence sources and methods, bowing to British government requests and avoiding stirring up Iranian hardline elements who might seek to undercut the nuclear deal Iran signed with the United States in 2015.²⁴⁷

In January 2016, the owner and employees of a company contracted by the city of New Orleans, Louisiana, to remove three Confederate monuments (of Confederate Generals Robert E. Lee and P.G.T. Beauregard and Confederate States of America President Jefferson Davis) standing on public land, received death threats. Less than a week later, the owner’s car was found aflame. In February 2016, the city removed a list of possible replacement contractors from its website after some reported receiving threatening phone calls or emails. Meanwhile, the Louisiana Landmarks Society and a chapter of the Sons of Confederate Veterans were two of four plaintiffs in a federal suit to block the city’s plan. On 26 January 2016, a federal judge dismissed their attempt. In addition, a bill introduced in the state legislature sought to block the removal.

²⁴⁷ “Snowed by the CIA,” *Harper’s Magazine* (September 1997), 17–21 (taken from the May 1997 *Organization of American Historians Newsletter*); National Security Archive, “CIA Stalling State Department Histories: Archive Posts One of Two Disputed Volumes on Web” (27 July 2001); Malcolm Byrne, “[It’s Time to Release the Real History of the 1953 Iran Coup](#),” *Politico* (12 October 2016); “[Iran 1953: State Department Finally Releases Updated Official History of Mosaddeq Coup](#),” *National Security Archive* (15 June 2017); Ervand Abrahamian, “[Now We Know What the State Department Was Hiding](#),” *History News Network* (9 July 2017).

In April 2017, workers dismantled an obelisk that was erected in 1891 to honor members of the Crescent City White League who in 1874 fought in the Reconstruction-era Battle of Liberty Place against the racially integrated New Orleans police and state militia.

On 11 May 2017, the statue of Jefferson Davis (erected in 1911) was removed around 3 a.m. under a heavy police presence. Mayor Mitch Landrieu said in a statement: “These monuments have stood not as historic or educational markers of our legacy of slavery and segregation, but in celebration of it. I believe we must remember all of our history, but we need not revere it. To literally put the Confederacy on a pedestal in some of our most prominent public places is not only an inaccurate reflection of our past, it is an affront to our present, and a bad prescription for our future.” On 20 May 2017, the statue of Robert Lee (erected in 1884) was also removed. Before police cleared the area on 18 May 2017, nearly 200 protesters gathered to voice support and opposition to the monument. The statues would be placed in a museum and properly contextualized there.

The debate over Confederate symbols took center stage after a white supremacist shot dead nine black worshippers at a church in South Carolina in June 2015. South Carolina removed the Confederate battle flag, which had flown at its State House for more than 50 years, and other Southern cities also considered taking down monuments.²⁴⁸

In February 2016, the University of California at Irvine (UCI) accepted a faculty committee’s recommendation to refuse gifts for endowed professorships in Indian religions from donors with specific ideas about how Hinduism should be studied. The committee had concluded that any association with the Dharma Civilization Foundation, which publicly stated its views about specific scholars whose work it found problematic and sought to promote scholarship by Hindus about Hindus, was “inconsistent with UCI’s core values as a public university that fosters diversity, inclusion, toleration and respect.”²⁴⁹

In April 2016, an online petition that received more than 23,000 signatures accused a 15-member multidisciplinary group of South Asian studies faculty (who proposed changes to middle schools social studies curriculum documents) of seeking “to erase India and Hinduism from California’s schools.” The Hindu American Foundation launched a #DontEraseIndia campaign. At issue were questions of whether it was historically accurate to use the word “Hinduism” to describe the religion of ancient India, whether certain references to “India” had to be replaced with “South Asia” or “Indian subcontinent,” and whether caste was not only a religious belief but also a social and cultural

²⁴⁸ Natalie Pompilio, “[Whitewashing History? Tug-of-war over Confederate Monuments Rages On,](#)” *Washington Post* (15 April 2016); Christopher Mele, “[Jefferson Davis Statue in New Orleans Is Removed,](#)” *New York Times* (11 May 2017); “[New Orleans Purges Final Confederate statue,](#)” *BBC News* (20 May 2017).

²⁴⁹ Elizabeth Redden, “[Scholars Who Study Hinduism and India Face Hostile Climate,](#)” *Inside HigherEd* (12 April 2016).

structure. Most of the group's proposed edits addressed the sixth- and seventh-grade world history and geography curriculum, which together spanned from ancient civilizations to the early modern era.

In May 2016, a group of academics (including Thomas Hansen, a professor of anthropology and South Asian studies at Stanford University, and Michael Witzel, Harvard University professor of Sanskrit) and a coalition of secular South Asian organizations (South Asian Histories for All) urged the California State Board of Education to change the term "India" to "South Asia" in its history and social studies textbooks for 11- to 13-year-olds (grades 6 and 7) as a more accurate descriptive term for the region, one that did not equate India as it existed before 1947 with the modern Indian nation-state. They also urged not to remove references to caste in Indian society and its link to Hinduism. Many other academics (like Nathan Glazer, professor emeritus of sociology at Harvard University) and a number of conservative Hindu-American organizations (like the Hindu American Foundation, HAF) accused the first group of "Hinduphobia" and signed a petition to stop the change accusing the first group of wanting to "erase" India itself by recommending the name change. They also asked not to teach the caste system as part of Hindu religion and culture, but rather as part of the region's history. Nearly half of the 2.5 million Hindus in the United States lived in California. Textbooks based on California's Instructional Quality Commission framework were often used in other states as well.²⁵⁰

Around 20 April 2016, Joseph Ventre, a history teacher at the Monmouth County high school, was asked to resign after at least one parent complained that he showed a video from television channel HBO's program "John Oliver's Last Week Tonight" that lampooned Republican presidential front-runner Donald Trump. However, the superintendent of the Middletown Township School District said that Ventre withdrew his resignation on 22 April 2016 and that "there [was] no action regarding this employee before the board at this time."²⁵¹

In May 2016, the United States Court of Appeals for the District of Columbia (DC) Circuit ruled that the 2014 Senate Select Committee on Intelligence (SSCI) report into the secret detention program operated by the Central Intelligence Agency (CIA) after the attacks of 11 September 2001 ("9/11") remained a "congressional record" and was not subject to disclosure under the Freedom of Information Act. A petition seeking United States Supreme Court review of the ruling was filed in November 2016. Separately, in late December 2016, a DC District Court judge ordered the administration to preserve the SSCI report, and to deposit an electronic or paper copy of it with the

²⁵⁰ Elizabeth Redden, "[Scholars Who Study Hinduism and India Face Hostile Climate](#)," *Inside HigherEd* (12 April 2016); Jennifer Medinamay, "[Debate Erupts in California Over Curriculum on India's History](#)," *New York Times* (4 May 2016); Rohit Chopra, "[Viewpoint: Why Hindu Groups Are against California Textbook Change Pakistan respectively](#)," *BBC News* (27 May 2016).

²⁵¹ Rob Spahr, "[N.J. Teacher Reportedly Forced to Resign over Anti-Trump Video](#)," *NJ.Com* (22 April 2016).

Court for secure storage. At the end of 2016, it was not known whether the government would appeal the order.

In August 2016, the United Nations Human Rights Committee expressed concern that the United States had provided no further information on the SSCI report. The full 6,963-page report remained classified top secret and the SSCI had not released it by the end of 2016. The Committee also noted that the United States had provided no further information on reports that Guantánamo Bay detainees had been denied access to judicial remedy for torture and other human rights violations incurred while in American custody. No action was taken to end impunity for the systematic human rights violations, including torture and enforced disappearance, committed in the secret CIA detention program after 9/11.²⁵²

In early May 2016, Daniel Browning, a professor of religion and history at William Carey University, was dismissed despite his tenured status, reportedly because his views were too liberal and not in line with Baptism. William Carey University was a private Christian liberal arts college in Hattiesburg, Mississippi, affiliated with the Southern Baptist Convention and the Mississippi Baptist Convention. More than 500 people signed a petition in support of Browning.²⁵³

On 12 May 2016, students at Stanford University held a demonstration at the History Corner to protest the history department's decision to deny tenure to Aishwary Kumar, an assistant professor of non-Western intellectual history, saying that the history department undervalued traditions of thought from the global south. Paula Findlen, the head of the history department, stated that she respected students' desire to support Kumar.²⁵⁴

On 24 June 2016, an invitation to Shimon Dotan, award-winning filmmaker and member of New York University's graduate school of journalism, to screen and discuss his documentary *The Settlers* at an international conference entitled "The Place of Religion in Film" at Syracuse University (SU) in March 2017, was suddenly withdrawn. The documentary chronicled the history and present state of the religious settler movement in the West Bank, where more than 400,000 Israeli Jews lived on occupied land. The SU Religion Department wrote to Dotan that it was warned that "the BDS [Boycott, Divestment and Sanctions] faction on campus will make matters very unpleasant for you ... if you come." The film portrayed the settlements in a negative light and was skeptical toward many

²⁵² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 29, 385–386.

²⁵³ Ellen Ciurczak, "[Hundreds Support Fired William Carey University Professor](#)," *The Clarion-Ledger* (6 May 2016).

²⁵⁴ Caleb Smith, "[Students Protest History Professor Aishwary Kumar's Tenure Denial](#)," *Stanford Daily* (13 May 2016).

settlers.²⁵⁵

When in September 2016 the CIA declassified documents about the United States-supported military coup in Chile in September 1973, it continued to withhold information on what it knew about planning for the coup and what intelligence it shared with then President Richard Nixon. The section on Chile of the Presidential Daily Brief dated 11 September 1973 (the day of the coup) was completely censored, as was an entire page on Chile provided to Nixon on 8 September 1973, even though thousands of once-sensitive intelligence records from the coup period have already been declassified since at least 1999.²⁵⁶

In mid-September 2016, the University of Berkeley, California, canceled a so-called DeCal history course, *Palestine: A Settler Colonial Analysis*, taught by undergraduate student of peace and conflict studies Paul Hadweh ([1994–]). According to the syllabus, the course would “explore the connection between Zionism and settler colonialism,” as well as “the possibilities of a decolonized Palestine.” The course was initially approved by Hatem Bazian, an Islamic scholar at Berkeley, by the Ethnic Studies department’s head and by Berkeley’s Academic Senate. After an article in the Jewish-American newspaper *The Algemeiner*, entitled “UC Berkeley Offers Class in Erasing Jews From Israel, Destroying Jewish State” on 8 September 2016 and after the Amcha Initiative (an organization to protect Jewish students) sent a letter to the chancellor signed by 43 organizations saying that Hadweh “intended to indoctrinate students to hate the Jewish state and take action to eliminate it,” the class was canceled. This, in turn, caused an uproar and after the course’s name was changed into “Palestine: A Settler Colonial Inquiry,” it was reinstated. Hadweh reportedly received death threats for trying to teach his class.²⁵⁷

On 10 November 2016, Frank Navarro (1951–), a history teacher at Mountain View High School, Bay Area, California, and expert in Holocaust history, was suspended and put on paid leave after a parent complained in an email over a lesson in which he examined parallels between the rise of President-elect Donald Trump and German Nazi dictator Adolf Hitler. Navarro was not allowed to see the email nor go over the lesson plan to determine what the parent found problematic. The suspension lasted five days (originally seven). In class, Navarro had told his students that Hitler’s persecution of Jewish people bore “remarkable parallels” to Trump’s campaign rhetoric about Muslims, Latino

²⁵⁵ Conor Friedersdorf, “[How Political Correctness Chills Speech on Campus](#),” *The Atlantic* (1 September 2016).

²⁵⁶ National Security Archive, “[CIA Cover-Up on Chile: Agency Tries to Hide Knowledge of 9/11/73 Coup Plotting](#)” (Press release; 9 September 2016); National Security Archive, “[Did Nixon Even Read the CIA’s Daily Briefs?](#)” (Press release; 14 September 2016).

²⁵⁷ Alexander Nazaryan, “[Why a Controversial Palestinian History Class at Berkeley Was Canceled, Then Reinstated](#),” *Newsweek* (5 October 2016).

immigrants and black Americans.²⁵⁸

On 10 November 2016, twenty students of the Armenian Students Association at California State University, Northridge, boycotted a lecture about Turkish leader Atatürk by George Gawrych, the Baylor University Charles Boal Ewing chair in military history. They turned their backs on Gawrych and repeatedly chanted “Turkey guilty of genocide” and “genocide denialist.” Many Armenians felt that Gawrych’s award-winning 2013 book *The Young Atatürk: From Ottoman Soldier to Statesman of Turkey* praised a leader who had denied the Armenian genocide. The lecture, organized by the Association of Turkish Americans of Southern California (ATASC), was stopped.²⁵⁹

On 21 November 2016, Turning Point USA (an organization that supported conservative youth activism) launched a “Professor Watchlist” to expose academics with a “radical agenda in lecture halls.” An archived version of the webpage described its mission as “to expose and document college professors who discriminate against conservative students, promote anti-American values, and advance leftist propaganda in the classroom.” Among the historians on the list of about two hundred academics were Frank Barajas, Juan Cole, Bruce Cumings, Gerald Horne, Carol Lasser, Norman Markowitz, Joan Neuberger, Gabriel Piterberg and Heather Cox Richardson. Others, such as Peter Dreier and Jennifer Adair, were on the list for being inspired by the work of “radical” historian Howard Zinn or for putting it on a reading list. The list was condemned for its many errors and for its chilling and intimidating effect on free expression. Since the website launch, professors have posted on social media to stand in solidarity with those on the list and to report their own politically motivated work to the site. In a much shared Facebook post, Richardson complained about her being mentioned on the list and her name was removed on 23 November 2016. In an open letter of solidarity of 8 December 2016, more than a hundred faculty members at the University of Notre Dame, including four historians and four art historians, wrote that they wanted their names added to Professor Watchlist, saying that those listed were “the sort of company we wish to keep.”

On 5 January 2017, the Council of the American Historical Association (AHA) approved the following statement: “The AHA upholds the rights of students, faculty, and other historians to speak freely and to engage in nonviolent political action expressing diverse perspectives on historical or contemporary issues. We condemn all efforts to intimidate those expressing their views. Specifically, we condemn in the strongest terms the creation, maintenance, and dissemination of blacklists and watchlists—through media (social and otherwise)—which identify specific individuals in ways that could lead to harassment and intimidation.”

²⁵⁸ David Ferguson, “[History Teacher Suspended for Lesson Showing ‘Remarkable Parallels’ between Rise of Trump and Hitler](#),” *Raw Story* (12 November 2016).

²⁵⁹ Robert Spallone, “[Armenian Students Protest Atatürk Scholar to Leave Campus](#),” *The Sundial* (10 November 2016).

The Professor Watchlist had antecedents. In 1950, three former FBI agents created a list of alleged Communists called *Red Channels: The Report of Communist Influence in Radio and Television*. In 1990, Roger Kimball published a book entitled *Tenured Radicals: How Politics Has Corrupted Our Higher Education*, which reflected the “culture wars” of that era. The 2006 book *The Professors: The 101 Most Dangerous Academics in America* by conservative author David Horowitz [See also *NCH Annual Report 2001*], was a similar project, “denouncing,” among others, Joel Beinin [See also *NCH Annual Report 2007*], Juan Cole, Norman Finkelstein [See also *NCH Annual Reports 2007–2009*], Eric Foner [See also *NCH Annual Report 2016*], Vinay Lal, Ali Mazrui [See also *NCH Annual Report 2004*] and Howard Zinn [See also *NCH Annual Report 2014*].²⁶⁰

On 15 September 2016, the Appeals Court for the Seventh Circuit rejected an attempt by the Justice Department to keep secret the Grand Jury testimony from the prosecution in 1942 of *The Chicago Tribune* for revealing that the United States had cracked Japanese codes. The case to release the records stored at the National Archives facility in College Park, Maryland, was initiated on 18 November 2014 by historian Elliot Carlson, the American Historical Association, the National Security Archive, the Naval Historical Foundation, the Naval Institute Press, the Organization of American Historians, the Society for Military History, and the Reporters Committee for Freedom of the Press. The Appeals Court rejected the government’s arguments that the district court lacked any authority to order that the transcripts be made public and that Carlson and the other petitioners lacked standing to seek access to the grand jury transcripts, holding that the fact that Carlson “is a member of the public is sufficient for him to assert his ‘general right to inspect and copy ... judicial records’” which included grand jury records.

The June 1942 report by *Chicago Tribune* correspondent Stanley Johnston about the Battle of Midway that month noted that the United States Navy knew that the Japanese would attack by sea—thus revealing the highly classified information that the United States had cracked the Japanese code. A grand jury investigation for publishing leaked classified information (and thus violating the Espionage Act) followed. The grand jury ultimately refused to issue an indictment.²⁶¹

²⁶⁰ Katherine Knott, “[Watch List of ‘Anti-American’ Professors Stirs Fears](#),” *University World News / Chronicle of Higher Education* (25 November 2016); [Professor Watchlist](#); [Professor Watchlist \(archived version\)](#); Heather Cox Richardson, “[I Will Not Shut Up. America Is Still Worth Fighting For.](#)” *BillMoyers.com* (29 November 2016); Max Larkin, “[A Campus ‘Watchlist’ Reminds Professors of Old Political Panics](#),” *Wbur* (6 December 2016); Peter Dreier, “[The Professor Watchlist Gets an F for Accuracy](#),” *The American Prospect* (9 December 2016); Valerie Strauss, “[A Twist on Controversial ‘Professor Watchlist’: Notre Dame Academics Want Their Names Added](#),” *Washington Post* (8 December 2016); Jennifer Freilach, “[Professor Watchlist Is Keeping an Eye on You!](#)” (1 January 2017); Frank Barajas, “[Professor, You’re Being Watched!](#)” *History News Network* (24 January 2017); [AHA Statement on Right to Nonviolent Political Action](#) (Denver, CO, 7 January 2017).

²⁶¹ James Warren, “[Trying to Keep 74-year-old Testimony Sealed](#)” (20 September 2016); “[Reporters Committee and Historians Win Bid to Unseal Grand Jury Transcripts from Historic 1942 Leak Investigation of The Chicago Tribune](#),” *Reporters Committee for Freedom of the Press* (Press Release, 15 December

On 31 October 2016, the Central Intelligence Agency (CIA) released volume 5 of the Top Secret *Official History of the Bay of Pigs Invasion* [see *NCH Annual Reports 2011–2014*.]²⁶²

From December 2016 and up to the inauguration of President Donald Trump on 20 January 2017, groups of archivists, researchers and librarians rescued sensitive data sets by archiving many websites with thousands of documents on sensitive topics (for example, climate). Within hours of the inauguration ceremony, official statements on such topics as man-made climate change vanished from governmental websites, including [whitehouse.gov](#) and that of the Environmental Protection Agency.²⁶³

In December 2016, an Afro-American teacher [unnamed] gave an assignment to her 12- to 14-year-old students at the Business and Economics Academy of Milwaukee (BEAM; a charter school in Wisconsin), to write an essay defending the actions of the Ku Klux Klan. Some of the parents protested, leading to the teacher's suspension on 19 December 2016 while an investigation was underway. The original letter explaining the assignment said: "When we return in January, students will watch the movie *To Kill a Mockingbird* and do a research paper on the history of the Ku Klux Klan. This paper will be a persuasive paper defending Klan members on trial. The research is being done leading into Black History Month 2017. The goal of this paper is not to teach the students the Klan was correct in their behavior, but rather to teach the students to write persuasively." Of the 748 students enrolled in the school, 97% were black.²⁶⁴

On 13 December 2016, 1200 scholars of United States history and related fields issued a collective statement on "Civil Rights and Liberties in Dangerous Times." They urged Americans to be vigilant against a mass violation of civil rights and liberties after Donald Trump's inauguration as president. Looking back on episodes during World War II and the Cold War, they also called to recognize and act upon the links between historical knowledge, informed citizenship, and the protection of civil and human rights.²⁶⁵

2016).

²⁶² International Council on Archives Human Rights Working Group, *News of May 2014*, 10; "[National Coalition for History Asks Federal Court to Review FOIA Decision](#)" (30 August 2012); National Security Archive, *Update* (14 April & 1 August & 15 August 2011, 17 April & 10 May & 7 December 2012 & 13 December 2013 & 21 May 2014).

²⁶³ Morgan Currie & Britt Paris, "[How the 'Guerrilla Archivists' Saved History—and Are Doing It again under Trump](#)," *The Conversation* (22 February 2017).

²⁶⁴ Amy X. Wang, "[A Black Teacher Asked Her Students to Defend the Ku Klux Klan—and Was Promptly Suspended](#)," *Quartz* (<http://qz.com/868275>; 20 December 2016); Casey Gerardo, "[Teacher Removed from Local Charter School Classroom after Assignment to Defend Ku Klux Klan](#)," *Today's TMJ4* (19 December 2016).

²⁶⁵ "[1200 Historians and Other Scholars Say They Are Alarmed by Threats to Civil Liberties](#)," *History News Network* (13 December 2016).

On 14 December 2016, Republican representative Kim Hendren proposed to add to the Arkansas code the following section: “Prohibited course materials. A public school district ... shall not include in its curriculum ... any book or other material authored by Howard Zinn from the years 1959 through 2010.” Historian Howard Zinn (1922–2010) was the author of the best-selling *A People’s History of the United States* (first edition 1980) [See also item above and *NCH Annual Report 2014*]. The bill would ban Zinn’s books from all public schools of Arkansas; it was introduced on 2 March 2017 and referred to the House Committee on Education. In reaction, the Zinn Education Project website started sending one of Zinn’s books and [A People’s History for the Classroom](#) to any Arkansas teacher who requested them. By 10 March 2017, 700 middle and high school teachers and school librarians had sent requests. In 2010, former Governor of Indiana Mitch Daniels had sought to ban Zinn’s works from Indiana’s classrooms, and the Tucson school district in Arizona banned *A People’s History* from all classrooms in 2012.²⁶⁶

In early January 2017, the United Nations Working Group of Experts on People of African Descent backed the Norwalk School District in Connecticut when it removed an “offensive” textbook on slavery from classrooms. The textbook, “The Connecticut Adventure” (2001; written by historian John Ifkovic) was being studied by pupils aged nine and ten until district officials removed it on the grounds that its depiction of slavery was inaccurate, simplistic and offensive. The book said slaves in Connecticut were often treated like family members, and were “taught to be Christian” and sometimes how to read and write. “Enslaved people in Connecticut, like those in the American South before the civil war, were trafficked against their will, had their fundamental right to life, liberty and property taken away from them, faced similar levels of exploitation, and were subjected to the most dehumanizing treatment imaginable,” the working group’s chair Ricardo Sunga (Philippines) said.²⁶⁷

On 17 January 2017, a bill against “divisive” courses or events at public colleges and universities in Arizona, proposed by proposed by Republican State Representatives Bob Thorpe and Mark Finchem, was not approved. Republican Representative Paul Boyer, chairman of the Arizona House’s Education Committee, said he would not hear the bill because it did not have sufficient committee support. The bill was prompted by a course on white studies at Arizona State University and would have prohibited state institutions from offering any class or activity that promoted “division, resentment or social justice toward a race, gender, religion, political affiliation, social class or other class of people,” or otherwise encouraged “solidarity or isolation” based on those categories. The state

²⁶⁶ Andrea Germanos, “[Arkansas Lawmaker Introduces Bill to Ban Howard Zinn From Classrooms](#),” *Common Dreams* (3 March 2017); Zinn Education Project, “[Hundreds of Arkansas Teachers Request Howard Zinn’s A People’s History](#),” *Common Dreams* (13 March 2017).

²⁶⁷ United Nations Working Group of Experts on People of African Descent, “[UN Human Rights Expert Panel Backs US Schools over Ban on ‘Offensive’ Slavery Textbook](#)” (press release, 5 January 2017); J. Blaauw, personal communication (18 January 2017).

attorney general could have directed Arizona to withhold up to 10 percent of designated funding from any college district or university accused of violating the law. Typical criticism of white studies alleged that it promoted division or aimed to make whites feel guilty—a claim rejected by scholars. Critics of the bill said that its aims were contradictory and that it represented an attack on academic freedom, since it proposed to police not only what professors teach, but how they teach. The proposed legislation built on an earlier state law banning ethnic studies in K-12 education and being challenged in court.

In December 2016, two Wisconsin Republican legislators threatened to withhold state funds from the University of Wisconsin at Madison in relation to a planned course on racism.²⁶⁸

On 27 January 2017, the White House issued an official statement in recognition of International Holocaust Remembrance Day, in which it referred generically to “innocent people” as victims of “Nazi terror,” while failing to mention that it was a genocide with the Jews as its primary victims as well as other groups such as the Roma. The statement was widely criticized for its de-Judaization and for depriving the Holocaust of its historic specificity.²⁶⁹

On 31 January 2017, the Society of American Archivists issued a statement in which it strongly opposed President Donald Trump’s Executive Order “Protecting the Nation from Foreign Terrorist Entry into the United States” (27 January 2017), that restricted entry into the United States by individuals from seven Muslim-majority countries (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen). The statement said that “this executive order may prevent international archival researchers, students, and staff from traveling to and from the United States; subject international archival researchers to intrusive screenings of their private information; intimidate marginalized communities from preserving and sharing their archival records; or disrupt the lives and work of archivists and archival students and faculty who are green card holders.”²⁷⁰

In February 2017, online bookshop Amazon removed books that denied the Holocaust from its online stores in countries where Holocaust denial is illegal (Germany, France, Italy). Such books remained available in the United States and the United Kingdom. The United States-based Anne Frank Center for Mutual Respect argued that by offering such books on sale, Amazon was an accomplice to

²⁶⁸ Colleen Flaherty, “[White Is the Word: Arizona Lawmakers’ Failed Ban on ‘Divisive’ College Courses Highlights New Criticism of White Studies](#),” *Inside HigherEd* (18 January 2017).

²⁶⁹ Benjamin Thorne & Michelle Kelso, “[Feasting on Fear with Arguments as Faulty as Hitler’s](#),” *University World News* (10 February 2017); Nicole Duran, “[Democrats Try to Shame GOP over White House Holocaust Statement](#),” *Washington Examiner* (7 February 2017); MEE Staff, “[White House Accused of Anti-Semitism by Holocaust Historian](#),” *Middle East Eye* (31 January 2017).

²⁷⁰ Society of American Archivists, “[Statement on Executive Order Restricting Entry into the United States by Individuals from Seven Muslim-Majority Countries](#)” (31 January 2017).

Holocaust denial and anti-Semitism. Yad Vashem appealed to Amazon to remove the books; a secondary solution, it added, would be to clearly mark the nature of the books.²⁷¹

On 11 February 2017, Yale University decided to rename Calhoun college into Hopper college. John C. Calhoun was a former vice president of the United States (1825–1832) and an advocate of slavery, Grace Murray Hopper a female computer scientist. The decision followed years of debate and was based, first, on the works of a Committee to Establish Principles on Renaming chaired by law and history professor John Witt, then, on the deliberation of three advisers charged with applying the principles to the case. It reversed a decision made in April 2016. The university said it would not remove symbols of Calhoun from its campus. The Witt report stated: “A university ought not erase the historical record. But a great university will rightly decide what to commemorate and what to honor, subject always to the obligation not to efface the history that informs the world in which we live.”²⁷²

On 22 February 2017, French historian Henry Rousso ([1954]–) was detained for more than ten hours by Customs and Border Protection officers at Houston airport, who told him that he violated immigration law by using a tourist visa to enter the country to attend an academic conference. Lawyers intervened to stop his deportation and Rousso could give his keynote address (“Writing on the Dark Side of the Recent Past”) as scheduled on 24 February 2017 at a conference organized by the Hagler Institute for Advanced Study at Texas A&M University, College Station²⁷³

On 1 March 2017, the Japanese foreign ministry presented an amicus curiae brief to the Supreme Court in a case revolving around a planned comfort women memorial in Glendale, California. In 2013, two Japanese-Americans and a nonprofit educational group had filed a lawsuit against the memorial, arguing that it infringed the constitutional power of the federal government to set foreign policy. After lower and higher courts dismissed the plaintiffs’ claims on freedom of expression grounds, the plaintiffs had lodged an appeal with the Supreme Court in January 2017.²⁷⁴

When in July 2017 dozens of the white supremacist Ku Klux Klan (KKK) group in Virginia took part in an authorized march to protest at the planned removal of a statue of General Robert E Lee (who

²⁷¹ [“Amazon Selling Books in US, UK Online Stores that Deny the Holocaust,”](#) *Jewish Telegraphic Agency* (13 February 2017); Tamara Zieve, [“Amazon Should Stop Selling Holocaust Denial Books,”](#) *Jerusalem Post* (24 February 2017).

²⁷² [“Yale Renames Calhoun College amid Controversy over Slavery,”](#) *BBC News* (12 February 2017); [“Yale To Change Calhoun College’s Name”](#) (Yale press release; 11 February 2017).

²⁷³ Erin McCann, [“French Historian Says He Was Threatened With Deportation at Houston Airport,”](#) *The New York Times* (26 February 2017).

²⁷⁴ [“Japan Gives Rare Opinion to U.S. Supreme Court over ‘Comfort Women’ Row,”](#) *Japan Today* (1 March 2017).

oversaw the pro-slavery Confederate forces in the United States civil war, 1860–1865; see also item above) from Charlottesville, they were met by hundreds of rival demonstrators. Police declared the counter-protests “unlawful” and used tear gas to disperse the crowds.

A rally in February 2016 had ended with the arrests of 13 people after a violent clash between members of the KKK and rival demonstrators resulted in a number of stabbings in Anaheim, California. In May [2017], a torch-lit rally against the removal of Confederate monuments in Virginia had been condemned by a local mayor. More than 100 people attended a counter-protest the following night.²⁷⁵

See also China, Croatia, Egypt, El Salvador, India, Indonesia, Iraq, Israel, Namibia, Panama, Peru, Rwanda, Turkey, United Kingdom.

URUGUAY

Previous *Annual Report* entries: 2001–2013, 2015–2016.

The Truth and Justice Working Group, established in May 2015 to investigate crimes against humanity committed between 1968 and 1985 (including the military dictatorship, 1973–1985), continued to collect testimonies, conduct exhumations, and locate the remains of missing persons. It also gained access to important documentation, including archives at the headquarters of Naval Fusiliers and was due to make its findings public in 2017.²⁷⁶

See also Argentina.

UZBEKISTAN

Previous *Annual Report* entries: 2005–2014, 2016.

See Kyrgyzstan.

²⁷⁵ “[KKK Rally in Virginia Leads to Rival Protests and Clashes](#),” *BBC News* (9 July 2017).

²⁷⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 390–391.

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011, 2015.

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012, 2014.

Venezuela's withdrawal from the jurisdiction of the Inter-American Court of Human Rights (in effect since 2013) continued to deny victims of human rights violations and their relatives access to justice, truth and reparation. According to a report presented to parliament by the Public Prosecutor's Office in January 2016, over 11,000 reports of crimes under international law and human rights violations were received in 2015, while only 77 trials were initiated during that year.²⁷⁷

See also Russia.

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2013, 2016.

In March 2016, bloggers Nguyen Huu Vinh and Nguyen Thi Minh Thuy were sentenced to prison terms (duration unknown but between seven months and five years) [see *NCH Annual Report 2016*].²⁷⁸

See also Norway.

²⁷⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 394.

²⁷⁸ Amnesty International, "[Demand Release of Blogger and Assistant](#)" (ASA 41/2801/2015; 4 November 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 399; PEN International, "PEN Joins 18 NGOs in Calling on President Obama to Press Vietnam to Release Imprisoned Activists" (26 April 2016).

WESTERN SAHARA

See Morocco / Western Sahara.

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010, 2013–2016.

See United States.

ZAMBIA

Previous *Annual Report* entries: 2009, 2015.

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2015.

INTRODUCTION

The twenty-second *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists and archaeologists around the globe, as reported by various human rights organizations and other sources. It mainly covers events and developments of 2015 and 2016.

Disclaimer. The fact that the NCH presents this news does *not* imply that it shares the views and beliefs of the historians and others mentioned in it.

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								2016	2015
2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
2004	2003	2002	2001	2000	1999	1998	1997	1996	1995

All *Annual Reports* (1995–2016) were compiled by [Antoon De Baets](#).

Please send any comments to antoondebaets@concernedhistorians.org

AFGHANISTAN

Previous *Annual Report* entries: 2000–2015.

In 2016, philosopher and imam Sayed Hassan Akhlaq (1976–), an adviser of the Afghanistan Academy of Sciences in 2010–2011, reported that in 2011 he was urged to adapt his “History of Islamic philosophy,” a course for professors and researchers he then taught at the academy. Some of his colleagues thought that the course insulted their religious beliefs. He became a visiting scholar at the Catholic University of America and George Washington University in the United States (2013–).¹

See also United Kingdom, United States.

ALBANIA

Previous *Annual Report* entries: 1996, 2012, 2015.

In March 2015, an Office of Missing Persons was established to locate the remains of Albanians forcibly disappeared under the communist government (1946–1991).²

On 8 December 2015, supporters of the opposition Democratic Party torched a bunker installed near the Interior Ministry during protests in front of the office of Prime Minister Edi Rama in Tirana. They then tried to smash it. The bunker, a tourist attraction, was designed as a reference to the thousands of bunkers that dotted the country under Communist leader Enver Hoxha (1946–1985); it was built a mile north of Rama’s office as the entrance to a labyrinth of tunnels dug out under Hoxha as an escape route for the state elite in times of war.³

See also Serbia/Kosovo.

¹ Sayed Hassan Akhlaq, “[Threats to Academic Freedom in Afghanistan Today, Personal Experience](#),” *Huffington Post* (22 February 2016).

² Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 64.

³ Benet Koleka, “[Albanian Protesters Vent Anger at PM’s Office, Torch Bunker](#),” *Reuters* (8 December 2015); Pieter van Os, “Monument dankzij bunkerstorm,” *NRC Handelsblad* (24 March 2016), 20.

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2015.

In February 2016, the Minister of Mujahedeen (independence war veterans), Tayeb Zitouni, declared that the discussions with the French Secretary of State in charge of Veterans' Affairs and Memory, Jean-Marc Todeschini, focused primarily on archives regarding the missing persons during the Liberation War (1954–1962) and nuclear tests conducted by the France in southern Algeria. [See also *NCH Annual Report 2015*.]⁴

Perpetrators of human rights crimes and abuses during the internal armed conflict (1992–2000) continued to enjoy impunity under the 2006 Law on Peace and National Reconciliation. This law criminalized comments deemed to denigrate the security forces or state institutions for their conduct during the armed conflict, during which state forces committed torture, enforced disappearances, unlawful killings, and other serious abuses. Associations representing the families of the disappeared continued to face official harassment and pressure to accept state offers of compensation provided under the same law, and to abandon their demands for details of the fate of those missing and for truth and justice.⁵

ANGOLA

Previous *Annual Report* entries: 2003, 2009.

On 27 May 2014, youth activists organized a demonstration calling for, among others, a commission of inquiry into the massacre of 27 May 1977 (a massacre used by then President Agostinho Neto and his followers, to eliminate thousands of Angolan citizens for alleged involvement in a coup attempt that was never proven). Police arrested twenty individuals as they arrived at the Largo de Independência (Independence Square) in the capital Luanda. One of them said they were beaten by police, driven to Catete and then released there some several hours later.⁶

⁴ Rédaction du HuffPost Algérie/Agence, "[Des historiens plaident pour l'ouverture des archives de la révolution du 1er novembre](#)" (19 July 2015); "[Zitouni: Algeria, France Should 'Seriously' Deal with Issues of Common Memory](#)," *Algeria Press Service* (27 January 2016).

⁵ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 55, 67; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 65.

⁶ Amnesty International, [Punishing Dissent: Suppression of Freedom of Association and Assembly in Angola](#) (AFR 12/004/2014; London: Amnesty International, 2014), 39.

On 28 March 2016, seventeen activists, known as the Luanda Book Club, were sentenced to between two and eight years' imprisonment and fined 50,000 kwanza (around 300 US dollar) for "preparatory acts of rebellion" and "criminal conspiracy." An earlier charge of "attempting against the president's life" was dropped on 21 March 2016 (President José Eduardo dos Santos has been in power since 1979).

Between May and June 2015, the study group had met on a weekly basis. On 20 June 2015, the day of their arrest, they had gathered at a book store in Luanda to read Domingos da Cruz's unpublished manuscript *Tools to Destroy a Dictatorship and Avoiding a New Dictatorship: Political Philosophy for the Liberation of Angola* (184 pages), an adaptation of United States academic Gene Sharp's book *From Dictatorship to Democracy: A Conceptual Framework for Liberation* (a blueprint for non-violent resistance to repressive regimes). The meeting to discuss the book was considered by the authorities to be a preliminary act to a coup. The trial started on 16 November 2015 and was originally held in secret. Domingos da Cruz and three other defendants initiated a hunger strike on 10 December 2015 in protest against the ongoing delays of the trial.

The activists included writer, journalist and university lecturer Domingos da Cruz ([1984]–), author of the manuscript (himself arrested on 21 June 2015) and professor at the Independent University of Angola; journalist and law student Sedrick de Carvalho, the book's designer; university lecturer Nuno Álvaro Dala, one of the lecturers of the seminars, rapper Luaty "Ikonoklasta" Beirão (Henrique Luaty da Silva Beirão), and Osvaldo Caholo (Osvaldo Sérgio Correia Caholo) ([1990]–), a lieutenant in the National Air Force (the only one of the group with military experience) and a lecturer of African history at the Technical University of Angola (UTANGA). Caholo was arrested on 24 June 2015. Among the books the police confiscated from his library were *Purga em Angola* (Purge in Angola), by Dália Meteus and Álvaro Meteus, a book on the 27 May 1977 massacre (see above). Another book was *História das Ideias Políticas* (History of Political Ideas), on the thoughts of "great philosophers and politicians about politics."

Both the prosecution and defense lawyers announced that they would appeal. Da Cruz was reportedly sentenced to eight-and-a-half years' imprisonment for "leading the criminal association." Beirão was sentenced to five-and-a-half years for "falsifying documents." The others received prison sentences ranging from two to four- and-a-half years.⁷

⁷ Rafael Marques de Morais, "[The Angolan Regime Is Afraid of Books](#)," *Maka Angola* (8 July 2015); Amnesty International, "[Urgent Action: Peaceful Activists still Detained without Charge](#)" (AFR 12/2295/2015; 21 August 2015); Office of the High Commissioner for Human Rights, "[Letter to the President](#)" (UA AGO 3/2015; 23 October 2015); International PEN, "Angola: Pernicious pursuit of the Luanda Book Club" (RAN 07/16; 31 March 2016).

ARGENTINA

Previous *Annual Report* entries: 1997–2015.

Twenty-two years after the 1994 bombing of the Argentine Israelite Mutual Association (AMIA) in Buenos Aires that killed 85 people and injured more than 300, no one has been convicted. From the outset, judicial corruption and political obstruction hindered criminal investigations and prosecutions. The investigation stalled when Iran, suspected by the Argentine judiciary of ordering the attack, refused to allow Argentine investigators to interview Iranian suspects in Argentina. In 2013, Argentina and Iran signed a memorandum of understanding (MOU) to allow an international commission of jurists to review evidence and question Iranian suspects—but only in Tehran. Because interviews conducted in Iran would likely not be admissible in an Argentine criminal court, a coalition of Argentine Jewish groups mounted a legal challenge against the MOU. It was never implemented. The perpetrators of the AMIA attack continued to go unpunished.

In January 2015, Alberto Nisman, the prosecutor in charge of investigating the bombing, was found dead in his home with a single gunshot wound to the head. His body was discovered only days after he filed a criminal complaint accusing then-President Cristina Fernández and her foreign affairs minister of conspiring with Iran to undermine the Argentine criminal investigation of Iranian suspects. A pistol matching the wound was found beside the body. In May 2015, a federal court dismissed Nisman’s complaint, and as of November, the courts had not determined if Nisman was murdered or committed suicide. In August 2015, a Buenos Aires court began the trial of several officials—including former President Carlos Meném, his head of intelligence, and a judge—for their alleged interference with the initial investigation into the bombing. [See also *NCH Annual Report 2015*.]⁸

Several cases of human rights violations committed during the “Dirty War” waged by the military dictatorship (1976–1983) against political opponents were reopened in 2003, after Congress annulled amnesty laws that had been passed in the 1980s. In 2005, the Supreme Court ruled the amnesty laws unconstitutional, and federal judges subsequently struck down pardons favoring former officials convicted of, or facing trial for, Dirty War human rights violations. As of June 2015, courts had decided 142 cases of crimes against humanity committed by the dictatorship, resulting in 592 convictions. The Center for Legal and Social Studies reported that, as of November 2015, 56 suspects had been acquitted and 2740 charged. Given the large number of victims, suspects, and cases, prosecutors and judges faced challenges in bringing those responsible to justice while also respecting the due process rights of the accused.

⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 71; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 71–72.

Those from the civil, business and legal sectors who were complicit in human rights violations and crimes under international law had yet to be brought to justice. According to the Public Prosecutor's Office, questions about responsibility remained even in cases where significant evidence had been gathered. To date, only one member of the judiciary and two businessmen have been convicted. On 23 September 2015, the Chamber of Deputies passed a bill to the Senate proposing the creation of a commission, with representatives from both the Chamber and Senate, to identify economic and financial interests that had colluded with the military dictatorship.

Argentina had made significant progress both in identifying children of the disappeared who were illegally abducted and given to other families during the dictatorship, and in reuniting them with their biological families. As of November 2015, 118 children illegally taken from their parents during the Dirty War had been found. The National Bank of Genetic Data, created by the government in 1987, was of enormous help in his effort, but its usefulness was severely limited by a 2009 law. Local human rights activists challenged the law, and the case was pending in late 2015.⁹

See also Spain.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010, 2014–2015.

On 7 April 2015, Yerevan police arrested five members of the opposition movement Founding Parliament. The group had received permission to hold a rally in Yerevan on 24 April, the 100-year anniversary of the Armenian genocide. Authorities charged the men with planning a mass disturbance, after searching their homes and office and seizing wooden bats, kitchen knives, a stun gun, and a publicly available pamphlet, as well as their laptops and flags. On 10 April, a Yerevan court remanded all five to pre-trial custody, but on 4 May, the prosecutor general released them pending the investigation, which was ongoing in late 2015.¹⁰

The Turk Hack Team group claimed that it launched DDoS attacks against websites of the Armenian government, as well as Armenian business and media sites, causing disruptions on 24 April, the

⁹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 28, 70–71; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 72–73.

¹⁰ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 79.

Armenian Genocide commemoration day.¹¹

See also Switzerland, Turkey, United States.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009, 2014–2015.

In 2015, the Australian National University in Canberra handed back a collection of bones (40,000-year-old remains of about 140 people found around Lake Mungo—including a woman known as Mungo Lady) to elders from the local Aboriginal communities. The bones are expected to eventually be returned to and reburied at Lake Mungo, where they were discovered in the 1960s and removed in 1974. The university formally apologized, admitting that research had been conducted without the assent of the traditional owners.¹²

In 2016, the University of New South Wales (UNSW) published an Indigenous Terminology Guide (updated from a 1996 list) which distinguished between more and less appropriate language. It stated that: “Australia was not settled peacefully, it was invaded, occupied and colonised. Describing the arrival of the Europeans as a ‘settlement’ attempts to view Australian history from the shores of England rather than the shores of Australia.” And: “Nomadism has been associated with lack of land tenure or anchorage in land, and this has been coupled with the idea that Aboriginal people did not really occupy the land, but only roamed over it. The extension of the doctrine of *terra nullius* was based on this kind of distinction. Note that the 1992 Mabo Native Title judgement by the High Court rejected *terra nullius* as wrong both in fact and in law.” On 30 March 2016, Australia’s tabloid *Daily Telegraph* newspaper carried the headline “UNSW rewrites the history books to state Cook ‘invaded’ Australia,” but UNSW rejected the claim.¹³

¹¹ Freedom House, [Freedom on the Net 2015](#) (Washington: Freedom House, 2015), 68.

¹² Jonathan Pearlman, “[University Returns 40,000-year-old Mungo Man to Australia’s Aborigines](#),” *Telegraph* (6 November 2015).

¹³ [Indigenous Terminology](#) (University of New South Wales; retrieved 30 March 2016); “[University Tells Students Britain ‘Invaded’ Australia](#),” *BBC News* (30 March 2016).

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009.

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2013, 2015.

On 13 August 2015, after a trial marred by irregularities and due process violations, the Baku Court of Grave Crimes sentenced human-rights activist and historian Leyla Yunus to eight-and-a-half years' and her husband, human-rights activist and historian Arif Yunus, to seven years' imprisonment on politically motivated charges of illegal entrepreneurship, tax evasion, and fraud for running two unregistered human rights groups through a registered organization from 2006 through 2014. They would be tried later on a treason charge. Both suffered from serious health problems. On 12 November 2015 and 9 December 2015 respectively, Arif and Leyla Yunus were both released on health grounds; the appeals court changed both sentences to five years' probation. [See also *NCH Annual Report 2015*.]

Arif Yunus was a research officer of the History Institute of the National Academy of Sciences of Azerbaijan (1971–1992). In 1992 he worked as chief of the Information-Analytical Center of the Presidential Administration of Azerbaijan and in 1993–1994 he was president of the Analytical Center *Azeri*. Then he headed the Department of Conflict and Migration Studies of the Institute of Peace and Democracy (1994–present). He authored more than 200 scientific publications dedicated to the history of Azerbaijan, including *Karabakh: Past & Present* (2005).¹⁴

In 2016, it was reported that the sanctions against writer Akram Aylisli and his family were still in force. [See *NCH Annual Report 2013*.]¹⁵

¹⁴ [“Deeply Distressing”—UN Experts Condemn Latest Prison Sentencing of Rights Defenders in Azerbaijan,”](#) (Geneva: United Nations, 20 August 2015); Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 92–93; Human Rights Watch, [“Azerbaijan: Ailing Rights Defenders Convicted in Political Trial”](#) (13 August 2015); [“Rights Defenders Leyla and Arif Yunus Get Severe Jail Sentences,”](#) *Ifex* (14 August 2015); Amnesty International (Dutch Section), [Sample Letter](#) (2015); [“Rights Activist Leyla Yunus Freed from Jail in Azerbaijan,”](#) *Radio Free Europe / Radio Liberty* (9 December 2015); [“Jailed Azerbaijani Activist Arif Yunus Released From Jail, But Can't Leave Baku,”](#) *Radio Free Europe / Radio Liberty* (12 November 2015); Rachel Denber (Human Rights Watch), [“Prominent Human Rights Defender Leyla Yunus Free after 17 Months,”](#) *Ifex News* (9 December 2015); Arif Yunusov, *Karabakh: Past & Present* (Baku: IPD / Turan Information Agency, 2005); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 77.

¹⁵ John Angliss, “Know Your Enemy,” *Index on Censorship*, 45 no. 1 (Spring 2016), 100–102.

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012, 2015.

On 27 August 2014, activist Nader Abdulemam was arrested after three people accused him of “denigrating the prophet’s companion Khalid Bin al-Waleed [585 –642]” in a tweet he posted telling a historical story in which Khalid killed another companion and raped his wife. On 22 October 2014, Abdulemam was sentenced to six months’ imprisonment, later reduced to four months on 15 January 2015, when he was released after having served more time than his sentence. Repression against Abdulemam continued when he received news on 5 March 2015 that he was dismissed as a teacher at the Education Ministry, where he had worked for the past fourteen years. Authorities also arrested two Instagram users in September 2014 on charges of “denigrating the prophet’s companions.”¹⁶

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2015.

In [2016], master student Siddhartha Dhar was threatened with death for blogging about evolution theory and religious history on his blog Mukto-Mona. Supported by Swedish PEN, he went into exile in Uppsala, Sweden.¹⁷

The International Crimes Tribunal (ICT), set up to address laws of war violations committed during Bangladesh’s 1971 independence movement, continued its operations in 2015 without addressing serious procedural and substantive defects that led to unfair trials. ICT proceedings were marked with severe irregularities and violations of the right to a fair trial. Challenges to the jurisdiction of the court continued to be barred due to a constitutional provision. Statements from prosecution witnesses shown by the defense to have been false were still used as evidence in court. Affidavits by defense witnesses that the accused was too far from the site of the offense to be involved were not admitted. The government prevented defense witnesses abroad from attending trials by denying visas. Appeals processes were marked by similar flaws. In April 2015, Mohammad Kamaruzzaman, a leading member of the Jamaat-e-Islami party, was hanged. His trial violated basic fair trial standards, arbitrarily curtailing the ability of the defense team to submit evidence, including witnesses and

¹⁶ Freedom House, [Freedom on the Net 2015](#) (Washington: Freedom House, 2015), 107.

¹⁷ Eva Lundgren, “[The University of Gothenburg Coordinates Sanctuary for Threatened Scholar](#)” (press release, University of Gothenburg; 9 March 2016).

documents, and to challenge the credibility of prosecution witnesses by confronting them with prior inconsistent statements. In July 2015, the death sentence against Bangladesh Nationalist Party (BNP) member Mir Qasem Ali Salahuddin Qader Chowdhury was upheld on appeal. Both he and Ali Ahmed Mohammed Mujahid were executed on 21 November 2015 after the president rejected their last-minute clemency petitions. Several other accused were awaiting final appellate judgments in late 2015, including Motiur Rahman Nizami, who was sentenced to death in October 2014. [See also *NCH Annual Report 2015*.]¹⁸

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011, 2014–2015.

In 2000, dissident writer Svetlana Alexievich (1962–) went into exile to Germany and France and returned in 2011. Many of her books consisted of oral histories (including about Belarusian women who fought in World War II, the war in Afghanistan, and the 1986 nuclear disaster in Chernobyl). In 2015, she earned the Nobel Prize in Literature. Although President Aleksandr Lukashenko congratulated her with the prize, he later declared that Alexievich's books offended the Russians of Belarus. Her books were not published in Belarus but still on sale there.¹⁹

In the first half of 2015, the information Ministry denied access to 26 websites, including one for criticizing the World War II Victory Day celebration and its participants in an article calling on the authorities to use resources to assist war veterans rather than organize a parade.²⁰

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012.

¹⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 83–84; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 111.

¹⁹ Alexander Kan, "[Svetlana Alexievich: Exposing Stark Soviet Realities](#)," *BBC News* (8 October 2015); Michiel Krielaars, "Interview: Svetlana Alexijevitsj," *NRC Handelsblad* (25 March 2016), C4–5.

²⁰ Alexander Kan, "[Svetlana Alexievich: Exposing Stark Soviet Realities](#)," *BBC News* (8 October 2015); Michiel Krielaars, "Interview: Svetlana Alexijevitsj," *NRC Handelsblad* (25 March 2016), C4–5.

BELIZE

Previous *Annual Report* entries: 2014.

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2015.

According to the United Nations Human Rights Committee, Bolivia prosecuted only a few of the officials responsible for human rights violations committed under authoritarian governments between 1964 and 1982. A contributing factor was the unwillingness of the armed forces to provide information on the fate of people killed or forcibly disappeared during this period. In March 2015, the deputy solicitor general announced plans to create a truth commission to investigate these crimes, but the government did not yet define its scope. A bill that was presented by victims' organizations to the Plurinational Legislative Assembly to create such a commission was pending at the end of 2015. In July 2015, the Public Ministry announced the creation of a genetic data bank to identify the remains of potential victims of enforced disappearance. It was estimated that around 150 people were forcibly disappeared during the military regimes. The Public Ministry called on the relatives of victims of enforced disappearances to undertake blood tests to establish possible matches.²¹

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2015.

The 20th anniversary of the 1995 Srebrenica genocide in July 2015 shone a spotlight on the limited progress toward justice for war crimes committed in Bosnia. While the International Criminal Tribunal for the former Yugoslavia (ICTY) had convicted 14 people of crimes committed at Srebrenica, and the trials of the alleged architects of the genocide continue in The Hague, progress in the national courts was more limited.

In late 2015, the defense case in the trial of Ratko Mladić, the Bosnian Serb wartime general, was in progress at the ICTY. Mladić was charged with genocide, war crimes, and crimes against humanity, including in Srebrenica. The trial judgment was expected in November 2017. In July 2015, Bosnian

²¹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 28, 89; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 119.

Serb wartime President Radovan Karadžić, also on trial at the ICTY on many of the same charges as Mladić, demanded a new trial, citing unfair treatment and prosecution errors. His claim was rejected and his trial continued. Closing arguments were heard in late September 2015. On 24 March 2016, he was found guilty of genocide in Srebrenica, war crimes and crimes against humanity and sentenced to 40 years' imprisonment.

The Bosnian government remained slow to implement the national war crimes strategy, adopted in 2008 to improve the prosecution of domestic war crimes. Prosecutors still lack sufficient capacity and funding, particularly at the district and cantonal levels. According to estimates by the Organization for Security and Co-operation in Europe, there was a backlog of more than 1,200 cases in Bosnian courts involving several thousand suspects. By September 2015, the War Crimes Chamber of the State Court of Bosnia and Herzegovina had reached 15 verdicts (3 acquittals, 9 convictions, and 3 partially acquitting verdicts) at the first instance in relation to 24 defendants, and 18 verdicts (1 acquittal, 15 convictions, and 2 partially acquitting verdicts) at the second instance in relation to 27 defendants, increasing the total number of completed cases to 290 since the court became fully operational in 2005. Throughout 2015, Željka Cvijanović, prime minister of the Republika Srpska entity, repeatedly challenged the legitimacy of the state court and the state prosecutor's office.

In November 2015, the heads of the Serbian and Bosnian governments signed a protocol on co-operation in the search for missing persons. In Bosnia and Herzegovina, over 8,000 people remained missing from the war.²²

See also France, Montenegro, Netherlands, Russia, Serbia.

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2015.

In December 2014, a national truth commission published its final report after more than two years of work investigating human rights violations during military rule (1964–1985). The commission found that violations were “widespread and systematic” and planned by officials at the highest level. The report identified 377 individuals responsible for human rights violations, including torture, killings, and enforced disappearances. The perpetrators of these crimes had been shielded from justice by a 1979 amnesty law. In April 2010, the Supreme Court reaffirmed lower court rulings that the amnesty

²² Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 90–91; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 124–126.

law barred most prosecutions of state agents involved. Six months later, the Inter-American Court of Human Rights ruled that this interpretation violated Brazil's obligations under international law.

Federal prosecutors pursued some cases against former military officers for killings during the military era. Federal courts in Rio de Janeiro and São Paulo allowed the prosecution of at least two cases against former military officers for killings during the military era. The Supreme Court, in decisions in 2014 and 2015, temporarily halted both cases, pending its reexamination of the validity of the amnesty law.²³

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012, 2015.

On 27 May 2015, the Defense Ministry announced that it had opened the Communist-era military intelligence archives to research [See also *NCH Annual Reports 2014–2015*]. On 4 January 2016, the Interior Ministry published information on former agents of the Darzhavna Sigurnost (DS; State Security). The data set contained 134003 recordings on persons examined by the Dossier Commission (the body established in 2006 to publicly disclose former DS members holding positions of influence).²⁴

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005, 2013, 2015.

General Gilbert Dienderé faced charges in connection with the murder of former President Thomas Sankara (1949–1987), including assassination and possession of a dead body, while in December 2015 an international arrest warrant was also issued against former President Blaise Compaoré (president from 1987 to 2014) for his suspected role in this murder. Authorities said that an extradition request would be sent to Ivory Coast.²⁵

²³ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 135.

²⁴ [“Bulgaria Publishes Information on Former State Security Agents in Open Data,”](#) *Novonite.com* (4 January 2016).

²⁵ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 99.

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2015.

CAMBODIA

Previous *Annual Report* entries: 1999–2015.

Public statements by Cambodian officials and the start in June 2015 of publication of previously confidential court materials revealed numerous instances of government non-cooperation with the United Nations (UN)-assisted Extraordinary Chambers in the Courts of Cambodia (ECCC), set up to prosecute those most responsible for crimes committed by the Khmer Rouge (1975–1979). While the government allowed a trial of two former leaders of the Khmer Rouge government, Nuon Chea and Khieu Samphan, on charges of crimes against humanity, genocide, and war crimes, it refused to carry out orders by a UN Secretary-General-nominated investigating judge to arrest two other former Khmer Rouge leaders, Meas Muth and Im Chem. This violated the 2003 UN-Cambodia agreement establishing the ECCC and continued a long pattern of opposition by Prime Minister Hun Sen to additional prosecutions. The government's non-cooperation seriously undermined possibilities for investigating suspects whom Hun Sen, himself a former Khmer Rouge commander, did not want brought to justice.²⁶

On 13 August 2015, Hun Sen ordered the arrest of Hong Sok Hour, an opposition party senator who the previous day had posted a video clip on Facebook including footage of the Cambodia-Vietnam border and of a badly translated excerpt from the 1979 Cambodia-Vietnam friendship agreement. Disregarding the senator's parliamentary immunity, a "counter-terrorism" security force contingent under the authority of Hun Sen's son-in-law detained him.²⁷

CAMEROON

Previous *Annual Report* entries: 2010, 2012–2014.

In June 2015, writer, historian and politician Dieudonné Enoh Meyomesse ([1954]–) was suddenly released. [See *NCH Annual Report 2013*.]²⁸

²⁶ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 38, 104; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 155.

²⁷ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 153.

²⁸ Ebby Abramson, "[Cameroonian Writer Enoh Meyomesse Finally Freed from Prison](#)," *Endangered Scholars Worldwide* (20 June 2015).

In July 2015, during a visit to Yaoundé, French President François Hollande promised to open the archives about the suppression of the revolt and the accompanying genocidal massacres on the Bamileke people. It was the first time that a French head of state officially acknowledged France's role in the repression of colonial separatists in Cameroon. Estimates of the death toll range from 100,000 to 400,000 people killed between 1959 and 1964.²⁹

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012–2015.

In 2008, the government created a Truth and Reconciliation Commission (TRC) to investigate how between the 1870s and 1996 the government removed about 150,000 aboriginal children from their homes and sent them to church-run schools, where many suffered physical and sexual abuse and about 4,100 died. Its mandate included to hold public hearings where victims could tell their stories, collect records and establish a National Research Centre. The TRC sued the government of Prime Minister Stephen Harper because it transferred only part of the relevant material available in the Library and Archives Canada. On 30 January 2013, the court ordered the government to provide millions of school-related documents to the TRC. In early 2014, no steps were taken for the transfer, which imperiled the submission of the TRC report by June 2015.³⁰

During the 19th and 20th centuries, approximately 150,000 indigenous children were removed from their families and communities and placed in residential schools, where they were forbidden to speak their own languages or practice their culture. Many also suffered physical and sexual abuse. In 2015, the Truth and Reconciliation Commission, mandated to provide former students and others affected by this residential school system with an opportunity to share their experiences, found that the government pursued a policy of “cultural genocide” using residential schooling as a central element. According to the commission, the government's goal was to divest itself of its legal and financial obligations to indigenous peoples and to gain control over their land and resources. The commission made a number of recommendations to uphold indigenous peoples' rights and to promote reconciliation. The United Nations Human Rights Committee subsequently endorsed the

²⁹ *Index on Censorship* (1985, no. 5), 24–25; Achilles Mbembe, “Pouvoir des morts et langage des vivants: Les Errances de la mémoire nationaliste au Cameroun,” *Politique Africaine* (1986, no. 22), 39–40, 58–60, 68–69; Christina Okello, “[Hollande Acknowledges Colonial-era Cameroon Massacres but Critics Want Apology](#)” (5 July 2015).

³⁰ Mark Kennedy (Postmedia News), “[Documents Delay Hampers Truth, Reconciliation Process: Residential Schools Scandal; Approval Hasn't Been Granted for Estimated \\$14-Million Retrieval Job](#),” *Montreal Gazette* (7 February 2014).

recommendations in 2015, but the Stephen Harper government did not accept them. [See also *NCH Annual Report 2014*.]³¹

See also Netherlands, Rwanda, Sierra Leone.

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012, 2014–2015.

Impunity remained one of the main challenges in addressing past atrocities. On 30 May 2015, President Catherine Samba-Panza promulgated a law creating a Special Criminal Court, a hybrid court within the national justice system that would focus on grave international crimes committed since 2003, and would include both national and international judges and prosecutors. Government authorities and the United Nations (UN) started preparations to secure funding, technical support and international experts. By the end of 2015, the Special Criminal Court was yet to be operational, due particularly to lack of funding.

The International Criminal Court (ICC) continued investigations into war crimes and crimes against humanity committed since 2012. The ICC's case against the Lord's Resistance Army (LRA), a Ugandan rebel movement active in several countries across the region, was given new life in January 2015 when commander Dominic Ongwen surrendered in Obo, in the southeast of the Central African Republic (CAR). The LRA had been operating in the CAR since 2008. Ongwen faced 67 counts of war crimes and crimes against humanity for crimes committed in Uganda. The LRA continued to threaten and abduct civilians in eastern parts of the CAR, though with less frequency than in past years.

The ICC trial of Jean-Pierre Bemba Gombo, a Congolese national and former vice president of the Democratic Republic of Congo accused of failing to control his militia—allegedly implicated in murder, rape, and pillage in Bangui in 2002 and 2003—rested at the end of 2014, and during 2015 the judges deliberated on the evidence. On 21 March 2016, he was convicted for crimes against humanity and war crimes. A second ICC trial against Bemba and three accomplices on charges of tampering with witnesses opened in September 2015.³²

³¹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 108; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 159.

³² Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 22, 122; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 167–168.

See also Uganda.

CHAD

Previous *Annual Report* entries: 2000–2012, 2015.

On 20 July 2015, the trial of former Chadian President Hissène Habré opened at the Extraordinary African Chambers in Senegal (where he had lived in exile since 1990) on charges of crimes against humanity, torture and war crimes committed between 1982 and 1990 when he ruled Chad. This was the first time that an African court prosecuted a former African president under the principle of universal jurisdiction. Prosecutors presented archives from the Directorate of Documentation and Security (the secret police), found in abandoned offices, that recorded the names of 12,321 prisoners, interrogation reports and the deaths in detention of more than 1,200 people.

On 25 March 2015, twenty former state security agents connected to Habré's regime were convicted of torture by the Chadian Criminal Court; the court acquitted four of the accused and found the Chadian state liable for the defendants' actions. The defendants and the state were ordered to pay compensation of 75 billion CFA francs (US\$ 125 million) to the 7,000 civil parties. In 2014 the Chadian authorities had declined to transfer these suspects to the Extraordinary African Chambers in Senegal, or to allow representatives of the Chambers to interview them in Chad.³³

CHILE

Previous *Annual Report* entries: 1998–2015.

In March 2015, the chief justice reported that 1,056 cases of human rights violations committed during military rule (1973–1990) were under investigation, 112 of them for torture. According to the Interior Ministry's human rights program, as of December 2015, 344 individuals had received final sentences for human rights violations, including killings and enforced disappearances; 117 were serving prison sentences. While some individuals convicted of extrajudicial executions initially received long prison sentences, the Supreme Court's criminal chamber in many cases reduced the penalties on final appeal on the basis that the time elapsed since the crime justified a lesser, or even a

³³ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 114, 315; Marlise Simons, "[Trial of Chad's Ex-President Brings Harrowing Accounts of Abuse](#)," *New York Times* (31 December 2015).

non-custodial, sentence. Two of the five judges on the panel consistently dissented from this position. In addition, the prison service and appeals courts granted benefits such as day release and parole to individuals convicted of crimes against humanity, which the Supreme Court has upheld. No progress was made in overturning the 1978 Amnesty Law.

Victims' organizations condemned the slow progress in establishing the truth about the thousands of victims of enforced disappearance. Information and documentation gathered by the Valech Commission on politically motivated torture and imprisonment during the Augusto Pinochet era (1973–1990) remained classified as confidential, even from the judiciary, and therefore secret for 50 years and unavailable to those seeking justice for the victims. In October 2015, after a 40-day hunger strike by some victims of torture, a law was passed granting early economic reparation to victims of torture and political imprisonment. In July 2015, ten former military officers were charged with the kidnapping and killing of the singer and political activist Víctor Jara in 1973.

General Manuel Contreras, who commanded Pinochet's secret police, the DINA, died in a military hospital in August 2015. Contreras was responsible for summary executions, enforced disappearances, and torture that claimed thousands of victims during the early years of the dictatorship. At the time of his death, he was serving accumulated sentences of 529 years, and other cases against him were pending.

In September 2015, the Inter-American Court of Human Rights ruled that Chile had denied an effective remedy to twelve people sentenced by a military tribunal between 1974 and 1975. The case against them had not been quashed, despite evidence that their confessions were extracted under torture, and their allegations of torture had not been investigated.³⁴

CHINA

Previous *Annual Report* entries: 1995–2015.

In 2015, Yang Jisheng (1940–), author of *Tombstone: The Great Chinese Famine, 1958–1962* (Chinese 2008; English 2012), was forced to resign as deputy editor of the liberal historical journal *Yanhuang Chunqiu* after the State Administration of Press, Publication, Radio, Film and Television criticized it for publishing dozens of articles that were “against the regulations.” In March 2016, Yang was prohibited from traveling to the United States to receive a journalistic award. [See also *NCH Annual Report*

³⁴ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 28, 115–116; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 169–170.

2013.]³⁵

On 19 January 2015, the State Internet Information Office announced that it had shut down 133 accounts on the social media site Weixin—whose international version is known as WeChat—that were disseminating information that was “distorting history of the Communist Party and national history.”³⁶

On 10 July 2015, a group of twenty tourists visiting sites of ancient China, including the Genghis Khan Mausoleum at Ordos, was arrested by police at Ordos airport in Inner Mongolia and deported after some days of detention. In their hotel, they had watched a BBC documentary about Genghis Khan, (1162–1227), the founder of the Mongol state, but Chinese officials mistook it for a terrorist video.³⁷

In August 2015, the Norwegian Harald Bøckman (1945–), a historian, translator and China expert from the University of Oslo, was denied a visa to China, where he was to participate in the 22nd International Congress of Historical Sciences in Jinan, Shandong. Bøckman had also been refused a visa during the 2008 Olympics. A former Marxist, Bøckman had been an outspoken critic of the Chinese government on several occasions.³⁸

On 8 October 2015, writer Dolma Kyab (pen-name Lobsang Kelsang Gyatso; Chinese names: Zhou Shique and Zhou Ma Jia) (1976–), a history teacher at a middle school in Lhasa and a song writer, was released. [See *NCH Annual Reports 2006, 2008*.]³⁹

On 3 September 2015, the Chinese government marked the 70th anniversary of the end of World War II with a massive parade in Beijing. Sudanese President Omar al-Bashir, who was wanted by the International Criminal Court for genocide, war crimes, and crimes against humanity, attended at

³⁵ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 119; *Wordt Vervolgd* (April 2016), 5.

³⁶ Freedom House, *Freedom on the Net 2015* (Washington: Freedom House, 2015), 199; Laura He, “China Probes College Textbooks for ‘Western Values’,” *Market Watch* (17 March 2015); Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 178; Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 118.

³⁷ “China Tour Arrests Were ‘Misunderstanding over Documentary’,” *BBC News* (18 July 2015).

³⁸ “Norwegian Researcher Denied Visa to China,” *The Nordic Page* (23 August 2015); “Lars Harald Bøckman,” *Wikipedia* (September 2015); “The Norwegian China Scholar and Historian Harald Bockman Is Denied a Visa to China, where He Should Participate in the World Congress for Historians in Jinan,” *Norway Today* (22 July 2008); Norwegian PEN, “Norwegian Scholar Harald Bøckman Refused Visa to China” (22 July 2008).

³⁹ PEN, [China: Dolma Kyab Released yet Indicates Chinese Repression of Tibetan Free Speech](#) (8 October 2015).

Beijing's invitation.⁴⁰

See also Japan, Taiwan, Vietnam.

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2015.

In November 2014, the Inter-American Court on Human Rights condemned Colombia for enforced disappearances committed by military troops after the recapture of the Palace of Justice in 1985. On 6 November 2015, in a ceremony ordered by the Inter-American Court of Human Rights, President Juan Manuel Santos assumed responsibility and asked forgiveness for the state's role in the enforced disappearance of ten people, the enforced disappearance and extrajudicial execution of an eleventh person, and the torture of several other individuals. These crimes occurred after security forces stormed the Palace of Justice in Bogotá in November 1985 where people were being held hostage by the M-19 guerrilla group. Some hundred people died in the assault. Very few of those alleged to have been responsible for these crimes had been held to account. On 16 December 2015, the Supreme Court overturned the conviction of retired colonel Luis Alfonso Plazas Vega who in 2010 had been sentenced to 30 years' imprisonment for the crime of enforced disappearance in relation to this case.⁴¹

Between 2002 and 2008, army brigades across Colombia routinely executed civilians. Under pressure from superiors to show "positive" results and boost body counts in their war against guerrillas, soldiers and officers abducted victims or lured them to remote locations under false pretenses—such as with promises of work—and killed them, placed weapons on their lifeless bodies, and then reported them as enemy combatants killed in action. There has been a dramatic reduction in cases of alleged unlawful killings attributed to security forces since 2009, though credible reports of some new cases continued to emerge. The government did not keep statistics for "false-positives" as a category of crime distinct from other types of unlawful killings. However, as of May 2015, the Attorney General's Office was investigating more than 3,700 unlawful killings allegedly committed by state agents between 2002 and 2008, and had obtained convictions for over 800 of them. Authorities failed to prosecute senior army officers involved in the killings and instead have promoted many of them through the military ranks. In June and October 2015, the Attorney General's Office summoned a

⁴⁰ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 187.

⁴¹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 32, 125; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 194.

total of nine generals, including former army commander Mario Montoya, to testify on their alleged role in false-positive cases. As of late 2015, no charges had yet been brought against any of them. In July 2015, the government replaced the army's top commander, General Lasprilla Villamizar, who commanded a brigade allegedly responsible for 48 extrajudicial killings. General Rodríguez Barragan, however, continued to command the armed forces despite strong evidence implicating him in false-positive killings.⁴²

Peace talks between the government and the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC), initiated in 2012, made significant progress in 2015. On 4 June 2015, the two sides also announced plans for a truth commission to carry out non-judicial investigations of gross human rights violations and serious violations of international humanitarian law committed during the armed conflict (1948–2012). The courts would not be able to use any information uncovered by the commission, however. This could undermine the ability of the judiciary to prosecute crimes under international law.

On 23 September 2015, the two sides announced that an agreement had been reached on transitional justice and that a peace deal would be signed by March 2016. Its central component was a Special Jurisdiction for Peace, which would consist of a tribunal and special courts with jurisdiction over those directly or indirectly involved in the conflict implicated in “serious human rights violations and breaches of international humanitarian law.” Those who denied responsibility for grave crimes, if found guilty, would face up to twenty years’ imprisonment. Those who admitted responsibility would receive non-custodial sentences of between five and eight years’ “effective restriction of freedoms.” Other parties to the armed conflict would also benefit from the agreement, likely including members of the armed forces responsible for false-positive cases (*See* item above). By proposing sanctions that did not appear to be proportionate to the severity of crimes under international law, Colombia may be failing to comply with its obligation under international law to prevent and punish such crimes. An Amnesty Law that would benefit those accused of “political and related crimes” was proposed. Although a definition of what constituted “related crimes” had yet to be agreed, those convicted of grave crimes would be excluded.

On 17 October 2015, the two sides reached agreement on a mechanism to locate and recover the remains of many of those—both civilians and combatants—still missing as a result of the conflict. The International Committee of the Red Cross estimated that 220,000 people were killed and 70,000 people went missing during the armed conflict between the government and rebel groups.

The Office of the Prosecutor (OTP) of the International Criminal Court (ICC) continued to monitor Colombian investigations of crimes that could fall within the ICC’s jurisdiction. In November 2015,

⁴² Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 188, 190–191.

the OTP reported that it would “carefully review and analyse the provisions of the agreement [with the FARC], in particular with respect to the restrictions of liberty in special conditions and the inclusion of state agents.”⁴³

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2015.

Mathieu Ngudjolo, the first defendant to be acquitted by the International Criminal Court (ICC), returned to Congo on 11 May 2015. On 2 September 2015, the ICC opened the trial of Bosco Ntaganda, who faced eighteen counts of war crimes and crimes against humanity allegedly committed in Ituri province in 2002–2003. He faced no charges for alleged crimes later committed in North Kivu province. The ICC prosecutor said that her office was continuing investigations in Congo. On 19 December, two Congolese rebel leaders convicted at the ICC, Germain Katanga and Thomas Lubanga, were returned to Congo to serve the remainder of their ICC sentences in Kinshasa. Katanga faced national war crimes charges in Congo that were filed against him before he was transferred to the ICC.

From 27 April to 2 May 2015, the Congolese Ministry of Justice and Human Rights convened a large conference in Kinshasa to evaluate its judicial reform program and recommend priority reforms that should be implemented, including the establishment of specialized mixed chambers to prosecute war crimes and crimes against humanity committed since the 1990s.

In August 2015, the civilian Appeals Court in Lubumbashi opened a trial against 34 members of the Luba and Batwa communities in northern Katanga for crimes against humanity and genocide. It was the first trial for international crimes to take place before civil courts in the country. Patriotic Resistance Front in Ituri (FRPI) leader Justin Banaloki, known as Cobra Matata, was arrested in Bunia on 2 January 2015 and charged with war crimes and crimes against humanity. In late 2015, he had not been brought to trial. Ntabo Ntaberi Sheka, wanted on a Congolese arrest warrant for crimes against humanity for the mass rape of nearly 400 people in 2010, remained at large in late 2015. His troops continued to commit serious abuses. No progress was made in bringing to justice those responsible for the summary executions of at least 51 young men and boys and the enforced disappearance of 33 others during a police campaign in Kinshasa, known as Operation Likofi, from November 2013 to

⁴³ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 32, 122–123; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 188, 191, 193–194; Julia Symmes Cobb, “[As Peace Talks Advance, Colombia Struggles to Find its Missing](#),” *Reuters* (28 July 2015); “[Colombia and FARC Rebels Reach Deal on Missing People](#),” *Aljazeera* (18 October 2015).

February 2014, or for summary executions during demonstrations in January 2015. The government failed to exhume the mass grave in Maluku, a rural area about 80 kilometers from Kinshasa, where it admitted burying 421 bodies on 19 March. On 5 June 2015, family members of those forcibly disappeared or executed by Congolese security forces during Operation Likofi and the January demonstrations filed a public complaint with the national prosecutor requesting exhumation.

The National Assembly and the Senate adopted legislation implementing the Rome Statute of the ICC in June and November 2015 respectively. The final bill, promulgated into law on 2 January 2016, contained the death penalty for war crimes, crimes against humanity and genocide.⁴⁴

See also Central African Republic, Gabon.

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012.

See Gabon.

COSTA RICA

Previous *Annual Report* entries: 2010.

CÔTE D’IVOIRE

See Ivory Coast.

⁴⁴ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 22, 139; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 210–213.

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2013, 2015.

In February 2015, the International Court of Justice cleared Serbia and Croatia of mutual claims of genocide, finding that neither Serbia nor Croatia had established the necessary intent on the part of the other to commit genocide during the conflict in 1991–1995. In May 2015, the Croatian Parliament passed the Law on the rights of victims of sexual violence in war: it provided survivors of wartime sexual violence with Croatian citizenship, a lump-sum compensation amounting to €13,000 and a monthly allowance amounting to €328. In addition to the payments, survivors would be entitled to health care, medical rehabilitation and psychological support. The law entered into force in June with the first allowances due to be paid out in January 2016.

However, Croatia did not yet adopt a comprehensive legislative framework that would regulate the status of, and access to reparation for, all civilian victims of war crimes. It did not ratify the 2006 International Convention against Enforced Disappearances nor did it adopt a law on missing persons. In the absence of these legal instruments, relatives of the 1,600 missing persons in Croatia were denied access to justice and reparations.⁴⁵

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012, 2015.

In 2013, Carlos Eire (1951–), born in Cuba but gone into exile in the United States with his parents in 1962, professor of history and religion at Yale University specialized in medieval and early modern Europe, published his youth memoirs, *Snow in Havana*, for which he won the National Book Award for non-fiction. As a result, he was declared an “enemy of the nation” in Cuba, unable to return to his native country.⁴⁶

See also Spain.

⁴⁵ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 131–132.

⁴⁶ Guus Valk, “Waarom is Obama toch zo lief voor Castro?” (Interview with Carlos Eire), *NRC Handelsblad* (21 March 2016), 14–15.

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011, 2013, 2015.

Between January and August 2015, the Committee of Missing Persons in Cyprus (CMP) exhumed the remains of 111 people, bringing the total number of exhumations since 2006 to 1061. Between August 2006 and January 2015, the remains of 625 missing individuals (476 Greek Cypriots and 149 Turkish Cypriots) had been identified and restituted to their families. On 23 February 2016, Presidential Commissioner for Humanitarian Issues and Overseas Cypriots, Photis Photiou, said that there was information in Red Cross archives relating to the battles that took place during the Turkish invasion of 1974, particularly around Kyrenia, on the northern coast. The fate of approximately two-thirds of missing persons (nearly 1,500) had not yet been established. In March 2016, the Council of Europe's Committee of Ministers called upon the Turkish authorities to examine the reports and military archives in their possession containing information on burial sites, including of relocated remains, and to transmit them to the CMP. It also asked Turkey to give unhindered access to the CMP to all possible military zones located in the Turkish-occupied part of Cyprus.

Following the 2001 decision in the case “Cyprus versus Turkey,” the European Court of Human Rights ordered Turkey on 12 May 2014 to pay €90 million in compensation for invading the northern part of Cyprus in 1974. Additional compensation had been ordered in respect of applicants in the “Varnava and others versus Turkey” case. The Council of Europe called upon Turkey to pay without delay the sums awarded.⁴⁷

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010, 2013–2015.

On 18 February 2015, police reported that historian Jiří Fiedler (1935–2014) and his wife Dagmar (1939–2014) [see *NCH Annual Report 2015*] were killed by Dalibor C. ([1986–]) during a robbery. C. was apprehended after trying to sell Fiedler's jewelry, books and other items at a pawnshop. C. had contacted Fiedler through the Jewish Museum where he asked for help with mapping a Jewish cemetery in northern Moravia. He had three meetings with Fiedler and then came for the fourth time for the robbery and murder. He stabbed the victims several times and put on the gas stove after the crime but

⁴⁷ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 134; “[Cyprus to Investigate Red Cross Archives on Missing](#),” *In-Cyprus* (23 February 2016); “[Turkey Asked to Provide Archive Info on Missing](#),” *In-Cyprus* (11 March 2016); European Court of Human Rights, *Cyprus versus Turkey* (2001); European Court of Human Rights, *Varnava versus Turkey* (2009).

the flat did not explode. He faced life imprisonment.⁴⁸

In March 2016, the Czech Institute for the Study of Totalitarian Regimes (ÚSTR) announced that parts (300,000 scanned documents) of the Archive of Security Bodies (ABS) (including archives of the security bodies of the Interior Ministry and of the Communist-era secret police StB) would be made available online. [See also *NCH Annual Report 2013*.]⁴⁹

⁴⁸ Helen Epstein & Wilma Iggers, eds., *Archivist on a Bicycle: Jiří Fiedler* (e-book; Plunkett Lake Press, 2015); JTA, "[Police Bust Robber in Murder of Czech Jewish Historian](#)," *Forward* (20 February 2015); ČTK, "[Respekt: Prague Jewish Historian Fiedler Killed by Thief](#)," *Prague Monitor* (25 February 2015).

⁴⁹ "[Czechs May See Communist Secret Service Archives Data Online](#)," *České noviny* (9 March 2016).

DENMARK

Previous *Annual Report* entries: 2006–2007, 2013.

In early April 2016, Clemens Räthel, a Swedish-German theater historian at Humboldt University, Berlin, and two colleagues, sent a letter to the Danish Minister of Culture, Bertel Haarder, and to the director of Det Kongelige Teater (the Royal Danish Theater, founded 1748), Morten Hesseldahl, protesting against plans to close the theater archives (containing documents from figures such as Ludvig Holberg [1684–1754], Adam Oehlenschläger [1779–1850], Henrik Ibsen [1828–1906] and August Bournonville [1805–1879]) and transfer them to the National Library. They also protested against plans to digitize the archives which would considerably slow down access during a transition period.⁵⁰

DJIBOUTI

Previous *Annual Report* entries: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: 2013.

⁵⁰ Nils Thorsen, "[Tyske teaterfolk om dansk spareøvelse: I lukker en af Europas vigtigste kulturinstitutioner](#)," *Politiken* (7 April 2016); Anja Hansen, personal communication (8 April 2016).

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2015.

Progress was slow on efforts to hold Ecuadorian officials to account for human rights violations committed from 1984 to 2008, the period covered by a truth commission set up by the Rafael Correa administration. In 2010, a special prosecutorial unit was formed to investigate 118 cases of abuse involving 456 victims, including 68 victims of extrajudicial execution and seventeen of enforced disappearance. In late 2015, prosecutors had brought charges in seven cases, including two in which suspects were convicted, and the National Court of Justice was set to begin hearing Ecuador's first-ever trial for crimes against humanity.⁵¹

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2015.

In 2 July 2015, a French sociology student (known as “Fanny”) from the School for Advanced Studies in the Social Sciences (EHESS) in Paris was deported after being arrested by a security forces, in apparent relation to her research on the 6 April youth movement. She had interviewed members of the movement in the Nile Delta city of Damietta for her master's degree. The 6 April movement was a key pro-democratic protest force during the 25 January Revolution of 2011 and subsequent demonstrations. Following a crackdown on activism after the July 2013 regime change, however, the movement was driven underground and in 2014 it was banned.⁵²

The authorities failed to conduct effective, independent and impartial investigations into most incidents of human rights violations, including the repeated use of excessive force by security forces that resulted in the deaths of hundreds of protesters since July 2013 (when former President Mohamed Morsy was ousted from power). Investigations by the Public Prosecution into protests and incidents of political violence instead focused on alleged abuses by the authorities' opponents and critics. Courts held a small number of members of the security forces responsible for unlawful killings, in cases arising from several incidents that had attracted wide national and international condemnation.

In November 2015, former President Hosni Mubarak and several of his former senior security

⁵¹ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 223.

⁵² Emil Nader, “[French Student Arrested, Deported from Egypt for Researching 6 April](#),” *Daily News Egypt* (7 July 2015).

officials were retried by the Court of Cassation on charges of orchestrating a deadly crackdown on protesters during the 25 January Revolution of 2011. The trial was ongoing at the end of 2015.

In late 2015, no government official or member of the security forces had been charged for the killing of at least 817 protesters in Cairo's Rab'a al-Adawiya Square on 14 August 2013—a likely crime against humanity. On 13 August 2015, a court halved a 10-year prison sentence handed to a police officer who participated in the tear gas suffocation of 37 people whom police had arrested from Rab'a Square.⁵³

EL SALVADOR

Previous *Annual Report* entries: 2001–2015.

The 1993 Amnesty Law remained in place, denying access to justice and reparations to victims of the human rights violations committed during the armed conflict (1980–1992). In April 2015, former General and Defense Minister Eugenio Vides Casanova was deported from the United States after an immigration judge in Florida ruled in 2012 that he should be sent back to El Salvador for his role in human rights violations committed by the armed forces during the armed conflict. By the end of 2015, there was no public information suggesting that Vides was facing any legal proceeding.

In March 2015, the Human Rights Ombudsman called upon the authorities to overcome the prevalent impunity for human rights violations during the armed conflict. The Ombudsman also called on the Legislative Assembly to deprive the Amnesty Law of its legal effects and urged the Attorney General's Office to effectively investigate victims' claims.

During the same month, more than a year after a ruling by the Constitutional Chamber of the Supreme Court of Justice ordering the Attorney General's Office to thoroughly investigate the 1981 San Francisco Angulo massacre, in which 45 people were killed allegedly by members of the army, the Constitutional Chamber required the Attorney General to report the status of the investigation. Almost two months later, the Attorney General submitted a report, followed by a second in July after the Constitutional Chamber requested additional details. By the end of 2015, no decision had been issued by the Constitutional Chamber. In July 2015, the Constitutional Chamber established the responsibility of the armed forces in the enforced disappearance of eleven people in the context of the 1982 military "Cleaning Operation." Its ruling required the National Defense Ministry to provide information about the operation and in particular the fate and whereabouts of the victims. The Constitutional Chamber requested the Attorney General's Office to immediately start an

⁵³ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 56, 148; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 228.

investigation.⁵⁴

See also United States.

ERITREA

Previous *Annual Report* entries: 2008.

A United Nations report mentioned that one of Eritrea's historical taboos was the G-15, a group of fifteen former members of the ruling People's Front for Democracy and Justice (PFDJ) opposing the policy of President Isaias Afewerki of postponing elections. Eleven of them were imprisoned and three exiled. One left the group and rejoined the government. Conscripts in the army were reportedly brainwashed often with political teaching on the history of Eritrea, including the independence struggle, aimed at developing a sense of patriotism.⁵⁵

ESTONIA

Previous *Annual Report* entries: 2007, 2010, 2015.

ETHIOPIA

Previous *Annual Report* entries: 1998–2011, 2015.

In January 2015, the Tigrayan People's Liberation Front (TPLF) charged a father and his three sons with terrorism for offending the late former Prime Minister and TPLF chairman (1989–) Meles Zenawi. They had said that they were happy about his death.⁵⁶

⁵⁴ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 151.

⁵⁵ United Nations Human Rights Council, *Report of the Detailed Findings of the Commission of Inquiry on Human Rights in Eritrea* (A/HRC/29/CRP.1; 5 June 2015), paragraphs 478, 490, 1292, 1423.

⁵⁶ The Ethiopia Observatory, "[TPLF Charges Father & 3 Sons with Terrorism for Bad-Mouthing Late Dictator Meles Zenawi: Spirit of North Korea upon Ethiopia!](#)" (5 January 2015).

In February 2016, an Oromo singer [name unknown], living in exile since early 2016, reported that he had been arrested three times for his songs focusing on Oromo history and culture.⁵⁷

⁵⁷ Human Rights Watch, "[Crackdown on Protests Continues in Oromia](#)," *Ifex News* (22 February 2016).

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012.

See Russia.

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2014.

When the Nazis withdrew from France, they burned many of their archives. Other files, including those on “dangerous members of the resistance,” had already been sent to Berlin. Partisan groups stole some Gestapo files during and after the liberation.⁵⁸

In 2010, far-right leader Marine Le Pen (1968–) said at a rally of her political party Front National in Lyons that Muslims using the streets to pray because mosques were overflowing was an “occupation” of French territory, thereby alluding to the Nazi occupation of France (1940–44). In 2011, the case was closed. An anti-racism group filed a new complaint, which led to a judicial inquiry in 2012. On 2 July 2013, Le Pen lost her immunity from prosecution as a European Parliament member, as a result of which she could face criminal charges in France for incitement to discrimination, violence or hatred toward a group of people because of their religious affiliation. In 2014, the Lyons court of appeal dropped the case but it was revived by anti-racism groups who made a civil complaint. On 20 October 2015, Le Pen appeared in court. The prosecutor argued that she had referred to a specific number of persons and not to the whole Muslim community. In December 2015, she was acquitted of charges of inciting hatred. In 2011, praying in the streets was banned in Paris in response to growing far-right protests. Also in 2011, France became the first European Union state to ban public wearing of the face-covering Islamic veil (niqab). [See also *NCH Annual Report 2013*.]

⁵⁸ François-Guillaume Lorrain, “[Gestapo: Les dossiers les plus intéressants ont disparu, Fonds incomplet, dossiers éparpillés, accès entravé ; Les historiens se battent pour étudier sereinement les coulisses de l'Occupation. Interview croisée,](#)” *Le Point* (13 August 2015).

On 6 April 2016, Jean-Marie Le Pen, her father, was fined for repeating his statement that the gas chambers were “a detail” in the history of World War II. [See also *NCH Annual Report 1998*.]⁵⁹

In April 2015, the book *Code noir* (2012; Black Code) by Jean-François Niort, a progressive historian of law at the Université des Antilles in Guadeloupe and member of the scientific council of Mémorial ACTe (Memorial to Slavery & the Slave Trade; Centre caribéen d’expressions et de mémoire de la traite et de l’esclavage; memorial-acte.fr) became the object of a controversy. Dannick Zandronis, director of the editorial board of the nationalist website caraibcreolenews (CCN), Garcin Malsa, President of the Mouvement international pour les réparations de l’esclavage (International Movement for Slavery Reparations), and other representatives of the groups COSE, LKP, CIPN, MIR, and FKNG accused Niort of racism, “revisionism” and “negationism,” of being an agent of French colonialism and of defending the *Code noir*; Niort supposedly denied the horror of slavery and its character as a crime against humanity. Zandronis also called upon Niort, “a resident from France,” to leave Guadeloupe. Seventeen historians, led by Jean-Pierre Sainton—historian at the Université des Antilles and founding director of the Centre guadeloupéen d’histoire sociale et politique—criticized the accusation. In his interpretation of the *Code noir*, Niort had observed a mix of legal reification of slaves (they were property) and legal recognition of their humanity (they had certain choices, could reason and marry, convert to a religion and be free).⁶⁰

On 24 March 2016, while the judgment of Radovan Karadžić was being issued, Security officials of the International Criminal Tribunal for the former Yugoslavia (ICTY) arrested and detained French journalist Florence Hartmann. A former ICTY press officer, she published a memoir when she left, entitled *Paix et châtime* (Peace and punishment). The book referred to confidential decisions of the ICTY Appeals Chamber to classify as “confidential” the documents created by the Supreme Defense Council of Serbia which Serbia supplied to the ICTY during the trial of Slobodan Milošević, calling them “improper.” She was sued, tried and convicted of contempt of court and sentenced to pay a €7,000 fine. When she failed to pay the fine, the ICTY converted the sentence into a week’s imprisonment (of which she served five). France had refused requests from the ICTY to arrest

⁵⁹ *BBC News* (1 June 2013); “[France: Marine Le Pen Goes on Trial over Muslim Remarks](#),” *BBC News* (20 October 2015); *Keesings historisch archief* (2013), 327; “[National Front Leader Le Pen Acquitted of Inciting Hatred](#),” *BBC News* (15 December 2015). “Boete Le Pen (87) voor futiliseren Holocaust,” *NRC Handelsblad* (7 April 2016).

⁶⁰ Jean-François Niort, “[Ma réponse aux calomniateurs et mon message aux Guadeloupéens: Réponse scientifique et citoyenne aux calomniateurs et message aux Guadeloupéens](#),” including the Communiqué of the Guadeloupe Section of the Ligue des droits de L’homme of 4 April 2015; Julien Babel, “[La polémique autour du livre de Jean- François Niort continue](#)” (10 April 2015); Jacky Dahomay, “[Dénonçons la fatwa contre Jean-François Niort](#)” (6 April 2015); Jean-Luc Bonniol, “[Mémoire de l’esclavage : Retour sur l’affaire Jean-François Niort](#),” (23 April 2015).

Hartmann for non-payment of the fine. The classification on the documents was later removed.⁶¹

See also Algeria, Cameroon, Egypt, Gabon, Morocco, Panama, Rwanda, Tunisia.

⁶¹ William Schabas, "[The Yugoslavia Tribunal also Engages in Debt Collection](#)," *PhD Studies in Human Rights* (25 March 2016); International Council on Archives Human Rights Working Group, [News of March 2016](#) (April 2016).

GABON

Previous *Annual Report* entries: —.

Journalists and opponents of the President Ali Bongo Ondimba (in power since 2009) claimed that he was born in Congo or Nigeria. A French court allowed Bongo's half-sister to see details of his birth certificate held in the archives of French Equatorial Africa, Nantes, France, which said that he was born in 1959 in Brazzaville, Congo (then French Equatorial Africa). Bongo's opponents claimed that he was adopted and, being of foreign origin, ineligible for re-election in 2016 because the constitution banned people who had adopted the Gabonese nationality from standing for president. Bongo challenged the validity of the document.⁶²

GAMBIA

Previous *Annual Report* entries: —.

In January 2015, shortly after the attempted coup of 2014, Gambian authorities forcibly disappeared dozens of friends and relatives of the alleged coup plotters. They were held incommunicado, deprived of contact with family, and denied access to lawyers for up to seven months. The government refused to acknowledge the whereabouts or even the detention of many of them. A dozen of these family members were released as part of presidential pardons announced on 22 July 2015, the anniversary of President's Yahya Jammeh's 1994 coup. In the past decade, Gambian security forces had been implicated in dozens of enforced disappearances.⁶³

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012, 2014.

The International Criminal Court prosecutor requested the court's judges to authorize an investigation into alleged crimes committed during the 2008 conflict between Georgia and Russia, including by

⁶² "[Gabon: une plainte sur l'acte de naissance d'Ali Bongo classée sans suite](#)," *Radio France International* (29 February 2016); "[French Court Allows Viewing of Gabon President Ali Bongo's Birth Certificate](#)," *Radio France International* (12 November 2015).

⁶³ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 161; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 269.

South Ossetian forces (in some cases, with the possible participation of Russian forces) and also by Georgian forces.⁶⁴

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2013, 2015.

On 21 May 2015, the Federal Court of Justice partially overturned the decision of the Frankfurt Higher Regional Court in the case of Rwandan citizen Onesphore Rwabukombe, who was sentenced in 2014 to 14 years' imprisonment for aiding the commission of a massacre at the Kiziguro church compound. It was found on appeal that Rwabukombe had actively been involved in the murder of 450 people at the Kiziguro church, and that his previous sentence was too lenient. The case was referred back to a lower court in Frankfurt for retrial.

On 28 September 2015, the Higher Regional Court in Stuttgart sentenced Rwandan leaders of the Democratic Forces for the Liberation of Rwanda (FDLR) Ignace Murwanashyaka and Straton Musoni to 13 and 8 years' imprisonment respectively. They were both found guilty of leadership of a foreign terrorist group, while Murwanashyaka was additionally convicted of aiding in war crimes. It was the first trial based on the 2002 Code of Crimes against International Law. On 5 December 2014, the Higher Regional Court in Düsseldorf had convicted three German citizens, originally from Rwanda, for their support to the FDLR.⁶⁵

See also Denmark, France, Greece, Hungary, Netherlands, Poland, Russia, Ukraine.

GHANA

Previous *Annual Report* entries: 2002, 2004–2008.

⁶⁴ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 277.

⁶⁵ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 166.

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011, 2013–2015.

On 28 August 2014, the parliament passed a new antiracist law that, among others, criminalized denial of genocide, war crimes, and crimes against humanity, provided they were recognized as such by international courts or the Greek parliament. A group of Greek historians warned that such a blanket criminalization could lead to the prosecution of scholars. In March 2015, a prosecutor in Rethymno, Crete, decided to indict German historian Heinz Richter ([1940–]) (formerly professor of Greek and Cypriot modern history at the University of Mannheim) over a book he wrote on the May 1941 battle of Crete on the grounds that it constituted a “denial of the crimes of Nazism against the Cretan people with derogatory content.” The trial started on 2 September 2015. [See also *NCH Annual Report 2015*.] In December 2015, the Academy of Athens criticized the decision to sue Richter. On 10 February 2016, Richter was cleared of the charge.

The book, *Operation Mercury: The Invasion of Crete* (2011) described the seizure of Crete by German paratroopers in May 1941 and debunked (inter alia) some myths about resistance on Crete during World War II. Richter also reportedly belittled the Cretan resistance, describing it as “dirty” (meaning the participants in the war no longer obeyed the The Hague rules of war). The controversy had started when a University of Crete ceremony awarding a honorary doctorate to Richter in 2014 was boycotted by protesters, led by former chief of the National Defense General Staff Manousos Paragioudakis.⁶⁶

On 14 December 2015, the Supreme Court prosecutor’s office submitted to parliament two lawsuits (filed by New Democracy cadre and lawyer Failos Kranidiotis, and navy officer Panayiotis Stamatis) against Education Minister Nikos Filis to see whether he should be prosecuted under the 2014 antiracism law. Speaking on a television show in early November, Filis had said that the slaughter of tens of thousands of Black Sea Greeks (Pontic Greeks) by Turks in 1914–1923 was a case of ethnic cleansing rather than genocide. Greece had recognized the massacres as genocide in 1994 and Filis’s comments had prompted several protest rallies by members of the Pontic community.⁶⁷

⁶⁶ Antonis Liakos, personal communication (23 March 2015); Damian Mac Con Uladh, personal communication (23 March 2015); [Σε δίκη παραπέμπει τον καθηγητή Χ. Ρίχτερ ο εισαγγελέας Ρεθύμνο](#) (18 March 2015); Lina Giannarou, “[History on Trial](#),” *Ekathimerini.com* (10 December 2015); “[German Historian Heinz Richter Cleared of Charges](#),” *Ekathimerini.com* (10 February 2016).

⁶⁷ “[Greek Education Minister Sued over Genocide Comment](#),” *Ekathimerini.com* (14 December 2015).¹

GRENADA

Previous *Annual Report* entries: 2007.

GUATEMALA

Previous *Annual Report* entries: 1995–2015.

Former Guatemalan head of state Efraín Ríos Montt was found guilty in May 2013 of genocide and crimes against humanity. He was sentenced to 80 years' imprisonment, but several days later the Constitutional Court overturned the verdict on procedural grounds. Ríos Montt had led a military government from 1982 to 1983 when the military carried out hundreds of massacres of unarmed civilians. In August 2015, a trial court declared Ríos Montt mentally unfit for retrial, ruling instead that he should be represented by his lawyers in a special closed-door proceeding that was scheduled to start in January 2016. In October 2015, an appellate court rejected a two-year old petition by Ríos Montt's attorneys to apply a 1986 amnesty decree that would put an end to his prosecution. The court ruled that the decree, applicable to "all political and related common crimes" committed between March 1982 and January 1986, did not apply to genocide and crimes against humanity. In May 2014, the Congress passed a resolution denying that acts of genocide had been committed during the country's civil war (1960–1996), despite findings to the contrary by a United Nations-sponsored Truth Commission in 1999. In addition to pursuing the case against Ríos Montt, the Attorney General's Office has, in recent years, convicted several other former members of security forces for human rights crimes committed during the war. Five members of the army's special forces received lengthy sentences for their role in the 1982 Dos Erres massacre of more than 250 people, and former National Police Chief Héctor Bol de la Cruz received a 40-year sentence for ordering the disappearance of a student activist in 1984.

In July 2014, Felipe Solano Barillas became the first ex-guerrilla to be convicted in connection with atrocities committed during the civil war. Found guilty of ordering the massacre of 22 residents of the town of El Aguacate in 1988, he was sentenced to 90 years' imprisonment. In January 2015, Pedro Garcia Arredondo, former chief detective of the now-defunct National Police, was sentenced to 90 years' imprisonment for a raid on the Spanish embassy in 1980 in which 37 people burned to death. The Guatemalan judiciary inaugurated a third "high-risk court" in October 2015 to hear cases of grave crimes, including genocide, war crimes, and crimes against humanity. The new court was opened to help resolve cases more quickly and effectively, and ease the workload of the two existing high-risk courts.

Civil society organizations continued to push for the approval of Law 3590, which would create a National Commission for the Search for Victims of Enforced Disappearance and Other Forms of Disappearance. The law was first presented before Congress in 2006.⁶⁸

See also Spain.

GUINEA

Previous *Annual Report* entries: 2007, 2009–2015.

Since 2010, the judiciary has opened several investigations into serious violations by security forces, including the 2007 killing of some 130 unarmed demonstrators, the 2009 massacre and rape of opposition supporters in a Conakry stadium (see below); the 2010 torture of members of the political opposition; the 2012 killing of six men in the southeastern village of Zogota; and the 2013 killing of demonstrators protesting the delay in holding parliamentary elections. In 2015, investigative judges took steps to move most of these investigations forward, but their efforts were hampered by the failure of some members of the army, gendarmerie, and police to respond to judicial summons. At the end of 2015, no trials had taken place.

More than six years on, a domestic investigation continued into the September 2009 massacre of opposition supporters at a rally in Conakry, largely by members of the elite Presidential Guard. Security force members were implicated in the killing of some 150 people and rape of over 100 women during military rule under Moussa Dadis Camara. Since legal proceedings began in 2010, the panel of judges appointed to investigate the massacre had made important strides, having interviewed more than 400 victims and charged 14 suspects, including several high-level members of the security forces. Meaningful steps taken in 2015 included the charging of former coup leader Camara and his then-vice president, Mamadouba Toto Camara.⁶⁹

⁶⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 28–29, 171; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 278–279.

⁶⁹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 173–174; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 282–283.

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012, 2015.

GUYANA

Previous *Annual Report* entries: 1997.

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2013–2015.

Former President Jean-Claude Duvalier (1951–2014), who had returned to Haiti in January 2011 after nearly 25 years in exile, was accused of financial and human rights crimes committed during his 15-year tenure as president from 1971 to 1986. When the Port-au-Prince Court of Appeal ruled in 2014 that the statute of limitations could not be applied to crimes against humanity, and ordered additional investigation into the charges against Duvalier, victims of serious human rights violations, including arbitrary detentions, torture, disappearances, summary executions, and forced exile, hoped that they might finally see justice. However, Duvalier died on 4 October 2014—six months after the ruling, without ever having been brought to trial. The Human Rights Committee and the United Nations independent expert on Haiti both called on Haiti to continue the investigation and bring to justice all those responsible for serious human rights violations committed during Duvalier’s tenure. The latter reiterated his recommendation for the creation of “a truth, justice and peace commission to clarify and provide remedy” for the victims of past human rights violations under François (1957–1971) and Jean-Claude (1971–1986) Duvalier and President Jean-Bertrand Aristide (1996–2004). In late 2015, a (reopened) investigation into crimes committed by Duvalier’s collaborators was still pending.⁷⁰

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2015.

HONG KONG

Previous *Annual Report* entries: 1996. *See* China.

⁷⁰ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 29, 177; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 289.

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2015.

In June 1951, Bálint Hóman (1885–1951), professor of Hungarian medieval history, president of the Hungarian Historical Society (1933–1945) and minister of culture in various governments that supported the German political orientation (1932–1938, 1939–1942), died in prison. When the Red Army approached Hungary (December 1944–April 1945), he had fled to Austria, but from there he was extradited by the United States Army to Hungary because of his pro-Nazi and anti-Semitic wartime activities, including as a leader of the pro-Nazi Arrow Cross Party. As a government minister in the 1930s, Hóman spearheaded anti-Semitic legislation and in 1944 called for the deportation of Hungarian Jews. In 1946, the Communist government sentenced him to life imprisonment for war crimes, including for voting to declare war on the Soviet Union in 1941. With historian Gyula Szekfű (1883–1955), he had written an eight-volume *Hungarian History* (1928–1933).

In March 2015, the Budapest municipal court posthumously rehabilitated Hóman. In December 2015, the private Bálint Hóman foundation wanted to erect a bronze statue to honor Hóman in the latter's hometown Székesfehérvár. Its mayor Andras Cser-Palkovics, a member of the ruling political party Fidesz, declared that the foundation "had a right to do so in a democracy," but asked it to return the funding it had received from the city and government. On 14 December 2015, several hundred Hungarians, including representatives of Hungary's Jewish community and diplomats from various countries, attended a vigil to protest against the plan.⁷¹

The government decided to replace the statue of Mihály Károlyi, prime minister and first president of the Hungarian Democratic Republic (October 1918–March 1919), standing outside the parliament, by the statue of István Tisza, the conservative prime minister of Hungary (1903–1905, 1913–1917) in the last years of the Austro-Hungarian monarchy.⁷²

⁷¹ M. Bernath & F. von Schroeder, eds., *Biographisches Lexicon zur Geschichte Südeuropas*, volume 2 (Munich 1976), 176–177; L. Boia, ed., *Great Historians of the Modern Age: An International Dictionary* (New York 1991), 341–342; S. Borsody, "Modern Hungarian Historiography," *The Journal of Modern History* (1952), 402–403; R. vom Bruch & R. A. Müller eds., *Historikerlexikon: Von der Antike bis zum 20. Jahrhundert* (Munich 1991), 145; J. Cannon and others, eds., *The Blackwell Dictionary of Historians* (Oxford 1988), 400; I. Deák, "Historiography of the Countries of Eastern Europe: Hungary," *American Historical Review* (1992), 1051; D. Kosáry, "The Idea of a Comparative History of East Central Europe: The Story of a Venture," in D. Deletant & H. Hanak, eds., *Historians As Nation-Builders: Central and South-East Europe* (London 1988), 130–131; S. B. Várdy, *Historical Dictionary of Hungary* (Lanham MD 1997), 341; "[Bálint Hóman](#)," *Wikipedia* (24 April 2010); "[US Joins Hungary Protest over Pro-Nazi Homan Statue](#)," *BBC News* (14 December 2015).

⁷² Péter Molnár, "Slam Session," *Index on Censorship* (2015, no. 4), 20.

In March 2016, the Hungarian Academy of Sciences announced that it would close down the Lukács Archives in Budapest. György Lukács (1885–1971) was a philosopher and literary historian known for his original views of the Marxist doctrine. In 1919, he had been the People’s Commissar of Public Education in the government of the Hungarian Soviet Republic (21 March 1919–3 April 1919) and in 1956 he was the Minister of Popular Culture during the Revolution (27 October 1956–3 November 1956). Among his works were *History and Class Consciousness* (1923) and *The Historical Novel* (1937).⁷³

⁷³ [“Protest against Closing Down the Lukács Archiv”](#) (Petition; 8 March 2016); Alex Doherty, [“‘History Has a Habit of Intruding’: Save the Lukács Archive”](#) (14 March 2016); [“György Lukács,”](#) *Wikipedia* (31 March 2016).

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2015.

In March 2015, a Delhi court acquitted sixteen Provincial Armed Constabulary (PAC) men, who were among the nineteen charged with abducting and killing 42 Muslim men during the riots in Meerut, Uttar Pradesh, in May 1987 (the Hashimpura massacre). The victims were picked up from the Hashimpura Mohalla in a truck and taken to a nearby canal, where they were gunned down. The court stated that it could not convict anyone because of the “scanty, unreliable and faulty investigation.” A letter written by the Senior Superintendent of Police (SSP) of Meerut to the Crime Branch of the State Crime Investigation Department (CID), however, showed that Uttar Pradesh police destroyed the evidence on 1 April 2006. The matter was being heard in a court at time the documents were destroyed.⁷⁴

In April 2015, the Environment Ministry rejected an offer from the United Nations Environment Programme to assess the spread of toxic wastes at the site of the 1984 Bhopal gas leak disaster. In August 2015, the Madhya Pradesh state government incinerated 10 tonnes of the waste in Pithampur, 250 km from Bhopal, which activists said had violated Supreme Court orders and endangered the health of local residents.⁷⁵

On 14 May 2015, the Supreme Court ruled against Devidas Ramchandra Tuljapurkar, a bank employee, who had been accused of publishing allegedly obscene poems, penned by Marathi poet Vasant Dattatraya Gurjar, on Mahatma Gandhi (in particular “Gandhi Mela Bhetala” [I met Gandhi] written in 1984), in the in-house magazine of the All India Bank Association Union in 1994. Tuljapurkar maintained that the poem was not obscene but satirical. The court heard Tuljapurkar’s appeal against a Bombay High Court order dismissing his plea seeking to quash his prosecution under Section 292 (criminalizing publication and circulation of obscene content) of the Indian Penal Code. The court applied the so-called “Contemporary Community Standards Test” to Section 292, and held that this test applied with greater vigor when the names of “historically respected persons” like Mahatma Gandhi were used as a medium for obscene words or acts. It concluded that the poem fell within the ambit of offense of obscenity. However, since two decades had passed since the offense and because the publisher had apologized unconditionally upon hearing of the reactions of some members of the audience, the appellant was discharged.⁷⁶

⁷⁴ Mohammad Ali, “[U.P. Police Destroyed Papers on Massacre](#),” *The Hindu* (2 February 2016); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 183; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 299.

⁷⁵ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 183.

⁷⁶ Supreme Court of India, [Tuljapurkar versus State of Maharashtra](#) (2015); [Tuljapurkar v.](#)

In March 1989, historian M. M. Kalburgi (Malleshappa Madivalappa Kalburgi) (1938–2015) received death threats from temple chiefs and militants of the Hindu Lingayat community (founded in the twelfth century) because they alleged that his book *Marga Ordu (One Way)*—a collection of articles on Kannada folklore, religion and culture—blasphemed their twelfth-century patron saint, philosopher Basava (Basavanna or Basaveshwara) (1105–1167). He reportedly alleged that poet Channabasava, Basava’s nephew, was born from a relationship between Basava’s sister and a cobbler and that Basava’s relationship with his wife had been merely platonic. Kalburgi was given 24-hour police protection in Dharwar, Southern Karnataka state. Later, pressured by Lingayat seers, he withdrew the controversial sections from the book. His book *Marga 4* earned him the Karnataka Sahitya Academy Award in 2006. He became vice-chancellor of Kannada University in Hampi. He was the chief editor of *Samagra Vachana Samputa* (published by the Government of Karnataka).

On 30 August 2015, Kalburgi was shot dead by two unknown assailants in his residence. Kalburgi had had run-ins with members of the Lingayat community and right-wing Hindutva groups over his research work and outspoken opinions on traditional religious beliefs and practices. As a rationalist scholar speaking during a seminar in June 2014 on a proposed anti-superstition bill in Bangalore, Kalburgi criticized idol worship as a “meaningless ritual” while supporting a piece of work by writer U.R. Ananthamurthy. At that occasion, right-wing groups Vishva Hindu Parishad (VHP; World Hindu Council), Bajrang Dal and Sri Ram Sena filed a case against both writers for “causing hurt to” religious sentiments and beliefs. Stones were pelted at Kalburgi’s residence and he was again threatened. He was provided police protection for some months but Kalburgi requested to withdraw the protection in mid-August.

In a tweet, Bajrang Dal leader Bhuvith Shetty welcomed Kalburgi’s death, adding that K.S. Bhagwan, an awarded historian who translated classical Kannada texts into English and worked at Mysore University until his retirement, would be the next target. After a wave of criticism, Shetty deleted the tweet, disabled his twitter account and denied any involvement in the murder. Bhagwan had recently invited VHP leader Vishveshwara Thirtha Swami for a debate on Hindu scriptures; he declared that he was not afraid of intimidation. Bhagwan was first threatened in 1985 and charged with blasphemy upon release of his book *Shankaracharya and Reactionary Philosophy*, which showed that Shankaracharya (788–820) was a strong advocate of the caste system rather than a social reformer.⁷⁷

[Maharashtra](#), Note Columbia University (2015); “[Supreme Court: Putting Indecent Words In Mahatma Gandhi's Mouth Isn't Artistic Freedom](#),” *Huffington Post* (17 April 2015).

⁷⁷ “[MM Kalburgi Murder: Bajrangi Dal leader Welcomes Death, Says Another Academician Next](#),” *Daily News and Analysis* (30 August 2015); “[Renowned Karnataka Writer Dr MM Kalburgi Shot Dead at his Home](#),” *Daily Mail* (30 August 2015); K.S. Bhagwan, “[You Can Attack Us but Our Works Will Live On: Prof KS Bhagwan](#),” *Hindustan Times* (3 September 2015); Sania Farooqui, “[Indian Scholar Who Spoke Out Against Idol Worship Is Shot Dead](#),” *Time Magazine* (31 August 2015); T.A. Johnson, “[Former Karnatak University Vice-chancellor M M Kalaburgi, Who Had Run-ins with Hardliners, Shot](#),” *Indian Express* (31 August 2015); “[M M Kalburgi](#),” *Wikipedia* (retrieved

In August 2015, the New Delhi Municipal Corporation (NDMC) decided to change the name of Aurangzeb Road to A.P.J. Abdul Kalam Road. Aurangzeb was a Mughal Emperor (1618–1707), Abdul Kalam (1931–2015), who died in July 2015, the eleventh President of India (in office, 2002–2007). Muslims and others protested the renaming.⁷⁸

On 23 September 2015, the Indian Council for Historical Research (ICHR) amended the funding rules and withdrew the special status that the Indian History Congress (IHC; founded 1935) had enjoyed since the ICHR was founded in 1972. The action came almost a year after the IHC passed a resolution against Prime Minister Narendra Modi's statement citing plastic surgery and genetic science to explain the creation of Ganesh and Karna. The IHC cautioned against "combining myth and history." Revocation of the special status was widely criticized on the grounds that the IHC received over 1,500 scholars every year at its annual conference and that it should not be treated at par with regional history congresses with conferences of 200 to 300 historians. Former IHC president (1981) and ICHR chairman (1987–1993) Irfan Habib called it another attempt of the National Democratic Alliance government to curb academic freedom.

In November 2015, Yellapragada Sudershan Rao, history professor at Kakatiya University in Telengana, resigned as chairman of the Indian Council of Historical Research [See *NCH Annual Report 2015*.]⁷⁹

In October 2015, when India invited all 54 leaders of the African Union to a summit in New Delhi, it ignored calls by the International Criminal Court to arrest Sudan's president, Omar Hassan al-Bashir, who faces charges of war crimes and genocide in Darfur.⁸⁰

In November 2015, the Culture Minister Mahesh Sharma refuted claims made by a group of lawyers in a 2014 petition to the court that the Taj Mahal—a mausoleum in Agra built in 1653 by Mughal Emperor Shah Jahan after the death of his wife Mumtaz Mahal—was originally a temple dedicated to the Hindu

24 October 2015); *Index on Censorship* (1989, nos. 6–7), 78; Derek Jones, ed., *Censorship: A World Encyclopedia* (London and Chicago, Fitzroy Dearborn, 2001), 252.

⁷⁸ Charu Kartikeya, "[Aurangzeb Road Renamed, Akbar and Shah Jahan are Next: Irfan Habib](#)" (1 September 2015).

⁷⁹ Ritika Chopra, "[ICHR Revokes History Congress' Special Status](#)," *Indian Express* (30 November 2015); "[ICHR Stops Financial Aid to History Congress](#)," *Deccan Herald* (1 December 2015); "[Irfan Habib Denounces ICHR's Move to Revoke IHC Special Status](#)," *Business Standard* (30 November 2015); Suhrith Parthasarathy, "Ideas Under Review," *Index on Censorship* (2015, no. 2), 28–29; Amartya Sen, "[The Stormy Revival of an International University](#)," *The New York Review of Books* (13 August 2015).

⁸⁰ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 304.

god Shiva and should be handed over to Hindus.⁸¹

In early 2016, several officials—including Muhammad Shafi Zahid, director of the Department of Archives and Archaeology of the government of Jammu and Kashmir, and Abdul Ahad, its former director—reported that after independence, and especially after 1985, the government of Jammu and Kashmir, and particularly its judiciary and police departments, had broken the archives law by not regularly transferring documents to the archives. This endangered the writing of history, including about the 1953 events. The police department was said to have an own archive. There were no significant records of the Jammu and Kashmir Assembly available: two volumes of Jammu and Kashmir Constituent Assembly debates and a copy of the debates of the Autonomy resolution, which was passed by the Assembly in 2000 for restoration of the pre-1953 status to Jammu and Kashmir, were available at the Assembly while the rest was untraceable or available in bits and pieces.⁸²

See also United Arab Emirates.

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2013, 2015.

In 2015, the people of Aceh commemorated the tenth anniversary of the 2005 Helsinki Peace Agreement between the government and the armed pro-independence Free Aceh Movement. The agreement ended a 29-year conflict (1976–2005) during which between 10,000 and 30,000 people were killed, many of them civilians. In November 2015, the Aceh House of People’s Representatives selected a team charged with appointing commissioners for the Aceh Truth and Reconciliation Commission, a body set up to examine abuses that occurred during the conflict. Some provisions in the bylaw under which the commission was created, fell short of international law and standards. Its mandate was limited to genocide, crimes against humanity and war crimes and did not include other crimes under international law including torture, extrajudicial executions and enforced disappearances.⁸³

On 30 September 2015—the fiftieth anniversary of the mass killings in 1965 in which an estimated 500,000 to one million people were killed and hundreds of thousands were held without charge or trial

⁸¹ “[Taj Mahal: India Monument ‘not a Hindu temple’](#),” *BBC News* (1 December 2015).

⁸² Naseer Ganai, “[Jammu and Kashmir Archives Denied Record for Past 6 Decades](#),” *Mail Today* (12 January 2016).

⁸³ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 38, 187.

for periods ranging from a few days to more than fourteen years—it was observed that the government had failed to pass a new law to establish a national truth commission almost nine years after the Constitutional Court had struck down a previous law (it had ruled that a provision requiring an amnesty for perpetrators of gross human rights abuses was unconstitutional). The recommendations of the Komnas HAM 2012 report [see *NCH Annual Report 2013*] were not given a follow-up, despite promises by President Joko “Jokowi” Widodo. In August 2015, Widodo, in his Independence Day speech, announced that he would establish a non-judicial mechanism to resolve all past human rights violations through a “reconciliation committee.” This was believed to include the 1965–1966 violations. Victims and NGOs remained concerned that this process would prioritize reconciliation and undermine efforts at truth and justice.

The Indonesian government had also consistently failed to provide justice, truth and reparation for other past grave human rights abuses such as those committed in Aceh (*see above*), Timor-Leste (then East Timor), Papua and also during the 1998 May riots. On many occasions, internal meetings or public events about the 1965 violations held by the victims were disbanded by the authorities or broken up by vigilante groups while police frequently failed to intervene.⁸⁴

In October 2015, officials forced the organizers of the international Ubud Readers and Writers Festival to cancel events linked to the 1965 mass killings. They threatened to call off the literary festival, due to start in Bali in late October, if the organizers did not comply. Canceled events included three panel discussions on the massacres, book launches, the screening of the documentary *The Look of Silence* by Joshua Oppenheimer [see *NCH Annual Reports 2013, 2015*], and a photography exhibit of women survivors of the killings. Elsewhere, a Swedish national was deported for visiting a mass grave in Sumatra. *Lentera*, a magazine run by the Satya Wacana University’s Faculty of Social and Communication Studies in Salatiga, Central Java, was prevented from being sold outside the campus after reporting on the 1965 murders in the town; police confiscated and burned hundreds of copies of the magazine.⁸⁵

⁸⁴ Amnesty International, “[Indonesia: Fifty Years on, Victims of ’65 Still Waiting for Truth, Justice and Reparation](#)” (ASA 21/2496/2015; London: AI, 23 September 2015); Amnesty International, “[Indonesia: Millions of Victims and Families Still Abandoned 50 Years after Mass Killings](#)” (30 September 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 38, 187; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 306, 311.

⁸⁵ “[Indonesia Cancels Festival Events Marking 1965 Mass Killings](#),” *BBC News* (24 October 2015); Marianna Tzabiras, “[The 50th Anniversary of the Massacre Indonesians Aren’t Supposed to Talk about](#),” *Ifex* (6 November 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 188; Vicky Baker, “T-Shirted Turmoil,” *Index on Censorship*, 45 no. 1 (Spring 2016), 123.

On 19 November 2015, Filep Karma was released.

Karma had been sentenced to fifteen years' imprisonment in May 2005 on charges of "anti-state rebellion" for taking part in a peaceful ceremony on 1 December 2004 during which the Morning Star flag (a banned symbol of Papuan independence) was raised in Abepura (Jayapura), Papua Province, to commemorate the 1962 declaration for Papuan independence. [See also *NCH Annual Report 2011*.]⁸⁶

See also Netherlands, Timor-Leste.

IRAN

Previous *Annual Report* entries: 1996–2015.

On 9 December 2015, managing editor and reformist cleric Seyed Mahmoud Doaei of *Ettelaat* newspaper wrote a front-page editorial, addressed to President Hassan Rouhani, in which he strongly objected to the ban—imposed by hardline judiciary—on publishing the name or images of former reformist president Mohammad Khatami (serving as president between 1997 and 2005). It emerged earlier in 2015 that a media blackout had been imposed regarding Khatami (*non grata* over his support for opposition leader and former presidential candidate Mir-Hossein Mousavi). *Ettelaat* first defied the ban on 5 December 2015, printing the Farsi translation of an interview with Khatami given to an Arabic newspaper. On 8 December 2015, Doaei was reportedly indicted for ignoring the ban. It was not the first time that the authorities banned mentions of Khatami in the media. In 2010, a similar ruling was issued regarding Khatami, Mousavi and others. During the 2013 presidential elections, Khatami had backed Rouhani and his support was reportedly crucial in the victory of the moderate cleric.⁸⁷

See also Argentina, Syria.

⁸⁶ Amnesty International, "Indonesia: Case sheet: The Jayapura Flag-raisers" (February 2005); Amnesty International, *The Wire* (October / November 2011), insert; Human Rights Watch, *Ifex Alert* (19 November 2009); Human Rights Watch, "Hellman/Hammett Grants Honor 42 Writers for Courage Facing Political Persecution" (4 August 2010); Human Rights Watch, *World Report 2011* (Washington 2011), 321; *Ifex Alert* (21 March 2012); *Keesings historisch archief* (2012), 178.

⁸⁷ Saeed Kamali Dehghan, "[Iranian Newspaper Condemns Media Censorship in Rare Front-Page Editorial](#)," *Guardian* (9 December 2015).

IRAQ

Previous *Annual Report* entries: 1998, 2000–2015.

In June 2014, an anonymous writer identifying himself as an “independent historian” started the blog [Mosul Eye](#) in English and Arabic in order to chronicle events in Mosul under the domination of the Islamic State (IS; formerly Islamic State of Iraq and Syria, ISIS). In October 2015, the blog had 11,500 followers. The chronicler reportedly received many threats from IS. The historian had been keeping journals and collecting an archive of materials on Iraqi militias and insurgent groups since the 2003 invasion.⁸⁸

On 12 May 2015, IS blew up the nearly 200-year-old Maryam Khatoon mosque in the Hawsh Kahn neighborhood of Mosul, Ninewa. In addition, between May and October 2015, IS looted and demolished many mosques, churches, graves, tombs and shrines which it considered un-Islamic and “manifestations of polytheism.”⁸⁹

On 28 May 2015, the United Nations General Assembly unanimously adopted a resolution which condemned the destruction of heritage in Iraq.⁹⁰

See also Spain.

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006, 2013, 2015.

The United Nations Committee on Economic, Social and Cultural Rights criticized the lack of a prompt, thorough and independent investigation into the allegations of past abuses in the religious-run “Magdalene Laundries,” including the fact that survivors were not provided with adequate remedies.

⁸⁸ Ursula Lindsey, “[An Independent Historian Documents Life under the Islamic State](#),” *Al-Fanar* (9 October 2015); Gilgamesh Nabeel, “[Q & A with the ‘Mosul Eye’ Historian](#)” *Al-Fanar* (9 October 2015).

⁸⁹ Office of the United Nations High Commissioner of Human Rights & United Nations Assistance Mission for Iraq—Human Rights Office, [Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May–31 October 2015](#) (Baghdad: UNAMI/OHCHR, 2016), 16–17 (Destruction or damage of places of religious and cultural significance); Kanishk Tharoor & Maryam Maruf, “[Museum of Lost Objects: The Winged Bull of Nineveh](#),” *BBC News* (29 February 2016).

⁹⁰ United Nations General Assembly, [Resolution 69/281: Saving the Cultural Heritage of Iraq](#) (28 May 2015).

[See also *NCH Annual Reports 2013, 2015*.]⁹¹

See also United Kingdom.

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2014.

According to Shay Hazkani, assistant professor at the University of Maryland’s Center for Jewish Studies, in a July 2014 interview, Israeli state archive documents that were declassified in the 1980s had been reclassified in recent years. He estimated that about one-third of the documents that were declassified in the 1980s had been reclassified starting from the late 1990s, when the archives were digitized. They related to orders given to the nascent Israeli army to expel Palestinians during the 1948 war. These reclassified documents had been used extensively by “new historians” like Benny Morris, Avi Shlaim, Hillel Cohen and Ilan Pappé and cited in their books.

Hazkani, who was Israel Channel 10’s military correspondent from 2004 to 2008, also said that in 1955 Israel adopted a law that specified documents could be kept classified for a maximum of fifty years. But the Mossad, the army and the Shin Bet, which controlled very large archives, refused to comply with the law. Petitions to declassify specific documents had been brought before the higher courts.⁹²

In May 2015, the Israeli Supreme Court permitted the demolition of Susya, a Palestinian village in the south Hebron Hills in the West Bank with about 340 residents. The villagers built their homes on their agricultural land after Israel forcibly displaced them and designated the village as an archaeological site.⁹³

In June 2015, the United Nations (UN) Independent Commission of Inquiry on the 2014 Gaza Conflict published its report, documenting war crimes by Israeli forces and Palestinian armed groups during the fifty-day conflict and calling for accountability. Israel rejected the UN findings and continued its military investigations, but they were not independent and failed to deliver justice. Israeli military authorities opened investigations into the deaths of Palestinians killed by Israeli forces

⁹¹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 199.

⁹² Lisa Goldman, “[Classified: Politicizing the Nakba in Israel's State Archives](#),” *972 Magazine* (19 February 2016).

⁹³ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 333.

in the West Bank, but these investigations were similarly flawed, and only one case from 2013 led to an indictment for “negligent use of a firearm,” following lengthy delays and an appeal to Israel’s High Court.

In September 2015, a government committee released its review of the Turkel Commission’s 2013 recommendations on Israel’s investigation systems and their compliance with international law. It side-stepped some recommendations, such as making war crimes offenses under national law, and failed to define practical steps or budgets necessary to implement others.⁹⁴

See also Argentina, Italy, Morocco, Palestinian Authority.

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012.

In September 2015, Saverio Ferrari, a journalist and author known for his research on neo-fascist and neo-Nazi movements in Italy and their foreign links and affiliations, said that he received credible reports that extreme-right circles in Milan were planning an attack on him. For a number of years, Ferrari had suffered threats by neo-fascists. In 2012, he had been assaulted and had to be hospitalized as a result.⁹⁵

In March 2016, the government released thousands of previous classified documents related to fascist and Nazi war crimes committed in Italy during World War II. The documents were declassified after a parliamentary commission had investigated the concealment of files related to these crimes. Specifically, the commission had dealt with the so-called “cabinet of shame”—a wooden cabinet discovered in 1994 in a storeroom of the military prosecutor’s headquarters in which 695 files on war crimes had been hidden for decades. The documents concerned specifics of crimes ranging from anti-Jewish persecution to massacres of civilians that in total had resulted in 15,000 deaths.⁹⁶

⁹⁴ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 203.

⁹⁵ ANPI Brescia, “[Italian Historian Threatened by Neo-Fascists in Milan](#)” (24 September 2015).

⁹⁶ JTA, “[Italy Cracks Open Fascist-Era ‘Cabinet of Shame’ Archives](#)” *Forward* (12 March 2016); Archivio storico della Camera dei deputati, [Commissione parlamentare di inchiesta sulle cause dell’occultamento di fascicoli relativi a crimini nazifascisti](#) (2016); Luigi Cajani, personal communication, 12 March 2016.

IVORY COAST (Côte d'Ivoire)

Previous *Annual Report* entries: 2004, 2006–2015.

On 15 December 2014, the much-criticized Dialogue, Truth and Reconciliation Commission (CDVR), established to shed light on the post-electoral violence of 2010–2011, presented its final report to President Alassane Ouattara. However, the government had not yet publicly released the report in late 2015, although Ouattara had pledged to make 10 billion CFA (US\$ 16.5 million) available for the indemnification of victims. The first group of victims began receiving financial and medical assistance in August 2015, but victims' groups criticized the lack of transparency of the reparations process.

In March 2015, the National Commission for Reconciliation and Compensation of Victims (CONARIV) was created to complete the work of the CDVR, in particular to register unidentified victims of the post-electoral violence. In December 2015, Ouattara committed to pardoning over 3,000 people detained since the electoral crisis, either totally or partially removing their sentences. At the end of 2015, the list of those pardoned had not been made public.⁹⁷

On 28 January 2016, the trial of historian and former President Laurent Gbagbo began at the International Criminal Court (ICC). He was the first ex-head of state to stand trial at the ICC. He denied the charges, saying he was the victim of a French plot. In October 2015, the ICC had rejected his request to hold the opening statements of his trial in Abidjan or Arusha. His wife Simone was sentenced to 20 years' imprisonment by a court in Ivory Coast; however, this was for offenses against the state (undermining state security, participation in an insurrectionary movement, and public disorder), not human rights crimes. [See also *NCH Annual Reports 2002, 2008, 2011–2015*.]⁹⁸

See also Burkina Faso.

⁹⁷ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 129; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 197.

⁹⁸ "[Laurent Gbagbo: Ivory Coast Ex-leader Denies War Crimes](#)," *BBC News* (28 January 2016); "[Profile: Ivory Coast's Laurent Gbagbo](#)," *BBC News* (27 January 2016); Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 195; Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 22, 129.

JAPAN

Previous *Annual Report* entries: 1995–2015.

In October 2015, Japan threatened to withdraw its funding for UNESCO after it included disputed Chinese documents about the 1937 Nanjing massacre (including court records from the International Military Tribunal for the Far East [1946–1948], photographs and film footage) in its Memory of the World list, despite protests from Tokyo. UNESCO did, however, reject a Chinese request to the effect that photos and other documents relating to Japan’s use of wartime sex slaves be included on the list. Chinese historians claimed that Japanese imperial army troops killed more than 300,000 soldiers and civilians during the six-week Nanjing massacre, but Japanese historians insisted that the number was between the tens of thousands and 200,000.⁹⁹

On 28 December 2015, the government reached an agreement with South Korea and acknowledged Japan’s deep responsibility for the military sexual slavery system before and during the Pacific War (1931–1945), which resulted in women and girls being forced into sexual slavery by the Japanese Imperial Army. Japan agreed to provide a one-time contribution of one billion yen (US\$ 8.3 million) to carry out joint projects with South Korea, including a foundation to be established by the country. The South Korean government agreed to consider the removal of a statue commemorating the “comfort women” built in front of Japan’s embassy in Seoul. Both governments agreed to refrain from accusing or criticizing each other in the international community on the issue. The outcome was criticized as the agreement did not take into account the views and needs of survivors and they were not involved in the negotiations. The possible removal of the statue was also criticized because it not only commemorated the historical issue and legacy of the “comfort women” but also symbolized the survivors’ search for justice.¹⁰⁰

See also Korea, South, Thailand, United States.

⁹⁹ Justin McCurry, “[Japan Threatens to Halt Unesco Funding over Nanjing Massacre Listing](#),” *Guardian* (13 October 2015).

¹⁰⁰ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 206; “[The Long Awaited Apology to ‘Comfort Women’ Victims Is yet to Come—UN Rights Experts](#)” (United Nations press release; 11 March 2016); Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Combined Seventh and Eighth Periodic Reports of Japan* (CEDAW/C/JPN/CO/7-8; 7 March 2017), paragraphs 28–29.

JORDAN

Previous *Annual Report* entries: 2003–2004, 2015.

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2015.

Kenya has made no progress on accountability for post-2007 elections violence, including for sexual violence, but authorities continued with attempts to undermine the International Criminal Court (ICC) cases on Kenya by seeking to politicize the proceedings.

In December 2014, the ICC prosecutor withdrew crimes against humanity charges against President Uhuru Kenyatta due to insufficient evidence that the ICC prosecutor blamed on non-cooperation by Kenyan authorities and widespread witness interference. Deputy President William Ruto and former radio journalist Joshua arap Sang were standing trial on similar charges. Victims in the Kenyatta case were seeking to challenge the prosecution's decision to suspend investigations. Both sets of Kenyan cases at the ICC were dogged by claims of witness tampering. The trial chamber in the Ruto and Sang case found sufficient evidence of tampering to not admit into evidence the prior statements of six witnesses who subsequently refused to cooperate with the prosecution, setting off a new effort in parliament to seek Kenya's withdrawal from the ICC.

In late 2014, an ICC trial chamber indicated that the Kenyan government had not met its obligations to cooperate in the prosecution's investigations in the Kenyatta case but decided not to send a formal finding of non-compliance to the court's Assembly of States Parties for enforcement. The Office of the Prosecutor appealed the decision, and in August 2015, the Appeals Chamber referred the matter back to the Trial Chamber for review. In March 2015, Kenyatta said that a report of the Office of Director of Public Prosecutions indicated that, due to lack of evidence, it would not be possible to prosecute cases arising out of the 2007–2008 post-election violence and that "restorative" approaches should be used instead.

Kenyatta issued a general apology for human rights violations committed by the government and instructed the treasury to set aside Ksh10 billion (US\$ 9.5 million) over the next three years for victim reparations for past injustices dating back to 1963, including victims of the recent post-election violence, as recommended in the report of the Truth, Justice and Reconciliation Commission.

In June 2015, the African Union Assembly adopted a resolution which reiterated its previous calls for termination or suspension of ICC proceedings against Ruto of Kenya. In November, Kenya's government attempted to influence the fourteenth session of the Assembly of States Parties (ASP)—

the political oversight body of the ICC—as part of its attempt to undermine Ruto’s trial, by threatening to withdraw from the ICC. On 5 April 2016, the Ruto case was thrown out of the court.¹⁰¹

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011, 2013–2015.

See Korea, South.

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012–2013.

After nine former comfort women in 2013 had sought a temporary injunction against publication of a book “Comfort Women of the Empire” (2013; Japanese translation November 2014) and filed a complaint against its author Park Yu-ha, a professor at Sejong University, in June 2014, the Seoul Eastern District Court in February 2015 ordered that Park’s book be redacted in 34 sections. A modified version was later published. On 13 January 2016, the court ordered Park to pay 10 million won (8,262 US dollars) to each of the women because she had defamed them with “false,” “exaggerated” or “distorted” content in her book. Park intended to appeal.

In a separate criminal case, the Seoul Eastern District Prosecutors Office on 18 November 2015 charged Park with defaming the honor of former comfort women and deviating from academic freedom. In the book, Park had argued that there was no evidence that the Japanese government was officially involved in forcibly recruiting the women from Korea (then a Japanese colony). She said that Korean collaborators and private Japanese recruiters were mainly responsible for taking Korean women, sometimes using coercion, into the “comfort stations,” where she said life included both rape and prostitution, and the women developed a “comradelike relationship” with Japanese soldiers. Many South Koreans questioned Park’s “Koreanness” online or accused her of being a traitor. At a conference in December 2015, Park said that her work was based on historical documents and the testimony of former comfort women and that it was not intended to criticize or defame any comfort women. Park accused prosecutors of trampling on academic freedom. More than 200 intellectuals and scholars signed two

¹⁰¹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 22; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 353–355.

petitions in protest against the charges.¹⁰²

In October 2015, the government announced plans that from 2017 all secondary schools had to use state-issued history textbooks only, arguing that current middle and high school history textbooks (published by eight different companies) were too left-leaning and encouraged anti-American and pro-North Korea feelings (including by failing to make clear that the Korean War, 1950–1953, was started by the North). Conservatives had criticized the “masochistic historical views” in the textbooks and accused their authors of inculcating youngsters with “left-leaning nationalism.”

The system of privately-published textbooks had been introduced in 2003 under the progressive president Roh Moo-hyun; in 2014, the Education Ministry had asked the publishers to make many changes in the texts, but their authors filed lawsuits against the interference. Vice Prime Minister and education minister, Hwang Woo-yea, said that textbooks should teach “the proud history of South Korea, which has achieved both democratization and industrialization in the shortest time in world history.” The new book, to be called *The Correct Textbook of History*, would be written by a government-appointed panel of history teachers and academics. The National Institute of Korean History supervising the operation indicated that the names of authors would be kept secret until the project ended. Opposition politicians and several academics accused the government of “distorting history” and whitewashing South Korea’s past dictatorships—including the one led by President Park Geun-hye’s father, Park Chung-hee. Park Chung-hee had seized power in a 1961 coup and remained in control using torture and martial law until his assassination in 1979. President Park’s critics (including Park Han-yong, a chief researcher at the Center for Historical Truth and Justice, Seoul) asserted that the official history textbook plan echoed her father’s dictatorship, during which the government wrote history textbooks that glorified his coup as a “revolution” and justified his prolonged rule. They called the plan “a coup in history education.”

On 14 November 2015, security forces in Seoul clashed with protesters during a street rally, in which some 70,000 demonstrators took part. Part of the protest was against the imposition of the state-approved history textbook. On 5 December 2015, about 14,000 protesters held a mass rally against government policies, including the planned textbook.¹⁰³

¹⁰² Yoshihiro Makino, “[Author of ‘Comfort Women of the Empire’ Indicted in South Korea](#),” *Asahi Shimbun* (20 November 2015); John Power, “[Uncomfortable Truth? South Korean Academic on Trial for Defamation](#),” *The Correspondent* (4 December 2015); Choe Sang-Hun, “[Professor Ordered to Pay 9 Who Said ‘Comfort Women’ Book Defamed Them](#),” *New York Times* (13 January 2016).

¹⁰³ “[South Korea to Control History Textbooks Used in Schools](#),” *BBC News* (12 October 2015); “[S Korea Protesters Clash with Police in Seoul](#),” *BBC News* (14 November 2015); Stephen Evans, “[Why South Korea Is Rewriting Its History Books](#),” *BBC News* (1 December 2015); “[South Korea Protests: Seoul Rally against Park Geun-hye](#),” *BBC News* (5 December 2015); Choe Sang-Hun, “[South Korea to Issue State History Textbooks, Rejecting Private Publishers](#),” *New York Times* (12 October 2015); Se-Woong Koonov, “[South Korea’s Textbook Whitewash](#),” *New York Times* (12

See also Japan, United States.

KOSOVO

See Serbia / Kosovo.

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005.

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2013.

The authorities continue to deny justice to victims of the June 2010 interethnic violence in Osh and Jalal-Abad (southern Kyrgyzstan), where serious crimes were committed by members of both ethnic Kyrgyz and Uzbek communities. Ethnic Uzbeks were disproportionately killed and subjected to arbitrary detention, ill-treatment, and torture. In April 2015, Mahamad Bizurukov, an ethnic Uzbek on trial since 2011 in connection with the 2010 violence, was sentenced to thirteen years' imprisonment for murder. He was released in August 2015 on parole. A handful of other June 2010-related cases were still under judicial review. In June 2015, during a Central Asia visit, United Nations Secretary-General Ban Ki-moon called on authorities to investigate human rights violations related to the June 2010 violence, prosecute those responsible for serious crimes, review convictions tainted by torture, and work with civil society “to promote interethnic reconciliation,” including through transitional justice and reparations for victims. On the fifth anniversary of the violence in June, the Organization for Security and Co-operation in Europe High Commissioner on National Minorities noted that “a sense of insecurity is still prevalent among the ethnic Uzbek community” and “little progress” has been made in investigating cases related to the June 2010 violence.¹⁰⁴

November 2015).

¹⁰⁴ Amnesty International, Report 2015/16 (London: Amnesty International, 2016), 224–225; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 365.

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008, 2015.

On 21 March 2016, Kristīne Jarinovska, deputy head of the Commission for the Study of KGB Materials (established in 2015 with a three-year mandate), told Latvian Television that part of the archive of the Soviet secret service KGB was located at the Documentation Center on the Consequences of Totalitarianism, controlled by the Constitution Protection Bureau (SAB), and inaccessible for researchers. They included the partially burned KGB documents, found in the Police College and handed to the security police in 2015. Only officials with high-level security clearances could access the complete archive.¹⁰⁵

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2015.

In October 2012, Justice Minister Shakib Qortbawi put forward a draft decree to the cabinet to establish an independent national commission to investigate the fate of people forcibly disappeared during the civil war (1975–1990) and its aftermath, but no further action was taken. In September 2014, the government finally provided the families of the disappeared with the files of the Official Commission of Inquiry that had been appointed in 2000 to investigate the fate of the kidnapped. These showed that the government had not conducted any serious investigation.

The Netherlands-based Special Tribunal for Lebanon (STL) continued to try five men in their absence for alleged complicity in the killing of former Prime Minister Rafic Hariri and others in a car bombing in Beirut in 2005.¹⁰⁶

Several news agencies and government municipalities had their websites hacked, with assailants threatening to delete historical archives. The news website *Lebanon Debate* was subject to a double hacking attempt from IP (Internet Protocol) addresses in Lebanon and the United States on 24 March 2015; however, it was able to retrieve its archive and republished under a new domain. One of the most well-known blogs, Trella, was subject to a cyberattack on 11 April 2015, in which hackers threatened to

¹⁰⁵ “[KGB Study Commission still Kept away from Archives](#),” *LSM.LV (Public Broadcasting of Latvia)* (21 March 2016).

¹⁰⁶ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 55–56, 229; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 376.

erase the blog's archive since 2004.¹⁰⁷

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2015.

LIBYA

Previous *Annual Report* entries: 2003, 2005–2015.

Tripoli authorities sentenced former Gaddafi-era officials to long prison terms or death for alleged war crimes and other offenses committed during the 2011 uprising and ensuing armed conflict. Their trial was marred by irregularities; the authorities failed to comply with an International Criminal Court (ICC) demand to hand over Saif al-Islam al-Gaddafi, son of Mu' ammar al-Gaddafi; instead, he remained in militia detention; he was tried and sentenced to death.

The ICC Prosecutor expressed concern about Islamic State crimes and alleged international humanitarian law violations by Libya Dawn and Operation Dignity forces but failed to initiate new investigations, citing insufficient resources and Libya's instability, and called on states parties to the Rome Statute of the ICC to provide funding. The Prosecutor did not seek judicial review of a 2013 admissibility decision allowing a Libyan court to try former al-Gaddafi era Military Intelligence chief Abdallah al-Senussi; he was among nine defendants sentenced to death in July 2015.¹⁰⁸

LITHUANIA

Previous *Annual Report* entries: 2005, 2009, 2015.

See United States.

¹⁰⁷ Freedom House, [Freedom on the Net 2015](#) (Washington: Freedom House, 2015), 524, 533–534.

¹⁰⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 56, 233; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 382.

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2015.

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011.

In a speech on 20 August 2011, Mohamad (Mat) Sabu, an opposition member of parliament and former deputy president of the Parti Islam Se Malaysia (PAS; Pan Malaysian Islamic Party) declared that all those who fought the British had to be recognized as freedom fighters. As an example, he mentioned the leader of an attack by the Communist Party of Malaya on a police station in Bukit Kepong in 1950 in which a number of police officers were killed. According to Sabu, the police officers fought to defend the British occupiers, while the attackers fought for freedom. After a newspaper called Sabu a Communist supporter, scores of police reports were filed against him and he and his family were threatened. On 21 September 2011, he was charged with criminally defaming the police officers. On 8 July 2015, Sabu was acquitted after the trial court found that the prosecution had failed to prove its case. If convicted, he would have risked two years' imprisonment and disqualification from politics for another five years after the end of his sentence.¹⁰⁹

On 3 July 2015, Lena Hendry, a staff member of the human rights group Pusat KOMAS, was charged under the Film Censorship Act for organizing a private screening of the award-winning documentary, "No Fire Zone: The Killing Fields of Sri Lanka" in Kuala Lumpur in July 2013. If convicted, she faced three years' imprisonment and a fine of up to RM30,000 (US\$7,000). In September 2015, the Federal Court rejected Hendry's constitutional challenge to the Film Censorship Act. Her trial was set to start in December 2015. Section 6 of the act prohibited the circulation, distribution, display, production, sale, hire or possession of any film, whether imported or domestically produced, without first obtaining approval from the government-appointed Board of Censors. The Sri Lankan embassy had publicly demanded that the film not be shown. The documentary concerned war crimes committed in the last months of Sri Lanka's civil war (2009), including Sri Lankan army artillery attacks that killed thousands of civilians and the extrajudicial executions of captured fighters and supporters of the secessionist Liberation Tigers of Tamil Eelam.¹¹⁰

¹⁰⁹ Human Rights Watch, [Creating a Culture of Fear: The Criminalization of Peaceful Expression in Malaysia](#) (New York: Human Rights Watch, 2015), 62–63.

¹¹⁰ Human Rights Watch, ["Malaysia: Drop Charges for Showing Film"](#) (14 September 2015); Human

MALAWI

Previous *Annual Report* entries: 2011–2012.

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010, 2013.

MALI

Previous *Annual Report* entries: 2011, 2013–2015.

On 18 September 2015, the International Criminal Court (ICC) issued its first arrest warrant in the context of its Mali investigation: on 26 September 2015, Ahmad Al Faqi Al Mahdi, member of the armed opposition group Ansar Dine, was transferred from Niger to the ICC. During the occupation of Timbuktu, he was at the head of the “Hesbah” (“Manners’ Brigade”) (May–September 2012) and associated with the work of the Islamic Court of Timbuktu. He was reportedly involved in the destruction of historical and religious monuments. He was suspected of war crimes over the destruction of nine mausoleums and a mosque in Timbuktu in 2012, the first case of its kind before the ICC.

Among the monuments were the mausoleum of Sidi Mahmoud Ben Omar Mohamed Aquit; the mausoleum of Sheikh Mohamed Mahmoud Al Arawani; the mausoleum of Sheikh Sidi Mokhtar Ben Sidi Muhammad Ben Sheikh Alkabir; the mausoleum of Alpha Moya Lamtouni (?—1605); the mausoleum of Sheikh Sidi Ahmed Ben Amar Arragadi; the mausoleum of Sheikh Muhammad El Micky; the mausoleum of Cheick Abdoul Kassim Attouaty; the mausoleum of Ahamed Fulane; the mausoleum of Bahaber Babadié, and the Sidi Yahia mosque. Preliminary hearings were due to be held in January 2016.

On 1 March 2016, when the confirmation of charges hearing was opened at the ICC, the United Nations Special Rapporteur in the Field of Cultural Rights, Karima Bennouna, said: “The destruction of cultural heritage is a violation of human rights ... It is impossible to separate a people’s cultural heritage from the people itself and their rights. Clearly, we must now understand that when cultural heritage is under attack, it is also the people and their fundamental human rights that are under attack.” She welcomed the decision of the ICC Prosecutor’s Office, for the first time, to charge the destruction

of cultural and religious sites, as well as historical monuments, as a stand-alone war crime.¹¹¹

The government made little progress in holding to account those from all warring factions responsible for law-of-war violations committed during the 2012–2013 armed conflict. With few exceptions, judicial authorities failed to investigate over 100 complaints filed by victims and family members. In March 2015, seven human rights organizations filed complaints on behalf of 33 victims, against 15 people, for war crimes and crimes against humanity committed in 2012. Moreover, the case regarding the torture and enforced disappearance in 2012 of 21 elite “Red Berets,” which in 2013 and 2014 resulted in charges against some 25 soldiers, including General Amadou Haya Sanogo (leader of the military junta that ruled Mali for part of 2012), had, in late 2015, failed to move past the investigations phase. In October 2015, eight supporters of Sanogo escaped from prison.

During 2015, the authorities freed at least 74 detainees, including several allegedly implicated in serious international crimes during the 2012–2013 armed conflict. The releases, characterized by the government as a “confidence-building measure” in the context of negotiations, were carried out without regard to whether the men might have been responsible for serious crimes. The peace accord lacked provisions to address impunity and the need for justice for serious crimes committed by all sides during the conflict. In October 2015, the United Nations Independent Expert on the situation of human rights in Mali expressed deep concern about the time taken to investigate and bring to trial cases of war crimes and human rights violations committed during the conflict.

In 2014, President Ibrahim Boubacar Keita had established the Truth, Justice and Reconciliation Commission (CVJR) by executive order. The Commission would have a three year mandate, covering the period from 1960 to 2013. It was to consist of fifteen members and seven working groups. It would function under the Ministry of National Reconciliation and Development of the North. In August 2015, the government appointed Ousmane Oumarou Sidibé, a former minister and member of the political opposition, as commission chairman; however, his appointment and the credibility of the body were limited due to the government’s failure to consult sufficiently with a wide variety of stakeholders on the commission’s membership, mandate powers, and degree of independence.¹¹²

¹¹¹ International Criminal Court, “[Ahmad Al Faqi Al Mahdi Makes First Appearance before the ICC](#)” (Press Release; 30 September 2015); Wim Brummelman, “Primeur: Aangeklaagd voor vernietigen werelderfgoed,” *NRC Handelsblad* (30 September 2015); Bert Lanting, “[Strafhof berecht jihadist om vernieling graftombes](#),” *Volkscrant* (28 September 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 345; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 397; “[When Cultural Heritage Is under Attack, Human Rights Are under Attack’– UN Expert](#),” *UN News Centre* (4 March 2016); United Nations Special Rapporteur in the Field of Human Rights, *Intentional Destruction of Cultural Heritage* (A/HRC/31/59; 3 February 2016).

¹¹² Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 244, 245; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 397, 398.

MALTA

Previous *Annual Report* entries: 2012.

MARSHALL ISLANDS

Previous *Annual Report* entries: 2013, 2015.

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011.

In August 2015, a new law was adopted against slavery (amending the 2007 law), defining slavery as a crime against humanity, doubling the prison term for offenders and defining ten types of slavery, including forced marriage. In December 2015, two people were placed in detention and charged with acts of slavery.¹¹³

MAURITIUS

Previous *Annual Report* entries: 2012.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2015.

Since 2006, Mexico's security forces have participated in widespread enforced disappearances. In August 2014, the government publicly acknowledged that the whereabouts of over 22,000 people who had gone missing since 2006 remained unknown. That number increased to more than 25,500, according to the National Registry of Disappeared or Missing Persons, which was established by law in 2012. By the end of 2015, the government reported that 27,638 people (20,203 men and 7,435 women) were missing but did not specify how many were subjected to enforced disappearance.

¹¹³ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 248.

Prosecutors and police routinely failed to carry out basic investigative steps to identify those responsible, often telling the missing people's families to investigate on their own.

In 2013, the federal government created a unit in the Attorney General's Office to investigate disappearances. Officials from the unit said that they did not know of a single case in which someone had been convicted for an enforced disappearance committed since 2007. In April 2015, the legislature approved a constitutional reform that required the federal legislature to pass general laws on enforced disappearance and torture, which would establish a single nationwide definition for each of the crimes and facilitate their nationwide prosecution. On 10 December 2015, President Enrique Peña Nieto sent a bill to Congress which fell short of international standards.¹¹⁴

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010.

MONGOLIA

Previous *Annual Report* entries: 2007, 2013.

See China.

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2013, 2015.

In September 2015, the United Nations Committee on Enforced Disappearances expressed concerns about shortcomings in war crimes proceedings, urged the authorities to recognize the relatives of the disappeared as victims, and called on the new Commission on Missing Persons to establish the whereabouts of 61 people missing since the armed conflicts of 1991–1995. In October 2015, the State Prosecutor rejected a request to review the legality of the final judgment in the “Deportations Case” which had acquitted nine former police officials of the enforced disappearance in 1992 of 60 Bosnian

¹¹⁴ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 250–251; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 400–401.

refugees.¹¹⁵

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2013, 2015.

Maâti Monjib ([1960]–) is a historian of political ideas and of the Maghreb. Born in Morocco, he got his first Ph.D. in France (North African politics) and another one in Senegal (African political history). He is a member of the Institut des études africaines (IEA; Institute for African Studies) at Mohamed V University in Rabat and the chairman (since early 2014) of the Rabat-based pluralist NGO Freedom Now–Comité pour la protection de la liberté de la presse et d’expression and the Association marocaine pour un journalisme d’investigation (AMJI; Moroccan Association of Investigative Journalism).

After the death of King Hassan II in 1999, Monjib returned to Morocco to work at the University of Mohammed V-Rabat. Between 2007 and 2010, he initiated a dialogue between left-wing democrats and moderate islamists. He was a founding member of the support council of the 20 February Movement, which organized protests in Morocco at the beginning of the Arab Spring. He founded and directed the Ibn Rochd Center for Studies and Communication in Rabat which trained hundreds of Moroccan journalists in investigative techniques and civic journalism. In November 2014, he shut down the institute after repeated interference from the state. Freedom Now, established in 2011, was refused registration by the authorities, reportedly because it is perceived as an anti-royalist front. Monjib had criticized the monarchy in columns in the foreign press in the past.

Since 2013, a long campaign of harassment and intimidation has been waged against him, including threats and defamatory articles in newspapers and on news sites. On 31 August 2015, he was detained briefly at the airport when returning from France. He was told that he was under investigation for “endangering state security.” On 14 September 2015, he was interrogated by the Brigade nationale de la police judiciaire (BNPJ) and accused of tarnishing Morocco’s image abroad, using foreign funds to promote a foreign agenda and sabotaging the credibility of state institutions. His associates were also questioned. On 16 September 2015, he went on hunger strike for the first time (until 19 September) after being barred from leaving Morocco for a conference in Barcelona. Authorities declared that they imposed the ban because of their investigation into suspected financial wrongdoing regarding the Ibn Rochd Center. The IEA board refused to give him permission to travel to Norway to attend two academic events related to his expertise. On 6 October 2015, he went on hunger strike at the headquarters of the Moroccan Association for Human Rights, Rabat, to protest

¹¹⁵ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 255.

against the restrictions against his freedom of movement and his academic freedom. On 20 October 2015, the secretariat of the National Committee to Support Maati Monjib issued a statement reporting a rapid deterioration in his health after fourteen days of hunger strike, and called for a show of solidarity with Monjib on 21 October in front of parliament. During his hunger strike, he collapsed twice and he was hospitalized. On 29 October 2015, Monjib suspended his hunger strike after authorities ended the travel ban. Instead, he was charged with receiving foreign funds with the intent to undermine Moroccan institutions and endanger national security. His trial before the Tribunal of First Instance in Rabat was due to start on 23 March 2016, and then the opening was postponed until 29 June 2016; he and six others faced up to five years' imprisonment if sentenced. Their crime was to have organized training sessions in the use of a smartphone app called Story Maker within the Ibn Rochd Center and AMJI with the support of the Dutch NGO Free Press Unlimited, and to have received funds from abroad to finance this project.

Also in late 2015, Monjib sued the Moroccan website "Le360" for defamation in Paris following several articles over the previous months that denigrated him and his family. This trial was due to start in late January 2016.

Monjib is the author of *La Monarchie marocaine et la lutte pour le pouvoir: Hassan II face à l'opposition nationale* (The Moroccan Monarchy and the Struggle for Power: Hassan II Facing the National Opposition) (Paris: L'Harmattan, 1992), *A Political Biography of Mehdi Ben Barka*, with Z. Daoud (Paris: Éditions Michalon, 1996–2000), and editor of *Islamists versus Secularists in Morocco*, ed. (Amsterdam: IKV, 2009).¹¹⁶

Fifty years after the disappearance of left-wing political leader Mehdi Ben Barka (1920–1965) in Paris

¹¹⁶ Maâti Monjib, Personal communication (11 & 13 & 15 October 2015); "Situation personnelle de l'historien de nationalités française et marocaine Maâti Monjib" (Profile, October 2015); Freedom Now, [Petition text](#) (11 September 2015); Comité international de soutien à Maâti Monjib, Communiqué (15 November 2015); Biographical notes, [Codesria](#) and [Carnegie Endowment for International Peace](#); Charlotte Bozonnet, "L'universitaire marocain Maati Monjib en grève de la faim," *Le Monde* (16 October 2015); Paul Schemm "[Moroccan Journalist on Hunger Strike, Barred From Leaving](#)," *AP* (17 September 2015); Reporters without Borders, "[Monarchy's Red Lines Gag Morocco's Independent Media](#)" (17 September 2015); Middle East Studies Association, "[Letters on Morocco](#)" (13 October 2015); Wagdy Sawahel, "[Academic on Hunger Strike over Travel Ban, Harassment](#)," *University World News* (22 October 2015); Wagdy Sawahel, "[Academic Suspends Hunger Strike as Travel Ban Is Lifted](#)," *University World News* (5 November 2015); Aziz El Yaakoubi, "[Moroccan Intellectual Suspends Hunger Strike, Faces Charges: Lawyer](#)," *Reuters* (29 October 2015); Le comité international de soutien à Maâti Monjib, "Maâti Monjib porte plainte contre le site 'Le360' pour diffamation" (press release; 10 January 2016); "[Pétition pour l'abandon des poursuites contre les sept militants marocains des droits humains](#)" (13 January 2016); Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 409–410; Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 257; Le comité international de soutien à Maâti Monjib, "Le procès de Maati Monjib et des six autres activistes des droits humains reporté au 29 juin 2016" (press release; 24 March 2016); four NCH campaigns on <http://www.concernedhistorians.org/content/ca.html>.

on 29 October 1965, Amnesty International urged the French authorities to declassify all its records related to him and the Moroccan authorities to cooperate with a new French investigation. In 1964, the Moroccan authorities had sentenced Ben Barka to death in his absence for allegedly plotting against King Hassan II. In June 1967, a French court had convicted several people (including Moroccan Minister of Interior, General Mohammed Oufkir) for Ben Barka's abduction; Oufkir was sentenced *in absentia* to life imprisonment. A French investigation (France's longest-standing) into his disappearance opened in 1975 remained pending forty years on. Access to classified information in France, to witnesses and suspects in Morocco, and to a former secret detention center located in Rabat and suspected to contain part of Ben Barka's remains were cited as obstacles. In July 2015, a French investigating judge filed new requests to search the Moroccan location and to question a witness in Israel who made revelations earlier in 2015 about the Mossad's involvement in the disappearance. Morocco never made an official enquiry into Ben Barka's fate. [See also *NCH Annual Reports 2000, 2002–2003*.]¹¹⁷

The authorities failed to implement recommendations made by the Equity and Reconciliation Commission, which examined human rights violations between 1956 and 1999, including a national strategy to combat impunity.¹¹⁸

The Polisario Front again failed to take any steps to hold to account those responsible for human rights abuses committed in the 1970s and 1980s in camps under its control.¹¹⁹

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2015.

State officials, including members of the security forces, remained protected from prosecution for past human rights violations by immunity provisions in the 2008 Constitution. In December 2015, a bill was submitted to Parliament which would guarantee former presidents lifetime immunity from prosecution for “actions”—which could include human rights violations, crimes against humanity and war crimes—taken while they were in office.¹²⁰

¹¹⁷ Amnesty International, “[Time for Truth 50 Years after Enforced Disappearance of Opposition Leader Mehdi Ben Barka](#)” (MDE 29/2747/2015; London: AI, 28 October 2015).

¹¹⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 259.

¹¹⁹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 260.

¹²⁰ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 265.

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011.

On 7 September 2015, the Caprivi detainees' trial concluded. Judge Elton Hoff found thirty of the sixty-five accused guilty of charges of high treason, nine charges of murder, and ninety counts of attempted murder. Thirty-two people were acquitted and released, and a further three were found guilty of other charges.

The detainees were originally arrested and charged in 1999 for allegedly attempting to secede the then Caprivi region from Namibia. They had spent more than fourteen years in remand prison. The majority of them suffered health problems linked to age and prolonged detention and many of their relatives had no means of visiting them. Many of the Caprivi detainees were possible prisoners of conscience because they were arrested solely on the basis of their actual or perceived political views, ethnicity or membership of certain organizations. The length of their pre-trial detention violated the rights of the accused to a fair trial. Ten of the accused died in police custody before the High Court trial commenced in Grootfontein, Otjozondjupa Region, in 2003, while another 12 who went on trial died before its end. Most of the detainees reported being tortured or otherwise ill-treated at the time of their arrest. In passing his verdict, Judge Hoff upheld a 2001 Supreme Court decision, making confessions extracted under coercion inadmissible and also dismissed testimonies secured by torture or illegal police behavior.¹²¹

NEPAL

Previous *Annual Report* entries: 2007–2015.

Authorities made little progress on justice for serious abuses committed by both sides during the civil war (1996–2006). At least 13,000 people were killed and over 1,300 forcibly disappeared during the decade-long conflict. While Nepal delivered interim monetary and in-kind compensation to the families of those who were disappeared or killed during the conflict, others, such as survivors of sexual violence or torture, received no compensation from the state. In March 2015, the Supreme Court ruled against problematic provisions of the 2014 Truth, Reconciliation and Disappearances Act, striking down amnesty provisions and emphasizing that the Attorney General's Office retained authority to recommend prosecutions, and directed the government to remedy the law. In February 2015, the government set up legal and institutional frameworks for a Truth and Reconciliation

¹²¹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 265–266.

Commission and Disappearances Commission, both called for in the act, and appointed some initial commissioners without amending the act as directed by the Supreme Court. The work of the commissions remained stalled in late 2015.¹²²

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2015.

In April 2015, a court in Arnhem ruled that a former Dutch commander and his two adjutants would not be prosecuted for complicity in war crimes and genocide at Srebrenica. In June 2015, the Netherlands paid compensation to relatives of victims of the Srebrenica genocide in 1995 who were forced to leave a United Nations compound by Dutch peacekeepers.¹²³

In August 2015, Dutch-Surinamese journalist Sandew Hira, director of the International Institute for Scientific Research (IISR), called on the Dutch government to open its archives—part of which is closed until 2060—about the military regime of Desi Bouterse (1980–1987) in order to collect evidence on the 1982 December murders. The foreign Ministry took the request into consideration. [See also *NCH Annual Reports 2001–2004, 2010, 2012–2013*.]¹²⁴

In August 2015, the United Nations Committee on the Elimination of Racial Discrimination expressed concerns over reports that citizens seeking to protest peacefully against portrayals of the traditional “Black Pete” (Zwarte Piet) figure of the Sinterklaas festival were denied authorization to conduct such protests at a meaningful time and place and subjected to violent attacks and other forms of intimidation, which were not adequately investigated. [See also *NCH Annual Report 2015*.]¹²⁵

In early October 2015, on a conference about crimes committed in Indonesia in 1965, Geoffrey Robinson, a Canadian historian and human rights expert at the University of California in Los Angeles, made an appeal to establish an international truth commission to investigate the war crimes

¹²² Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 268; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 417, 419.

¹²³ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 262.

¹²⁴ “[Sandew Hira: open archieven over Bouterse](#),” *NOS* (4 August 2015); “[Bouterse: geen Nederlandse steun bij staatsgreep](#),” *Volkskrant* (9 December 2015).

¹²⁵ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 262.

committed after the Dutch colonial power refused to recognize the Indonesian declaration of independence in August 1945 and launched the so-called Police Actions (1945–1949). Historical research about the period was to support such a commission.¹²⁶

On 3 April 2016, Jules Schelvis (1921–2016) died. A Jewish typesetter and graphic designer who passed through seven concentration camps from May 1943 until May 1945, he became a historian after his retirement. He wrote books about the camps, including Sobibór, and was a complainant (Nebenkläger) in the case of John Demjanjuk. In 2008, he received a honorary doctorate from the University of Amsterdam.¹²⁷

See also Morocco, Serbia/Kosovo, Suriname.

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007.

NICARAGUA

Previous *Annual Report* entries: 1998.

NIGER

Previous *Annual Report* entries: 2009, 2013.

See Mali.

¹²⁶ Anne-Lot Hoek, “Waarheidscommissie Indië is nodig; Interview Geoffrey Robinson,” *NRC Handelsblad* (10–11 October 2015), 21.

¹²⁷ *NRC Handelsblad* (13 April 2011), 16; “[Jules Schelvis](#),” *Wikipedia* (10 April 2011); Bas Blokker, “Hij móést over Sobibor vertellen,” *NRC Handelsblad* (5 April 2016), 6.

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2013.

Despite promises by President Muhammadu Buhari to investigate crimes under international law and other serious human rights violations and abuses committed by the military and Boko Haram, no meaningful action was taken. The government failed to hold its own forces to account, and prosecuted few people suspected of being Boko Haram members. However, the Office of the Prosecutor of the International Criminal Court identified eight potential cases involving crimes against humanity and war crimes: six involving Boko Haram and two involving the Nigerian security forces.¹²⁸

See also Gabon, Sierra Leone, South Sudan.

NORWAY

Previous *Annual Report* entries: 2009, 2012.

On 19 January 2015, the Court of Appeal dismissed an appeal by a Rwandan national against his 2013 conviction by the Oslo District Court for murder during the 1994 genocide in Rwanda. The Court of Appeal confirmed his sentence of 21 years' imprisonment for premeditated complicity in the murder of 2,000 people in two massacres, and of seven people in a separate incident. He appealed against the decision to the Supreme Court. He was not charged with genocide, as the article defining genocide only entered into force in 2008 and did not have retroactive effect.¹²⁹

See also China, Rwanda.

¹²⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 21.

¹²⁹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 278.

OMAN

Previous *Annual Report* entries: 2010.

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012, 2014.

On 3 December 2015, Sayed Wiqar Ali Shah, chairman of the history department of Quaid-i-Azam University (QAU), Islamabad, and director of the QUA National Institute of Historical and Cultural Research (NIHCR), was dismissed as director because he had defended views that were in conflict with the official views of Pakistan's history.

During a speech at the International Conference on Sindh History and Culture at the Shah Abdul Latif University, Khairpur, in late November 2015, Wiqar Shah had challenged some official historical notions and argued that there is a need to rewrite history with a special focus on regional history, and particularly on Sindh. Presenting his paper, entitled "Identity Crisis and the Responsibilities of the Present Pakistani Historians," he praised nationalist leaders such as Ghulam Murtaza Syed (Sayed) (1904–1995) (who initially had supported Pakistan and then ended up as an advocate for the creation of Sindhu Desh), Bacha Khan (1890–1988) and Wali Khan (1917–2006) and pre-partition heroes such as Bhagat Singh (1907–1931). He also argued that historians should focus on the progressive leaders of India and Pakistan and that more research was needed on the pre-Islamic period (Mohenjo Daro and the international trade routes of ancient times).

These views were reportedly brought to the attention of Higher Education Commission (HEC) chairperson Mukhtar Ahmed, who subsequently sought a report from the QAU vice chancellor, as a consequence of which Shah was removed from his post as NIHCR director. Shah explained to the vice chancellor that as a historian it was his responsibility to encourage new historians to conduct research on important and hitherto neglected topics. Shah did his doctoral research on the Khudai Khidmatgars and the politics of the North-West Frontier Province from 1937 to 1947 (1997).¹³⁰

On 22 January 2016, the United Nations Special Rapporteurs on Housing and Cultural Rights called on the government to halt the ongoing construction work of the Orange metro line in Lahore, which had resulted in numerous forced evictions and threatened a large number of protected heritage sites and historic buildings. The project passed through the historic center of Lahore, threatening pre-Partition buildings, minority places of worship, historic tombs and shrines and gardens, many of which were registered as protected heritage sites.¹³¹

¹³⁰ Kashif Abbasi, "[Historian Removed for Attempting to Rewrite History?](#)" *Dawn* (10 December 2015); "[Dr. Syed Waqar Ali Shah](#)," *Pakistan Herald*; Naazir Mahmood, "[In Quest of Academic Freedom](#)," *The News on Sunday* (13 March 2016).

¹³¹ "[UN Experts Urge Pakistan to Halt Forced Evictions and Demolitions for New Metro Line in Lahore](#)," (United Nations Press Release; Geneva, 22 January 2016).

See also Bangladesh.

PALESTINIAN AUTHORITY

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2013–2015.

See Syria.

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2013, 2015.

The trial of former President Manuel Noriega for the enforced disappearance of union leader and activist Heliodoro Portugal in 1970 was suspended shortly before it was due to begin in May 2015. The suspension came after Noriega's lawyer appealed, arguing that the trial would violate the terms of his extradition from France in 2011. It was unclear when the court would rule on the appeal or if the trial would proceed. The Inter-American Court of Human Rights had ruled in 2008 that Panama was responsible for Portugal's enforced disappearance as well as the failure to investigate the crime. It also ruled that the government had to carry out an effective investigation and ensure the perpetrators were punished, as well as make reparations to the family. Although Panama ratified the International Convention against Enforced Disappearance in 2011, it had not recognized the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or from other states parties.¹³²

PAPUA NEW GUINEA

Previous *Annual Report* entries: 2014.

¹³² Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 29, 287.

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012, 2015.

PERU

Previous *Annual Report* entries: 2001–2015.

In 2003, the Truth and Reconciliation Commission estimated that almost 70,000 people died or were subject to enforced disappearance during the armed conflict (1980–2000). Many were victims of atrocities by the Shining Path and other insurgent groups; others were victims of human rights violations by state agents. In a landmark trial, former President Alberto Fujimori was sentenced in 2009 to 25 years' imprisonment for killings and disappearances in 1991 and 1992. Courts consistently rejected petitions to reverse his sentence. Fujimori's intelligence advisor, Vladimiro Montesinos, three former army generals, and members of the Colina group, a government death squad, were also serving sentences ranging from 15 to 25 years for the assassination in 1991 of fifteen people in the Lima district of Barrios Altos, and for six disappearances. The courts made much less progress in addressing violations that occurred under the earlier administrations of Fernando Belaúnde (1980–1985) and Alan García (1985–1990). In a report issued in August 2013 to mark the tenth anniversary of the Truth and Reconciliation Commission's final report, the human rights ombudsman found that, despite initial efforts, Peru had failed to consolidate a specialized judicial system with sufficient staff and resources to bring most cases to court.

In September 2015, the Inter-American Court of Human Rights ruled that Peru was responsible for the forced disappearance of fifteen people, including seven children, from the peasant community of Santa Bárbara, in Huancavelica, in 1991, and ordered Peru to prosecute those responsible, offer reparation to the relatives and exhume and identify the remains of the victims.

As of November 2015, only about two percent of the human rights violations committed during the armed conflict had been brought to trial, according to Human Rights Trials in Peru, a project based at George Mason University that monitors human rights prosecutions. In 2015, court hearings continued into their fifth year in two emblematic cases: torture and disappearances at the Los Cabitos military base in Ayacucho in 1983 and a massacre at Accomarca in 1985 in which an army unit killed 62 peasants. In May 2015, the Attorney General's Office reopened an investigation into forced sterilizations committed during Fujimori's administration. More than 2,000 forced sterilizations were reported to authorities, but these represented only a small portion of the cases, according to human

rights groups. In November 2015, President Ollanta Moisés Humala Tasso signed a decree to create a national registry of victims of forced sterilizations.

In June 2015, the United Nations Working Group on Enforced or Involuntary Disappearances expressed concern about how few cases of disappearances had been brought to trial and about Peru's slow progress in the search for victims. The group also noted that most of the recommendations made by the Truth and Reconciliation Commission had not been implemented. In August 2015, the human rights ombudsman concluded that reparations for victims of the internal armed conflict, made pursuant to a 2005 law, had been “insufficient” and that some programs called for in the law still had not been implemented—ten years after it was passed.¹³³

PHILIPPINES

Previous *Annual Report* entries: 2011–2015.

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011, 2014–2015.

On 9 February 2016, Jan Gross, Holocaust scholar and history professor at Princeton University, was threatened with being stripped of the Knight's Cross of the Order of Merit of the Republic of Poland, which was awarded him in 1996 for his past opposition to the Communist regime. His critical research into less “positive” aspects of Polish history contrasted with the views of the nationalist Law and Justice (PiS) government, in power since November 2015, which wanted to “restore Polish national pride” by emphasizing heroic periods and glorious themes in national history. In his works, Gross had often claimed that Poles had been complicit in Nazi war crimes. In September 2015, in an article published in the German newspaper *Die Welt*, he had lamented eastern European countries' reluctance to accept refugees and asserted that Poles killed more Jews than they did Nazis during World War II. Prosecutors in Warsaw decided to investigate whether Gross had broken laws prohibiting the defamation of Poland.

On 15 February 2016, the government announced a memory law, which would impose a sentence of five years' imprisonment for those who “blamed the Polish nation for Nazi or Stalinist crimes.” In particular the phrase “Polish death camps” in reference to wartime Nazi concentration camps on Polish

¹³³ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 292; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 453–454, 456.

soil, would be targeted, justice minister Zbigniew Ziobro declared. Poland had long sought to eliminate the misleading phrase from historical and newspaper accounts since it suggested that Poland, itself occupied by Nazi Germany during World War II, was responsible for concentration camps on its territory.¹³⁴

See also United States.

¹³⁴ Reuters, "[Poland Plans to Punish Use of the Phrase 'Polish Death Camps'](#)," *Guardian* (13 February 2016); Alex Duval Smith, "[Polish Move to Strip Holocaust Expert of Award Sparks Protests](#)," *Guardian* (14 February 2016); Jan Grabowski, "['Patriotic' Move Threatens Academic Freedom](#)," *University World News* (17 February 2016); Selma Leydesdorff, "Polen dupeert zijn schrijver Jan Gross—om de Joden," *NRC Handelsblad* (16 February 2016), 16; Roeland Termote, "Noem je Auschwitz een 'Pools kamp'? 5 jaar celstraf," *NRC Handelsblad* (17 February 2016), 14.

QATAR

Previous *Annual Report* entries: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010.

See United States.

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2015.

In July 2009 Nikolay Koposov, historian of early modern France and founding dean (1998–2009) of the Smolny College of Liberal Arts and Sciences at St. Petersburg State University, and his wife Dina Khapaeva, also a historian, were dismissed for their criticism of the memory politics of the Putin administration. In an article in the Duma's official newspaper, Sergei Mironov, the chair of the Council of Federation of the Duma, called their work "a danger to Russia's national security." They emigrated to Finland, where they worked at the Collegium for Advanced Study in Helsinki, and the United States. Khapaeva was appointed chair of the School of Modern Languages at Georgia Institute of Technology, Atlanta, Georgia; Koposov became a visiting professor at Johns Hopkins University history department, Baltimore, Maryland. In 2015, Koposov declared that he resigned (rather than "was dismissed") "when he realized Smolny was losing its autonomous status and moving away from its founding principles."¹³⁵

In 2015, Russia vetoed a Security Council resolution that would have condemned the 1995 killings in Srebrenica as a genocide.¹³⁶

On 27 February 2015, one of Russia's most prominent opposition activists, Boris Nemtsov, was shot dead within sight of the Kremlin. Mourners wishing to commemorate him at the site of his death were harassed by city authorities and pro-government supporters.¹³⁷

On 9 March 2015, Aleksandr Kravchenko, Veldar Shukurdzhiiev and history teacher Leonid Kuzmin

¹³⁵ Nikolay Koposov, "'The Armored Train of Memory: The Politics of History in Post-Soviet Russia,'" *Perspectives on History* (January 2011), 23–26; Gabrielle Spiegel, "Nikolay Koposov to Be Visiting Professor at Johns Hopkins University for 2012–2013," *Perspectives on History* (September 2012); Gabrielle Spiegel, personal communication (July 2013); Matthew Luxmoore, "[Students Allege Political Purge at Russia's Oldest University](#)," *Aljazeera* (23 May 2015).

¹³⁶ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 477.

¹³⁷ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 303.

were arrested at a small street gathering in Simferopol intended to celebrate the 201st anniversary of the birth of the Ukrainian poet Taras Shevchenko (1814–1861), at which they used national symbols such as yellow and blue ribbons. They were taken to a police station, released after three hours and sentenced to forty hours of community labor each, for violating rules of public assembly. They subsequently faced harassment by members of the anti-extremism police unit, including arrests and informal interrogations. Kuzmin also lost his job as a history teacher.¹³⁸

In May 2015, Crimean authorities once again refused to allow public events in Simferopol to commemorate the 1944 deportation of Crimean Tatars. [See also *NCH Annual Reports 2014–2015*.]¹³⁹

On 8 July 2015, the Russian State Archive published on its website a 1948 top-secret memo signed by Chief Military Prosecutor Nikolai Afanasyev arguing that legends of heroism attributed to “Panfilov’s 28,” a group of soldiers credited with having halted Nazi tanks headed for Moscow in 1941 before perishing together on the battlefield, were not accurate. On 20 July 2015, the head of the archive, Sergei Mirinenko ([1951–]), called the heroic stories a “falsification,” invented by a war journalist. The archive was attacked by Andrei Shalyopa, a director who prepared a film on Panfilov’s 28 (due for release in May 2016) and said that the publication undermined the “moral potential” of the nation. Publicly praising plans for the film, Minister of Culture and chair of the Russian Military History Society Vladimir Medinsky (author of popular history books) commented that the Russian State Archive “should not give its own evaluations of archival documents.” He stated that the head of an archive “is not a writer, a journalist, or a fighter against the fabrication of history.” He added that archival workers “can provide documents to people, but then journalists should draw their own conclusions” and “The question of what archival workers should be doing has arisen. They should do what the government pays them to do, and they should not try to master other professions in the process.” In mid-March 2016, Mirinenko was demoted and made head of research. His deputy, Larisa Rogovaya, was made acting director. In June 2015, Mirinenko had also attacked Soviet myths at the World Congress of the Russian Press, debunking the Panfilov legend and saying that the August 1939 Molotov-Ribbentrop Pact should be called the Hitler-Stalin Pact.

In October 2015, the Russian Defense Ministry announced that it would deploy small special research units to its Central Archive by 2016 to defend itself against ‘falsifications’ in accounts of the Soviet Red Army’s conduct during World War II.¹⁴⁰

¹³⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 381.

¹³⁹ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 601; Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 381.

¹⁴⁰ Anna Dolgov, “[Russian Archives Cast Doubt on Legends of Soviet War Heroes](#),” *Moscow Times* (9 July 2015); TASS, “[Ahead of Patriotic Film Release, Russian Culture Minister Tells Archival Workers to Pipe Down](#)” (31 July 2015); Tom Balforth, “[Russian Archive Chief Out After](#)

On 31 July 2015, the Ministry of Education in Yekaterinburg ordered all schools and colleges of the region to remove the books of British historians Antony Beevor and John Keegan “from the access of students and teaching staff,” claiming they promoted “Nazi stereotypes” (namely that Red Army soldiers engaged in mass rapes of German women in the later stages of the war). Beevor’s work had caused outrage in Russia, particularly his book *Berlin: The Downfall* (2002) (containing extensive material about rapes carried out by Soviet soldiers against German women in 1945) and his book on the battle of Stalingrad (1942–1943), a Soviet victory which came at great human cost. When *Berlin* was published in 2002, the Russian ambassador in London, Grigori Karasin, had accused Beevor of “lies, slander and blasphemy against the Red Army.”¹⁴¹

In September 2015, the Human Rights Center (HRC) Memorial was fined Rub 600,000 (US\$ 8,800) after its sister organization, the Historical and Educational Center Memorial—which was not on the foreign agents register—did not mark its publications with the label “foreign agent.” [See *NCH Annual Reports 2001, 2005–2006, 2009–2015*.] The HRC Memorial lost its court appeal against the decision. Following a regular inspection of the HRC Memorial in November 2015, the Ministry of Justice concluded that its criticism of the Bolotnaya Square trials (held after arrests following protests on the day before the 2012 inauguration of President Vladimir Putin) and of Russian policies in Ukraine “undermined the foundations of the constitutional system” and amounted to “calls for the overthrow of the current government and change of the political regime.” The Ministry submitted its “findings” to the Prosecutor’s Office for further investigation. During the same month, Thorbjørn Jagland, the Council of Europe’s secretary general, called the Ministry of Justice’s accusations against Memorial “extremely worrying” and urged the government “to protect the activities of human rights defenders in Russia, including the work of Memorial.” He also reiterated that “the recently adopted NGO legislation, including the NGO ‘foreign agents’ law, should be revised.”¹⁴²

After a complaint by Dmitry Zakharov, a member of the Just Russia party, that the Library of Ukrainian Literature in Moscow was storing newspapers that “distorted historical facts” and exhibited

[Debunking Soviet WW II Legend](#),” *RFE/RL News* (17 March 2016); Matthew Bodner, “[Russian Defense Ministry Plans Archive Unit to Counter ‘WWII Lies’](#),” *Moscow Times* (12 October 2015); Peter Hobson, “[Battle in the Archives—Uncovering Russia’s Secret Past](#),” *Moscow Times* (24 March 2016).

¹⁴¹ Antony Beevor, “[By Banning My Book, Russia Is Deluding Itself about Its Past](#),” *Guardian* (5 August 2015); Shaun Walker, “[Russian Region Bans British Historians, Books from Schools](#),” *Guardian* (5 August 2015); Matthew Bodner, “[Russian Defense Ministry Plans Archive Unit to Counter ‘WWII Lies’](#),” *Moscow Times* (12 October 2015).

¹⁴² Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 016), 466, 470, 475; Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 305.

a “Russophobic nature,” armed and masked law enforcement officers raided the library on 28 October 2015, seized files and about 200 books and pamphlets, and detained director Natalya Sharina ([1957–]). The next day, a criminal case was opened against her on suspicion of inciting ethnic hatred and breaking the law on extremism. The Investigative Committee stated that it wanted her arrest after the investigators found books in the library that allegedly disseminated “anti-Russian propaganda,” including works by radical nationalist activist Dmytro Korchynsky [Dmitry Korchinsky], which were declared extremist by a court and banned in Russia. A spokesman for the library said that the most controversial items were stored in a separate room and could only be given to political analysts and historians who need it for professional purposes. The library, which contained around 30,000 books, mostly in Ukrainian, had been targeted by Russian investigators before—in 2010 and 2011.¹⁴³

In January 2016, the official commission on state secrets rejected a petition from over 60,000 Russians (collected by the activist group Komanda 29) to open the archive of the Soviet secret police and intelligence agencies (1917–1991), stating that the files would instead remain classified until 2044 and that the files “continued to have relevance to the present day and their circulation could bring harm to the Russian Federation.” Although in 1992 then-President Boris Yeltsin had signed a decree to move all Soviet classified files dealing with repressions into the public domain, they had been released piecemeal; in March 2014 the “Interdepartmental on the Protection of State Secrets” decided to extend the classified status of files until 2044.¹⁴⁴

In March 2016, the St Petersburg chapter of Nationalist group Narodny Sobor (National Union) lodged a complaint against historian Kirill Aleksandrov under the Russian law forbidding the propagation of “wars of aggression.” In February 2016, Aleksandrov had defended his PhD thesis, “The generals and the officer corps of the armed forces of the Committee for the Liberation of the Peoples of Russia, 1943–1946,” at the St Petersburg Academy of Sciences’ History Institute. The thesis was a study about Red Army General Andrei Vlasov who became a Nazi collaborator and led a small Russian force (the “Russian Army of Liberation”) against the Soviet side in the spring of 1945. The thesis caused a major controversy, with war veterans among an audience of around ninety people attending the academic council meeting. The prosecutors requested a copy of the thesis to look into evidence of illegal statements. If the case would result in a criminal conviction, Aleksandrov faced fines and a prison term of up to five years. The story of Vlasov, though not widely known, had been the

¹⁴³ [“Russian Police Detain Director of Ukrainian Library in Moscow,”](#) *Guardian* (29 October 2015); Darina Litvinova, [“Director of Moscow Library of Ukrainian Literature Accused of Inciting Hatred,”](#) *Moscow Times* (29 October 2015); Andrew Osborn, [“Russia Raids Ukrainian Library in Moscow, Arrests Head,”](#) *Reuters* (29 October 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 304.

¹⁴⁴ Damien Sharkov, [“Kremlin Rejects Petition to Open Soviet Secret Police Archive,”](#) *Newsweek* (20 January 2016).

subject of several books and documentary films both in Russia and the West.¹⁴⁵

See also Georgia, Hungary, Latvia, Ukraine.

RWANDA

Previous *Annual Report* entries: 1998, 2000–2015.

On 24 October 2014, the Rwanda Utilities Regulatory Authority (RURA) suspended the British Broadcasting Corporation's (BBC) Kinyarwanda service's broadcasts in Rwanda. RURA said it had received complaints of incitement, hatred, divisionism, genocide denial and revision from members of the public after the 1 October 2014 BBC television documentary "Rwanda's Untold Story" was broadcast. On 19 November 2014, a commission of inquiry, established by RURA and headed by former Prosecutor General Martin Ngoga, began investigations into these allegations against the BBC. The commission's report, published on 28 February 2015, concluded that the BBC had, among other things, abused press freedom and violated Rwandan law relating to genocide denial, revisionism, inciting hatred and divisionism. It recommended that the agreement between the Rwandan government and the BBC be terminated and that authorities initiate criminal and civil proceedings to deal with the alleged offenses. On 29 May 2015, RURA indefinitely suspended the BBC Kinyarwanda service. [See also *NCH Annual Report 2015*.]¹⁴⁶

The United Nations-run International Criminal Tribunal for Rwanda (ICTR), set up in 1994 to try those responsible for genocide and other serious violations of international humanitarian law in 1994, was due to close at the end of December 2015. The trial of Léon Mugesera, who had been transferred to Rwanda from Canada in 2012 and was accused, among other things, of public incitement to genocide, ended in Kigali. The high court was expected to deliver its judgement in April 2016. Courts in several European countries (France, Norway, Spain, Sweden) handled outstanding genocide cases.¹⁴⁷

See also Germany, Norway.

¹⁴⁵ Nick Holdsworth, "[Calls for Prosecution over PhD Thesis on Soviet Traitor](#)," *University World News* (11 March 2016).

¹⁴⁶ Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 456; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 479.

¹⁴⁷ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 308–309; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 483.

SAINT VINCENT

Previous *Annual Report* entries: 2014.

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011, 2013.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009, 2013.

See also Chad.

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2015.

War crimes prosecutions in Serbia were hampered by a lack of support from authorities and weak witness protection mechanisms. Few high-ranking former military and civilian personnel implicated in serious wartime abuses were held to account in Serbian courts. In late 2015, fourteen war crimes trials were ongoing at first instance and seven were under appeal in the Serbian courts. Indictments had been issued in sixteen cases awaiting trial, including eight former Bosnian Serb police officers charged in September 2015 for their part in the murder of over 1,000 Bosniak civilians in Kravica, Srebrenica (Bosnia and Herzegovina) in July 1995 during the genocide, the first indictment for Srebrenica crimes in the Serbian courts. Thirteen cases were under investigation.

In November 2014, Vojislav Šešelj, the war crimes suspect and nationalist Serbian Radical Party leader, who had been charged with persecution, murder, forced deportation, illegal imprisonment, torture, and property destruction during the Yugoslav wars against Croats, Bosniaks, and other non-Serbs, was granted provisional release for medical treatment by the International Criminal Tribunal for the former Yugoslavia (ICTY). In March, the ICTY revoked his provisional release and ordered his return to The Hague. Šešelj defied the order and remained in Serbia. On 31 March 2016, he was

acquitted on all counts pending appeal.¹⁴⁸

In February 2015, the United Nations Committee on Enforced Disappearances urged Serbia to bring to justice all those—including senior officials—suspected of criminal responsibility for enforced disappearances during the armed conflict (1991–1995), and to guarantee reparation and legal status to relatives of the disappeared. In November 2015, a proposed bill on the rights of war veterans and civilian victims of war failed to recognize the right to reparation for victims of enforced disappearance and war crimes of sexual violence; a December amendment was not made public.¹⁴⁹

Kosovo

On 3 February 2016, Prenk Gjetaj, president of Kosovo's official commission on missing persons, called on Serbia to open its military and police archives in order to help find the locations of mass graves from the 1998–1999 war in Kosovo. More than 1,600 persons remained missing since the war. He also emphasized the need for a memorial center that conserved and displayed the possessions left behind by the missing who have been identified.¹⁵⁰

Inter-ethnic tensions were heightened by Kosovo's unsuccessful application for UNESCO membership (and thus the custody of Serbian cultural monuments).¹⁵¹

Measures to establish a special court to prosecute former members of the Kosovo Liberation Army (KLA) were repeatedly delayed in the Kosovo Assembly. The measures followed a European Union-led investigation into the abduction and transfer of Kosovo Serbs and other prisoners to Albania in 1999, where they were subsequently tortured and murdered. Under international pressure, legislation establishing the special court was finally approved in August 2015. Kosovo as well as the host country, the Netherlands, had yet to complete the remaining agreements for the practical establishment of the court. The special court would adjudicate cases investigated by the Special Investigative Task Force, prompted by a 2011 Council of Europe report accusing some KLA members of abductions, beatings, summary executions, and the forced removal of human organs in Kosovo and Albania during and after the Kosovo war (1998–1999).

In May 2015, the first instance court in the capital Pristina convicted six former KLA members to

¹⁴⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 135; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 494–495.

¹⁴⁹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 316.

¹⁵⁰ Petrit Collaku & Amire Qamili, "[Kosovo Asks Serbia to Open Military Archives](#)," *Balkan Insight* (3 February 2016).

¹⁵¹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 317.

a total of 65 years' imprisonment for the torture, ill-treatment, and murder of prisoners in the KLA detention center in Likovac. The decision was under appeal as of mid-November 2015. In June, former Prime Minister Ramush Haradinaj was arrested in Slovenia on a Serbian warrant for alleged war crimes during the war. Slovenia did not extradite Haradinaj to Serbia, but released him later that month.

The National Council for Survivors of Wartime Sexual Violence, led by President Atifete Jahjaga, made progress toward establishing a verification commission to process reparation claims. In November 2015, an action plan to ensure their access to justice was finalized. In December, a regulation on victims of sexual violence in conflict was adopted.

In April 2015, staff of the European Union Rule of Law Mission (EULEX) exhumed three bodies from a suspected mass grave in the village of Lausa. That same month, Kosovo authorities started searching for suspected mass graves in twenty locations. By the end of September 2015, mixed panels consisting of EULEX and local judges handed down one decision at the first instance level and one case in the Court of Appeals. EULEX has been involved in a total of 35 verdicts since it had been established in 2008.

1,650 people remained missing in the aftermath of the armed conflict; no further grave sites were identified in Serbia or Kosovo despite exhumations at potential mass graves. In Krushe-e Vogel, where 68 men were missing, the EULEX exhumed bodies—believed to have been misidentified—from the cemetery, without adequately notifying the men's relatives. The United Nations Interim Administration Mission in Kosovo (UNMIK) failed to provide reparation to the families of missing Kosovo Serbs, whose abductions had not been effectively investigated by UNMIK police.

The Human Rights Advisory Panel, an independent body set up in 2006 to examine complaints committed by or attributable to UNMIK, found violations in 31 out of 36 cases addressed between January and August 2015.¹⁵²

See also Bosnia and Herzegovina, Croatia, France.

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007. *See* Montenegro and Serbia / Kosovo.

¹⁵² Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 317–318; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 497–498.

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012.

In [2016], historian Ibrahim Abdullah's appointment as associate professor (2004–) and head of the Department of History and African Studies at Fourah Bay College, University of Sierra Leone, was changed from a tenured and pensionable position to a year's contract following a disagreement over the allocation of courses in his department. His salary was suspended and he was threatened with dismissal. Abdullah sent a complaint to President Ernest Bao Koroma, the chancellor of the university, but the matter was not taken up either by the presidential office or the Education Ministry. His colleagues sent a letter of protest to Koroma. Abdullah intended to bring the matter to court.

Abdullah was a contemporary historian, specialized in the history of the working class and youth development, and of culture and politics in West Africa. He taught in universities in Nigeria, South Africa, Canada and the United States before returning to Sierra Leone in 1997—in the middle of the civil war—to work at the University of Sierra Leone. A critic of the state of the university, he openly spoke against the decline of teaching and learning standards on the campus.¹⁵³

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011, 2015.

On 12 May 2015, the court found Amos Yee Pang Sang (1998–) [see *NCH Annual Report 2015*] guilty of “[u]ttering words, etc., with deliberate intent to wound the religious or racial feelings of any person” and “distribution of any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever.” The remaining charge (“use [of] any threatening, abusive or insulting words or behavior”) was dropped, pending a possible trial in the future. The trial drew widespread criticism. On 6 July 2015, Yee was given a four-week prison sentence, equivalent to time served. In October, the High Court dismissed Yee's appeal of his conviction.¹⁵⁴

On 29 May 2015, the National Arts Council (NAC) withdrew a publishing grant of 8,000 Singapore dollar from the graphic novel *The Art of Charlie Chan Hock Chye* by artist-illustrator Sonny Liew. Khor

¹⁵³ Chernoh Alpha M. Bah, “[Sierra Leone: The War against Academic Freedom—FBC and the Case of Prof. Ibrahim Abdullah](#),” *All Africa* (18 March 2016).

¹⁵⁴ Julian Simmons, “[Lee Kuan Yew is Finally Dead! Blogger Prosecuted](#),” *Free Speech Debate* (9 October 2015); Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 503–504.

Kok Wah, senior director of the NAC’s literary arts sector, said: “The retelling of Singapore’s history in the work potentially undermine[d] the authority or legitimacy of the government and its public institutions, and thus breache[d] our funding guidelines.” The book contained the story of comic-book artist Charlie Chan during the formative years of Singapore’s modern history, and featured personalities such as first Prime Minister Lee Kuan Yew (1923–2015) and opposition politician Lim Chin Siong (1933–1996), and events such as the Hock Lee bus riots (12 May 1955) and Operation Spectrum (or “Marxist Conspiracy,” 1987). News of the withdrawal boosted sales of the book; the first print run sold out in a weekend.¹⁵⁵

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011, 2013–2015.

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2013, 2015.

The authorities failed to provide redress for the human rights violations committed against former permanent residents of Slovenia originating from other former Yugoslav republics, known as the “erased,” whose legal status was unlawfully revoked in 1992. No new options had been offered to the remaining “erased” to restore their legal status and related rights since the expiry of the Legal Status Act in 2013. Less than half of the 25,671 “erased” persons had their status restored. In June 2015, the Constitutional Court ruled that compensation claims made by “erased” persons should not be subject to a statute of limitations, and courts should take into account the claimants’ special status. [See also *NCH Annual Reports 2007–2009, 2011–2013, 2015.*]¹⁵⁶

See also Serbia/Kosovo.

¹⁵⁵ Mayo Martin, “[Graphic Novel ‘Undermines Govt’s Authority’: NAC](#),” *Channel NewsAsia* (3 June 2015).

¹⁵⁶ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 323–324.

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012–2014.

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012–2015.

After the events in early 2015 [see *NCH Annual Report 2015*], a Rhodes Must Fall movement was established. In reaction to a campaign, led by a South African student, to remove a statue of Cecil Rhodes from Oxford University's Oriel College as part of a drive to distance the university and its curriculum from Britain's colonial past, the university's Chancellor, Lord Patten, defended its historical relationship with Rhodes (one of the alumni and benefactors of Oriel College), saying that many of the university's scholars depended on activities that would be "unacceptable" in the modern world. Oriel College donors threatened to withdraw gifts and bequests if the statue was taken down. Other students demanded to change the name of a computer room at Oxford's University College.

In February 2016, a wave of student disturbances hit six South African universities, some of it inspired by the Rhodes Must Fall movement and partly directed against colonial symbols. On 16 February 2016, University of Cape Town (UCT) students burned down historic artworks and photographs linked to the Apartheid era (1948–1994). This included at least one, and possibly two, paintings by artist Keresemose Richard Baholo. In the 1990s, he painted a series of pictures of protests at the UCT featuring Jameson Hall in the background.¹⁵⁷

In June 2015, the Southern African Litigation Centre took the government to court in an attempt to force it to implement an International Criminal Court (ICC) arrest warrant for Sudan's President Omar al-Bashir, who was in South Africa for an African Union summit. The North Gauteng High

¹⁵⁷ Javier Espinoza, "[Cecil Rhodes: Lord Patten Warns against 'Pandering to Contemporary Views' over Statue Row](#)," *Telegraph* (13 January 2016); Javier Espinoza, "[Students demand Cecil Rhodes name to be removed from computer room at Oxford University](#)," *Telegraph* (18 January 2016); "[Spate of Student Violence Hits South African Universities](#)," *StarAfrica* (19 February 2016); Munyaradzi Makoni & Karen MacGregor, "[Violent Protests at Universities](#)," *University World News* (20 February 2016); Cheryl Hudson, "[History is not a Morality Play: Both Sides on #RhodesMustFall Debate Should Remember That](#)," *The Conversation* (30 January 2016); Zenobia Ismail, "[Taking the Fall for the Empire](#)," *University World News* (5 February 2016); Barbara Speed, "[Rhodes Isn't Falling at Oxford, but Universities' Racist Curriculums Still Could](#)," *New Statesman* (29 January 2016); Mia Swart, "[History Could Douse Campus Infernos](#)," *BDlive* (29 February 2016); Lizeka Tandwa, "[Historical Records like Rivonia Trial Documents Could Be Destroyed—Nzimande](#)," *News 24* (29 February 2016).

Court issued an interim order on 14 June preventing Bashir from leaving the country pending the finalization of the matter. On 15 June, North Gauteng High Court ordered the state respondents, who included the Ministers of Justice and Police, to arrest and detain Bashir for his subsequent transfer to the ICC. On 15 June, South African authorities allowed Bashir to leave the country in direct contravention of the interim court order. The North Gauteng High Court requested that the state submit an affidavit explaining how Bashir was allowed to leave the country. The state submitted its explanatory affidavit and filed for leave to appeal against the High Court judgment. On 16 September, the North Gauteng High Court denied the state leave to appeal, indicating that the issue was moot, and that there were no prospects of success on appeal. The state petitioned the Supreme Court of Appeal in October. Subsequently, South Africa stated it was considering withdrawing from the ICC.¹⁵⁸

See also Sierra Leone, United Kingdom.

SOUTH SUDAN

Previous *Annual Report* entries: 2013, 2015.

An armed conflict, which erupted in December 2013, pitted forces loyal to President Salva Kiir against those loyal to former Vice-President Riek Machar. Armed militia groups allied to each side participated in the fighting, which continued throughout 2015, but was more sporadic than previously. The authorities failed to hold anyone to account for crimes under international law committed during the armed conflict or to conduct thorough and impartial investigations into these crimes. The August 2015 peace agreement provided for the establishment of three mechanisms: a Commission on Truth, Reconciliation and Healing; a Compensation and Reparations Authority; and a Hybrid Court for South Sudan. The Commission on Truth, Reconciliation and Healing mandate covered the peace-building process, and included gender-based crimes and sexual violence. The Compensation and Reparations Authority mandate was to compensate for property losses incurred during the conflict. The Hybrid Court would have jurisdiction over crimes under international law and crimes established by the relevant laws of South Sudan; it was announced as an African-led and Africa-owned legal mechanism.

In 2014, the African Union (AU) Peace and Security Council (PSC) set up an AU Commission of Inquiry on South Sudan (AUCISS), chaired by former Nigerian President Olusegun Obasanjo, to

¹⁵⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 22, 329–330; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 513, 518.

investigate human rights violations and abuses committed during the armed conflict. Its mandate included recommending measures to ensure accountability and reconciliation. On 27 October 2015, the PSC published the report. It found evidence of systematic violations of human rights and crimes under international law by both warring parties, often committed with extreme brutality. It also found compelling evidence of extrajudicial killings, including ethnically motivated killings. Testimonies to the AUCISS consistently indicated that some 15,000 to 20,000 ethnic Nuer were killed during the first three days of conflict (15–18 December 2013). The report also found evidence of torture and mutilation of bodies; abductions; enforced disappearances; looting and pillaging; forcing victims to engage in cannibalistic acts; and forcing victims to jump into fires. Strong evidence was found supporting allegations of systematic sexual violence, which was a common feature of the atrocities committed by both sides. The AUCISS concluded that there was a high likelihood that rape was used as a weapon of war. It recommended that those with the greatest responsibility for atrocities be prosecuted and that the needs of victims, including reparations, be addressed. It called for the establishment of an ad hoc African legal mechanism under the leadership of the AU and other mechanisms for transitional justice similar to the provisions of the August peace agreement. It also recommended the reform of civil and criminal and military justice systems so as to contribute towards ensuring accountability.¹⁵⁹

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2015.

In July 2015, the new left-wing mayor of Madrid, Manuela Carmena, announced that she planned to remove the 167 remaining street names and other vestiges (squares, monuments) which referred to General Francisco Franco's dictatorship (1939–1975), including the Avenida del Comandante Franco. Many streets had already been renamed under the 2007 “historical memory” law. Valencia's mayor, Joan Ribó, set up a history commission whose task included reviewing street names (30 to 60), plaques and other symbols associated with Franco in order to remove them. After the Partido Popular (Popular Party) came to power in late 2011, however, it froze public funding for projects related to the historical memory law, including efforts to identify the remains in about 2,000 mass graves, seeing them as contrary to the conciliation principles embodied in the 1977 amnesty law.¹⁶⁰

¹⁵⁹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 22, 334–335; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 525.

¹⁶⁰ Marta Borraz, “[Manuela Carmena rebautizará las más de 150 calles franquistas de Madrid](#),” *El diario* (6 July 2015); Koen Greven, “Linkse burgemeester verwijdert dictator Franco na 40 jaar uit

In July 2015, the Defense Ministry blocked the declassification of archives dating from the Civil War (1936–1939) and subsequent Franco dictatorship (1939–1975), arguing that it was not a priority in times of crisis. The documents, dating from between 1931 and 1968 and stored in over 10,000 folders, had been classified in 1968 under the Law of Official Secrets. Historians had had access to part of them in the 1980s but access was blocked again in 2010.¹⁶¹

Despite a recent ban on universal jurisdiction cases, Judge Santiago Pedraz declared that he would continue investigations of eight Guatemalan officers implicated in human rights abuses during Guatemala's civil war (1960–1996).¹⁶²

The definitions of enforced disappearance and torture in Spanish legislation continued to be inconsistent with international human rights law. Restrictions on the exercise of universal jurisdiction led to the closure of major international cases. In particular, the Audiencia Nacional Court decided in July 2015 to halt its investigation into torture and other ill-treatment at the United States detention center in Guantánamo Bay, Cuba, despite the submission in May of documents indicating that Spanish agents had been implicated in interrogations of detainees at the detention facility. An appeal was pending at the end of 2015.

Also in July 2015, a military court closed investigations into the torture of two prisoners committed by five Spanish soldiers at a Spanish military base in Iraq in 2004, on the basis that it had not been able to identify either the perpetrators or the victims. Questions remained on the thoroughness of the investigation by the military court.

The rights to truth, justice and reparation continued to be denied to victims of crimes committed during the Civil War (1936–1939) and the Franco era (1939–1975), as Spanish authorities failed to adequately co-operate with the Argentine judiciary investigating such crimes. In March 2015, the government rejected a request by the Argentine courts for the extradition of 17 people. Subsequently, a group of United Nations experts urged Spain to comply with its obligations to extradite or prosecute those responsible for grave human rights violations.¹⁶³

See also Rwanda.

straatbeeld,” *NRC Handelsblad* (7 July 2015); “[Spanish Dictator Franco Names to Go from Madrid Streets](#),” *BBC News* (7 July 2015); Raphael Minder, “[Civil War Legacy Continues to Divide Spain’s Politics and Its Streets](#),” *New York Times* (19 November 2015).

¹⁶¹ “[Franco-era Secrets to Remain Secret, Says Govt](#),” *The Local* (25 June 2015).

¹⁶² Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 281.

¹⁶³ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 338–339.

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2015.

During the period after the end of the civil war (1983–2009) until Maithripala Sirisena’s election as president in January 2015, a hard-line group called the Bodu Bala Sena (BBS, Buddhist Power Force; established 2012) aggressively asserted Sinhalese Buddhist dominance and deployed a selective reading of Sri Lanka’s history—excluding the contributions of indigenous and non-Sinhalese communities. In so doing, it fanned fears of an existential threat to Buddhism and incited mobs to demolish mosques and riot against Muslims. At a rally in 2012, BBS leader Galagodaththe Gnanasara likened the Sri Lankan military’s victory of 2009 to the ancient conquest of Tamil chief Ellalan by Sinhalese King Vijaya. “Tamils have been taught a lesson twice,” he said and he warned other minorities if they tried to “challenge Sri Lankan culture.” In the north and east, where most Muslims lived, national monuments were erected to honor Buddhist kings; Buddha statues were placed in areas sacred to Muslims or Tamils. In Kuragala, the Culture Ministry built a Buddhist stupa at a Sufi Muslim cave, declaring it an ancient monastery site. The revisionist version of history was celebrated in films, books, television programs and state-run newspapers.¹⁶⁴

On 1 May 2015, a mob attacked Nirmal Ranjith Dewasiri—head of the history department, University of Colombo, former president of the Federation of University Teachers’ Association (FUTA) and its current media spokesperson—and Kumudu Kusum Kumara, a public intellectual, at Kirulapone where political parties supporting former President Mahinda Rajapaksa held a May Day rally. The attackers shouted that both were responsible for defeating Rajapaksa during the January 2015 presidential elections. Dewasiri had supported Maithripala Sirisena, who won the elections. Dewasiri was taken to the hospital but his condition was not serious.¹⁶⁵

President Maithripala Sirisena declared 19 May, the anniversary of the end of the armed conflict (1983–2009), to be Remembrance Day, and stressed that it was a day to commemorate all war dead. This move suggested that earlier restrictions on public commemorations by northern Tamils would be lifted. Although memorial events were permitted in most areas, a heavy police presence was reported at such gatherings in the north and east, and ceremonies were reportedly prohibited by the security forces in Mullaitivu, the site of the final offensive. [See also *NCH Annual Report 2015*.]¹⁶⁶

¹⁶⁴ Rohini Mohan, “[Sri Lanka’s Violent Buddhists](#),” *New York Times* (2 January 2015).

¹⁶⁵ FUTA, “[The FUTA Statement on the Attack on Dr Nirmal Ranjith Dewasiri and Dr Kumudu Kusum Kumara](#),” *Sri Lanka Brief* (2 May 2015); Chaminda Perera, “[Dr. Nirmal Ranjith Dewasiri Attacked near Pro-MR May Day Rally](#),” *Daily News* (2 May 2015).

¹⁶⁶ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 341.

Impunity persisted for alleged crimes under international law committed during the armed conflict (1983–2009), including enforced disappearances, extrajudicial executions and the intentional shelling of civilians and protected areas such as hospitals. The report of an investigation into civilian deaths during the armed conflict, released in October 2015, called for new legislation recognizing command responsibility and an independent judicial inquiry into credible allegations that members of the armed forces may have committed war crimes. A United Nations (UN) investigation into alleged abuses committed during the final years of the armed conflict, including enforced disappearances and military attacks targeting civilians, concluded that these abuses, if established before a court of law, could amount to war crimes and/or crimes against humanity. It recommended reforms to address ongoing violations and the establishment of a hybrid court to address crimes under international law, with which the government signaled agreement. Based on this report, the UN Human Rights Council, with Sri Lanka's acquiescence, adopted a consensus resolution that recommended establishing a special court "integrating international judges, prosecutors, lawyers and investigators" with an independent Sri Lankan investigative and prosecuting body. The resolution was left with the government to work out the details for this body, including the role and number of the tribunal's foreign judges and prosecutors. The government has since turned to civil society groups from across the country for their input on this and a resolution-endorsed truth and reconciliation commission. Through the resolution, the government accepted many recommendations to improve the human rights situation, including a repeal of the draconian Prevention of Terrorism Act (PTA), and reforms to the Witness and Victim Protection Law. Some key undertakings in the resolution included the establishment of a dedicated office on enforced disappearances; a truth, justice, and reconciliation commission; and an office on reparations. In November 2015, the government began planning public consultations throughout the country as an initial step towards the establishment of these offices.

Also in November 2015, the UN Working Group on Enforced and Involuntary Disappearances visited Sri Lanka at the invitation of the government. The group noted the almost complete lack of accountability for disappearances and the lack of sustained efforts to uncover the truth about what happened to the victims. The group also expressed concern that some of the people they had met with on their trip were subsequently visited by members of the security forces and were questioned about their meeting with the group.

The Presidential Commission to Investigate into Complaints Regarding Missing Persons received 18,586 reports of missing civilians, but made little progress in clarifying their fate or whereabouts or bringing perpetrators of enforced disappearance to justice. In October 2015, the government, noting a widespread lack of confidence in the commission, announced that it would replace it with another body. In December 2015, it signed and promised to ratify the 2006 International Convention for the Protection of All Persons from Enforced Disappearance and to criminalize enforced

disappearances.¹⁶⁷

See also Malaysia.

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2015.

The armed conflict in Darfur (2003–) entered its twelfth year in 2015. Although large-scale fighting between the government and armed groups had subsided, there were sporadic clashes, acts of banditry and incidents of intercommunal violence. An estimated 223,000 people were displaced from their homes by conflict during 2015, bringing the total number of internally displaced persons in Darfur to 2.5 million. March 2015 marked the ten-year anniversary of the Security Council’s referral of the situation in Darfur to the International Criminal Court (ICC). Since then, the ICC has issued arrest warrants for five individuals, including President al-Bashir, for war crimes, crimes against humanity, and genocide in connection with atrocities in Darfur. Sudan refused to cooperate with the court in any of the cases. In December 2014, ICC Chief Prosecutor Fatou Bensouda told the United Nations Security Council that she was “hibernating” her investigations on Darfur and urged the council to make “a dramatic shift” in its approach to states that did not cooperate with the court’s requests on arresting Darfur suspects.¹⁶⁸

See also China, India, South Africa.

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012–2013, 2015.

In [2016], the National Reparations Committee Suriname (NRCS), led by former minister Armand Zunder (1946–), pleaded to remove symbols of Dutch colonialism and to “decolonize” geographical

¹⁶⁷ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 38, 340–341; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 528–529.

¹⁶⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 345; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 540–541.

names by reverting to their original Indian names. Streets named after colonial politicians had to be given names of Suriname heroes. On 1 July 2015, the old coat of arms of the Dutch private company Society of Suriname that “owned” Suriname from 1683 to 1795 was removed from the presidential palace and put in a museum.¹⁶⁹

See also Netherlands.

SWAZILAND

Previous *Annual Report* entries: 2011, 2013.

Swaziland’s dual legal system, where both Roman-Dutch common law and Swazi customary law operated side by side, resulted in conflict leading to numerous violations of women’s rights, despite constitutionally guaranteed equality. In practice, women, especially those living in rural areas under traditional leaders and governed by highly patriarchal Swazi law and custom, were often subjected to discrimination and harmful practices. Young women and girls were forced to take part in cultural activities like the Umhlanga reed dance. Families of girls and young women who failed to take part in such cultural activities were often punished or fined by their chiefs. Traditional structures and practices prohibited women from speaking in public at men’s gatherings and presented significant challenges for women’s political participation. Violence against women was endemic. Survivors of gender-based violence had few avenues for help as both formal and customary justice processes discriminated against them. Civil society activists criticized the widely held view among traditional authorities that human rights and equal rights for women were foreign values that should be subordinated to Swazi culture and tradition.¹⁷⁰

SWEDEN

Previous *Annual Report* entries: 1998.

See Bangladesh, Denmark, Rwanda.

¹⁶⁹ Nina Jurna, “Hoezo Julianatop? De indiaanse naam Ipinumin moet weer terug,” *NRC Handelsblad* (11 maart 2016).

¹⁷⁰ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 545.

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009, 2014.

On 15 October 2015, the Grand Chamber of the European Court of Human Rights ruled in the case of Doğu Perinçek [see *NCH Annual Reports 2008–2009, 2014*]. Balancing the rights of others (the dignity of the victims of the 1915 Armenian massacres and the dignity and identity of modern-day Armenians) under Article 8 (the right to respect for private life) and Perinçek's free expression (under Article 10), it confirmed the 2013 judgment by ten votes to seven. In particular, the Court took into account the following elements: Perinçek's statements bore on a matter of public interest and did not amount to a call for hatred or intolerance; the context in which they were made had not been marked by heightened tensions or special historical overtones in Switzerland; the statements could not be regarded as affecting the dignity of the members of the Armenian community to the point of requiring a criminal law response in Switzerland; there was no international law obligation for Switzerland to criminalize such statements; the Swiss courts appeared to have censured Perinçek simply for voicing an opinion that diverged from the established ones in Switzerland; and the interference with his right to freedom of expression had taken the serious form of a criminal conviction. The Court also underlined that it was not required to determine whether the 1915 events could be characterized as genocide within the meaning of that term under international law; unlike the international criminal courts, it had no authority to make legally binding pronouncements on this point. In addition, the Court was not required to determine whether the criminalization of the denial of a genocide or other historical facts could *in principle* be justified. In examining the nature of Perinçek's statements, the Court had also not sought to establish whether they could properly be characterized as genocide denial or justification for the purposes of the Swiss Criminal Code as that was for the Swiss courts to determine. The Court emphasized that Perinçek did not express contempt or hatred for the victims of the 1915 events. While in cases concerning statements denying the Holocaust, the Court had—for historical and contextual reasons—invariably presumed that they could be seen as a form of incitement to racial hatred, it did not consider that the same could be done in this case. Holocaust denial, even if dressed up as impartial historical research, had to be considered as implying anti-democratic ideology and anti-Semitism. The Court considered that Holocaust denial was especially dangerous in states which experienced the Nazi horrors and which could be regarded as having a special moral responsibility to distance themselves from the mass atrocities that they had perpetrated or abetted, by, among other things, outlawing their denial. By contrast, it had not been argued that there was a direct link between Switzerland and the events that took place in the Ottoman Empire in 1915. The Court held, by a majority, that the finding of a violation of Article 10 constituted in itself sufficient just satisfaction for any non-pecuniary damage suffered by

Perinçek.¹⁷¹

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2015.

On 15 March 2012, military intelligence detained computer engineer Bassel Khartabil (also known as Bassel Safadi) ([1982–]) [see also *NCH Annual Report 2015*.] A Syrian of Palestinian parents and specialist in open-source software development, he co-founded the research company Aiki Labs and was the chief technology officer of Al-Aous, a publishing and research institution dedicated to archaeological sciences and arts in Syria. His work included a 3D photorealistic reconstruction of the old city of Palmyra in Syria (see also below). He was held in incommunicado detention for eight months before his transfer to ‘Adra prison in Damascus in December 2012. He was tortured and ill-treated. On 9 December 2012, a Field Court (an exceptional court conducting secret trials) imprisoned him. On 21 April 2015, the United Nations Working Group on Arbitrary Detention declared his detention a violation of the International Covenant on Civil and Political Rights. On 3 October 2015, Khartabil managed to inform his family that he was transferred to an undisclosed location. It is feared that he was tried and sentenced to death by a Military Field Court in the Military Police headquarters in Al-Qaboun, Damascus. Also in October, his colleagues produced a new 3D model of Palmyra using data collected by him before his detention.¹⁷²

On 21 May 2015, after seizing Tadmur, Islamic State (IS) militants occupied the UNESCO World Heritage site of Palmyra. Called the “Venice of the Sands,” Palmyra was an ancient watering place on a trade route between the Mediterranean coast and the valley of the river Euphrates that became the center of an empire during the 3th century AD, which fought the Romans and the Sasanian Persians. Syria’s head of antiquities, Maamoun Abdulkarim, said that hundreds of Palmyra’s statues had been moved to safety but that large monuments could not be transferred. In July 2015, Palmyra’s theater served as an execution ground for captured government soldiers. On 23 August 2015, IS militants blew up the

¹⁷¹ European Court of Human Rights (Grand Chamber), [Case of Perinçek v. Switzerland: Judgment](#) (2015); [Press Release](#) (2015); [Q&A](#) (2015); Dirk Voorhoof, “[Criminal Conviction for Denying the Armenian Genocide in Breach with Freedom of Expression, Grand Chamber Confirms](#),” *Strasbourg Observers* (19 October 2015).

¹⁷² “[Break the Silence: Campaign for Jailed Human Rights Activists](#),” 10 December 2014; PEN International, “Syria: No Word on Activist’s Whereabouts” (4 November 2015); PEN International, “Syria: Renewed Calls for Bassel Khartabil’s Release on 4th Anniversary of Detention” (17 March 2016); Human Rights Council, Working Group on Arbitrary Detention, “Opinions Adopted at its 72nd Session, 20–29 April 2015—No.6/2015 (Syrian Arab Republic) (A/HRC/WGAD/2015; 6 May 2015).

ancient Temple of Baalshamin (1st century AD). The militants also attempted to blow up the Temple of Bel (Temple of Baal), the great sanctuary of the Palmyrene Gods and the most important structure of the site, but partly failed. Several funerary towers in the area known as the Valley of Tombs (including the Tombs of Iamblichus, Elahbel and Atenatan) were destroyed and looted. On 4 October 2015, the Arch of Triumph was blown up. On 27 March 2016, government forces recaptured Palmyra from IS. Abdulkarim said that the damage to the ancient city was less than previously feared.¹⁷³

On 18 August 2015, Islamic State (IS) militants beheaded archaeologist and historian Khaled al-Asaad (1934–2015), director of antiquities in Palmyra for 40 years (1963–2003), at a square outside the museum in Tadmur, in front of dozens of people. IS supporters circulated online photos showing his body tied to a traffic light. His severed head was placed underneath it. A sign attached to the body accused him of being an apostate who supported the al-Assad government, of representing Syria at overseas conferences with “infidels,” of being director of Palmyra’s “idols,” of visiting Iran and communicating with a brother in the Syrian security services. IS had detained and interrogated him in May for a few days and then in July-August for over a month to extract information about where valuable artefacts were hidden. Like many Syrian professionals, al-Asaad had been a member of the ruling Baath Party.

Qasem Abdullah Yehiya, assistant director of laboratories of the Directorate-General of Antiquities and Museums, died in a rocket attack on the Citadel of Damascus and the National Museum in mid-August 2015.¹⁷⁴

¹⁷³ [“Syrian Forces Battle IS near Ancient Ruins of Palmyra,”](#) *BBC News* (15 May 2015); Kevin Butcher, [“Palmyra: IS threat to ‘Venice of the Sands’,”](#) *BBC News* (15 May 2015); [“Islamic State Seizes Syria’s Ancient Palmyra,”](#) *BBC News* (21 May 2015); [“Palmyra’s Baalshamin Temple ‘Blown up by IS’,”](#) *BBC News* (24 August 2015); Jonathan Amos, [“Palmyra: Satellite Image of IS Destruction,”](#) *BBC News* (29 August 2015); [“Palmyra’s Temple of Bel ‘still Standing’,”](#) *BBC News* (31 August 2015); Dominic Bailey, [“Palmyra: Islamic State’s Demolition in the Desert,”](#) *BBC News* (5 October 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 51, 352.

¹⁷⁴ [“Islamic State Militants Behead Archaeologist in Palmyra: Syrian Official,”](#) *Reuters* (18 August 2015); [“Syrian Archaeologist ‘Killed in Palmyra’ by IS Militants,”](#) *BBC News* (19 August 2015); Ben Hubbard, [“Syrian Expert Who Shielded Palmyra Antiquities Meets a Grisly Death at ISIS’ Hands,”](#) *New York Times* (19 August 2015); [“UNESCO Director-General Irina Bokova Deplores the Loss of Two Leading Scholars of Syrian antiquity”](#) (UNESCO Press; 19 August 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 352.

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012.

On 30 July 2015, about 700 nationalist students belonging to the Sunflower Movement climbed barricades around the Ministry of Education compound and early on 31 July about 200 students were encamped inside the compound, demanding an audience with Education Minister Wu Se-hwa in order to drop the pro-Chinese history curricula and textbooks. Over the past several months, young activists had demonstrated in protest against the government's pro-Beijing "one China" policy. A week earlier, police had arrested 33 people—including student activist Lin Kuan-hua ([1985]–2015)—for illegal entry and damaging public property when a group of students had burst into the education minister's office and blocked authorities from entering. Wu reportedly threatened to file a criminal complaint against the arrested protesters. Lin then committed suicide, intensifying the anti-China protests.¹⁷⁵

After Tsai Ing-wen of the Democratic Progressive Party won the presidential elections in January 2016, the movement to re-evaluate Taiwan's authoritarian past gained strength. Among the injustices brought to new attention were the 228 Incident (a 1947 crackdown on protesters who voiced discontent over the then Kuomintang party's rule over Taiwan as it faced defeat by the Communists in mainland China; estimates of the number of civilians killed in the crackdown ranged from 2,000 to more than 25,000 civilians) [see also *NCH Annual Reports 2008, 2012*] and the White Terror (1949–1992). The Chinese Nationalist Party Kuomintang ruled Taiwan as a one-party state from 1945 until the first democratic presidential election in 1996.

From 1947 to 1987, tens of thousands of Taiwanese were imprisoned and at least 1,000 were executed, most in the early 1950s, after being accused of spying for Communist China. Although many archival records were destroyed, especially before the Archives Act was adopted in 2002, many court records and letters of prisoners written before their execution still survived. In 2012, Democratic Progressive Party Legislator Yu Mei-nu proposed a political archives act (co-drafted with the Taiwan Association for Truth and Reconciliation [TATR] and modeled on the Stasi Records Act passed by Germany in 1991) to regulate the archives of political persecution cases, but her motion was blocked at least 74 times by Kuomintang lawmakers. The draft act aimed at distinguishing "political victims" from "perpetrators" and granting the former and their families, not the latter, free files access and privacy protection. Yu intended to reintroduce the bill in parliament.

¹⁷⁵ Aftab Ali, "[Taiwan's Students Storm Education Ministry in Taipei in Protest of 'pro-China' Textbooks after Activist, Lin Kuan-hua, Takes His Own Life](#)," *Independent* (31 July 2015); Reuters, "[Taiwan Students Storm Education Ministry Compound in Textbook Protest](#)," *Daily Mail* (31 July 2015); Marije Vlaskamp, "[Studenten bestormen ministerie Taiwan uit woede over geschiedenisboeken](#)," *Volkskrant* (31 July 2015).

In February 2016, the news that the military police searched without a warrant the home of a civilian selling White Terror era documents sparked a public uproar. According to the military, the documents held and sold online by the civilian were related to Chinese communist spies and their confessions after they surrendered to the Kuomintang government in the 1960s and 1970s.¹⁷⁶

TANZANIA

Previous *Annual Report* entries: 2010.

History textbooks reportedly mentioned that in 1963 a bloody revolution took place in Zanzibar, without any reference, however, to the massacre of about 30,000 persons (mainly Arabs) during that revolution.¹⁷⁷

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2015.

On 11 November 2015, the Chang Puak Police Station in northern Chiang Mai Province issued a summons to Attachak Sattayanurak, a history lecturer from Chiang Mai University, and seven other academics to report to the police station on 24 November 2015. According to Attachak, the summons was related to a joint statement of a national network of academics, which he read out in a public lecture hall on 31 October 2015. The statement urged the junta not to intervene in academic freedom, saying that “universities are not military camps.” After the May 2014 coup d’état, military and police officers had come to Attachak’s house while he was on a fellowship program in Japan. Upon his return, the officers had showed up at the university several times in order to talk with him.¹⁷⁸

Prime Minister General Prayut frequently stated that soldiers should not be condemned for violence connected to the military dispersal of street protests organized by the activist group United Front for Democracy against Dictatorship (UDD), known as the “Red Shirts,” in April and May 2010—in

¹⁷⁶ Paul Mozur, “[Taiwan Families Receive Goodbye Letters Decades After Executions](#),” *New York Times* (3 February 2016); Cindy Sui, “[Taiwan Kuomintang: Revisiting the White Terror years](#),” *BBC News* (13 March 2016); Alison Hsiao, “[Legislator Calls for Act to Archive Sensitive Documents](#),” *Taipei Times* (15 March 2016).

¹⁷⁷ Anonymous, personal communication (27 January 2016).

¹⁷⁸ “[Defiant Academic Summoned after Calling for Academic Freedom](#),” *Prachatai / English* (19 November 2015).

which 90 people died and more than 2,000 were injured—despite evidence that most casualties resulted from unnecessary or excessive use of lethal force by soldiers. No military personnel were charged for killing and wounding civilians at that time. The government, however, expedited investigations into cases in which persons connected to the UDD used violence in 2010, and UDD leaders and supporters faced serious criminal charges. In contrast, there was little progress in investigating or prosecuting alleged rights abuses and criminal offenses committed by the People’s Alliance for Democracy (PAD), the so-called “Yellow Shirts,” and by the People’s Democratic Reform Committee (PDRC) during political confrontations in 2008 and 2013–2014, respectively.¹⁷⁹

See also United States.

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2013, 2015.

Little progress was made in addressing crimes against humanity and other human rights violations committed by Indonesian security forces and their auxiliaries from 1975 to 1999. Many suspected perpetrators remained at large in Indonesia. No progress by the authorities was reported in implementing recommendations addressing impunity from the Commission for Reception, Truth and Reconciliation (CAVR) and the bilateral Indonesia-Timor-Leste Commission of Truth and Friendship (CTF). In September 2015, a follow-up report by the United Nations Working Group on Enforced or Involuntary Disappearances noted with regret that Timor-Leste had yet to debate a draft law on the establishment of a Public Memory Institute, intended to implement the CAVR and CTF recommendations.¹⁸⁰

TOGO

Previous *Annual Report* entries: 2002, 2008–2013.

¹⁷⁹ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 565–566.

¹⁸⁰ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 362.

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2015.

On 24 December 2013, the National Constituent Assembly (NCA) adopted the Law on Establishing and Organizing Transitional Justice. The law provided criminal accountability via specialized chambers within the civil court system to adjudicate cases arising from past human rights violations, including abuses committed by military and security forces. The law also established an Instance vérité et dignité (IVD; Truth and Dignity Commission) tasked with uncovering the truth about abuses committed between July 1955, shortly before Tunisia's independence from France, and the law's adoption in 2013. The NCA elected 15 IVD members on 15 May 2014. In August 2015, the IVD said it had received 16,000 complaints from people alleging human rights abuses and had begun processing them.

On 14 July 2015, however, the government approved a draft Law on Economic and Financial Reconciliation, strongly supported by President Beji Caid Essebsi. If enacted, the law would offer broad amnesty to officials of former President Zine El Abidine Ben Ali's regime (1987–2011) and terminate prosecutions and trials of, and cancel any sentences against, corrupt business executives who submitted a reconciliation request to a state-run commission. The proposed law would threaten the IVD's role to mediate cases relating to corruption and economic crimes, which were endemic during the Ben Ali rule.

On 29 February 2016, the director of the national archives, Hedi Jalleb, announced that the presidential archives were available for use by the IVD. [See also *NCH Annual Report 2015*.]¹⁸¹

TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2015.

In May 2008, the government blocked all access to YouTube under the 1951 law that prohibited “insulting the memory of Atatürk” because it contained about ten videos that were deemed insulting to former President Mustafa Kemal Atatürk (1881–1938) by the court that issued the ban. It remained in effect until October 2010. Serkan Cengiz, Yaman Akdeniz and Kerem Altıparmak, university lecturers in law, challenged the ban in the name of free expression, a reasoning which was confirmed by the

¹⁸¹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 56; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 573–575; “[Les archives de la présidence finalement mises à la disposition de l’IVD](#)” *Espace Manager* (29 February 2016).

European Court of Human Rights in December 2015. The Court noted, inter alia, that the lecturers were active YouTube users who accessed videos related to their work and also uploaded academic work. In addition, it pointed out the importance of YouTube as a means to disclose political information ignored by mainstream media, thereby contributing to the emergence of citizen journalism. The interference, it maintained, was also unlawful because the Atatürk law allowed bans of specific publications only, not blanket bans of entire websites.¹⁸²

In April 2015, commemorations were held to mark the 100th anniversary of the 1915 massacres of Armenians in Ottoman Turkey with peaceful demonstrations across the country. No progress was made towards fully recognizing the crimes committed.¹⁸³

After the 7 June general elections, the Justice and Development Party (AK Party) reportedly destroyed two truckloads of official documents (regarding, among others, dissenters, fund expenditures and civil servant recruitment) after it lost its overall majority in Parliament. Most of the destruction was reportedly done in the Prime Ministry.¹⁸⁴

On 14 January 2016, Ramazan Kurt, a PhD student of philosophy and history of philosophy at the Faculty of Social Studies of Erzurum Atatürk University, was detained in his home and suspended because he had signed a petition calling on the government to end its military operations in southeastern Turkey, including in civilian areas. The petition was drafted by the Initiative of Academics for Peace, signed by 1128 scholars from 89 Turkish universities and by more than 300 scholars from abroad, and issued on 11 January 2016. Kurt was charged with “terror propaganda,” “incitement to hatred or defaming people” and “defaming the state’s judicial bodies.” He testified before the prosecutor. The court released him the same day pending investigation but imposed an overseas travel ban. The university condemned the petition as a latent support for separatists.

On 13 January 2016, Kurt had received threats, including by telephone, visits to his office, a social media campaign against him, and a protest by a far-right group and students. He complained to the prosecutor and requested police protection, but the police said they could not provide protection. Kurt left for his hometown in İzmir province because of safety fears. All the Turkish signatories of the petition were placed under investigation.¹⁸⁵

¹⁸² European Court of Human Rights, [Cengiz versus Turkey: Judgment](#) (2015); Marina van Riel, [“Cengiz and Others v. Turkey: A Tentative Victory for Freedom of Expression Online,”](#) *Strasbourg Observers* (5 January 2016).

¹⁸³ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 369.

¹⁸⁴ [“Report: AK Party Has Destroyed 2 Truckloads of Documents since Election,”](#) *Today’s Zaman* (10 August 2015).

¹⁸⁵ [“Ramazan Kurt,”](#) *Academic Freedom Monitor* (14 January 2016); [“Investigations, Universities’ Reactions against Academics,”](#) *Bianet* (15 January 2016); [“Turkish Academic Supports Probes,”](#)

See also Armenia, Cyprus, Switzerland, United States.

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012, 2015.

Despite plans for constitutional reform and the establishment of an ombudsman institution, President Gurbanguly Berdymukhamedov and his associates enjoy unlimited power and total control over all aspects of public life in Turkmenistan. The Turkmen government often forced people to gather for hours for events attended by Berdymukhamedov. They were not permitted to leave or use the toilet. According to the Turkmen Initiative for Human Rights (TIHR), a Vienna-based group, on 5 August 2015, many were forced to wait for almost seven hours in the sun in heat of 41 degrees Celsius (105.8 degrees Fahrenheit) to welcome Berdymukhamedov for the opening of a new stadium in Ashgabat. Three of them died the same day.¹⁸⁶

The whereabouts of prisoners who were subjected to enforced disappearance after an alleged assassination attempt against then President Saparmurat Niyazov in 2002 remained unknown. The authorities did not respond to a request made in June 2015 during the European Union-Turkmenistan Human Rights Dialogue to provide relevant information. For 13 years, the families of those detained had not received any information about their whereabouts or wellbeing.¹⁸⁷

[Urges for Moderation](#),” *Asbarez* (3 February 2016); “[Over 120 Academics Face Investigations for Signing Peace Declaration](#),” *Cihan* (4 February 2016); Human Rights Watch, “[Turkey: Academics Jailed For Signing Petition](#)” (16 March 2016).

¹⁸⁶ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 586.

¹⁸⁷ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 374.

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2013, 2015.

On 6 January 2015, Dominic Ongwen, a senior commander in the Lord's Resistance Army (LRA) was taken into custody by United States forces in the Central African Republic, and subsequently transferred to the custody of the International Criminal Court (ICC). Ongwen was indicted by the ICC in 2005 for crimes committed in Gulu, Northern Region, in 2004. He faced three counts of crimes against humanity and four counts of war crimes. On 10 September 2015, the ICC pre-trial chamber recommended to the ICC Presidency that Ongwen's confirmation of charges hearing be heard in Uganda. ICC arrest warrants for Joseph Kony, the LRA leader, and two other LRA commanders remained in force. The men were still at large at the end of 2015.¹⁸⁸

See also Central African Republic.

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011, 2014–2015.

The Ministry of education introduced patriotic history education at schools and universities. In their turn, universities on the territory of the self-declared republics abolished the history of Ukraine as a separate course and proposed their own vision of Ukraine's history, based on Russian textbooks.¹⁸⁹

In April 2015, the authorities banned a number of Russian films (films made in Russia after January 2014 and post-1991 films portraying the Russian military in a positive light) which allegedly distorted history.

In May 2015, a package of "decommunization" laws entered into force that banned Nazi and Communist symbols and criminalized denial of the "criminal nature of the Communist totalitarian regime," punishable by up to five years' imprisonment. "Propaganda" of either ideology was punishable by up to ten years' imprisonment. Another law, entitled "On the Legal Status and Honoring of Fighters for Ukraine's Independence in the Twentieth Century" recognized as "fighters for independence" nationalist groups that fought Germany during World War II but also those who collaborated with the

¹⁸⁸ *Amnesty International, Report 2015/16* (London: Amnesty International, 2016), 22, 377–378.

¹⁸⁹ Tatyana Malyarenko, "Universities under Fire in Ukraine's War," *Index on Censorship* (Summer 2015), 17.

Nazis and were implicated in atrocities and ethnic cleansing. The law ruled that denial or disrespect of their role in fighting for Ukrainian independence was an unlawful “desecration of their memory.” In June 2015, the parliament passed a law to make public archives of Ukraine’s Soviet-era KGB files. The Soviet term “Great Patriotic War” was replaced with “Second World War.” Historian Volodymyr Vyatrovych [Viatrovych] (1978–), founder of the nongovernmental Center for Research on the Liberation Movement (2002), former director of the Security Service of Ukraine Archives (2008–2010) and the director of the Ukrainian National Memory Institute, had introduced the laws in parliament. Critics said that the laws provided the infrastructure for an official version of Ukrainian twentieth-century history and would curtail critical views of that history.¹⁹⁰

In 2015, no significant progress was achieved in accountability for perpetrators of abuses during the 2014 Maidan protests, in which more than 100 protesters and 13 law enforcement officers died and many were injured. In its March 2015 report, the Council of Europe’s International Advisory Panel criticized the slow progress and poor quality of the investigation, noting a “widespread perception of impunity” on the part of law enforcement agencies.

In December 2015, the authorities established a Special Investigation Division within the Prosecutor General’s Office tasked specifically with Maidan-related investigations. The prosecutor’s office claimed that it had identified all senior government officials who took part in decision-making during the Maidan events, but in late 2015, it was unclear whether any had been charged. Authorities detained several riot police officers suspected of killing protesters from 18 to 20 February 2014. In late 2015, the trial of two of them remained ongoing. Many of the alleged perpetrators had reportedly left Ukraine.¹⁹¹

In September 2015, the government issued a declaration accepting the jurisdiction of the International Criminal Court (ICC) for crimes committed in the country since 20 February 2014. Although Ukraine was not yet an ICC member state, this declaration paved the way for the ICC prosecutor to consider whether the court should investigate abuses committed during the armed conflict. A February 2015 parliamentary resolution that prompted the government’s declaration attempted to cast the ICC’s potential inquiry as limited to alleged crimes committed by Russia or Russia-backed forces, but the ICC prosecutor would be able to consider conduct by all sides to the conflict. The government had

¹⁹⁰ Lily Hyde, “[Ukraine to Rewrite Soviet History with Controversial ‘Decommunisation’ Laws](#),” *Guardian* (20 April 2015); Yulia Gorbunova, “[Ukraine Shouldn’t Take a Leaf out of Russia’s Book](#),” *Human Rights Watch* (11 August 2015); Shaun Walker, “[Russian Region Bans British Historians, Books from Schools](#),” *Guardian* (5 August 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 380; Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 599, 600.

¹⁹¹ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 598.

also accepted ICC jurisdiction for the time period covering the Maidan protests during the period 21 November 2013—22 February 2014. In November 2015, the ICC prosecutor reported that based on the information available, the abuses committed during that period did not amount to crimes against humanity, but that the prosecutor could reconsider this in light of any additional information.¹⁹²

See also Russia.

UNITED ARAB EMIRATES

Previous *Annual Report* entries: 2013.

In May 2015, the Dubai Criminal Court sentenced an Indian national to one year in prison, followed by deportation, after it convicted him of blasphemy in relation to a Facebook post deemed to “insult” Islam and the Prophet Muhammad.¹⁹³

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2015.

In 2014, a furore broke out over the cancelation of a show at the Barbican in London called *Exhibit B*. The work, by the white South African artist Brett Bailey, used black actors to recreate the “human zoos” of the nineteenth century, which saw kidnapped Africans paraded as entertainment. Some 23,000 people signed a petition urging the Barbican to cancel the show, which it did following concerns about its ability to safely police protests outside.¹⁹⁴

On 26 June 2015, the Belfast High Court upheld the government’s decision not to hold an independent inquiry into the 1989 killing of Belfast solicitor Patrick Finucane. The government, along with Northern Ireland political parties and the Irish government, failed to agree legislation that would have established new mechanisms to investigate deaths attributed to the conflict in Northern Ireland (1969–1998), as had been promised under the December 2014 Stormont House Agreement (SHA).

In September 2015, the *Derry Journal* submitted a Freedom of Information request to view draft

¹⁹² Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 598–599.

¹⁹³ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 382.

¹⁹⁴ Jodie Ginsberg, “Global View,” *Index on Censorship*, 45 no. 1 (Spring 2016), 57.

proposals on how to deal with the legacy of the Northern Ireland conflict within the SHA. It was refused by the Northern Ireland's Department of Justice on account of the fact that disclosure could compromise future consultation and thwart the exchange of ideas. On 23 September 2015, Secretary of State for Northern Ireland, Theresa Villiers, confirmed that those guilty of Troubles-related murders would be able to confess and then walk free and that, as agreed during the SHA, victims' relatives would not be notified of any such disclosures and that any information given over would not be admissible in legal proceedings. Relatives of Derry victims of the Troubles feared that the deal would amount to an amnesty for the perpetrators. Official plans also contained proposed legislation required for an oral archive to document the history of the conflict.¹⁹⁵

In August 2015, the British Library declined to store a large collection of Taliban-related documents because it reportedly contained some material which could contravene the Terrorism Act. The collection included newspapers, maps and radio broadcasts from when the Taliban were in power in Afghanistan (1996–2001). The loose counter-terrorism laws were criticized for instilling a climate of fear among academics studying extremist groups. The Terrorism Acts of 2000 and 2006 made it an offense to “collect material which could be used by a person committing or preparing for an act of terrorism”; they criminalized the “circulation of terrorist publications.”¹⁹⁶

The legal battle to get access to some of the Boston tapes continued in 2015 [See *NCH Annual Reports 2012–2015*]. In the Winston “Winkie” Rea case, the European Court of Human Rights in late May or early June 2015 refused to grant an interim prohibition as part of efforts to stop the Police Service of Northern Ireland (PSNI) from obtaining his taped testimony. On 29 September 2015, the PSNI said that evidence on the recordings was “hearsay” and useless in court, and declined to prosecute seven of the eight suspects identified in the 1972 abduction and death of Jean McConville.¹⁹⁷

On 13 August 2015, a first-tier tribunal in London dismissed on grounds of national security an application by Cork historian Barry Keane, author of *Massacre in West Cork*, to release the names of

¹⁹⁵ Eamon Sweeney, “[Freedom of Information Request into ‘Deal on the Past’ Refused](#),” *Derry Journal* (24 September 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 386.

¹⁹⁶ “[British Library Declines Taliban Archive over Terror Law Fears](#),” *BBC News* (28 August 2015).

¹⁹⁷ “[Boston College Tapes: Police Get Access to Ex-Loyalist Prisoner Winston Rea’s Interviews](#),” *BBC News* (5 June 2015); Alan Erwin, “[Court Refuses to Hear Winkie Rea’s Appeal over Boston Tapes](#),” *Irish Times* (19 May 2015); Alan Erwin, “[Ex-loyalist Prisoner Seeks Emergency Hearing to Block Boston tapes; Winston ‘Winkie’ Rea to Have Final Roll of Dice in European Court of Human Rights](#),” *Irish Times* (21 May 2015); “[Boston College Tapes Prompt New Probe into 1970s Murder Bid](#),” *News Letter* (8 October 2015); Beth McMurtrie, “[After Battle to Get Boston College’s ‘Belfast’ Records, Prosecutors Now Largely Dismiss Their Value](#),” *Chronicle of Higher Education* (30 September 2015).

paid British informers who worked in Ireland against Irish secret societies between 1882 and 1916 (the year of the Easter rising). He lost his appeal against the Home Office, the Metropolitan police service and the United Kingdom Information Commissioner by a 2-to-1 majority decision. The tribunal decided that releasing the informers' names would risk harm their descendants and hamper the recruitment of informants. It said their names should remain secret "in perpetuity".¹⁹⁸

See also Russia, Rwanda, South Africa.

UNITED STATES

Previous *Annual Report* entries: 1995–2015.

During the Rapp-Coudert investigations of 1940–1942, historians Philip Foner (1910–1994), specialist in labor and Afro-American was denied tenure because of his membership in the Communist Party of the United States of America (CPUSA). During the 1941 loyalty probe, Foner was dismissed as a history instructor at City College of New York (1933–1941), together with others, including his twin brother Jack Foner (1910–1999), also a historian at the same college and pioneer in black studies. Philip Foner became the educational director of the Fur and Leather Workers Union (1941–1945), chief editor of Citadel Press, New York (1945–1967) and professor of Pennsylvanian History (1967–1979) and Independence Foundation Professor (1980s) at Lincoln University, a historically black college outside of Philadelphia. He wrote the ten-volume *History of the Labor Movement in the United States* (1947–1994). In 1946, the Federal Bureau of Investigation (FBI) started an investigation into Philip Foner which would last for decades. Only in September 2015 did the FBI release a heavily redacted 45-page file on him. A document from 1984 referred to the fact that Foner was closely followed during the 1960s, listing his request to visit countries like Cuba, North Vietnam, and the USSR for research purposes.¹⁹⁹

In September 2015, the Central Intelligence Agency (CIA) and the Lyndon B. Johnson Library released online a collection of 2,500 declassified President's Daily Briefs (PDBs) from the Kennedy and Johnson administrations. [See also *NCH Annual Reports 2005–2006*.]²⁰⁰

¹⁹⁸ First-Tier (London), *Barry Keane versus Information Commissioner et alii: Appeal* (concernedhistorians.org/le/387.pdf; 13 August 2015); Justine McCarthy, "[Historian Loses Legal Battle To Name Past British Informers](#)," *Sunday Times* (23 August 2015); "[UK Court Quashes Historian Barry Keane's Attempt To Name Past British Informers](#) (comment)" *Politics.ie* (1 September 2015).

¹⁹⁹ Matthew Guariglia, "[Eccentric with a Slightly Gruff Manner'. Philip S. Foner's FBI File](#)," *Muckrock* (7 September 2015).

²⁰⁰ National Security Archive, "[President's Daily Briefs from Kennedy and Johnson Finally Released](#)"

In December 2015, the Institute of Turkish Studies (ITS; founded 1971), an educational foundation based at Georgetown University and overseeing the distribution of the proceeds from an endowment by the Turkish government to support Turkish studies in the United States, lost its funding from the Turkish government. The Turkish embassy in Washington declined to comment on the reasons why. Some linked the withdrawal to the November 2015 election results, in which the opposition party associated with the ITS parent trust was not successful. The ITS was seeking new funds.

In late 2006, Donald Quataert (1941–2011), professor of history at Binghamton University, State University of New York, and expert on the Ottoman empire, forcibly resigned as chairman of the ITS board of governors (2001–2006). He had published a book review of Donald Bloxham's *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians* (Oxford University Press) in the *Journal of Interdisciplinary History* in the fall of 2006. In the review, he denounced the self-censorship in Ottoman historical writing regarding the massacre of the Ottoman Armenians in 1915 and called it a taboo that needed to be shattered. He wrote that the events "satisfie[d] the U.N. definition of genocide" and that it was wrong not to acknowledge this. ITS honorary chairman, Turkish Ambassador Nebi Şensoy, reportedly asked him to publicly retract his statements in the review or resign as chair if the ITS was to continue receive funding from the Turkish government. Birol Yesilada, a professor of political science and international relations at Portland State University, quitted ITS, among other things, over the Quataert case. ITS board member Fatma Müge Göçek, a sociologist at the University of Michigan, sent e-mail messages to other board members explaining that she thought that Quataert was within his rights as a scholar to write the review as he did; she called the forced resignation a violation of Quataert's academic freedom.²⁰¹

On 2 October 2015, the University of Washington Center for Human Rights (UWCHR) filed a freedom of information request against the Central Intelligence Agency seeking information about possible war crimes committed by retired Colonel Sigifredo Ochoa Pérez in El Salvador during that country's civil war (1979–1992). Two weeks later, someone broke into the office of Angelina Godoy, the center's director and stole her desktop computer and a hard drive containing about 90 per cent of the information relating to the center's research in El Salvador. The stolen files contained details of investigations related to the civil war, which left at least 75,000 people dead, 8,000 missing and a million displaced. According to the 1992 United Nations-sponsored truth commission, the vast majority of crimes were

(16 September 2015).

²⁰¹ Elizabeth Redden, "[Turkey Ends Funding for Controversial Research Institute](#)," *Inside HigherEd* (22 December 2015); Scott Jaschik, "[Is Turkey Muzzling U.S. Scholars?](#)" *Inside HigherEd* (1 July 2008); Middle East Studies Association, "Letter to Prime Minister Recep Tayyip Erdogan" (27 May 2008); Donald Quataert, "The Massacres of Ottoman Armenians and the Writing of Ottoman History," *Journal of Interdisciplinary History* (Autumn 2006), 249–259.

committed by United States-backed military dictatorships against civilians in rural communities suspected of supporting the leftist guerrillas.²⁰²

In November 2015, Princeton University students urged officials to rename programs and buildings (such as the Woodrow Wilson School of Public and International Affairs) named for former President Woodrow Wilson (1856–1924; Princeton University president 1902–1910; United States president 1913–1921). Although a progressive president, Wilson had supported racial segregation: as university president he had blocked black students from attending the university. He once called racial segregation “a benefit” and defended the enslavement of blacks by saying slaves “were happy and well-cared for.” Princeton University President Christopher Eisgruber agreed to consider the demands of the students, whose protest was led by the Black Justice League. On 4 April 2016, the university announced that it would not rename the school, saying that Wilson’s accomplishments deserved to be recognized along with his faults.²⁰³

On 18 November 2015, State Board of Education (SBE) members in Texas narrowly (with a 8–7 vote) rejected a plan to create a group of state university professors to check the history textbooks for factual errors. The call for more experts came after more than a year of controversy over SBE-sanctioned textbooks’ coverage of Islamic history; slaves as workers; the Civil War; and the importance of Moses and the Ten Commandments to the Founding Fathers when writing the Declaration of Independence and the Constitution.²⁰⁴

In 2003 the records of the Korean National Association, dating to 1906, were discovered in the attic of a building being renovated in Los Angeles, California. The Association had functioned as a government-in-exile, and led independence efforts against Japanese colonial rule in the Korean peninsula (1910–1945). In January 2016, a drawn-out lawsuit about whether the records belonged in the United States or Korea was settled: the University of Southern California would digitize the 15,000 to 16,000 pages and send the originals to South Korea. Among the papers was a 1919 letter to President Woodrow

²⁰² Ansel Herz, [“Two Weeks After It Sued the CIA, Data Is Stolen from the University of Washington’s Center for Human Rights,”](#) *The Stranger* (21 October 2015); Nina Lakhani, [“Confidential Files on El Salvador Human Rights Stolen after Legal Action against CIA,”](#) *Guardian* (23 October 2015).

²⁰³ [“Princeton Considers Dropping Woodrow Wilson Name after Protests,”](#) *BBC News* (20 November 2015); [“Princeton Rebuffs Calls To Rename Woodrow Wilson School,”](#) *BBC News* (5 April 2016); David Wright, [“Princeton Keeps Woodrow Wilson’s Name on the School despite Protests,”](#) *CNN Politics* (4 April 2016).

²⁰⁴ Robert T. Garrett, [“Texas School Board Rejects Push to Enlist Academics to Check Textbooks for Factual Errors,”](#) *Dallas Morning News* (18 November 2015); Yanan Wang, [“Workers” or Slaves? Textbook Maker Backtracks after Mother’s Online Complaint,](#) *Washington Post* (5 October 2015).

Wilson, asking for his help and protesting the “brutal force” being used to suppress independence efforts in Korea.²⁰⁵

In February 2016, several staff members involved in a controversy over a freshman-retention plan at Mount St. Mary’s University, Maryland, were dismissed. Gregory Murry, an assistant history professor who spoke at length with student journalists for their original article about the retention plan, was locked out of his university email account and threatened with dismissal.²⁰⁶

In March 2016, Harvard Law School changed its official seal, in use since the 1930s, after protests because it incorporated the coat of arms of the eighteenth-century donor and slave owner Isaac Royall, known for his cruelty (including burning 77 slaves alive). In February 2016, Harvard University had already decided to remove the word “master” from academic titles, after protests from students who claimed that the title had echoes of slavery.²⁰⁷

In its one-year update to the United Nations Human Rights Committee, the United States (USA) said that it prohibited torture and other ill-treatment, enforced disappearance and arbitrary detention of “any person in its custody wherever they are held,” and that it held “accountable any persons responsible for such acts.” Yet by the end of 2015, no action had been taken to end the impunity for the systematic human rights violations committed in the secret detention program operated by the Central Intelligence Agency (CIA), under authorization granted by former President George W. Bush after the attacks of 11 September 2001 (9/11).

The USA also told the Human Rights Committee that it “supported transparency” in relation to this issue. Yet by the end of 2015, more than twelve months after the publication of the declassified summary of the report by the Senate Select Committee on Intelligence into the CIA program, the committee’s full 6,700-page report, containing details of the treatment of each detainee, remained classified top secret. Most, if not all, of the detainees were subjected to enforced disappearance and to conditions of detention and/or interrogation techniques which violated the prohibition of torture and other cruel, inhuman or degrading treatment. Classification of the report continued to facilitate impunity and the denial of remedy. During 2015, military prosecutors reportedly learned of a cache of some 14,000 photographs relating to CIA “black sites” in Afghanistan, Thailand, Poland, Romania, Lithuania and possibly elsewhere, including images of naked detainees being transported. The

²⁰⁵ Victoria Kim, “[Legal Fight over Century-Old Korean Papers Found in L.A. Ends](#),” *Los Angeles Times* (24 February 2016); USC Libraries Research Guides, “[Documents of the KNA Building](#).”

²⁰⁶ Sarah Brown & Katherine Mangan, “[Fallout at Mount St. Mary’s Spreads as Scholars Protest Firings](#),” *Chronicle of Higher Education* (10 February 2016).

²⁰⁷ Sean Coughlan, “[Harvard Law School Scraps Official Crest in Slavery Row](#),” *BBC News* (4 March 2016); Sean Coughlan, “[Harvard Abolishes ‘Master’ in Titles in Slavery Row](#),” *BBC News* (25 February 2016).

photographs had not been made public by the end of 2015.²⁰⁸

The City of Chicago, Illinois, passed an ordinance to provide reparations to over 100 survivors of torture committed by members of the Chicago Police Department from 1972 to 1991. The ordinance included a US\$ 5.5 million fund for survivors, a formal apology from the Chicago City Council, free college education for survivors and their families, an educational component in Chicago Public Schools on the history of torture by the Chicago Police Department, a public memorial to torture survivors and a counseling center for torture survivors.²⁰⁹

See also Afghanistan, Angola, China, Cuba, El Salvador, Israel, Korea, South, Lebanon, Peru, Poland, Sierra Leone, Spain, Uganda, Vietnam.

URUGUAY

Previous *Annual Report* entries: 2001–2013, 2015.

In May 2015, a presidential decree established the Truth and Justice Working Group to investigate human rights violations that occurred between 1968 and 1985. The group was to be formed of seven members having fulfilled autonomy and independence criteria throughout their careers, as well as the president and vice-president of Uruguay. A 2013 Supreme Court ruling remained an obstacle to ensuring justice; the ruling had overturned key articles of Law 18.831, adopted in 2011, which established that crimes committed during the period of civil and military rule between 1973 and 1985 were crimes against humanity and that no statute of limitations could be applied.²¹⁰

On 28 March 2016, information of the Grupo de Investigación en Arqueología Forense (GIAF, Research Group in Forensic Archaeology; <http://alafforense.org/grupo-de-investigacion-en-arqueologia-forense-del-uruguay-giaf/>) of the Humanities and Educational Sciences Faculty, Universidad de la República Uruguay, Montevideo, was stolen and members of the group were reportedly threatened. GIAF was collecting data about those who disappeared under the military dictatorship (1973–1985) by excavating human remains in unmarked graves.²¹¹

²⁰⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 388.

²⁰⁹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 389.

²¹⁰ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 392.

²¹¹ “[Informe: La sociedad uruguaya reacciona frente al robo del laboratorio del equipo de Antropología forense](#)” (Universidad de la República; 28 March 2016); “[Declaración del Consejo](#)” (Universidad de la República; 30 March 2016).

UZBEKISTAN

Previous *Annual Report* entries: 2005–2014.

13 May 2015 marked ten years since government forces killed hundreds of largely peaceful protesters in the city of Andijan. Defying numerous calls to allow an independent investigation into the massacre, Uzbek officials continued to state that the matter was “closed.” On the massacre’s tenth anniversary, both the Office for Democratic Institutions and Human Rights and former United Nations High Commissioner for Human Rights Louise Arbour renewed calls for an independent investigation. In 2015, Human Rights Watch interviewed dozens of Uzbeks, many outside the country, who expressed fear about speaking on the record about Andijan, citing threats to themselves and family members who remained in Uzbekistan. They stated that authorities still regularly called their relatives in for questioning, and forced them to sign statements saying that those who fled abroad after the massacre were terrorists. The wife of one Andijan refugee said that since the massacre, officials had interrogated her monthly, including about her husband’s whereabouts, and threatened to force her into prostitution in retaliation for his participation in the protest.²¹²

See also Kyrgyzstan.

²¹² Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 628.

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011, 2015.

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012, 2014.

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2013.

In May 2014, Nguyen Huu Vinh (Nguyễn Hữu Vinh; male), co-founder in 2007 of the popular blog, *Anh Ba Sam*, known for its anti-China posts, and his assistant, Nguyen Thi Minh Thuy (Nguyễn Thị Minh Thúy; female), were arrested on charges of “abusing democratic freedoms.” In February 2015, the indictment was issued, detailing also charges in connection with two other political blogs—*Dan Quyên* (Dân Quyền; Citizens’ Rights) and *Chep Su Viet* (Chép sử Việt; Writing Vietnam’s History), both of which were critical of government policies and officials, and had been shut down by the authorities. The indictment stated that the two blogs had more than 3.7 million page views. No trial date was set. Nguyen Huu Vinh was a former policeman and son of a former high-ranking government official and member of the ruling Communist Party of Vietnam, who was ambassador to the former Soviet Union.²¹³

In January, April, and July 2015, police prohibited unsanctioned Buddhist Hoa Hao groups from commemorating the anniversaries of the birth and death of Hoa Hao founder Huynh Phu So (1920–1947) and of his establishment of the Hoa Hao faith. Participants were intimidated, harassed, and assaulted.²¹⁴

On 14 March 2015, alleged pro-government commentators insulted online activists and hindered them as they gathered offline in Hanoi to commemorate the Johnson South Reef Skirmish between China and Vietnam on 14 March 1988, in which more than seventy Vietnamese died. The reef, also called Gac Ma

²¹³ Amnesty International, “[Demand Release of Blogger and Assistant](#)” (ASA 41/2801/2015; 4 November 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 399.

²¹⁴ Human Rights Watch, *World Report 2016: Events of 2015* (New York: Seven Stories Press, 2016), 640.

Reef, was part of the Spratly Islands. The government denied that the commentators acted on its behalf.²¹⁵

Draft legislation on the National General Education Curriculum Design prepared by the Ministry of Education and Training since 2013 and put out for consultation in November 2015, suggested that in secondary schools history should be integrated into a new course, “Citizenship and the Motherland,” which combined history, citizenship and national security. Many historians and others criticized this as a further devaluation of the importance of history, which was reportedly taught in an unattractive manner (A few years ago, when the decision was taken not to include history in the high school graduation exam, thousands of students in Nguyen Hien school ripped their history books up and threw them away).²¹⁶

On 1 January 2016, history teacher Phuong tried to commit suicide during a ceremony held by Le Quy Don High School for the Gifted to celebrate the school’s 15th anniversary. When the ceremony almost ended, Phuong unexpectedly came to the stage and gave a paper to the chair of the Binh Dinh provincial People’s Committee and then tried to stab his stomach but people prevented the action. “The school’s management board and the trade union repressed and defamed me and offended my human dignity,” he declared. In the past, he had sent petitions to management agencies showing wrongdoings at the school many times. Eventually, the Quy Nhon City Education and Training Department and Binh Dinh provincial authorities had sent inspectors, who discovered eight violations. A member of the Vietnam Veterans Association (having joined the anti-American resistance war for which he received a medal), he had received flowers and congratulations every 22 December on the occasion of the Vietnamese People’s Army Day. However, after he had denounced the wrongdoings in 2014, he did not receive flowers or congratulations anymore. Phuong also complained that the headmaster refused to sign and confirm his civil servant résumé.²¹⁷

See also Cambodia.

²¹⁵ Freedom House, [Freedom on the Net 2015](#) (Washington: Freedom House, 2015), 933.

²¹⁶ Ly Pham, “[How Should We Teach History?](#)” *University World News* (20 November 2015).

²¹⁷ “[History Teacher Tried to Commit Suicide at 15th Anniversary of School Establishment,](#)” *Vietnamnet* (4 February 2016).

WESTERN SAHARA

See Morocco / Western Sahara.

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010, 2013–2015.

Yemeni authorities failed to hold thorough and independent investigations into past human rights violations, including unlawful killings and other serious abuses committed by government forces in connection with mass popular protests in 2011. In September 2015, President Abd Rabbu Mansour Hadi decreed the establishment of a national commission of inquiry to investigate all violations committed since the beginning of 2011.²¹⁸

²¹⁸ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 404.

ZAMBIA

Previous *Annual Report* entries: 2009, 2015.

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2015.

INTRODUCTION

The twenty-first *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists and archaeologists around the globe, as reported by various human rights organizations and other sources. It mainly covers events and developments of 2014 and 2015.

Disclaimer. The fact that NCH presents this news does *not* imply that it shares the views and beliefs of the historians and others mentioned in it.

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All Annual Reports (1995–2015) were compiled by Antoon De Baets.

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AFGHANISTAN

Previous *Annual Report* entries: 2000–2014.

Early in 2014, the Afghanistan Independent Human Rights Commission presented President Hamid Karzai with a copy of its 800-page report mapping war crimes and crimes against humanity in Afghanistan since the Communist era (1978–2001). Completed in December 2011, the report would provide a foundation for future steps to prosecute those implicated in past abuses. Karzai rejected calls to release the report publicly. Although Karzai's successor, President Ashraf Ghani had vowed before the election to release the report, in early 2015 there was no planned release date. (*See also* NCH *Annual Reports* 2013–2014.)

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 49.]

ALBANIA

Previous *Annual Report* entries: 1996, 2012.

Former political prisoners organized hunger strikes in protest against the government's failure to fairly distribute compensation for their imprisonment by the communist government (1944–1991), when thousands were imprisoned or sent to labor camps and subjected to torture and other ill-treatment.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 54.]

In April 2015, the parliament passed a law opening up files from the secret police (Sigurimi) of the Communist era (1944–1991) to people who were spied upon and barring former Sigurimi members from holding public office in the future. An estimated 7,000 opponents of the regime were killed and more than 100,000 deported to labor camps. In 1991 many of the files had been destroyed.

[Source: "Albania Opens Communist Secret Police Files," *BBC News* (<http://www.bbc.com/news/world-europe-32552372>; 1 May 2015).]

See also Serbia/Kosovo.

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2014.

The 2006 Law on Peace and National Reconciliation continued to afford legal immunity to perpetrators of torture, enforced disappearances, unlawful killings and other serious rights abuses during the internal armed conflict of 1992–2000. The law also criminalized any expression that authorities believed denigrated state institutions or security forces for their conduct during that conflict. However, there appear to have been no prosecutions based on this law to date. The United Nations Human Rights Committee ruled on five cases of enforced disappearance and urged the authorities to investigate them thoroughly, bring the perpetrators to justice and provide effective remedies to the relatives of the disappeared. (*See also NCH Annual Reports 2007–2010.*)

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 56; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 56.]

On 20 April 2014, police used excessive force to disperse demonstrators in Tizi-Ouzou city who were commemorating the violent repression of protesters in 2001 in the Kabylia region.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 55–56.]

On 1 November 2014, the 60th anniversary of the outbreak of the war of liberation against France (“the November Revolution”), Tayeb Zitouni, the Minister of Mujahideen (independence war veterans) declared that “France refuses to hand over the remaining archives to Algeria or lingers to do. She will never hand over the archives that might disturb her.” In February 2015, he added that France had returned only 2% of the archives in its possession. Critics observed that the Algerian archives about the Revolution remained closed themselves. (*See also NCH Annual Report 2013.*)

[Sources: Algeria Press Service, History Writing: 4,000 Hours of Living Testimonies Recorded (28 October 2014; <http://www.aps.dz/en/algeria/4671-history-writing-4,000-hours-of-living-testimonies-recorded>); “La France n’est pas prête à restituer les archives,” *Le Matin.dz* (16 February 2015; <http://www.lematindz.net/news/16601-la-france-nest-pas-prete-a-restituer-les-archives.html>); M. Oudina, “France Will Never Accept To Admit Defeat in its War against Algeria (Minister)” (31 October 2014; <http://www.ennaharonline.com/en/news/8484.html>).]

See also Morocco / Western Sahara.

ANGOLA

Previous *Annual Report* entries: 2003, 2009.

ARGENTINA

Previous *Annual Report* entries: 1997–2014.

Several cases of human rights violations committed during Argentina's military dictatorship (1976–1983) were reopened in 2003 after Congress annulled existing amnesty laws. Subsequently, the Supreme Court ruled that the amnesty laws were unconstitutional, and federal judges struck down pardons favoring former officials convicted of, or facing trial for, human rights violations. As of August 2014, 121 trials had been conducted for crimes against humanity originating from the dictatorship, resulting in 503 convictions. The Center of Legal and Social Studies (CELS) reported that 42 people had been acquitted during the trials, and another 1,611 suspects were under investigation. Given the large number of victims, suspects, and cases, prosecutors and judges faced challenges in bringing those responsible to justice while also respecting due process rights of the accused. Argentina made significant progress in identifying children of the disappeared who were illegally appropriated during the dictatorship, and connecting them to their biological families. In July 2014, the National Bank of Genetic Data identified the grandson of Estela de Carlotto, the founder of Grandmothers of Plaza de Mayo (*See also NCH Annual Reports 2003 and 2014*). As of August, 115 grandchildren had been found. In early 2015, a legal challenge to a 2009 law that would limit collection of DNA samples to cases of the dictatorship was pending before the Supreme Court. In Buenos Aires, 22 accused were prosecuted for their alleged involvement in the Plan Condor, an agreement between the military governments of Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay to eliminate their political opponents. Also, trials were held for more than 100 defendants accused of crimes committed in the clandestine detention and torture centers in the School of Navy Mechanics in Buenos Aires, and La Perla in Córdoba, among others.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 61; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 65.]

18 July 2014 marked the twentieth anniversary of the attack against the building of the Argentine Israelite Mutual Association in Buenos Aires, which left 85 people dead. The government failed to provide justice and reparation to the victims. Iran refused to comply with an Argentine court order

which called for the capture of five suspects. In 2013, the Argentine and Iranian governments signed an agreement to interrogate these suspects in Tehran, but it did not take effect. In Argentina, high-ranking officials, including former president Carlos Menem, were tried for diverting the investigation. The public trial was pending at the end of 2014.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 61.]

See also Paraguay, Spain.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010, 2014.

During a series of protests in June 2014, Yerevan police detained activists protesting the demolition of the Afrikyan House, a historical monument.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 69.]

See also Azerbaijan, Turkey.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009, 2014.

In November 2014, the Federal Court was to hear a “top secret” appeal by the Australian government—including a government witness only identified as “X”—aimed at suppressing information from files containing Australian diplomatic papers and intelligence about East Timor and sought by political scientist Clinton Fernandes. Fernandes commented: “The Australian Government is pursuing a secret appeal against a secret judgement about the secret evidence of a secret witness. This goes against the English tradition of fairness from which our legal system springs.” (For background, *see NCH Annual Report 2014*.)

[Source: Philip Dorling, “Attorney-General Appeals against the Release of Secret Diplomatic Information on East Timor,” *Brisbane Times* (<http://www.brisbanetimes.com.au/federal-politics/political-news/attorneygeneral-appeals-against-the-release-of-secret-diplomatic-information-on-east-timor-20141116-11npr.html>); 16 November 2014).]

On 18 April 2015, police in Melbourne arrested five suspects who were reportedly planning to target police on Anzac Day, 25 April 2015. The evidence suggested that they were influenced by Islamic State. Their leader was charged with conspiring to commit a terrorist act. Anzac Day is an annual day of remembrance for servicemen and women from Australia and New Zealand. A series of events were planned on 25 April 2015 to coincide with the 100th anniversary of the landings at Gallipoli (Ottoman Empire).

[Source: “Australian Teenagers Held over Alleged Melbourne Terror Plot,” *BBC News* (18 April 2015; <http://www.bbc.com/news/world-australia-32361721>).]

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009.

See Turkey, Turkmenistan.

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2013.

In 2010, after fifteen years of teaching history at Lenkeran State University, southeast Azerbaijan, Yadigar Sadigov was dismissed allegedly for being the adviser to the chair of the opposition political party Musavat and for publishing criticism of government policies in its daily newspaper as well as on Facebook. On 27 June 2013, he was arrested on false hooliganism charges for allegedly beating up an invalid Nagorno-Karabakh war veteran after the latter had provoked him in a teahouse. He was held in pretrial detention. In January 2014, a court sentenced Sadigov to six years' imprisonment. In July 2014, an appeals court reduced the sentence to four years.

[Sources: Human Rights Watch, “Azerbaijan: Government Repression Tarnishes Chairmanship: Council of Europe’s Leadership Should Take Action” (28 September 2014; <http://www.hrw.org/print/news/2014/09/29/azerbaijan-government-repression-tarnishes-chairmanship>); Human Rights Watch, *Tightening the Screws: Azerbaijan’s Crackdown on Civil Society and Dissent* (New York: Human Rights Watch, 2013), 17–19.]

On 30 July 2014, the authorities charged Leyla Yunus ([1954]–), director of the Institute for Peace and Democracy (IPD; established in 1995), and her husband, Arif Yunus, with treason, tax evasion,

and illegal entrepreneurship. Both are historians by training and authors of many historical works. Many believed that the real reason for the arrests were the fact that Leyla Yunus had called for peaceful relations with Armenia and for a boycott of the European Games to be held in Baku in June 2015. A court sent Leyla Yunus to pretrial custody for three months but Arif Yunus was released under police supervision because of his poor health. But on 5 August 2014, police rearrested him as he was on his way to deliver food and medication to his wife. Despite his health concerns, the court sent him also to pretrial detention in a Ministry of National Security prison for three months for allegedly violating the terms of his house arrest. The Prosecutor's Office also sealed the office of Leyla Yunus's organization.

On 28 April 2014, the Azerbaijani authorities had prevented the Yunuses from boarding a flight to attend a conference in Brussels, confiscated their passports, questioned them at length, and searched their home and office. They were told that they were barred from traveling abroad because they were witnesses in a criminal investigation against journalist Rauf Mirgadirov. In the 1980s, the Yunuses had compiled a list of political prisoners in Azerbaijan and disseminated it worldwide. In 2012, they helped create a joint Azerbaijani-Armenian website, where representatives of civil societies of both countries engaged in public dialogue.

[Sources: "Dinara Yunus Speaks at the OSCE Conference," (25 September 2014; http://leylaarifyunus.blogspot.nl/2014_09_01_archive.html); "Letter from Leyla Yunus in prison to Arif Yunus in prison" (in Dutch; <http://weblogs.amnesty.nl/mensenrechtenvandaag/2015/01/15/yunus>); Rachel Denber, "Dispatches: Towering Figures, Silenced in Azerbaijan's Crackdown" (Human Rights Watch, 5 August 2014; <http://www.hrw.org/news/2014/08/05/dispatches-towering-figures-silenced-azerbaijan-s-crackdown>); Giorgi Gogia, "Dispatches: Azerbaijan Jails Yet Another Rights Defender (Human Rights Watch, 8 August 2014; <http://www.hrw.org/news/2014/08/08/dispatches-azerbaijan-jails-yet-another-rights-defender>); Human Rights Watch, "Azerbaijan: Government Repression Tarnishes Chairmanship: Council of Europe's Leadership Should Take Action" (28 September 2014; <http://www.hrw.org/print/news/2014/09/29/azerbaijan-government-repression-tarnishes-chairmanship>); Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 80; Veronika Szente Goldston, "'Dark Times' in Azerbaijan," (Human Rights Watch, 7 October 2014; <http://www.hrw.org/news/2014/10/07/dark-times-azerbaijan>).]

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012.

On 18 March 2015, the Special Procedures of the United Nations Human Rights Council expressed “concern at what appears to be a policy of removing from public space and public memory the symbol of the pro-democracy movement in Bahrain, and therefore, of preventing the expression of narratives deviating from official discourses regarding the events of February and March 2011.” They referred to the destruction by government security forces, on 18 March 2011, of the Pearl Roundabout in Manama, a monument which served as the center of the February 2011 peaceful uprising and which had since become a symbol of the pro-democracy movement. Human rights groups said that by destroying the Pearl Roundabout and removing all imagery associated with it, the government rewrote history and pretended that the uprising never happened.

[Source: Bahrain Center for Human Rights, “Bahrain’s Pearl Roundabout: A Government’s Attempt at Rewriting History” (23 March 2015; https://www.ifex.org/bahrain/2015/03/23/pearl_roundabout_destroyed/?utm_source=whatcounts&utm_medium=email&utm_campaign=itw_25march2015).]

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2014.

In May 2013, Mohammad Kamaruzzaman, assistant secretary-general of Jamaat-e-Islami (the largest Islamist party of Bangladesh) was found guilty of genocide and torture by the International Crimes Tribunal (ICT, set up in 2010) and sentenced to death. On 3 November 2014, the Supreme Court upheld the trial court’s sentence, despite serious fair trial concerns. Kamaruzzaman was not granted a right to appeal. In late October 2014, the ICT had also sentenced party leaders Motiur Rahman Nizami and Mir Quasem Ali to death. The first person executed on orders of the ICT was Jamaat-e-Islami senior leader Abdul Kader Mullah (Abdul Qader Mollah)—in December 2013, following hastily enacted retrospective legislation which is prohibited by international law. In September 2014, the Supreme Court had commuted the death sentence given to party leader Delwar Hossain Sayeedi to life imprisonment. Article 47A (1) of the Constitution specifically stripped war crimes accused of their right to a fair trial. All the crimes had been committed during the nine-month war of independence from Pakistan in 1971. Critics of the ICT said that the government used it to target political opponents, but the Awami League, leading the government, asserted that it was necessary to

help Bangladesh come to terms with its past. (See also NCH *Annual Reports* 2011–2014.)

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 72, 73–74; “Bangladesh Islamist Delwar Sayeedi Death Sentence Commuted,” *BBC News* (17 September 2014; <http://www.bbc.com/news/world-asia-29233639>); “Bangladesh Upholds Islamist Kamaruzzaman Death Sentence,” *BBC News* (3 November 2014; <http://www.bbc.com/news/world-asia-29875827>); Human Rights Watch, “Bangladesh: Halt Execution of War Crimes Accused” (9 November 2014; <http://www.hrw.org/news/2014/11/09/bangladesh-halt-execution-war-crimes-accused>); Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 97, 98.]

The exact number of people killed in the 1971 war was unclear: while official estimates were three million, independent researchers said it was closer to 500,000. In February 2014, a lawyer filed a court application claiming that three articles on the blog *Bangladesh War Crimes Tribunal* (November 2011) by British investigative journalist David Bergman were in contempt of the International Crimes Tribunal (ICT). In the blogs, Bergman had questioned the toll of three million deaths during the 1971 independence war as being unrealistically high. He had referred to a passage in an ICT order, writing: “The Tribunal in its order does not provide or refer to any evidence or material on record to support the figure of 3 million, treating it as a historical fact...Although this number is treated as an official government figure, there is as far as I can see little evidence, if any, to support it.” The ICT demanded an “explanation” of the posts and held an oral hearing. On 17 April 2014, it issued contempt proceedings. At a hearing on 2 December 2014, Bergman was found guilty of contempt and ordered to pay a fine. Bergman, based in Bangladesh, edited the English-language daily *New Age* and wrote for the *Daily Telegraph*. He made the award-winning film *War Crime Files*.

[Sources: David Bergman, “Summary of Legal Argument on Blog Contempt Charges” (<http://bangladeshwarcrimes.blogspot.co.uk/2014/10/summary-of-legal-argument-on-blog.html>); PEN International, “British Journalist Found Guilty of Contempt in Bangladesh for Questioning 1971 War Death Toll,” (2 December 2014; https://www.ifex.org/bangladesh/2014/12/02/contempt_british_journalist/?utm_source=whatcounts&utm_medium=email&utm_campaign=itw_3december2014).]

Amateur historian Ami Rahman Pial ([1968–]) was assaulted four times in recent years because he criticized the fundamentalists for their role in the 1971 independence war on his blog (since 2006) and Facebook page (53,000 followers). Pial was one of the founders of Shahbagh, a movement supporting the death penalty for leaders of Jamaat-e-Islami (the main Islamist party) who in 2009–2013 were sentenced by the International Crimes Tribunal for war crimes in the 1971 war. Pial’s name topped a hit list of 84 targets compiled by Islamists. Three authors on the list were already murdered in 2015.

Pial's wife and child went into exile. In clashes between Jamaat e-Islami supporters, Shahbagh protesters and security forces in February 2013, more than a hundred people had died.

[Source: Floris van Straaten, "De Bengaalse bloggers zijn doodsbang," *NRC Handelsblad* (7 July 2015), 16–17.]

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011, 2014.

Eight were arbitrarily arrested during or immediately after they attended a peaceful march commemorating the 1986 Chernobyl nuclear disaster. They were charged with "petty hooliganism" and "disobeying police orders." Eight others, all known for their political activism, were detained in the days before the march under similar charges. (*See also NCH Annual Reports* 1996–1997, 2006–2007, 2014.)

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 75; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 101.]

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012.

BELIZE

Previous *Annual Report* entries: 2014.

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2014.

Five decades after the military and authoritarian regime (1964–1982), no progress in providing justice to victims of political violence or measures to implement a mechanism to unveil the truth of the

human rights violations committed during that period was made. A contributing factor was the unwillingness of the armed forces to provide information on the fate of people killed or disappeared during this period. A proposal to create a truth commission to investigate the crimes—made up of seven members, including four appointed by the government—was pending before the Plurinational Assembly in early 2015. The authorities ignored national and international bodies' concerns about the lack of transparency and unfairness of the reparation process that ended in 2012 and in which just over a quarter of applicants qualified as beneficiaries. In February 2014, a campsite of the victims' organization, Platform of Social Activists against Impunity, for Justice and Historical Memory of the Bolivian People, outside the Ministry of Justice was set on fire and files and documents were destroyed. Preliminary investigations indicated that the fire was caused by an electrical fault. However, the organization complained that it was an intentional attack. Criminal investigations were ongoing at the end of 2014.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 78; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 104–105.]

In July 2014, a second request to extradite former President Gonzalo Sánchez de Lozada to Bolivia was filed in the United States. He faced charges in connection with the “Black October” case, when 67 people were killed and more than 400 injured during protests in El Alto, near La Paz, in late 2003. A previous extradition request was rejected in 2012. In May 2014, a Federal Judge in the United States had allowed a civil lawsuit against the former President and his Minister of Defense for their responsibility in the events.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 78.]

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2014.

Proceedings continued at the International Criminal Tribunal for the former Yugoslavia (ICTY) against former Bosnian Serb leader Radovan Karadžić and former General Ratko Mladić, for genocide, crimes against humanity and violations of the laws or customs of war, including at Srebrenica. In October 2014, the hearing in the Karadžić case ended; a verdict was expected in the second half of 2015. At the national level, progress in ensuring accountability for war crimes and crimes against humanity committed during the various conflicts in the former Yugoslavia remained

slow. The number of new indictments remained low, trials dragged on and political attacks on national war crimes courts continued. War crimes courts, prosecutors and investigative units remained understaffed and under-resourced as the lack of political will to deliver justice increasingly hid behind the expressed desire to move on. The War Crimes Chamber of the State Court of Bosnia and Herzegovina made slow progress in the prosecution of crimes under international law, and was undermined by repeated criticism by high-ranking politicians. During 2014, the Republika Srpska entity prime minister repeatedly challenged the legitimacy of the State Court and Prosecutor's Office, claiming that they were unconstitutional, and called for their abolition. Across the region, civilian victims of war, including victims of sexual violence, continued to be denied access to reparations due to the failure to adopt comprehensive legislation regulating their status and guaranteeing their rights. The Criminal Code continued to fall short of international standards relating to the prosecution of war crimes of sexual violence. Entity courts continued to apply the Criminal Code of the Socialist Federal Republic of Yugoslavia; impunity prevailed in the absence of a definition of crimes against humanity, command responsibility, and crimes of sexual violence. Impunity for war crimes of sexual violence remained rampant; between 2005 and the end of 2014 less than a hundred cases had come to court. The estimated number of victims of rape during the war ranged between 20,000 and 50,000. In July 2014, the State Court began the first retrial of a war crimes suspect among the dozens whose convictions were quashed following a 2013 ruling of the European Court of Human Rights (ECHR) that stated that Bosnian courts had wrongly applied law not in force at the time of the offences committed during the Bosnian war (1992–1995). The decision in November 2014 by the State Court to quash under the ECHR ruling the genocide conviction of Milorad Trbic, a former commander with Bosnian Serb forces, and the prospect of his release from custody pending retrial, prompted concern from United Nations experts, who called on the government of Bosnia and Herzegovina to ensure victim protection, the right to truth and justice, and the adoption of a comprehensive transitional justice strategy. The case had been transferred to the Bosnian court from the International Criminal Tribunal for the Former Yugoslavia in 2007. In September 2014, Croatia, Serbia and Bosnia and Herzegovina signed a regional co-operation agreement with a view to accelerating the to-date slow progress in resolving the fate and returning the bodies of 7,800 people still missing since the conflict. The rights and livelihoods of relatives in all three countries continued to be undermined by the lack of legislation on missing persons. In Bosnia and Herzegovina, the Law on Missing Persons had not been implemented at the end of 2014, leaving the families of the missing with no access to reparation.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 36–37, 81–82; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 111–112.]

See also Netherlands, Serbia/Kosovo.

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2014.

In May 2012, a National Truth Commission began investigating the systematic human rights violations that occurred during military rule from 1964 to 1985, including extrajudicial killings, forced disappearances, torture, arbitrary detention, and the curtailment of free expression. This had led to the creation of more than 100 truth commissions in states, cities, universities and trade unions. These engaged in investigations into cases such as the enforced disappearance of former congressman Rubens Paiva in 1971. They also highlighted less well-known violations against indigenous Peoples and rural workers, such as the military attacks (1968–1975) against the Waimiri-Atroari in the Amazon and the torture of peasant farmers during the Araguaia guerrilla conflict (1967–1974). The Truth Commission published its final report on 10 December 2014.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 84; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 119–120.]

In April 2010, the Supreme Court reaffirmed lower court rulings that the 1979 amnesty law barred most prosecutions of state agents for the crimes. However, six months later, the Inter-American Court of Human Rights had ruled that this interpretation violated Brazil's obligations under international law, and that the amnesty should not be an obstacle to prosecuting serious human rights violations committed under military rule. The 2014 Truth Commission report repeated the court's view. Federal prosecutors trying to bring the perpetrators of these crimes to justice condemned the law as incompatible with international human rights treaties. To date, judges have rejected these arguments. However, at the end of 2014, three bills were before Congress which proposed changes to the interpretation of the amnesty law so that it would no longer apply to agents of the state charged with crimes against humanity.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 84; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 119–120.]

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012, 2014.

On 27 May 2015, the Defense Ministry announced that it had opened the Communist-era military intelligence archives to research. (For background, see *NCH Annual Report 2014*).

[Source: Agence France-Presse, “Bulgaria Opens Up Communist-era Military Archives,” *Global Post* (27 May 2015; <http://www.globalpost.com/article/6562655/2015/05/27/bulgaria-opens-communist-era-military-archives>).]

See also Macedonia.

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005, 2013.

In a ruling in March 2014, the African Court on Human and Peoples’ Rights held that the Burkinabé state—in its failure to diligently investigate and bring to justice those responsible for the assassination of journalist Norbert Zongo and three of his companions, found burned to death in a car in 1998—had violated the right to freedom of expression by causing “fear and worry in media circles.”

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 90.]

See also Guinea.

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2014.

On 15 May 2014, Burundi adopted a law establishing a Truth and Reconciliation Commission (TRC) to cover grave violations of human rights and international humanitarian law committed between 1962 and 2008. The law failed to include clear language on the setting up of a special tribunal to prosecute individuals responsible for crimes under international law, including war crimes and crimes

against humanity. The TRC officially began on 10 December 2014 as eleven Commissioners were sworn into office.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 92; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 131.]

See also Rwanda.

CAMBODIA

Previous *Annual Report* entries: 1999–2014.

On 7 August 2014, eight years after the creation of the United Nations-assisted Extraordinary Chambers in the Courts of Cambodia, former Khmer Rouge leaders Nuon Chea (88, the former second-in-command) and Khieu Samphan (83, the former head of state) were sentenced to life imprisonment for crimes against humanity, including extermination and political persecution. They were convicted of the forced relocations of Cambodians from urban areas to the countryside and around the countryside in 1975, during which many were executed. Both appealed the sentences. The two continued to face trial on other charges, including genocide, in connection with Khmer Rouge policies and practices from 1975 to 1979. However, given their advanced age, it was far from certain that a second trial would ever be completed. Prime Minister Hun Sen's public opposition to trials of other Khmer Rouge suspects made it unlikely that others responsible for the deaths of as many as two million people would be held accountable. While the trial had initially generated considerable interest, the drawn-out proceedings over many years resulted in the Cambodian public showing little interest by the trial's end.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 94; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 136.]

CAMEROON

Previous *Annual Report* entries: 2010, 2012–2014.

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012–2014.

In May 2015, the Royal Canadian Mounted Police admitted that 1,017 indigenous women and girls had been murdered between 1980 and 2012, a homicide rate at least four times higher than that faced by women in the rest of the population. Despite mounting demands, including by provincial and territorial governments, the federal government refused to initiate a national action plan or public inquiry.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 19, 97.]

See also Rwanda.

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012, 2014.

The transitional authorities and the United Nations failed to effectively investigate crimes under international law, including war crimes and crimes against humanity committed in the country, therefore perpetuating the cycle of violence and fear. In July 2014, Amnesty International published a dossier naming twenty individuals, including anti-Balaka and Séléka commanders, against whom it had credible evidence to suspect that they could be responsible for war crimes, crimes against humanity and other serious human rights abuses committed since December 2013.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 102.]

On 9 April 2014, interim President Catherin Samba-Panza issued a decree establishing a special investigative cell to prosecute serious crimes committed in the country since 2004. The United Nations (UN) peacekeeping mission also consulted with the transitional government on the establishment of a judicial mechanism to enable the judiciary to work alongside international actors to tackle impunity. In August 2014, the peacekeeping mission and the government signed a Memorandum of Understanding to create a Special Criminal Court to try grave human rights violations and violations of international humanitarian law. On 24 September 2014, the International Criminal Court (ICC) prosecutor announced that her office would open a second investigation in the

country for crimes committed since 2012, following an earlier request from Samba-Panza. In 2007, the ICC had opened its first investigation in the country for crimes committed during the 2002–2003 civil war. The investigation led to the arrest of Jean-Pierre Bemba Gombo, a Congolese national and former vice president of the Democratic Republic of Congo. His trial was ongoing at the ICC in early 2015.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 147–148.]

CHAD

Previous *Annual Report* entries: 2000–2012.

Former Chadian President Hissène Habré remained in custody awaiting trial before the Extraordinary African Chambers created by the African Union (AU) in 2012 to try him in Senegal. Habré was arrested on 30 June 2013 and charged on 2 July 2013 with crimes against humanity, torture and war crimes committed in Chad between 1982 and 1990. In August 2014, the court rejected the Chadian government's request to be a civil party (*partie civile*) in the case. At the end of 2014, the Chambers was finalizing its investigation into alleged crimes by Habré. If the investigating judges decided that there was sufficient evidence, his trial would start in May 2015.

On 14 November 2014, the trial of 26 former state security agents connected to the Habré era commenced in Chad. International and local human rights organizations expressed concern that the trial could undermine the upcoming trial of Habré in Senegal. In October 2014, the Chambers requested Chad to send these suspects to Dakar but Chad declined to transfer them and refused another request by the Chambers to travel to Chad to interview them. There were also concerns from the victims and human rights organizations that the trial might not meet international fair trial standards. (For background, see previous *NCH Annual Reports*.)

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 104, 318.]

CHILE

Previous *Annual Report* entries: 1998–2014.

On 31 December 1974, Carlos Guerrero Gutiérrez (1954–?1975), history student at the Universidad

de Chile and activist of the Movimiento de Izquierda Revolucionario (MIR; Revolutionary Left Movement), was arrested by the Dirección de Inteligencia Nacional (DINA; National Intelligence Directorate). A number of witnesses testified that he was held at the detention site Villa Grimaldi and tortured and that he disappeared from there while in the hands of the DINA. He was last seen alive on 25 January 1975. In October 2014, the Supreme Court convicted former DINA members, including its former head Manuel Contreras Sepúlveda, of the enforced disappearance of Guerrero Gutiérrez.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 106; *Report of the Chilean National Commission on Truth and Reconciliation* (Notre Dame/London 1993), 544; “Carlos Eduardo Guerrero Gutiérrez,” <http://www.memoriaviva.com/Desaparecidos/D-G/gue-gut.htm>.]

Some progress was made in bringing to justice those responsible for human rights violations committed under General Pinochet's regime (1973–1990). According to the President of the Supreme Court, by March 2014 there were 1,022 active cases, of which 72 related to allegations of torture. Official data from the Ministry of the Interior Human Rights Program indicated that, by October 2014, 279 people had been convicted in connection with the crimes and 75 were serving prison sentences. In September 2014, the government announced its intention to speed up the discussion of a 2006 bill to overturn the 1978 amnesty law. The debate around the law was ongoing before the Congress at the end of 2014. The Observatory of Transitional Justice at Diego Portales University, Santiago, which monitors human rights trials, found that in enforced disappearance cases the Supreme Court often confirmed prison sentences that complied with Chile's obligation to hold perpetrators accountable through appropriate punishments. In extrajudicial execution cases, however, the court often reduced prison terms and allowed alternatives to prison if significant time had elapsed since the criminal act.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 106; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 152.]

In 2014, forty years after the Augusto Pinochet dictatorship, the human rights collective *Londres 38* (named after a former detention center) launched a campaign known as *No más archivos secretos* (no more secret archives) to open up secret archives related to the dictatorship (1973–1990). It labeled secret three types of archives: those of Chile's two official truth commissions, which judges ordered sealed for a period of fifty years; the archives of the German enclave Colonia Dignidad; and those of the armed forces, police and intelligence services.

[Source: Alexia Richardson, “Lifting the Sentence of Secrecy in Chile,” *Worldpress.org* (2 September 2014; <http://www.worldpress.org/Americas/4026.cfm>).]

CHINA

Previous *Annual Report* entries: 1995–2014.

In April 2014, filmmaker Shen Yongping (1980–) was detained and in June formally arrested because he had made a documentary, “A Hundred Years of Constitutionalism,” about the history of China’s constitution. The documentary had been posted online and was freely downloadable. Four thousand copies of it were discovered in Shen’s apartment. In December 2014, Shen was sentenced to one year’s imprisonment for illegal business activities.

[Source: Oscar Garschagen, “Grote Papa Xi doceert China,” *NRC Handelsblad* (2 February 2015), 4; “Shen Yongping,” *Wikipedia* (6 February 2015; http://en.wikipedia.org/w/index.php?title=Shen_Yongping&oldid=641805985).]

In May 2014, a book edited by Wang Keming and Song Xiaoming, *We Repent (women chanhui)*—a collection of public apologies mostly from former Red Guards during the Cultural Revolution (“Wenge”; 1966–1976)—was published in simplified Chinese in a censored version by China CITIC Press in Beijing in May 2014. The uncut version (in traditional Chinese) was published by Great Mountain Culture in Hong Kong in June.

[Source: C.K. Martin Chung, “We Repent: Comparing Chinese and European Remembrance of National (Co-) Perpetratorship” (unpublished paper; Hong Kong 2014), 1–2, 16.]

On 26 May 2014, Shi Ping (pen-name: Shi Yu), journalist for *Time Weekly*, was reportedly arrested in connection with his alleged attendance at a small-scale Tiananmen memorial event. He was accused of “gathering a crowd to disturb social order,” but released on bail on 3 July 2014 pending investigation. It remained unclear whether he had been formally charged.

[Source: Pen International Writers in Prison Committee, *Case List January-June 2014* (London: PEN, December 2014).]

In September 2014, writer Tie Liu ([1933–]) (pen name of Huang Zerong) was detained because in an essay he had claimed that Liu Yunshan, President Xi Jinping’s subordinate in charge of ideology and propaganda, undermined the latter’s purported liberal tendencies. On 23 October 2014, the police in Beijing formally charged Tie with “illegal business activities” for privately publishing the testimonies of victims of the 1957 Anti-Rightist campaign. Tie had published these memoirs for many years, but they had been ignored until recently. He was also charged with “creating a disturbance” for a dozen essays he had published on the internet and in Chinese publications abroad criticizing Mao Zedong and other leaders of the Chinese Communist Party. Tie faced several years’ imprisonment if

convicted.

[Source: Chris Buckley, “Beijing Formally Charges Writer Who Published Memoirs of Victims of Mao Era,” *New York Times* (24 October 2014; http://www.nytimes.com/2014/10/24/world/asia/beijing-charges-writer-tie-liu.html?_r=0).]

On 10 October 2014, the State Administration for Press, Publication, Radio, Film and Television said it had banned books by at least eight writers and intellectuals, including historian Yu Ying-shih (1930–) without mentioning any reason. An emeritus professor at Princeton University, Yu openly voiced support for pro-democracy movements in mainland China, Taiwan and Hong Kong.

[Sources: Didi Tang, “China Bans Books by Pro-Hong Kong Protest Author,” *AP* (14 October 2014; <http://bigstory.ap.org/article/e44dd8b6939d4f3293f04fe21a02e6e3/china-bans-books-pro-hong-kong-protest-author>); Sui-Lee Wee & Megha Rajagopalan, “China Detains Scholar, Bans Books in Crackdown on Moderate Voices,” *Reuters* (13 October 2014; <http://www.reuters.com/article/2014/10/13/us-china-rights-idUSKCN0I20NU20141013>).]

On 20 October 2014, Xie Chuntao, director of the History Teaching and Research Department of the Chinese Communist Party (CCP) School, which trained officials, said that the CCP would likely never open all the files on its recent past, including the Great Leap Forward (1958–1960) and the Cultural Revolution (1966–1976), and that it saw no need to reassess those periods. He added that certain topics remained almost completely taboo, including Lin Biao’s death in 1971. According to Xie, only a “small number” of the CCP historical files were still sealed. “Some involve the state’s core interests, and some are not convenient to be released,” he added. “From a historical research [viewpoint]...it would be best if they [were] all opened. But I fear this cannot happen, and may never happen.”

[Source: Reuters (Ben Blanchard), “China Likely Will Never Open All Files on Painful Past, Official Says” (20 October 2014; <http://www.reuters.com/article/2014/10/20/us-china-politics-history-idUSKCN0I90R420141020>).]

In January 2015, Education Minister Yuan Guiren urged a tightening of control over textbooks that spread “Western values,” requiring instructors to fill out investigation forms about the presence and use of “foreign textbooks in original languages” in class. Certain academic subjects—journalism, politics, economics, sociology and history—were reportedly singled out. Yuan added that university lecturers were forbidden to complain in the classroom and to transmit “harmful moods” to the students. Universities had to step up propaganda and teaching of Marxism on campus. Western textbooks would be restricted. Critics said that Marxism itself came from the West. (For background, see *NCH Annual Report 2014*.)

[Sources: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 155; Laura He, “China Probes College Textbooks for ‘Western values’,” *Market Watch* (17 March 2015); <http://www.marketwatch.com/story/china-probes-college-textbooks-for-western-values-2015-03-17>); Jeminah Steinfeld, “Return of the Red Guards,” *Index on Censorship* (2015 no. 2), 45; Linda Yeung, “Campus crackdown on ‘Western values’,” *University World News* (6 February 2015); <http://www.universityworldnews.com/article.php?story=20150206084252332>); Verna Yu, “On China’s Campuses, Scholars Battle Ideology and Red Tape,” *Christian Science Monitor* (<http://www.csmonitor.com/World/Asia-Pacific/2015/0607/On-China-s-campuses-scholars-battle-ideology-and-red-tape>; 7 June 2015).]

In April 2015, leading presenter on China Central Television (CCTV) Bi Fujian was filmed at a private banquet singing a song from a Mao-era opera, “Taking Tiger Mountain by Strategy,” but in a parody changing the lyrics to say “We’ve suffered enough” and calling Mao “that old son of a bitch,” prompting fellow guests to laugh. After the video emerged, Bi apologized for his remarks, which had had “a detrimental impact in society.” His annual New Year variety show is reputed the most-watched television program in the world. The video was censored, and Bi had to suspend his anchor activities while the case was investigated.

[Sources: “Chinese TV Anchor Bi Fujian Sorry for Criticising Mao,” *BBC News* (9 April 2015); <http://www.bbc.com/news/world-asia-china-32230844>); *NRC Handelsblad* (11–12 April 2015), 11.]

In the 90-minute documentary “Mr. Deng Goes to Washington” (Chinese title: “Nine Days in the Whirlwind”), about former CCP leader Deng Xiaoping’s nine-day trip to the United States after China established diplomatic ties with the United States in 1979, a reference in English to the 1979 conflict between China and Vietnam was edited out in Chinese. The film, directed by Fu Hongxing (former head of the official China Film Archive), was made ahead of Xi Jinping’s first state visit to the United States as Chinese president in September 2015. Xi was reportedly inspired by Deng.

[Source: “A Mighty Vision: An Historical Documentary Uses the Past To Serve the Present,” *Economist* (23 May 2015), 50.]

In the summer of 2015 it was reported that the CCP-run Liaoning Daily newspaper in north-east China dispatched reporters to spy on teachers in university classrooms in Beijing, Guangzhou, Shanghai, Shenyang and Wuhan. It criticized some teachers for holding a dismissive attitude toward socialist theory, including by comparing Mao Zedong with Chinese emperors.

[Source: Jeminah Steinfeld, “Return of the Red Guards,” *Index on Censorship* (2015 no. 2), 47.]

Macau

On 4 June 2014, Eric Sautede, a French political scientist at the University of Saint Joseph (2007–2014) in Macau, was dismissed. Sautede, who also wrote an opinion column in the *Macau Daily Times*, suggested three reasons for his dismissal: his recent comments on the outgoing chief executive's lack of charisma; pressure from the Tertiary Education Services Office, which oversees higher education in Macau; and his organization in April 2014 of a conference about a book banned on the mainland, *The Tragedy of Liberation: A History of the Chinese Revolution 1945–1957*. The writer, historian, Frank Dikötter was a speaker at the conference. After the conference, Sautede was replaced as the university's academic events manager. In one of his latest columns, Sautede had reflected on the June 4th vigil in Macau, which had an unprecedented turnout of 2,000 people. "It is unquestionable that [it] appears, if not yet as a turning point, at least as a landmark," he wrote. The university's rector, Peter Stilwell, admitted that Sautede's political commentary was behind his dismissal. He urged the staff not to intervene in local political debates. Sautede said the decision to dismiss him was "contrary to the principle of 'one country, two systems' and contradicts several key points of the Basic Law."

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 112; Raquel Carvalho, "Macau Scholars Warn of Rising Censorship, Loss of Confidence in 'One Country, Two Systems'," *South China Morning Post* (22 July 2014; <http://www.scmp.com/news/china/article/1557068/macau-scholars-warn-rising-censorship-loss-confidence-one-country-two>); Raquel Carvalho, "Hong Kong, Macau Academics Seek Meeting over Firing of Eric Sautede," *South China Morning Post* (29 July 2014; <http://www.scmp.com/news/hong-kong/article/1561331/hong-kong-macau-academics-seek-meeting-over-firing-eric-sautede>); Martin Chung, personal communication (October 2014).]

See also Nepal, Russia.

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2014.

A report published by the official National Center of Historic Memory in 2013 concluded that between 1985 and 2012 almost 220,000 people were killed, 80% of them civilians. At least 25,000 people were victims of enforced disappearances, carried out mostly by paramilitaries and the security forces. Some 27,000 people were kidnapped between 1970 and 2010, mostly by guerrilla groups, and

more than five million people were forcibly displaced between 1985 and 2012. By November 2014, the government had registered more than seven million victims.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 114.]

The Justice and Peace Law (Law 975 of 2005), through which thousands of paramilitaries who laid down their arms in a government-sponsored process were to benefit from a maximum of eight years' imprisonment in return for confessions about human rights violations, failed to respect the right of victims to truth, justice and reparation. The process began in 2005, but by September 2014, only 63 paramilitaries had been convicted of human rights violations under Law 975. Most of the 30,000 paramilitaries who reportedly laid down their arms failed to submit themselves to the limited scrutiny of Law 975.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 115.]

On 23 September 2014, the representative of the guerrilla group Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP; Revolutionary Armed Forces of Colombia–People's Army) in La Havana, Iván Márquez, called for the end of paramilitarism in Colombia. "Without the end of paramilitarism, and without the elucidation of its origin and responsible people," its end "would be uncertain." He stressed the need "to open-up all the archives, to declassify and lift all the legal prohibitions covering the most responsible people, and to impede the destruction of archives that has been occurring. The general attorneys should explain to the country why the most serious denunciations of the military leaders have been thrown to the bin of indifference and calculated oblivion. They should provide a coherent explanation to the country as to why they have permitted the loss of hours and hours of recordings revealing who were the true authors behind the author." The statement came a few days after the Colombian Senate debated the alleged links between the former president and current senator Alvaro Uribe, paramilitarism and drug traffickers. On 4 March 2015, FARC commander Joaquín Gómez reiterated the demand for the government to declassify secret files on the armed conflict and request documents from the United States on the subject, in order to seek the truth. This would include the creation of a special archive committee.

[Sources: "FARC Demand Declassification of Paramilitary Related Archives," *Telesur* (23 September 2014; <http://www.telesurtv.net/english/news/FARC-Demand-Declassification-of-Paramilitary-Related-Archives-20140923-0067.html>); "FARC Asks Colombian Government to Declassify Archives," *Telesur* (4 March 2015; <http://www.telesurtv.net/english/news/FARC-Asks-Colombian-Government-to-Declassify-Archives-20150304-0033.html>).]

On 10 February 2015, a commission of twelve Colombian historians led by Manuel Moncayo, former National University rector, and Eduardo Pizarro, current ambassador to the Netherlands, presented their 800-page study of the “origins, causes, aggravators and consequences of Colombia’s 50-year long armed conflict” in Cuba, where peace talks were held between the administration of President Juan Manuel Santos and the FARC. Laying the foundation for determining responsibility for the nearly seven million victims, the report was seen as input for a future truth commission. It did not describe one “historic truth” or “official history” but agreement and disagreement among scholars. Scholars agreed that among the main causes of the conflict were decades of rural injustice and inequality, the inability of leftist political forces to assume power without violence, and drug trafficking. They disagreed about other causes: for example, one scholar traced the causes of the conflict back to the 1920s, others to “la Violencia,” a ten-year period of violence in 1948–1958; still others to the surge of guerrilla and paramilitary groups in the 1980s resulting in a massive increase in victimization.

[Sources: “Peace Talks: Historic Commission Releases Report on Causes of Colombia Conflict” (11 February 2015; <http://colombiareports.co/historic-commission-releases-report-causes-colombia-conflict>); “Colombia Peace Talks Resume with Focus on Conflict’s Victims The FARC delegation in Havana for the peace talks,” (3 May 2015; <http://www.telesurtv.net/english/news/Colombia-Peace-Talks-Resume-with-Focus-on-Conflicts-Victims-20150503-0017.html>).]

At the peace talks, the parties agreed on 2 June 2015 to install a Truth Commission following a proposal from FARC delegates. The commission would not have judicial powers and its documentation would not serve as legal evidence but it would gain access to secret state documents.

[Source: “Latin America Colombian Government and FARC Agree to Create Truth Commission,” (4 June 2015; <http://www.telesurtv.net/english/news/Colombian-Government-and-FARC-Agree-Truth-Commission-20150604-0046.html>).]

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2014.

In 2014 the International Criminal Court (ICC) confirmed the verdict and sentence in the Thomas Lubanga Dyilo case—he had been found guilty in 2012 of the war crimes of enlisting and conscripting children under the age of fifteen and using them to participate actively in hostilities in the Democratic Republic of Congo. On 7 March 2014, the ICC convicted Germain Katanga, commander of the Force de Résistance Patriotique en Ituri (Patriotic Resistance Front in Ituri; FRPI), of crimes

against humanity and war crimes. The crimes were committed on 24 February 2003 during an attack on the village of Bogoro, in Ituri district. On 23 May 2014, he was sentenced to 12 years' imprisonment. He decided not to appeal the decision and issued an apology to the victims. Sylvestre Mudacumura, alleged commander of the armed branch of the Forces Démocratiques de Libération du Rwanda (FDLR), remained at large despite the issuance by the ICC of an arrest warrant for war crimes on 13 July 2012. The leader of the armed group March 23 (M23), General Bosco Ntaganda, had turned himself in at the United States embassy in Kigali in 2013 and asked to be transferred to the ICC, which had issued a warrant for his arrest in 2006. On 9 June 2014, the ICC Pre-Trial Chamber II confirmed charges of war crimes and crimes against humanity against Ntaganda allegedly committed in 2002 and 2003 in Ituri district. The trial was scheduled for June 2015. Other M23 leaders in exile in Uganda and Rwanda continued to enjoy impunity for the crimes they had reportedly committed in Rutshuru and Nyiragongo territories. In May 2014, parliament rejected a legislative proposal on the domestication of the ICC Rome Statute, along with a proposal to create specialized criminal chambers to deal with crimes under international law committed before the entry into force of the Rome Statute in 2002. A draft Congolese law to establish specialized mixed chambers to try war crimes and crimes against humanity committed in Congo since the 1990s was adopted by the Council of Ministers on 22 April 2014 and presented to the National Assembly on 2 May 2014. The proposed chambers would benefit initially from the presence of non-Congolese staff. Citing technical concerns, members of parliament rejected the admissibility of the text on 8 May. Government officials said they would correct the technical errors and resubmit the draft law to parliament.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 10–11, 130, 131; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 191.]

See also Central African Republic.

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012.

COSTA RICA

Previous *Annual Report* entries: 2010.

CÔTE D'IVOIRE

See Ivory Coast.

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2013.

In March 2014, Croat army officer Božo Bačelić became the first person to be convicted in national courts for war crimes committed during the Operation Storm in 1995. Two further trials relating to war crimes committed during Operation Storm were ongoing by the end of 2014. In total, eight members of Croatian military formations and 15 members of Serb formations stood trial for war crimes during 2014.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 122.]

The European Court of Human Rights initiated communication with the government on 17 cases submitted by civilian victims of war alleging violations of the right to life due to the failure of the state to carry out effective investigations into the killing or disappearance of their relatives. Croatia continued to stall on the adoption of a comprehensive legislative framework that would regulate the status of, and access to reparation for, all civilian victims of war. In a positive development in March, the Ministry of Veterans' Affairs presented a draft Act on the Rights of Victims of Sexual Violence in the Homeland War (1991–1995), which would grant victims access to psychosocial and medical support, free legal aid, and monetary compensation. However, the draft law failed to specify the level of financial compensation that would be made available. In August 2014, Croatia signed a regional declaration on missing persons, and committed to pursuing measures to establish the fate and whereabouts of the 2,200 still missing in Croatia. Croatia had yet to ratify the 2006 International Convention for the Protection of All Persons from Enforced Disappearance. The rights of relatives of missing persons continued to be undermined by the absence of a law on missing persons.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 122.]

See also Bosnia and Herzegovina, Serbia/Kosovo.

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012.

Members of the Damas de Blanco (Ladies in White)—a group founded by the wives, mothers, and daughters of political prisoners and which the government considers illegal—were routinely detained before or after they attended Sunday mass. On 4 May 2014, for example, more than eighty women were detained before attending mass throughout the island. On 13 July 2014, 129 members of the group were detained as they prepared to attend commemorative ceremonies honoring Cubans who died attempting to leave the island in 1994. (*See also NCH Annual Report 2011.*)

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 182.]

See also Colombia, United States.

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011, 2013.

In May 2015, the leaders of the two Cypriot communities (President of Cyprus Nicos Anastasiades and Turkish-Cypriot leader Mustafa Akinci) jointly called on “anyone who might possess information on possible burial sites of missing persons to share this information with the Commission on Missing Persons. The Pancyprian Organization of the Relatives of Undeclared Prisoners and Missing Persons called upon the Turkish army to open its archives regarding the fate of their beloved ones. Hundreds disappeared during the intercommunal fighting which took place between 1963 and 1964, and during the Turkish invasion in 1974. Between January and August 2014, the Committee of Missing Persons in Cyprus exhumed the remains of 65 people, bringing the total number of exhumations since 2006 to 948. Between August 2006 and August 2014, the remains of 564 missing individuals (430 Greek Cypriots and 134 Turkish Cypriots) had been identified and restored to their families. However, no perpetrators were identified or prosecuted for the disappearances and killings in either Cyprus or Turkey at the end of 2014.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 125; A. Makris, “Relatives of Missing Persons in Cyprus: Turkish Army Must Open its Archives,” *Greek Reporter* (31 May 2015; <http://greece.greekreporter.com/2015/05/31/relatives-of-missing-persons-in-cyprus-turkish-army-must-open-its-archives>).]

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010, 2013–2014.

In August 2014, over four years after the government's apology for the enforced sterilization of Roma women, the Human Rights Minister announced a draft law offering financial compensation of between 3,500 and 5,000 euros to individual victims. According to the NGO Czech Helsinki Committee, almost 1,000 women were forcibly sterilized between 1972 and 1991 and should be entitled to financial remedy.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 126.]

Following a mission to the country in 2014, Amnesty International reported in 2015 that a majority of schools it visited (23 out of 24) did not include teaching on Roma history or culture in their educational curricula. This fell short of international standards required by the United Nations Convention on the Elimination of All Forms of Racial Discrimination in its *General Comment no. 27* and the Committee of Ministers of the Council of Europe in its *Recommendation R (2000) 4*.

[Source: Amnesty International, *Must Try Harder: Ethnic Discrimination of Romani Children in Czech Schools* (London: Amnesty International, 2015), 32, 43–44, 48–49.]

See also Slovakia.

DENMARK

Previous *Annual Report* entries: 2006–2007, 2013.

See Rwanda.

DJIBOUTI

Previous *Annual Report* entries: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: 2013.

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2014.

Efforts to hold Ecuadoran officials to account for human rights violations committed from 1984 to 2008 continued to make slow progress. In December 2013, the National Assembly passed a law guaranteeing the right to reparation to relatives and victims of human rights violations between 1983 and 2008 documented by the Truth Commission established in 2007. In January 2014, former Police Chief Edgar Vaca was arrested in the United States pending his extradition. Vaca was one of ten former police and military officers accused of torture and enforced disappearances during León Febres Cordero's presidency (1984–1988). His extradition was pending in early 2015. This was the first case of members of the security forces being tried for crimes against humanity. In 2010, a special prosecutorial unit was formed to investigate 118 cases involving 456 victims (including 68 victims of extrajudicial execution and 17 of enforced disappearance) documented by the truth commission. In early 2015, prosecutors had brought charges in seven cases, including two in which suspects were convicted and one in which they were acquitted.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 136; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 198.]

In October 2014, the government apologized to the Kichwa [Quechua] People of Sarayaku, accepting that the state had put their lives and livelihoods at risk when in 2002 and 2003 it allowed an oil company to conduct exploration work in their territory. The Kichwa People of Sarayaku had won a legal battle before the Inter-American Court of Human Rights in 2012. However, at the end of 2014 Ecuador had not yet finalized the removal of 1.4 tons of explosives left in the indigenous community's territory and had not regulated the right to consultation and free, prior and informed consent for all indigenous peoples as ordered by the Inter-American Court in 2012.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 136.]

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2014.

A court retrying former President Hosni Mubarak on charges of killing protesters during the 2011 uprising dismissed the case against him in November 2014 on a legal technicality. His Interior Minister and several security officials were also acquitted of the same charges. A government-appointed fact-finding committee, established after security forces killed hundreds of protesters on 14 August 2013, announced its findings in November 2014. Ignoring disparities between security forces casualties and protesters, it concluded that protesters had started the violence. The committee downplayed human rights violations by security forces, merely calling for them to receive training in policing demonstrations.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 140.]

In December 2014, Egypt banned the film *Exodus: Gods and Kings* by director Ridley Scott on the grounds of “historical inaccuracies.” The film was based on the Bible’s book *Exodus*. The censors denounced the film’s claims that an earthquake sparked the famous Parting of the Red Sea, rather than a divine miracle, and that Jews built the pyramids. The film was also banned in Morocco but for a different reason (Muslims believe that Moses is a prophet and should not be depicted on the screen). The film was also banned in the United Arab Emirates.

[Sources: Jess Denham, “Exodus: Gods and Kings Banned in Egypt for ‘Historical Inaccuracies,’” *Observer* (26 December 2014; <http://www.independent.co.uk/arts-entertainment/films/news/exodus-gods-and-kings-banned-in-egypt-for-historical-inaccuracies-9945523.html>); *NRC Handelsblad* (31 December 2014), 15.]

In March 2015, a curriculum development panel at the Education Ministry recommended deletion of some religious texts and passages on historical Islamic figures from primary and secondary school curricula. These figures included historical heroes such as Uqba ibn Nafi (622–683), the Arab general who led the Islamic conquest of the Maghreb for the Umayyad dynasty, and Saladin ([1137]–1193), the Muslim ruler who liberated Jerusalem from the Crusaders in 1187. Some fatwas and hadith (sayings of Prophet Muhammad) were also omitted (including one saying, “I was ordered to fight people until they testify that there is no god but Allah”). Prime Minister Ibrahim Mehleb endorsed the recommendations, saying that radical Islamic ideologies exploited outdated ideas to incite youngsters to violence. Leaders of the Al-Nour and Salafist Call political parties condemned the deletions as a distortion of history. In January 2015, the Education Ministry had also revised psychology and

sociology curricula and texts that had been altered previously by the Muslim Brotherhood government (2012–2013). One high school course removed was “The Difference between a Revolution and a Coup.” Textbooks that included biographies of Islamist leaders were pulped and reprinted after amendments were made.

[Source: Jamie Dettmer, “Egypt Reforms School Textbooks to Counter Extremism,” *Voice of America* (22 April 2015; <http://m.voanews.com/a/egypt-reforms-school-textbooks-to-counter-extremism/2730247.html>).]

On 2 July 2015, a French sociology student (known as “Fanny”) from the School for Advanced Studies in the Social Sciences (EHESS) in Paris was deported after being arrested by a unit of security forces, in apparent relation to her research on the 6 April youth movement. She had interviewed members of the movement in the Nile Delta city of Damietta for her master’s degree. The 6 April movement was a key pro-democratic protest force during the 25 January Revolution and subsequent demonstrations. Following a crackdown on activism after the July 2013 regime change, however, the movement was driven underground and in 2014 it was banned.

[Source: Emil Nader, “French Student Arrested, Deported from Egypt for Researching 6 April,” *Daily News Egypt* (7 July 2015; <http://www.dailynewsegypt.com/2015/07/07/french-student-arrested-deported-from-egypt-for-researching-6-april>).]

EL SALVADOR

Previous *Annual Report* entries: 2001–2014.

The 1993 amnesty law, which for over two decades has ensured impunity for those responsible for human rights violations during the 1980–1992 conflict, remained in place. In October 2013, the authorities issued a decree establishing a reparations Program for survivors who suffered human rights violations during the conflict. At end of 2013, the Attorney General’s Office reopened the investigation into the 1981 El Mozote massacre in which more than 700 civilians, including children and elderly people, were tortured and killed by the military in the village of El Mozote and nearby hamlets over a three-day period. The investigation was continuing at the end of 2014. In February 2014, the Supreme Court ordered that an investigation be reopened into the San Francisco Angulo massacre in which 45 people, mostly women and children, were killed, allegedly by members of the army, in 1981. The investigation was continuing at the end of 2014. In August 2014, 32 years after the events, the state finally acknowledged the 1982 El Calabozo massacre, in which more than 200 people were killed by the army. However, no one had been brought to justice for the crime by the end of

2014. In October 2014, in its ruling in the case of *Rochac Hernandez et al. v. El Salvador*, the Inter-American Court of Human Rights found the state responsible for failing to investigate the enforced disappearance of five children between 1980 and 1982 in the context of military counter-insurgency operations during the conflict.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 143.]

ERITREA

Previous *Annual Report* entries: 2008.

ESTONIA

Previous *Annual Report* entries: 2007, 2010.

On 12 October 2014, Russian ethnologist and historian Valery Tishkov, member of the Russian Academy of Sciences and noted scholar of Chechnya, was denied entry into Estonia when he landed at Tallinn airport to attend an event organized by a press club. He was not told the reason despite having a valid visa. He brought his case in a court in Tallinn.

[Source: Valery Tishkov, "Estonian Case Highlights Issue of EU Bans on Russian Academics, Celebrities," *Transitions Online* (20 November 2014; <http://www.tol.org/client/article/24570-kosovo-parties-break-deadlock-russian-scholar-sues-estonia-for-entry-ban.html>).]

ETHIOPIA

Previous *Annual Report* entries: 1998–2011.

According to Amnesty International, the government interpreted expressions of Oromo history and culture as manifestations of dissent: hundreds of people were arrested, including in 2011 and 2012, for celebrating their cultural identity as Oromos, wearing traditional clothing, singing or writing about their culture, often during traditional Oromo festivals. Participating in societies to discuss and promote Oromo culture and history also caused harassment and, in some cases, arrest. Writing or singing about Oromo history, including representing it as a history of oppression, was met with

hostility by the government as expressions of dissent. A young man who had published a book of poems which he said related to Oromo history, culture and language was arrested for a week and interrogated about the political intentions of his poems.

[Source: Amnesty International, *“Because I Am Oromo”*: *Sweeping Repression in the Oromia Region of Ethiopia* (London: Amnesty International, 2014), 22, 37, 44–45, 117.]

Early in 2014, a “study” conducted by the Press Agency and Ethiopian News Agency and published in the government-run *Addis Zemen* newspaper targeted seven independent publications, alleging that they had printed several articles which “promoted terrorism,” denied economic growth, belittled the legacy of former Prime Minister Meles Zenawi (governed 1995–2012), and committed other “transgressions.” In August 2014, the government announced that it was bringing charges against several of the publications, causing over twenty journalists to flee the country. In October 2014, the owners of three of the publications were sentenced in their absence to over three years’ imprisonment each for allegedly inciting the public to overthrow the government and publishing unfounded rumors.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 149.]

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012.

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2014.

See Algeria, Egypt, Rwanda.

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012, 2014.

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2013.

In early December 2014, Peter Burschel, director of the Humboldt University history department, issued a statement calling on students and teaching staff to counter what he called a campaign against historian Jörg Baberowski. The student branch of the Trotskyist Party for Social Equity had repeatedly criticized Baberowski who advocated an aggressive stance toward the Islamic State and called him an intellectual trailblazer for a worldwide German war policy. In February 2014, Baberowski had caused controversy when he told *Der Spiegel* that he shared Ernst Nolte's views in the 1986 "Historikerstreit" on the singularity of the Holocaust.

[Source: Michael Gardner, "University Defends Controversial Scholar," *University World News* (5 December 2014; <http://www.universityworldnews.com/article.php?story=2014120412203676>).]

See also Greece, Rwanda, United States.

GHANA

Previous *Annual Report* entries: 2002, 2004–2008.

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011, 2013–2014.

Police used excessive force and misused chemical irritants against protesters and journalists on several occasions throughout 2014. A large number of the reported abuses took place during two student protests, one against a university lock-out on 13 November 2014, and another during a protest for the anniversary of the 1973 students' uprising on 17 November.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's*

Human Rights (London: Amnesty International, 2015), 165.]

On 28 August 2014, the parliament passed a new anti-racist law that, among others, criminalized denial of genocide, war crimes, and crimes against humanity, provided they were recognized as such by international courts or the Greek parliament. A group of Greek historians warned that such a blanket criminalization could lead to the prosecution of scholars. In March 2015, a prosecutor in Crete decided to indict German historian Heinz Richter (formerly of the University of Mannheim) over a book he wrote on the May 1941 battle of Crete on the grounds that it constituted a “denial of the crimes of Nazism against the Cretan people with derogatory content.” The trial was scheduled for 2 September 2015.

[Sources: Antonis Liakos, personal communication (23 March 2015); Damian Mac Con Uladh, personal communication (23 March 2015); Σε δίκη παραπέμπει τον καθηγητή Χ. Ρίχτερ ο εισαγγελέας Πεθύμνο (18 March 2015; <http://www.neakriti.gr/?page=newsdetail&DocID=1221065>).]

GRENADA

Previous *Annual Report* entries: 2007.

GUATEMALA

Previous *Annual Report* entries: 1995–2014.

The right to truth, justice and reparation for victims of crimes against humanity during the internal armed conflict (1960–1996), in which 200,000 people were killed and 45,000 people were forcibly disappeared, remained a concern. In May 2013, former President Efraín Ríos Montt was convicted of committing genocide and crimes against humanity against members of the Maya-Ixil indigenous community during his presidency and sentenced to 80 years’ imprisonment. The Constitutional Court overturned his conviction ten days later on a technicality, a devastating outcome for victims and their relatives who had waited for more than three decades for justice. Ríos Montt was the President and Commander-in-Chief of the Army in 1982–1983 when 1,771 Mayan-Ixil indigenous people were killed, tortured, subjected to sexual violence or displaced during conflict. A retrial was scheduled to commence in 2015. In February 2014, the Attorney General’s term was cut short by the Constitutional Court. There were concerns that her removal was the result of her role in ensuring that Ríos Montt was brought to trial, and her commitment to investigate human rights violations that occurred during

the internal armed conflict. Ríos Montt has also been charged in a separate case involving the massacre of 300 men, women, and children in the town of Dos Erres in 1982. The trial was stalled pending the resolution of an appeal by defense attorneys who had called into question the independence of the presiding judge.

In May 2014, Congress passed a non-binding resolution stating that genocide had not occurred during the internal armed conflict. The resolution directly contradicted a 1999 United Nations investigation which concluded that genocide, war crimes and crimes against humanity had occurred during the internal armed conflict. Over 80% of those killed and disappeared were of indigenous Maya ethnicity. President Otto Pérez Molina (president since 2012) had previously expressed his support for a public letter signed by a group of politicians calling genocide charges against former military officers a “fabrication.”

In June 2014, three former members of the National Police were arrested in connection with the murder of prominent human rights activist Myrna Mack. Mack was killed in 1990 for her role in documenting abuses committed during the civil war. In July 2014, Felipe Solano Barillas became the first ex-guerrilla to be convicted in connection with atrocities committed during the civil war (1960–1996). Found guilty of ordering the massacre of 22 residents of the town of El Aguacate in 1988, he was ordered to serve ninety years’ imprisonment.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 16, 166–167; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 257–258.]

GUINEA

Previous *Annual Report* entries: 2007, 2009–2014.

Investigations continued into the massacre in the Grand Stade de Conakry on 28 September 2009, when security forces killed more than a hundred peaceful demonstrators and injured at least 1,500 others. Dozens of women were raped and others disappeared. Moussa Dadis Camara, then head of the military junta, was questioned in Burkina Faso in July 2014. Since 2009 Guinea has remained under preliminary investigation by the prosecutor of the International Criminal Court (ICC) for the crimes. She concluded that there were reasonable grounds to believe that these amounted to crimes against humanity, including murder, torture, rape and other forms of sexual violence, persecution and enforced disappearances. A delegation from her office visited Guinea in February 2014 and noted that investigations had advanced, but not sufficiently. In June 2014, Sékouba Konaté, then Minister of Defense, submitted a list of suspects to the prosecutor. In September 2014, on the fifth anniversary of

the Guinea stadium killings, the High Commissioner for Human Rights urged the government to take steps to advance the investigation and ensure accountability for those responsible. The Office of the United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict continued to support accountability for crimes committed during the 2009 stadium massacre and rapes.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 169; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 263, 266.]

In 2014, the Reflection Commission, created by presidential decree in June 2011 to promote reconciliation, made little progress in fulfilling its mandate.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 262, 265.]

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012.

By the end of 2014, no one had been held accountable for human rights violations committed in the context of the 2012 coup, nor for the political killings that had occurred since 2009.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 170.]

GUYANA

Previous *Annual Report* entries: 1997.

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2013–2014.

Former President Jean-Claude Duvalier returned to Haiti in January 2011 after nearly 25 years in exile. He was charged with financial and human rights crimes allegedly committed during his 15-year tenure as president. From 1971 to 1986, Duvalier commanded a network of security forces that committed serious human rights violations, including arbitrary detentions, torture, disappearances, summary executions, and forced exile. In 2012, the investigating judge in the case found, contrary to international standards, that the statute of limitations prevented prosecuting Duvalier for his human rights crimes. An appellate court heard testimony in a challenge to the ruling in 2013, with Duvalier appearing in court and answering questions posed by the court and victims' attorneys. In a historic ruling on 20 February 2014, the Port-au-Prince Court of Appeal found that the statute of limitations could not be applied to crimes against humanity and ordered additional investigation into charges against Duvalier. In May 2014, the Inter-American Commission on Human Rights called on all Organization of American States (OAS) member states to make their archives and official files on the human rights abuses committed under Duvalier open for use as evidence in the investigation. It was unknown whether OAS member states had complied with the commission's request. However, Duvalier died on 4 October 2014 without having been brought to trial. In early 2015, a reopened investigation into crimes committed by Duvalier's collaborators was still pending.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 173; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 268, 270.]

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2014.

Following a military coup in June 2009, the de facto government suspended key civil liberties, including freedom of the press and assembly. In the ensuing days, security forces responded to generally peaceful demonstrations with excessive force and shut down opposition media outlets, causing several deaths, scores of injuries, and thousands of arbitrary detentions. A truth commission established by former President Porfirio Lobo published a report in July 2011 that documented twenty cases of excessive use of force and killings by security forces. In August 2014, José Arnulfo Jiménez, a former military officer, was sentenced to five years' imprisonment for the arbitrary closure of

Channel 36 in June 2009. In early 2015, there had been little progress in prosecuting other abuses committed during the post-coup period.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 272.]

HONG KONG

Previous *Annual Report* entries: 1996. *See* China.

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2014.

On 12 January 2014, the deputy leader of the governing allied Christian Democrats (KDNP), Bence Retvari, called on the opposition Socialist Party to transfer their Communist-era documents (1944–1989), stored in the archives of the Institute of Political History (PTI; established by the Socialists), to the National Archives. He said that the 2012 amendment to the archives law obliged the PTI to hand over the documents to the National Archives because it defined documents filed in 1944–1989 as state property. On 11 June 2014, the Supreme Court rejected the PTI appeal and ordered the transfer.

[Sources: MTI, “KDNP Calls on Socialists to Hand over Communist Era Files” (<http://www.politics.hu/20140112/kdnp-calls-on-socialists-to-hand-over-communist-era-files>; 12 January 2014); MTI, “Pre-1989 Communist Documents To Be Transferred to National Archives,” (<http://www.politics.hu/20140612/pre-1989-communist-documents-to-be-transferred-to-national-archives>; 12 June 2014).]

See also United Kingdom.

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2014.

Progress in investigations and trials in cases related to the 2002 violence in Gujarat, which killed at least 2,000 people, mostly Muslims, continued to be slow. In November 2014, the Nanavati-Mehta Commission, appointed in 2002 to investigate the violence, submitted its final report to the Gujarat state government. The report was not made public. Perpetrators of past violations in Jammu and Kashmir, Nagaland, Manipur, Punjab and Assam continued to evade justice. November 2014 marked the thirtieth anniversary of violence in Delhi in 1984 which led to the massacre of thousands of Sikhs. [Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 28, 179, 181.]

Weeks after the Hindu nationalist BJP-led National Democratic Alliance (NDA) government was elected in May 2014, the Minister for Human Resources Development, Smriti Irani, announced that the government would “Hinduize” the content of textbooks. In July 2014, she appointed Yellapragada Sudershan Rao, history professor at Kakatiya University in Telengana and openly linked to the Hindu nationalist Rashtriya Swayamsevak Sangh (RSS), as chairman of the Indian Council of Historical Research (ICHR; a supposedly autonomous body of the education ministry), a decision which was much criticized. In May 2015, the ICHR disbanded the editorial board and advisory committee for its journal *Indian Historical Review*, including advisory board member Romila Thapar. After his appointment, Rao told *The Telegraph* (Calcutta) that he would help fund projects seeking to prove the historical legitimacy of the Hindu epics *Ramayana* and *Mahabharata*—something deemed impossible because these were mythological works. Out of the eighteen new members appointed to the ICHR, four were selected from RSS affiliates.

[Sources: Suchitra Behal, “Amartya Sen Row with Government over ‘Dream’ University,” *University World News* (27 February 2015; universityworldnews.com/article.php?story=20150227081045897); Alya Mishra, “Higher Education Policy Lacks Direction, Say Academics,” *University World News* (21 May 2015; <http://www.universityworldnews.com/article.php?story=20150521173238702>); Siddharth Narrain, “Text Messaging,” *Index on Censorship* (2014 no. 3), 87; Suhrith Parthasarathy, “Ideas Under Review,” *Index on Censorship* (2015 no. 2), 28–29.]

On 21 August 2014, the Indian government barred the release of the film *Kaum de Heere* (Diamonds of the Community). The film was based on the 31 October 1984 assassination of former Prime Minister Indira Gandhi by two Sikh guards. The movie had already obtained a clearance from the Central Board of Film Certification (CBFC) but the certified film was reexamined during a new

screening attended by the Home Ministry. National security grounds were cited; in addition, the film's title was deemed provocative.

[Source: Hartosh Bai & Omair Ahmad, "A New Initiative To Defend Free Speech in India," *Free Speech Debate* (2 October 2014; <http://freespeechdebate.com/en/discuss/a-new-initiative-to-defend-free-speech-in-india>).]

December 2014 marked the thirtieth anniversary of the Bhopal gas leak disaster (2–3 December 1984). Survivors continued to experience serious health problems linked to the leak and to continuing pollution from the factory site. In November 2014, a Bhopal court asked for its criminal summons against the Dow Chemical Company to be re-issued, after the company failed to comply with an earlier summons. In the same month, the government agreed to use medical and scientific data to increase a multi-million US dollar compensation claim against Union Carbide. The Indian government had yet to clean up the contaminated factory site.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 30, 180.]

In December 2014, Anand Patwardhan's socio-political documentary film *Ram Ke Naam* (1992), about the politics of religion leading to the December 1992 demolition of the Babri Masjid mosque in Ayodhya (see *NCH Annual Reports 2002–2004, 2006–2007, 2010–2011*), was to be screened at the Indian Law Society college in Pune. It was called off, however, after the college received threats. Another documentary maker, Sanjay Kak, whose film *Jashn-e-Azadi* (2007) was critical of the army's role in Kashmir, was attacked on venues that planned to show it.

[Source: Meena Vari, "Creative and Academic Freedom under Threat from Religious Intolerance in India," *The Conversation* (1 July 2015; <http://theconversation.com/creative-and-academic-freedom-under-threat-from-religious-intolerance-in-india-43743>).]

See also Sri Lanka.

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2013.

Victims of past human rights violations and abuses continued to demand justice, truth and reparation for crimes under international law which occurred under the rule of former President Suharto (1965–1998) and during the subsequent *reformasi* period. These included unlawful killings, rape and other

crimes of sexual violence, enforced disappearances, and torture and other ill-treatment. No progress was reported on numerous cases of alleged gross violations of human rights that were submitted by the National Human Rights Commission (Komnas HAM) to the Attorney General's office after a preliminary pro-justicia inquiry [an investigation, which could eventually lead to prosecution in a human rights court] was conducted by the Commission.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 26, 185; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 292.]

More than ten years after the murder of prominent human rights defender Munir Said Thalib, the authorities had failed to bring all the perpetrators to justice. No progress was reported in 2014 on a new law on a national Truth and Reconciliation Commission. The government failed to implement recommendations made by the bilateral Indonesia-Timor-Leste Commission of Truth and Friendship, in particular to establish a commission for disappeared persons tasked with identifying the whereabouts of all children from Timor-Leste who were separated from their parents around the 1999 independence referendum.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 185.]

By the end of 2014, the National Human Rights Commission Komnas HAM had completed only two out of five pro-justicia inquiries into "gross human rights violations" during the Aceh conflict (1989–2005). These included the 1999 Simpang KKA incident in North Aceh when the military shot dead 21 protesters and the Jamboe Keupok case in South Aceh where four people were shot dead and twelve burned alive by soldiers in May 2003. An Aceh Truth and Reconciliation by-law (*qanun*) passed in December 2013 was not implemented.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 185.]

On 25 April 2014, ten political activists from Maluku province were arrested by police in Ambon for planning to commemorate the anniversary of the Republic of South Maluku (RMS) movement's 1950 declaration of independence and carrying "Benang Raja" flags—a prohibited symbol of the movement. Nine of them were subsequently charged with "rebellion" under Articles 106 and 110 of the Criminal Code (crimes against the security of the state). Their trial began in September 2014 and had not been completed by the end of 2014.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 184; Human Rights Watch, *World Report*

2015 (Washington: Human Rights Watch, 2015), 291.]

On 29 December 2014, *The Look of Silence*, a secretly filmed documentary of American director Joshua Oppenheimer, was banned because it did not encourage religion or the nation's unity. It was also called "subjective" because the protagonist was the son and brother of supposed Indonesian Communist Party members (who died during the 1965–1966 murders). Pre-ban stagings of the film (an estimated 25) generated intimidation and protests, including in Malang and at Gajah Mada University in Yogyakarta, Java, where the hard-line Islamic People's Forum interrupted the film because it "encouraged the revival of communism." The film's protagonist, Adi Rukun, moved from North Sumatra to an unknown place in Indonesia. The film was the sequel of *The Act of Killing* (see *NCH Annual Report 2013*).

[Sources: Dana Linssen, "De gruwel van het zwijgen," *NRC Handelsblad* (1 April 2015), C5; Willem van Rooijen, "'Op deze film hebben we ons hele leven gewacht'," *Wordt Vervolgd* (March 2015), 24–27.]

See also Netherlands, Timor-Leste.

IRAN

Previous *Annual Report* entries: 1996–2014.

On 23 September 2014, at a war exhibition by the Sepah (Revolutionary Guard Corps) to mark the anniversary of the Iran-Iraq War (1980–1988) in Tehran, it was remarked that independent historians could not yet investigate the subject to examine the government's official version. Possibly as many as 190,000 Iranians were killed and 672,000 were injured in the war. Shirzad Abdollahi, a Tehran-based social analyst, said that the official narrative of the Iran-Iraq War had three themes: the conflict between Islam and infidels (religious); imperial powers attempting to destroy the Islamic Republic (political); defending honor, dignity and land (emotional). After the emergence of the Green Movement, under the leadership of Mir-Hossein Mousavi following the 2009 presidential elections, the Iran-Iraq War gradually had become a topic of serious discussion among political activists because Mousavi had been Iran's prime minister during the war.

[Source: A Correspondent in Tehran, "Iran-Iraq War Off-Limits to Historians in Iran," *Al Monitor* (6 October 2014; http://www.al-monitor.com/pulse/originals/2014/10/iran-iraq-war-saddam-hussein-irgc.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=61068533d7-October_7_2014&utm_medium=email&utm_term=0_28264b27a0-61068533d7-93088897#).]

See also Argentina, Iraq, United States.

IRAQ

Previous *Annual Report* entries: 1998, 2000–2014.

On or around 6 August 2014, fighters of the Islamic State (IS; formerly Islamic State of Iraq and Syria, ISIS) stormed the city of al-Hamdaniya (also referred to as Qaraqosh). Many witnesses stated that they pillaged and destroyed buildings, including historic Christian cathedrals and churches. Staff from the Centre numérique des manuscrits orientaux (CNMO; Digital Center for Oriental Manuscripts) fled to Erbil in the face of the advance by IS. The staff managed to bring the manuscripts of the Dominican Priory of Mosul and the Chaldean Patriarchate in Baghdad with them. After the Dominicans had been compelled to leave Mosul in 2008, the CNMO had been reestablished in Qaraqosh.

[Sources: Columba Stuart, “Update from HMML about Manuscripts in Iraq and Syria,” (<https://groups.google.com/forum/#!topic/nascas/I1O-RfC5uZU>; 12 September 2014); United Nations Human Right Council, *Report of the Office of the United Nations High Commissioner for Human Rights on the Human Rights Situation in Iraq in the Light of Abuses Committed by the So-called Islamic State in Iraq and the Levant and Associated Groups* (13 March 2015; ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_18_AUV.doc).]

In September 2014, in the territories occupied by the IS (including Mosul in Iraq and Raqqa in Syria), classes in many disciplines, including history, were removed from the school curriculum because they were deemed incompatible with the law of God. Biology teachers could not refer to the evolution theory. The concepts of nationalism and patriotism became taboo and were supposed to be replaced with the idea of the caliphate (Islamic state). Classes about Christianity were annulled. Sufi and Shiite clerics were forbidden from giving Koranic lessons at mosques. Many universities were closed; European culture and history and similar subjects were abolished. Saudi textbooks were reportedly used in IS-held areas.

[Sources: CBS/AP, “ISIS Eradicates Art, History and Music from Curriculum in Iraq” (15 September 2014; www.cbsnews.com/news/isis-eradicates-art-history-and-music-from-curriculum-in-iraq); Zaid Al Fares, “Frontline Isis: How the Islamic State is Brainwashing Children with Stone Age School Curriculum,” *International Business Times* (1 September 2014; <http://www.ibtimes.co.uk/frontline-isis-how-islamic-state-brainwashing-children-stone-age-school-curriculum-1463474>); “ISIL Teaching

Saudi Textbooks at Schools in Syria, Iraq: Report” (7 October 2014; <http://www.presstv.ir/detail/2014/10/07/381388/isil-teaching-saudi-textbooks-at-school>); Gilgamesh Nabeel, “Islamic State Advance in Iraq Closes Eight Universities,” *al-FanarMedia* (22 August 2014; <http://www.al-fanarmedia.org/2014/08/islamic-state-advance-iraq-closes-eight-universities>); Gilgamesh Nabeel, “What Education Is Like Under the Islamic State,” *al-FanarMedia* (14 September 2014; <http://www.al-fanarmedia.org/2014/09/education-like-islamic-state>).]

On 29 and 30 September 2014, a Kurdish delegation received an electronic copy of the documents known as the Captured Iraqi Secret Police Files (spanning the period from the 1960s to 1991) at the University of Boulder, Colorado, where they had been stored since 1998. The repatriated files would be housed at the Zheen Archive Center in Sulaimaniyah (Kurdistan region of Iraq). *See also NCH Annual Report 2008*, United States entry.

[Source: “Visiting Kurdish Delegation to Receive Iraqi Secret Police Documents from CU-Boulder Human Rights Archive” (22 September 2014; <http://www.colorado.edu/news/releases/2014/09/22/visiting-kurdish-delegation-receive-iraqi-secret-police-documents-cu>).]

In January 2015, a spokesperson of the Kurdish Democratic Party said that Islamic State (IS) militants blew up large parts of the 2,700-year old, restored wall of Nineveh in the al-Tahrir quarter of Mosul. Nineveh was an ancient Mesopotamian city, capital of the Neo-Assyrian Empire, located on the Tigris. The IS also destroyed graves and grave monuments, including the mosque shrines of the prophets Seth, Jirjis and Jonah (Yunus). In February 2015, they further destroyed parts of the Central Library of Mosul (this included burning the collection of Iraqi newspapers from the early twentieth century and maps and books from the Ottoman Empire) and the University of Mosul’s library. An anonymous history professor at the university declared that there was heavy damage to the archives of the Sunni Muslim library of the 265-year-old Latin Church and Monastery of the Dominican Fathers and the Mosul Museum Library (which contained works dating back to 5000 BCE). Member of parliament Hakim al-Zamili compared the IS to raiding medieval Mongols, who in 1258 ransacked Baghdad.

[Sources: Sinan Salaheddin & Sameer N. Yacoub, “Iraqi Libraries Ransacked by Islamic State Group in Mosul” *AP* (31 January 2015; <http://bigstory.ap.org/article/1ec4e2a1bb5b4dce97faa462478f7c0e/iraqi-libraries-ransacked-islamic-state-group-mosul>); Dirk Vlasblom, “Koerden: IS blies stadsmuren van Nineveh op,” *NRC Handelsblad* (30 January 2015), 12.]

On 26 February 2015, the Islamic State released a video in which its members were seen destroying

statues in Mosul at the Nergal Gate, the Ninawa Museum, and the palace of King Sennacherib. This included a stone winged-bull Assyrian protective deity from the seventh century BCE and a statue of Assyrian King Sargon II [reigned 722 – 705 BCE]. UNESCO labeled the intentional destruction of heritage an act of “cultural cleansing” and a “war crime,” called for an emergency meeting of the United Nations Security Council to discuss how to protect Iraq’s cultural heritage as an issue of national security, and appealed to the International Criminal Court’s prosecutor to launch an investigation. IS militants said that the statues were “false idols.” On 5 March 2015, IS militants also began bulldozing the ruins of the ancient Assyrian city of Nimrud (founded in the 13th century BCE; originally called Kalhu), located on the Tigris, south-east of Mosul and reputedly the best preserved Assyrian site in Iraq. On 7 March 2015, IS militants Islamic State militants destroyed ruins at the ancient temple city of Hatra (Arab name: al-Hadr), south-west of Mosul (founded in the third or second century BCE during the Seleucid Empire and later a part of the Parthian Empire). There were also reports of destruction in other IS-occupied cities such as Tal Afar (Ottoman city walls), Tikrit (Islamic tombs) and Bashir (Shiite mosques and graves).

[Sources: Association of Art Museum Directors, Archaeological Institute of America, Society for American Archaeology, American Schools of Oriental Research, American Anthropological Association and Oriental Institute of the University of Chicago, *Joint Statement on Cultural Destruction in Iraq* (26 February 2015; <http://www.archaeological.org/news/aianews/18742>); Toon Beemsterboer & Dirk Vlasblom, “Hoe rovers en beeldenstormers erfgoed slopen,” *NRC Handelsblad* (4 March 2015), 10–11; “Islamic State ‘Demolishes’ Ancient Hatra Site in Iraq,” *BBC News* (7 March 2015; <http://www.bbc.com/news/world-middle-east-31779484>); “Islamic State ‘Destroys Ancient Iraq Statues in Mosul’,” *BBC News* (26 February 2015; <http://www.bbc.com/news/world-middle-east-31647484>); “Islamic State Statue-Smashing in Iraq Was ‘War crime,’ UN Says,” *BBC News* (27 February 2015; <http://www.bbc.com/news/world-middle-east-31663557>); “Islamic State: Ancient Nimrud Ruins ‘Bulldozed’ in Iraq,” *BBC News* (5 March 2015; <http://www.bbc.com/news/world-middle-east-31759555>); “Nimrud: Outcry as IS Bulldozers Attack Ancient Iraq Site,” *BBC News* (6 March 2015; <http://www.bbc.com/news/world-middle-east-31760656>); Jane O’Brien, “IS Looting Provokes Call for Global Response,” *BBC News* (17 April 2015; <http://www.bbc.com/news/magazine-32329681>); “UNESCO Calls for Mobilization to Stop ‘Cultural Cleansing’ in Iraq,” (27 February 2015; http://www.unesco.org/new/en/media-services/single-view/news/unesco_calls_for_mobilization_to_stop_cultural_cleansing_in_iraq/#.VPCr6-JzGYQ); United Nations Security Council, *Resolution 2199* (12 February 2015; <http://www.un.org/en/sc/documents/resolutions/2015.shtml>); Dirk Vlasblom, “Assyrische stad zou door IS zijn verwoest,” *NRC Handelsblad* (7–8 March 2015), 5.]

On 16 March 2015, the mausoleum of ousted leader Saddam Hussein (1937–2006) was destroyed in

the village of al-Awja, near Tikrit, when Iraqi forces and Iranian-backed Shia militias drove Islamic State (IS) militants from Tikrit.

[Source: “Iraq Conflict: Saddam's Tomb Destroyed In Tikrit Fighting,” *BBC News* (16 March 2015; bbc.com/news/world-middle-east-31901568).]

See also Syria, United Kingdom.

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006, 2013.

In February 2013, the government published a report purporting to clarify the state’s interaction with the religious-run “Magdalene Laundries.” The report and the voluntary compensation scheme announced thereafter fell below adequate standards of truth, justice and reparations. In June 2014, following international outcry at allegations of past abuses of women and children in so-called “mother and baby homes,” operated by religious orders with state funding between the 1920s and 1990s, the government committed to establishing an independent Commission of Investigation.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 196.]

See also United Kingdom.

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2014.

See Argentina, Jordan, United States.

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012.

IVORY COAST (Côte d'Ivoire)

Previous *Annual Report* entries: 2004, 2006–2014.

In December 2013, the government renewed the mandate of the Special Investigation Commission tasked with investigating crimes committed during the 2010–2011 post-electoral violence as well as the mandate of the Commission for Dialogue, Truth and Reconciliation (CDVR). The CDVR published its findings in December 2014 and expressed concern about selective justice. In March 2014, Ivory Coast surrendered Charles Blé Goudé, a former youth minister and leader of a pro-Gbagbo militia accused of crimes against humanity committed during the post-electoral violence, to the International Criminal Court (ICC). In December 2014, the ICC confirmed four charges of crimes against humanity against him and committed him to trial. Former President Gbagbo remained in custody of the ICC. In June 2014, the ICC confirmed the charges against him and committed his case to trial. He would be tried for crimes against humanity. The trial was set for July 2015. In December 2014, the ICC Pre-Trial Chamber rejected Ivory Coast's challenge to the admissibility of the case against Simone Gbagbo, who was charged by the ICC in February 2012 with murder, sexual violence, persecution and other inhuman acts, allegedly committed during the post-electoral crisis. Ivory Coast filed an appeal against the decision.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 11, 120–121; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 174, 175–176.]

JAPAN

Previous *Annual Report* entries: 1995–2014.

In June 2014, the results were made public of a government-appointed study which re-examined the drafting process of the Kono Statement (a landmark government apology made in 1993 to the survivors of the military sexual slavery system before and during World War II). Although previous discussions and decisions were respected, the review itself increased tensions with neighboring countries such as the Republic of Korea, as it was seen as an attempt to deny governmental responsibility. Several high-profile public figures made statements to deny or justify the system. The government continued to refuse to officially use the term “sexual slavery,” and to deny effective reparation to its survivors.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 29, 206.]

In December 2014, the controversial national security law (*see NCH Annual Report 2014*) took effect; the government was estimated to designate around 460,000 documents as “special secrets.”

[Sources: Eric Johnston, “State Secrets Law Could Constrain Researchers,” *Japan Times* (14 January 2015; <http://www.japantimes.co.jp/news/2015/01/14/national/state-secrets-law-could-constrain-researchers-some-say-although-impact-remains-unclear/#.VLooky6wmQd>); Kyodo, “Under New Law, about 460,000 Documents Likely To Become ‘Special Secrets’,” *Japan Times* (1 December 2014; <http://www.japantimes.co.jp/news/2014/12/01/national/politics-diplomacy/new-law-460000-documents-likely-called-special-secrets/#.VH1qDsm26nkv>).]

In December 2014, Hokusei Gakuen University, a Christian college in Hokkaido, northern Japan, decided to renew the part-time teaching contract of former *Asahi Shimbun* journalist Takashi Uemura (1958–), despite demands from ultranationalists since August 2014 that he be dismissed. The university had received threats of bombings and students endured attacks because of newspaper articles that Uemura wrote in 1991 about Korean comfort women. In October 2014, a group of more than thousand scholars, lawyers and journalists formed to support Uemura. In the same month, the police had arrested a 64-year-old man in Niigata, a region to the north of Tokyo, for making phone calls in which he threatened to “hurt students” and “blow up the university” if it did not dismiss Uemura. Uemura and his relatives had faced many personal attacks and threats for his journalistic work written in 1991 and based on the testimony of a former Korean “comfort woman.” In January 2015, Uemura filed a defamation suit against a publisher and against Tsutomu Nishioka, a right-wing professor at Tokyo Christian University, who denied the crimes against comfort women. The attacks

against Uemura had begun when the liberal newspaper *Asahi Shimbun* in August 2014 suddenly retracted eighteen stories from the 1980s and 1990s about the comfort women that it admitted were based on the false testimony of a single former Japanese soldier. In the wake of the withdrawal, more than 10,000 ultranationalists had sued the newspaper for compensation for vilification of the national honor.

[Sources: Martin Fackler, “Japanese University Retains Ex-Journalist Facing Far Right’s Ire,” *New York Times* (17 December 2014; http://www.nytimes.com/2014/12/18/world/asia/hokusei-gakuen-university-retains-takashi-uemura-in-japan.html?_r=1); Suvendrini Kakuchi, “Scholars Welcome Global Challenge to Revisionism,” *University World News* (12 May 2015; <http://www.universityworldnews.com/article.php?story=20150512145634690>); Floris van Straaten, “Troostmeisjes? Klopt niks van,” *NRC Handelsblad* (29 January 2015), C17.]

The book *Traditions and Encounters: A Global Perspective on the Past*, written by Jerry Bentley and Herbert Ziegler (1999; fifth edition, 2010; McGraw Hill), historians at the University of Hawaii-Manoa, contained two sentences about the comfort women issue, saying that the Japanese army “forcibly recruited, conscripted, and dragooned as many as 200,000 women aged 14 to 20 to serve in military brothels, called ‘comfort houses’” and that the Japanese imperial army “massacred large numbers of comfort women to cover up the operation.” In late 2014, Ziegler reportedly received an e-mail from an official in the Japanese Consulate in Hawaii, requesting a meeting to discuss the passages. After he declined, two officials reportedly showed up in his university office and told him that he was wrong. Ziegler called the Japanese request to remove the paragraphs an infringement of his freedom of speech and academic freedom. McGraw Hill refused to change the textbook, saying that “scholars are aligned behind the historical fact of ‘comfort women’” and that it “unequivocally” stood behind the book. Recently, Prime Minister Shinzo Abe had declared in parliament that he was “shocked” by the textbook and that the government had to step up its efforts to disseminate the “correct” view abroad. In February 2015, a group of nineteen American historians, led by Alexis Dudden from the University of Connecticut, issued a call to their Japanese counterparts to remain steadfast in the face of pressure from the Abe government to play down the issue of “comfort women.” On 5 May 2015, an international group of 187 scholars wrote an *Open Letter in Support of Historians in Japan* to conservative Prime Minister Shinzo Abe calling for an end to the nationalistic distortion of the sexual slavery practised by the Imperial Army in World War II. It also criticized the government for whitewashing past war crimes and called for further research “free from government manipulation, censorship and private intimidation.”

[Sources: Anna Fifield, “U.S. Academics Condemn Japanese Efforts To Revise History of ‘Comfort Women’,” *Washington Post* (9 February 2015; http://www.washingtonpost.com/world/asia_pacific/american-academics-condemn-japanese-efforts-

[to-revise-history-of-comfort-women/2015/02/09/e795fc1c-38f0-408f-954a-7f989779770a_story.html](http://www.universityworldnews.com/article.php?story=20150512145634690)); Suvendrini Kakuchi, “Scholars Welcome Global Challenge to Revisionism,” *University World News* (12 May 2015; <http://www.universityworldnews.com/article.php?story=20150512145634690>).]

See also Korea, North, Russia.

JORDAN

Previous *Annual Report* entries: 2003–2004.

In 2014, a controversy broke out after the Education Ministry deleted a lesson in the third grade history book about a Jordanian pilot killed in the 1967 war with Israel. Many argued that the deletion was required by the peace agreement with Israel. The ministry denied the accusation and said it was modernizing the curriculum.

[Source: Benjamin Plackett, “Arab Classrooms Frequently Ignore History,” *Al-Fanar Media* (10 March 2015; al-fanarmedia.org/2015/03/arab-classrooms-frequently-ignore-history).]

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2014.

The International Criminal Court (ICC) trial of Deputy President William Samoei Ruto and journalist Joshua arap Sang for alleged crimes against humanity committed during the 2007–2008 post-election violence continued throughout 2014. The trial was undermined by alleged witness intimidation and bribery, and the withdrawal of other witnesses. The Trial Chamber issued summonses to nine prosecution witnesses who no longer wished to appear voluntarily. By the end of 2014, three of the nine witnesses had testified via video-link from an undisclosed location in Nairobi.

On 5 December 2014, the ICC prosecutor withdrew charges against President Uhuru Kenyatta. He had been charged with crimes against humanity committed during the post-election violence. The prosecutor explained that the evidence at her disposal was insufficient to prove Kenyatta's alleged criminal responsibility beyond reasonable doubt. She stated that efforts by her office to gather relevant evidence had been hampered by the death of several key witnesses, intimidation of prosecution witnesses leading to the withdrawal of at least seven testimonies, and non-cooperation by the Kenyan government. On 3 December 2014, while rejecting the prosecutor's request for a further adjournment of the case, the ICC Trial Chamber ruled that the Kenyan government's conduct in the case fell short of the standard of good faith cooperation but declined to refer a formal finding of non-cooperation to the Assembly of States Parties. The government continued its efforts to discredit and weaken the ICC. In March 2014, Kenya submitted to the United Nations Secretary-General five proposed amendments to the ICC Statute, including that Article 27 be amended to preclude the ICC from prosecuting heads of state and government while in office. In November 2014, the Kenyan government requested the inclusion of a supplementary agenda item titled "Special session to discuss the conduct of the Court and the Office of the Prosecutor," to the provisional agenda of the 13th session of the Assembly of State Parties in December. The request was denied.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 10, 213–214; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 334.]

Perpetrators of crimes committed during the post-election violence of 2007–2008 remained unpunished at the national level. In February 2014, the Director of Public Prosecutions announced that a review of more than 4,000 post-election investigation files had failed to identify any prosecutable cases due to lack of evidence. No concrete steps were taken to establish the International Crimes Division of the High Court or to implement the recommendations of the Truth, Justice and Reconciliation Commission. In October 2014, an opposition political party submitted to Parliament a draft bill titled “The Post-Election Violence Tribunal Bill—2014.” The draft bill proposed the establishment of a tribunal to try perpetrators of crimes against humanity committed during the post-election violence. Provisions in the draft bill included trials in the absence of the accused, the death penalty and posthumous convictions. The draft bill was pending at the end of 2014.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 214.]

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011, 2013–2014.

In 2014, it became mandatory for secondary schools to introduce the history of supreme leader Kim Jong-un’s life as an official school subject.

[Sources: “N Korea: Schools Begin 81-hour Course on Kim Jong-un,” *BBC News* (<http://www.bbc.com/news/blogs-news-from-elsewhere-30208609>; 26 November 2014); “N. Korea Requires Students to Take 81-hour Course on Kim Jong-un” (http://world.kbs.co.kr/english/news/news_Po_detail.htm?No=106892; 25 November 2014).]

In May 2014, the government engaged in meetings with Japan to address the issue of abductions, and launched a special committee to reinvestigate cases of Japanese nationals abducted during the 1970s and 1980s. The initial report of the reinvestigation was, however, rejected by Japan as it contained no new information about the twelve Japanese nationals already officially admitted by North Korea as having been abducted from Japan by North Korean security agents.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 218.]

See also Japan.

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012–2013.

See Japan.

KOSOVO

See Serbia / Kosovo.

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005.

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2013.

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008.

The Communist-era secret-police (KGB) files remaining in Latvia— hundreds of thousands—were accessible to the public, but the names of the 30,000 KGB agents and informers remained coded. Their real identities were listed on 4,300 cards, stored in sacks and guarded by the authorities. The last KGB chief in Latvia, Edmunds Johanson, declared that “opening up the files...would tear Latvian society apart”: key data was taken back to Moscow when the Soviets left in 1991, leaving the remaining documents incomplete and unreliable.

[Sources: Damien McGuinness, “Latvians Refuse to Lift Lid on KGB Past,” *BBC News* (20 May 2015; <http://www.bbc.com/news/world-europe-32788317>); International Council on Archives Human Rights Working Group, *News* (May 2015).]

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2014.

The trial of four defendants (members of Hezbollah) accused in connection with the assassination of former Prime Minister Rafik Hariri in 2005 opened in January 2014 before the Special Tribunal for Lebanon (STL) in the Netherlands. The four defendants, and a fifth whose trial was joined to theirs by the STL in February, all remained at large and were tried in their absence.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 229; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 352.]

The fate of thousands who were forcibly disappeared, abducted or otherwise unlawfully deprived of their liberty during and after the 1975–1990 civil war, mostly remained undisclosed. In October 2012, Justice Minister Shakib Qortbawi put forward a draft decree to the cabinet to establish a national commission to investigate the fate of Lebanese and other nationals who disappeared during and after the 1975–1990 civil war. The cabinet formed a ministerial committee to examine the draft, but no further action was taken in 2014. In March 2014, however, the Shura Council ruled that the full, as yet unpublished, report of the 2000 Official Committee of Inquiry to Investigate the Fate of Kidnapped and Missing Persons in Lebanon should be made available to the families of those missing. After the dismissal of appeals against this decision (on the grounds that it might endanger civil peace), the full

report was provided to a lawyer representing the families in September 2014. Lebanon signed the International Convention against Enforced Disappearance in 2007 but had yet to ratify it.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 229; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 352.]

On 22 December 2014, Education Minister Elias announced that in January 2015 the government would receive a long-awaited draft of a unified history curriculum covering Lebanon's modern history. The old history curriculum ended with Lebanon's independence in 1943 but the new one would cover the period until the 2005 assassination of Prime Minister Rafik Hariri.

[Source: Wassim Mroueh, "Bou Saab: Modern Lebanese History Curriculum Imminent," *Daily Star* (23 December 2014; <http://www.dailystar.com.lb/News/Lebanon-News/2014/Dec-23/282000-bou-saab-modern-lebanese-history-curriculum-imminent.ashx>.)

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2014.

In 2013, the Special Court for Sierra Leone upheld the fifty-year prison sentence of former Liberian President Charles Taylor for his role in Sierra Leone's armed conflict (1991–2002), completing the court's mandate to try those bearing the greatest responsibility for crimes committed during the conflict. However, thousands suspected of committing crimes during the conflict have not been investigated and brought to justice. The issue of accountability for human rights violations was highlighted when the United Nations Panel of Experts on Liberia uncovered the presence of alleged arms dealer Ibrahim Bah, a Senegalese national, in Sierra Leone in 2013. A private prosecution was brought against him by victims of the conflict supported by a civil society organization, the Center for Accountability and Rule of Law. Sierra Leone deported Ibrahim Bah to Senegal days before he was due to appear in court.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 323.]

LIBYA

Previous *Annual Report* entries: 2003, 2005–2014.

The authorities failed to carry out meaningful investigations into alleged war crimes and serious human rights abuses committed during the 2011 armed conflict or to address the legacy of past violations under Mu'ammār al-Gaddafi's rule (1969–2011), including the 1996 mass killing of over 1,200 detainees in Abu Salim Prison. The trial of 37 former officials from Mu'ammār al-Gaddafi's rule for their alleged roles during the 2011 revolution began in March 2014 amid serious due process concerns. Defense lawyers were denied access to some evidence, given insufficient time to prepare, and were intimidated. Saif al-Islam al-Gaddafi, one of Mu'ammār al-Gaddafi's sons and the main defendant, appeared in court only by video link as he remained in militia custody in Zintan, casting doubt on the court's authority over him. Authorities controlling al-Hadba Prison complex, which hosts the courtroom, denied access to some independent trial observers including Amnesty International. A video of the "confessions" of another of Mu'ammār al-Gaddafi's sons, Saadi al-Gaddafi, was broadcast on Libyan television following his extradition from Niger and imprisonment at al-Hadba. Prison authorities interrogated him without access to a lawyer, and denied access to him by the United Nations Support Mission in Libya (UNSMIL), Amnesty International and others, despite the prosecution authorizing these visits. In Zawiyā, west of Tripoli, scores of al-Gaddafi loyalists were detained for periods of up to 18 months beyond the date they should have been released, as sentencing did not take into account the period of arbitrary detention by militias.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 233, 273; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 357–358.]

The authorities failed to surrender Saif al-Islam al-Gaddafi to the International Criminal Court (ICC) to face prosecution on charges of crimes against humanity. In May, the ICC Appeals Chamber confirmed Libya's legal obligation to transfer him to ICC custody. In July, the ICC Appeals Chamber upheld a decision that Abdallah al-Senussi [Sanussi], a former military intelligence chief accused of crimes against humanity, could be tried domestically. Serious concerns remained, however, about violations of his due process rights, including restricted access to a lawyer of his choice. The ICC prosecutor initiated a second case and began compiling evidence against suspects residing abroad in accordance with a 2013 agreement with the Libyan government on prosecutions of former al-Gaddafi officials. Despite expressing concern in November 2014 that "crimes within the ICC jurisdiction are being committed," the ICC prosecutor failed to begin investigations into crimes committed by militias.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 233–234.]

In September 2014, forces of the Islamist coalition Libya Dawn reportedly raided the offices of the National Commission for Human Rights and removed its archive of individual complaints, raising concerns of reprisals against victims of abuses.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 232.]

LITHUANIA

Previous *Annual Report* entries: 2005, 2009.

In 2014, Russian historian Aleksandr Dyukov, a member of the Historical Memory Foundation, - Russia, was denied entry to the country without explanation.

[Source: Valery Tishkov, “Estonian Case Highlights Issue of EU Bans on Russian Academics, Celebrities,” *Transitions Online* (20 November 2014; <http://www.tol.org/client/article/24570-kosovo-parties-break-deadlock-russian-scholar-sues-estonia-for-entry-ban.html>).]

LUXEMBOURG

Previous *Annual Report* entries: —.

See Turkey.

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2014.

Impunity continued for war crimes and crimes against humanity which occurred during the 2001 internal armed conflict. No measures were taken to locate the bodies of 13 persons still missing after the armed conflict.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 236.]

On 31 July 2014, Parliament had elected a new Lustration Commission team. The old team had been criticized by the opposition for allegedly blacklisting suspected Communist-era collaborators for political reasons. Five members of the old team kept their positions, including lawyer Tome Adziev as the commission chairman. Among the six new members was historian Sasko Janev. Ever since the commission started work in 2009, it had been marred by controversy. The opposition argued that it has been misused to target government critics and in December 2012, it removed two of its members from the commission in protest. Parliament had passed a first lustration law in 2008 and a second one in 2012 after the constitutional court scrapped many key provisions from the original legislation, narrowing its time span and the range of professions to be subjected to checks. Since 2009, the commission had combed over 29,000 personal files and uncovered more than 140 people who allegedly collaborated with the Yugoslav Communist-era police or ordered surveillance of others for ideological reasons.

In October 2014, the commission said that, after reviewing classified police archives, it had concluded that the most prominent historian from Yugoslav-era Macedonia and Macedonia's early independence years, Ivan Katardziev (1926–), had been an informer for the Communist secret police and spied on history students who came from Pirin Macedonia in Bulgaria in the 1950s, when he was head of the University Library in Skopje and of the Diaspora Office, as well as secretary of the Macedonian National History Institute. Katardziev denied the claims and insisted that he had been under police surveillance himself, adding that as head of the Diaspora Office, he had to submit reports to the authorities by virtue of his position. In the past few years, Katardziev, who was born in western Bulgaria, had publicly opposed the tendency of the ruling VMRO DPMNE political party to rehabilitate some Ottoman-era revolutionaries who had been blacklisted in Communist Yugoslavia for being too close to the Bulgarian cause. Katardziev told local media that he had no intention to submit a complaint to the administrative court about the commission's decision.

[Sources: Sinisa Jakov Marusic, "New Macedonia Lustration Commission Resumes Collaborator Probe," *Balkan Insight* (1 August 2014); <http://www.balkaninsight.com/en/article/old-head-to-lead->

[macedonia-s-lustration-commission?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=414d537400-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-414d537400-311109073](http://www.balkaninsight.com/en/article/macedonia-lustrates-its-leading-historian?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=414d537400-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-414d537400-311109073)); Sinisa Jakov Marusic, “Macedonia Names Top Historian as Communist Informer,” *Balkan Insight* (15 October 2014; http://www.balkaninsight.com/en/article/macedonia-lustrates-its-leading-historian?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=c78187cced-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-c78187cced-311109073).]

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011.

See also Philippines, Sri Lanka.

MALAWI

Previous *Annual Report* entries: 2011–2012.

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010, 2013.

MALI

Previous *Annual Report* entries: 2011, 2013–2014.

The government made little progress in holding to account those from all warring factions responsible for laws of war violations committed during the 2012–2013 armed conflict. The government’s provisional release in 2014 of over forty men associated with the conflict, including several commanders credibly implicated in abuses, raised concern of a de facto amnesty for these crimes. The

government characterized the releases, which began in late 2013, as “confidence building measures” in advance of negotiations. They were carried out without regard as to whether the men might have been responsible for serious crimes in violation of international law. Supreme Court orders passed in 2013 permitted a Bamako court to hear criminal cases from the three northern provinces, and during 2014, dozens of families filed complaints to judicial authorities. With few exceptions, the latter failed to investigate any of these cases or others that human rights groups and journalists brought to their attention. There was, however, meaningful progress in the investigation into the torture and enforced disappearance of 21 elite “Red Berets” in 2012. In late 2013 and early 2014, some 25 soldiers, including former coup leader General Amadou Haya Sanogo, were charged in connection with the crimes. In July 2012, Mali, a state party to the International Criminal Court (ICC), referred “the situation in Mali since January 2012” to the ICC prosecutor for investigation. On 16 January 2013, the ICC prosecutor formally opened an investigation into grave crimes allegedly committed in the northern three regions of Mali, and during 2014, ICC investigators conducted several missions to the country.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 243; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 374.]

After assuming office in September 2013, President Ibrahim Boubacar Keita dissolved a pre-existing truth commission and, by two executive orders, established a Truth, Justice and Reconciliation Commission; on 20 March 2014, the National Assembly ratified the orders. The commission had a three-year mandate, would cover the period from 1960 to 2013, and consist of 15 members and 7 working groups. It would function under the Ministry of National Reconciliation and Development of the North. By late 2014, the commissioners had yet to be appointed and the body's credibility was limited because of the failure to consult sufficiently with a wide variety of stakeholders on its members, mandate powers, and degree of independence.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 242; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 374–375.]

MALTA

Previous *Annual Report* entries: 2012.

MARSHALL ISLANDS

Previous *Annual Report* entries: 2013.

A lawsuit by the Marshall Islands accusing the United States of failing to begin negotiations for nuclear disarmament was thrown out of a federal court in California in February 2015. The Marshall Islands also pursued legal action against India, Pakistan and the United Kingdom in the International Court of Justice, for failing to negotiate nuclear disarmament as required in the 1968 Nuclear Non-Proliferation Treaty. In the past, the United States had accepted responsibility for the damage caused by experimental nuclear tests between 1946 and 1958 and established a compensation fund administered by a Tribunal set up by the Marshall Islands government. (For background, *see NCH Annual Report 2013*.)

[Source: Josh Butler, “Marshall Islands Lawsuit Against US Thrown Out Of Court,” *IPS* (14 February 2015; eurasiareview.com/14022015-marshall-islands-lawsuit-us-thrown-court/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29).]

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011.

MAURITIUS

Previous *Annual Report* entries: 2012.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2014.

Abductions and enforced disappearances continued to occur widely. The whereabouts of most victims remained undisclosed. During 2014, federal officials made a series of contradictory statements regarding the number of persons reported disappeared or missing and whose whereabouts remained undisclosed. In August, the government acknowledged some 22,611 missing persons, 9,790 of whom

went missing during the present administration and 12,821 during the administration of President Felipe Calderón (2006–2012). The government failed to make public how it had arrived at this figure. Impunity remained the norm for cases of enforced disappearance. In April 2014, the government stated that only seven convictions had ever been achieved for the crime of enforced disappearance at the federal level between 2005 and 2010.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 247, 248–249.]

On 26 September 2014, more than 100 students from the Raúl Isidro Burgos Rural Teachers' College of Ayotzinapa traveled to the nearby city of Iguala to protest what they argued was a lack of funding for their school. They aimed to raise money to send a student delegation to Mexico City, where they hoped to join a march commemorating the 2 October 1968 Tlatelolco massacre, in which Mexican troops fired on and killed scores, possibly even hundreds, of student protesters. Following a confrontation with municipal police, as they returned to campus, 43 of them were kidnapped. Shots were fired and six people were killed, including three students. Witnesses alleged that police subsequently took a number of the students into custody, and handed them over to a local narcotics gang known as Guerreros Unidos. Media reports suggest that the gang members killed them. An investigation of the case was ongoing. The authorities arrested Iguala's mayor and his wife on suspicion of involvement in the abduction.

[Source: Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: Scholars at Risk, 2015; http://salsa4.salsalabs.com/o/50943/content_item/freetothink), 18.]

In mid-March 2015, the PRI government implemented the 2012 Federal Law of Archives by reclassifying previously accessible documents related to the Guerra Sucia (Dirty War), which between 1964 and 1982 left an estimated 2,000 people disappeared and an unknown number of political dissenters dead, most of them leftist guerrillas, college students, and activists. The documents had been open to the public since 2001 (under the National Action Party government) but the reclassification made access conditional upon approval by the intelligence agency CISEN and expired only after thirty years (and if they contained personal information after seventy years). Critics argued that evidence about human rights violations should not be considered as a personal matter, but as a matter of public interest and as part of the national memory, and feared that the measure could also impact other records, such as those related to the thousands of disappearances that occurred during the Felipe Calderón administration (2006–2012) (see above).

[Source: Gabriela Gorbea & Andrea Noel, "Mexico Quietly Placed Archives Related to Its 'Dirty War' Under Lock and Key," *VICE News* (1 April 2015; <https://news.vice.com/article/mexico-quietly->

[placed-archives-related-to-its-dirty-war-under-lock-and-key](#)].]

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010.

MONGOLIA

Previous *Annual Report* entries: 2007, 2013.

See Iraq.

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2013.

In June 2014, both the United Nations Committee against Torture and the United Nations Working Group on Enforced Disappearances found that the courts had failed to fully apply domestic law and misinterpreted international humanitarian law in cases prosecuted since 2008. On 31 December 2013, a former Yugoslav Army commander and seven reservists were acquitted of the murder in April 1999 of 18 refugees from Kosovo in the village of Kaluđerski Laz near Rozaje. In February 2014, the Appellate Court upheld the conviction of four former Yugoslav Army reservists for the torture and other ill-treatment of around 250 Croatian war prisoners at Morinj detention camp in 1991–1992. They were sentenced to periods of imprisonment that were less than the statutory minimum and failed to reflect the gravity of their crimes. In March 2014, seven former prisoners held at Morinj camp were each awarded compensation of between 20,000 and 30,000 euros for their ill-treatment. A further two hundred former prisoners were claiming reparation. Also in March, former police officials acquitted of war crimes in 2013 opened a case for compensation against Montenegro for 1 million euros, on the grounds that they were unlawfully detained and deprived of their liberty. In August 2014, Montenegro signed a regional declaration on missing persons, and committed to establishing the fate and whereabouts of 61 missing people.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 254.]

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2013.

Despite progress on judicial reforms, the authorities made no progress on other key recommendations of the Equity and Reconciliation Commission concerning security sector reform and a national strategy to combat impunity. Victims of the serious human rights violations perpetrated between 1956 and 1999 continued to be denied justice, and several cases of enforced disappearance remained unresolved.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 258.]

Moroccan authorities continued to clamp down on all advocacy of Sahrawi self-determination in Western Sahara, annexed by Morocco in 1975. Sahrawi political activists, protesters, human rights defenders and media workers faced an array of restrictions affecting their rights to freedom of expression, association and assembly, and were liable to arrest, torture and other ill-treatment and prosecution. The authorities did not permit protests and forcibly dispersed gatherings when they did occur, often using excessive force. Moroccan officials in Western Sahara frustrated attempts by human rights groups such as the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH) to obtain official registration, which they required to operate legally, have official premises, hold public events, and apply for funding. At least 39 foreign journalists and activists reported that Moroccan authorities barred them from entry or expelled them from Western Sahara in 2014. In April 2014, the United Nations (UN) Security Council again extended the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) for a year, but without adding a human rights monitoring component.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 257.]

Polisario Camps

The Tindouf camps in Algeria's Mhiriz region that accommodated Sahrawis who fled Western Sahara at the time of its annexation by Morocco (1976) continued to lack regular independent human rights monitoring. The Polisario Front took no measures to end impunity for those accused of committing human rights abuses in the camps during the 1970s and 1980s.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 259.]

See also Egypt.

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2014.

Immunity from prosecution for past violations by the security forces and other government officials remained codified in Article 445 of the 2008 Constitution. Victims of past human rights violations and their families continued to be denied truth, justice, compensation and any other form of reparation.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 264.]

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011.

NEPAL

Previous *Annual Report* entries: 2007–2014.

On 25 April 2014, the parliament passed the Truth and Reconciliation Commission (TRC) Act, establishing two commissions, a Truth and Reconciliation Commission (TRC) and a Commission on Enforced Disappearances, with the power to recommend amnesties, including for serious human rights violations. This was despite a Supreme Court ruling in January that a similar 2013 TRC ordinance with the power to recommend amnesties contravened international human rights law and the spirit of the 2007 Interim Constitution. Victims' families filed a petition with the Supreme Court for the provisions on amnesties to be amended. In July 2014, the United Nations (UN) Office of the High Commissioner on Human Rights issued a technical note pointing out that the TRC Act did not conform to Nepal's international legal obligations, including because it allowed amnesties for serious international crimes. Five experts at the UN Human Rights Council voiced similar concerns.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 267; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 395–396.]

A coalition government led by Nepali Congress leader Sushil Koirala took power in February 2014 after months of political stalemate but there was little progress on justice for serious abuses committed during the civil war (1996–2006), in which an estimated 13,000 people died. Efforts to ensure prosecutions in civilian courts for serious human rights and humanitarian law violations during the conflict remain stalled. While Nepal delivered interim monetary and in-kind compensation to the families of those who were disappeared or killed during the conflict, other victims, such as victims of sexual violence or torture, did receive no compensation from the state.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 395.]

Tibetans in Nepal were forbidden from participating in public celebrations of the Dalai Lama's birthday or the Tibetan New Year. Buddhist religious sites and monasteries were openly under government surveillance. (*See also NCH Annual Report 2009.*)

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 397.]

See also Sri Lanka.

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2014.

On 6 September 2013, the Netherlands Supreme Court found the Dutch state liable for the deaths of three men during the 1995 Srebrenica genocide. Dutch troops serving as United Nations peacekeepers in Srebrenica sent three Bosniak Muslim men, part of a larger group of over 300 men, away from a “safe area” on 13 July 1995, effectively handing them over to Bosnian Serb forces, who killed the majority of those handed over. In July 2014, the Hague District Court ruled that the Dutch state was liable for the loss suffered by the families of the more than 300 men and boys mentioned above, but not for the acts of the Dutch troops prior to the fall of Srebrenica, or the failure of those troops to hold the “safe area.” The court ordered compensation payments to the victims.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 270; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 114.]

In July 2014, the United Nations Working Group of Experts on People of African Descent welcomed the debate on the traditional “Black Pete” (Zwarte Piet) figure of the Sinterklaas festival and called for a respectful tone by media during the discussions.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 243.]

On 30 July 2014, the Raad van State (Council of State) ruled in a case confronting a biographer from Nijmegen (name unknown) and the Ministry of the Interior and Kingdom Relations regarding access to internal security files about the failed coup against Indonesian President Sukarno on 23 January 1950. The biographer was writing a work about Raymond Westerling (1919–1987), a Dutch military officer of the KNIL (Royal Netherlands East Indies Army) who had organized the failed coup. After a first request from the biographer for data about the coup, the minister had made accessible a file of eleven redacted pages. The biographer complained that it was implausible that such an important historical event had yielded only one modest file. He argued that, according to Dirk Engelen’s book about the history of the Internal Security Service BVD, Westerling’s file alone consisted of twelve volumes and that, according to reports of the Military Police and to a secret Exterior Ministry note, members of the Dutch army command had been involved in the attempt. In November 2012, the Minister rejected the complaint, a decision confirmed by the court in The Hague in October 2013. On

higher appeal, however, the Council of State ruled that the minister had not searched the relevant BVD archives in their entirety, having used only the key-terms “coup against Sukarno in 1950” and excluded personal files such as Westerling’s. It ordered a new search.

[Source: Raad van State, *X versus* Ministry of the Interior and Kingdom Relations (2014; <http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RVS:2014:2866>; <http://www.concernedhistorians.org/le/355.pdf>].]

On 4 September 2014, a lecture by Catalan author Albert Sánchez Piñol about his historical novel, *Victus: The Fall of Barcelona* (2014), was canceled at the Cervantes Institute in Utrecht after the Spanish embassy intervened. The institute was financed by the Spanish government. The novel treated the end of Catalan independence in 1714, a sensitive issue in light of the referendum about Catalan independence on 9 November 2014.

[Source: Sabine Kok, “Teleurstelling na afblazen lezing Piñol door Spaanse ambassade” (5 September 2014; <http://www.boekblad.nl/teleurstelling-na-afblazen-lezing-pinol-door.239489.lynkx>)].]

A report on an archival search commissioned by the Ministry of Defense, published on 20 November 2014, did not corroborate the excessive violence and execution thesis in the case of the train hijack by South Moluccan activists in 1977 ending in the execution of six of the hijackers (*See NCH Annual Report 2014*.)

[Sources: Bas Blokker, “Uitschakelen. Niet doodschieten,” *NRC Handelsblad* (8–9 November 2014), 4–5; Emilie van Outeren, “Ook zonder verzet werd geschoten,” *NRC Handelsblad* (20 November 2014), 3.]

See also Colombia, Lebanon, Rwanda, Serbia/Kosovo.

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007.

See Australia.

NICARAGUA

Previous *Annual Report* entries: 1998.

NIGER

Previous *Annual Report* entries: 2009, 2013.

See Libya.

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2013.

See South Sudan.

NORWAY

Previous *Annual Report* entries: 2009, 2012.

See Rwanda.

OMAN

Previous *Annual Report* entries: 2010.

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012, 2014.

See Bangladesh.

PALESTINIAN AUTHORITY

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2013–2014.

One history student (name unknown) was reported injured during the hostilities between Israelis and Palestinians in Gaza (7 July to 26 August 2014).

[Source: UNESCO & Enabling Education Network CIC (EENET), *Rapid Assessment of Higher Education Institutions in Gaza: Data Analysis Report* (Paris: UNESCO, 2015; <http://www.eenet.org.uk/resources/docs/UNESCO%20HEI%20Assessment%20Gaza%20Report%20FINAL-January%202015.pdf>), 21.]

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2013.

In September 2014, the Supreme Court of Justice decided that Manuel Noriega, former de facto ruler of the country (1983–1989), should face trial for his alleged role in the killing of a soldier in 1969. The decision came as Noriega was serving sentences related to the killing of two political opponents. He also faced new trials for enforced disappearances and killings during his presidency.

Despite previous pledges to search for people forcibly disappeared during the 1970s and 1980s, the government failed to make any progress. A Special National Commission to search for victims of enforced disappearance, which the government pledged to create in 2012, had still not been established by the end of 2014.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 288–289.]

PAPUA NEW GUINEA

Previous *Annual Report* entries: 2014.

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012.

On 4 November 2013, writer and teacher Nelson Aguilera was sentenced to 30 months' imprisonment for alleged plagiarism of Maria Eugenia Garay's novel *El túnel del tiempo* (Criterio Ediciones 2005; *The Tunnel of Time*) in his novel for children *Karumbita: La patriota* (Alfaguara Infantil 2010; *Karumbita: The Patriot*). The lawsuit had been filed on 1 July 2010. In June 2014, his conviction and sentence were upheld by the Chamber of Appeal in Asunción. Aguilera lodged an appeal to the Supreme Court of Justice. Six independent experts and writers found that the similarities in the two works could not be described as plagiarism, but, according to Aguilera, 40 witnesses were prevented from testifying in his defense during the trial as the judge ruled that they had been presented too late. In the story, the magical turtle Karumbita dreams that she builds a time machine with two children allowing them to participate in Paraguay's struggle for independence in May 1811. In the dream the characters meet several figures of historical significance. Garay's novel told the story of two children, Jerónimo and Rodrigo, who also travel through time, meeting various mythological and historical characters along the way. One of their stops is the Paraguayan declaration of independence.

[Sources: Jorge Coronel, "Escritores lamentan sentencia por plagio," *ABC Color* (4 November 2013); <http://www.abc.com.py/espectaculos/cultura/escritores-lamentan-sentencia-por-plagio-635803.html>; PEN International, "Paraguay: On Day of the Imprisoned Writer, PEN calls for the release of Nelson Aguilera" (12 November 2014; <http://www.concernedhistorians.org/ca/75.pdf>); Pen International Writers In Prison Committee, *Caselist* (January–December 2014), 101; Wolfgang Streich, "Yo no soy un plagiaro, sentenció Nelson Aguilera," *Prensa Mercosur* (no date); <http://prensamercosur.org/mercosur/index.php/paraguay/1672-yo-no-soy-un-plagiario-sentencio-nelson-aguilera.html>].]

In April 2014, the Aché National Federation filed in Argentina an additional criminal complaint to the one already presented in 2013 by victims of human rights violations committed during the regime of General Alfredo Stroessner (1954–1989), in view of the persistent reluctance of the authorities to investigate those crimes. The criminal complaint was subject to an investigation under universal jurisdiction.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 291.]

In June 2014, after more than twenty years of fighting for their traditional land, an expropriation law was passed to return land to the Sawhoyamaya indigenous community. In September 2014, a constitutional action to revoke the expropriation law was rejected by the Supreme Court. However, indigenous peoples in the region continued to encounter social, political and economic threats to their collective well-being and their very existence. Their cultural heritage, ancestral lands and right to self-determination were under constant attack. Both state and non-state actors, such as businesses and powerful landowners, continued to forcibly remove them from their lands in the name of social and economic development. Development programs often resulted in environmental and cultural destruction and community displacement. Those living in voluntary isolation were at even greater risk, particularly in the Amazon Basin.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 19, 291.]

PERU

Previous *Annual Report* entries: 2001–2014.

The Truth and Reconciliation Commission estimated that almost 70,000 people died or were subject to enforced disappearance during the armed conflict (1980–2000). Many were victims of atrocities by the Shining Path and other insurgent groups; others were victims of human rights violations by state agents. In a landmark trial, former President Alberto Fujimori was sentenced in 2009 to 25 years' imprisonment for killings and disappearances in 1991 and 1992. His intelligence advisor, Vladimiro Montesinos, three former army generals, and members of the Colina group, a government death squad, were also serving sentences ranging from 15 to 25 years for the assassination in 1991 of 15 people in the Lima district of Barrios Altos, and for six disappearances. Courts made much less progress in addressing violations that occurred under the earlier administrations of Fernando Belaúnde (1980–1985) and Alan García (1985–1990). In a report issued in August 2013 to mark the tenth anniversary of the Truth and Reconciliation Commission's report, the human rights ombudsman found that, despite initial efforts, Peru had failed to consolidate a specialized judicial system with sufficient staff and resources to bring most cases to court. As of 2013, 48 percent of 2,880 cases of human rights violations during the armed conflict reported to prosecutors had been dismissed, largely because the latter were unable to identify perpetrators and the Ministry of Defense was unwilling to

provide documents to facilitate investigations. Only about two percent of the cases had been brought to trial, according to Human Rights Trials in Peru, a project based at George Mason University that monitored human rights prosecutions. In 2014, court hearings continued in their fourth year in two emblematic cases: torture and disappearances at the Los Cabitos military base in Ayacucho in 1983 and a massacre at Accomarca in 1985 in which an army unit killed 62 peasants. In a recent trend, the Supreme Court overturned an increasing number of convictions on appeal. While the court sometimes based its decisions on contradictions in witness testimony, it ruled in a January 2014 verdict that the disappearance in 1983 of six people whose bodies were found and identified more than twenty years later was subject to a statute of limitations, contravening Peru's obligations to hold accountable those responsible for enforced disappearances. In June 2014, President Ollanta Humala appointed as minister of the interior Daniel Urresti, a former army intelligence officer who was facing charges for his alleged role in the 1988 murder of Hugo Bustíos, the Ayacucho correspondent for *Caretas* magazine. Two soldiers were convicted in 2007 for Bustíos's murder, one of whom testified that Urresti had commanded the soldiers who ambushed and shot Bustíos before blowing up his body with a grenade. Urresti's appointment was highly questionable considering the gravity of the charge and that his public position as minister could influence the judicial outcome of his case and undercut the right to justice of Bustíos's relatives. In addition, Humala's public statements in advance of the trial supporting Urresti's claims of innocence were an inappropriate interference in ongoing judicial proceedings.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 431–432.]

In January 2014, the Public Prosecutor's Office in Lima closed the cases of over 2,000 indigenous and campesino women who were allegedly forcibly sterilized in the 1990s. After an investigation, which started in 2004 and lasted nearly ten years, the prosecutor only filed charges against some health professionals allegedly responsible in one of the cases. No charges were filed against any of the government authorities responsible for implementing the family planning program, which resulted in these sterilizations.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 294.]

PHILIPPINES

Previous *Annual Report* entries: 2011–2014.

The Philippines acknowledged state accountability for human rights violations during the martial law under the Ferdinand Marcos regime (1965–1986) and established a Human Rights Victims' Claims Board to determine the eligibility of claims for human rights violations and award reparations.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 294.]

Trials in the civil and criminal cases relating to the 2009 Maguindanao massacre, in which state-armed militias led by government officials killed 58 people including 32 media workers, were ongoing. However, most of the proceedings were bail hearings only. By the end of 2014, around 85 of the 197 suspects for whom arrest warrants had been issued remained at large and no convictions had been handed down. Witnesses to the massacre and their families remained at risk of attacks, including killings, highlighting a lack of government protection. In November 2014, Dennis Sakal and Butch Saudagal, both of whom were due to testify against primary suspects in the massacre, were shot by unidentified gunmen in Maguindanao province, killing Dennis Sakal. In December, Kagui Akmad Ampatuan, who reportedly convinced these witnesses to testify for the prosecution, survived a similar ambush in Maguindanao. At least eight witnesses and their family members had been killed in similar attacks since November 2009. No one was held accountable for these killings.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 295–296.]

In [September 2014], the government and the Moro Islamic Liberation Front (MILF) established a three-person Transitional Justice and Reconciliation Commission during their peace talks in Kuala Lumpur, Malaysia. The commission was to “undertake a study and recommend...appropriate mechanisms to address legitimate grievances of the Bangsamoro [or Moro] people, correct historical injustices and address human rights violations and marginalization through land dispossession toward healing and reconciliation.” The commission, which was given one year to submit its report, was part of the Mindanao peace process leading to the establishment of a new Bangsamoro autonomous entity and would be headed by senior Swiss diplomat Mo Bleeker. The MILF agreed to disarm its 12,000 armed members, and “private armies” in the area were also to disarm.

[Sources: International Council on Archives Human Rights Working Group, *News of October 2014* (2014), 8; Manolo B. Jara, “Manila, MILF Form Panel for Reconciliation,” *The Gulf Today* (2 October 2014; <http://gulftoday.ae/portal/1b2e517a-0b7c-4976-9f00-8c7ecd3899e2.aspx>).]

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011, 2014.

In Communist Poland, Donald Tusk (1957–) was a historian, a dissident journalist (writing under the pseudonym “Anna Barycz”) and an activist for the Solidarity Trade Union. During and after the 1981 martial law, he was blacklisted for employment in state-operated institutions because of his anti-Communist convictions. He did all sorts of menial jobs. In 1991, however, he was elected in the *Sejm* (parliament). From 2007 until 2014, he was Prime Minister of Poland. In 2014, he became President of the European Council. In the 1990s, he compiled a bestselling book with photographs about the prewar German past of the city of Gdąnsk.

[Source: “De keizer van Europa,” *NRC Handelsblad* (29–30 November 2014), 15–16.]

QATAR

Previous *Annual Report* entries: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010.

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2014.

The perpetrators of the 2009 killing of leading Chechen human rights defender and historian Natalia Estemirova had still not been brought to justice in early 2015 (*See NCH Annual Reports 2010–2012.*) [Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 448.]

On 24 September 2014, the Justice Ministry filed a lawsuit against the NGO Memorial over technical issues related to its legal registration with a view to dissolving it. On 28 January 2015, the Supreme Court dismissed the lawsuit because Memorial had addressed all of the ministry's complaints. (For background, *see NCH Annual Reports 2013–2014.*)

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 308; Michael Birnbaum, "Russia's Justice Ministry Targets Memorial, a Human Rights Defender," *Washington Post* (13 October 2014; http://www.washingtonpost.com/world/europe/russias-justice-ministry-targets-memorial-a-human-rights-defender/2014/10/13/8d20755a-52e0-11e4-b86d-184ac281388d_story.html); Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 444; Waclaw Radziwinowicz, "Sans l'association Memorial, le Kremlin pourra réécrire l'histoire russe," *Gazeta Wyborcza* (14 October 2014; <http://www.courrierinternational.com/article/2014/10/14/sans-l-association-memorial-le-kremlin-pourra-ecrire-son-histoire>); Alexei Timofeichev, "Victory for Memorial in Court Ruling but Survival Battle is Only Half-won" (3 February 2015; http://rbth.com/politics/2015/02/03/victory_for_memorial_in_court_ruling_but_survival_battle_is_only_hal_43343.html).]

In December 2014, the European Court of Human Rights declared inadmissible the application of Yevgeny Dzhugashvili regarding statements allegedly defamatory of Joseph Stalin in two *Novaya Gazeta* articles. It held that the articles concerned an event of significant historical importance and that both the event and historical figures such as Stalin inevitably remained open to public scrutiny and criticism. The Court reaffirmed that "[I]t is an integral part of freedom of expression, guaranteed under Article 10 of the Convention, to seek historical truth. It is not the Court's role to arbitrate the

underlying historical issues, which are part of a continuing debate between historians (...). A contrary finding would open the way to a judicial intervention in historical debate and inevitably shift the respective historical discussions from public forums to courtrooms.” (For background, *see NCH Annual Reports 2010–2011*.)

[Source: European Court of Human Rights, *Dzhugashvili versus Russia* (2014; <http://www.concernedhistorians.org/le/378.pdf>).]

In 2014, at the request of the Federal Security Bureau (FSB; the successor agency to the Soviet-era KGB), a Moscow court denied historian Sergei Prudovsky access to a set of documents dealing with Japan’s efforts to recruit right-wing Russian émigrés as spies. When the security service SBU in Ukraine (most notably, chief archivist Ihor Kulyk), heard this, it published its copy of these “top secret,” Stalin-era files. The papers, signed off in 1937 by Stalin’s secret police chief Nikolai Yezhov, regarded the tens of thousands of Russians who had fled the 1917 Bolshevik Revolution and escaped to Harbin in China. In 1931–1935, thousands of these Russians reentered the USSR to escape the Japanese occupation of Harbin. According to Memorial, almost 50,000 of these Russians were arrested on charges of having spied for Japan, and more than 30,000 of them were shot.

[Source: “Ukraine: Secret Service Publishes Stalin Files,” *BBC News* (1 August 2014; <http://www.bbc.com/news/blogs-news-from-elsewhere-28604779>).]

In 2014 and 2015, about four foreign scholars [names unknown] were denied access to, or removed from state archives by migration officials due to alleged visa violations. Among them were a scholar (male) studying the nineteenth-century Russian economy who was fined, deported and banned for five years and a PhD student (female) from the University of Nottingham working on female prostitution in Russia between 1900 and 1930 in the Arkhangelsk region.

[Source: RFE/RL, “Western Scholars Alarmed by Russian Deportations, Fines,” *EurasiaNet.org* (31 March 2015; <http://www.eurasianet.org/node/72811>).]

On 12 March 2015, the rector’s office of St. Petersburg State University canceled Ivan Kurilla’s professorship opening at its Smolny College. Kurilla, a historian of American-Russian relations and the sole applicant for the position, had arrived from Volgograd University on a temporary contract in February. On 25 March 2015, he was informed that the position was canceled because it had been opened in error and an administrative review had determined that existing staffers could manage the teaching workload. After students organized a petition on his behalf which gathered 15,000 signatures, Kurilla’s contract was extended until the end of the semester. Some saw a purge pattern: in the same month of March, Dmitry Dubrovsky, a lecturer on international relations and human rights, was dismissed; in May 2015, political science lecturer Pavel Kononenko’s contract was not renewed.

All taught courses in Smolny College's international relations, political science and human rights major. Kurilla believed that he was eventually not hired after the rector possibly saw his Facebook posts, which included links to an article he wrote in business daily *RBC* about the February 2015 murder of opposition leader Boris Nemtsov.

[Source: Matthew Luxmoore, "Students Allege Political Purge at Russia's Oldest University," *Aljazeera* (23 May 2015; <http://america.aljazeera.com/articles/2015/5/23/students-allege-political-purge-at-russias-oldest-university.html>).]

Crimean Tatars, an ethnic group indigenous to the Crimea peninsula (deported to remote parts of the Soviet Union in 1944 and not allowed to return until the late 1980s), were particularly targeted by the de facto authorities for the public expression of pro-Ukrainian views. Starting in March 2014, there were a number of abductions and beatings of Crimean Tatars which the de facto authorities failed to investigate. On 3 March Reshat Ametov, a Crimean Tatar, was led away by three men from the "self-defense" forces after staging a one-man protest in front of the Crimean Council of Ministers building in the region's capital Simferopol. His body was found almost two weeks later, showing signs of torture. His abductors were not identified. The de facto authorities started a campaign to close the Mejlis, a body elected by the Crimean Tatar assembly (Kurultai) and recognized by the Ukrainian authorities as the representative organ of the Tatar community. Mustafa Dzhemiliev [Dzheimilev], a veteran human rights defender and founder of the Mejlis, was banned from entering Crimea. He was repeatedly denied entry, including on 3 May when he tried to cross through a checkpoint at Armyansk. Hundreds of Crimean Tatars came to meet him. The de facto authorities claimed that this was an unlawful assembly, and dozens of participants were fined. The homes of several Crimean Tatar leaders were subsequently searched and at least four Crimean Tatars were arrested, charged with "extremism" and transferred to Russia for investigation. On 5 July 2014, Refat Chubarov, who succeeded Dzhemiliev as the leader of the Mejlis, was also prevented from returning to Crimea and banned for five years. The newly appointed de facto Prosecutor of Crimea travelled to the border crossing to warn him that the activities of the Mejlis violated the Russian law on extremism. On 19 September, the Russian authorities confiscated the headquarters of the Mejlis on the grounds that its founder (Dzhemiliev) was a foreign citizen, who had been banned from entering Russia. On 16 May 2014, just two days before the planned annual events to mark the 70th anniversary of the deportation of Crimean Tatars in 1944, the de facto Prime Minister of Crimea Sergei Aksionov announced that all mass meetings in Crimea would be banned until 6 June 2014, in order to "eliminate possible provocations by extremists" and to prevent "disruption of the summer holiday season." Just one commemorative Crimean Tatar event was allowed on the day, on the outskirts of Simferopol, with a heavy police presence. *See also NCH Annual Report 2014.*

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 386–387.]

See also Estonia, Lithuania, Ukraine, United Kingdom.

RWANDA

Previous *Annual Report* entries: 1998, 2000–2014.

Trials of people suspected of involvement in the 1994 Rwandan genocide continued in national courts outside Rwanda. On 18 February 2014, former mayor Onesphore Rwabukombe was found guilty of aiding and abetting genocide and was sentenced to fourteen years' imprisonment by a German court. On 14 March, a former Rwandan army captain, Pascal Simbikangwa, was found guilty by a French court of complicity in genocide and crimes against humanity. The court found that he played a key role in drawing up lists of Tutsi and moderate Hutu leaders to be targeted and contributed to the setting up of Radio Mille Collines, which broadcast messages inciting violence. He was sentenced to 25 years in prison. It was the first time a French court had tried a genocide suspect. Six other genocide suspects in France were awaiting trial or on trial at the end of 2014. On 7 May 2014, the Québec Superior Court upheld Désiré Munyaneza's conviction by a Canadian court for genocide, crimes against humanity and war crimes. On 19 June 2014, a Swedish court confirmed the sentence of life imprisonment for Stanislas Mbanenande for his role in five massacres in Kibuye during the genocide. Extradition trials of four genocide suspects in the United Kingdom continued during the year. In April 2014, a Norwegian court sentenced Sadi Bugingo to 21 years' imprisonment for his role in the genocide. His appeal was pending at the end of 2014. The request to the Norwegian authorities for the extradition of another genocide suspect was approved, but pending appeal at the end of 2014. In the Netherlands, the extraditions of two men were pending at the end of 2014 and in Denmark another genocide suspect was awaiting trial. The International Criminal Tribunal for Rwanda (ICTR) prepared to close down its operations. It had one case pending appeal at the end of 2014. The tribunal had completed 75 cases, 14 of which ended in acquittals and ten were transferred to national jurisdictions. Nine suspects wanted by the ICTR continued to evade justice. The ICTR and the United Nations mechanism for international criminal tribunals launched a new initiative in July 2014 to track and arrest these remaining fugitives.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 156, 162, 279–280, 312–313; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 458.]

Déogratias Mushayidi, a former journalist and outspoken government opponent in exile, was arrested in Burundi in March 2010 and handed over to Rwandan authorities. In September 2010 he was acquitted of “divisionism” and “minimization of the genocide” but convicted and sentenced to life imprisonment on other charges. In June 2014, he was released after serving a four-year sentence for endangering national security and divisionism (*see NCH Annual Report 2011*).

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 311; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 453.]

On 24 October 2014, the Rwanda Utilities Regulatory Authority (RURA) suspended the British Broadcasting Corporation's (BBC) Kinyarwanda service's broadcasts in Rwanda. RURA said it had received complaints of incitement, hatred, divisionism, genocide denial and revision from members of the public after the 1 October 2014 BBC television documentary, “Rwanda's Untold Story,” was broadcast. On 19 November 2014, a commission of inquiry, established by RURA and headed by former Prosecutor General Martin Ngoga, began investigations into these allegations against the BBC. It was expected to produce its report in three months.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 456.]

See also Congo, Democratic Republic.

SAINT VINCENT

Previous *Annual Report* entries: 2014.

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011, 2013.

See Iraq, Tunisia.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009, 2013.

See Chad, Liberia.

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2014.

Investigations continued into the murders of independent journalists, Dada Vujasinović, Slavko Ćuruvija and Milan Pantić, allegedly killed by state agents in 1994, 1999 and 2001 respectively. Four suspects were charged with the murder of Ćuruvija, including former national security chief, Radomir Marković, previously convicted for the assassination of former President Ivan Stambolić in 2000.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 320.]

In January 2014, the Appeals Chamber at the International Criminal Tribunal for the former Yugoslavia (ICTY) upheld the conviction of Vlastimir Djordjević, former Serbian Assistant to the Minister of the Interior, for murder and persecution—including sexual assaults as crimes against humanity—and the forced deportation of 800,000 Kosovo Albanians. His sentence was reduced on appeal, along with those of three other senior officials, Nikola Šainović, Sreten Lukić and Vladimir Lazarević. Former military commander Nebojša Pavković's 22-year sentence was affirmed. Vojislav

Šešelj, leader of the Serb Radical Party, indicted in 2003 for war crimes and crimes against humanity, including the forced deportation and persecution of non-Serbs in Bosnia and Herzegovina, Croatia and Vojvodina, was granted provisional release in November 2014 to receive treatment for cancer and returned to Serbia after twelve years in detention. Domestic prosecutions were hampered by insufficient resources in the Office of the War Crimes Prosecutor and inadequate police investigations. Five indictments were published, and verdicts reached at first instance in only one case. The Head of the Witness Protection Unit, which was alleged to have intimidated protected witnesses, was dismissed in June 2014, allegedly for corruption. Prosecutors, police and witnesses received threats from war veterans while investigating the abduction of 19 civilians by Bosnian Serb paramilitaries in Štrpci in 1992. Fifteen suspects were subsequently arrested in December 2014, in a joint operation with the Bosnian authorities. An investigation started in August 2014 into Major General Dragan Živanović's command responsibility for war crimes in Kosovo, between 1 April and 15 May 1999, when he was commander of the 125th Motorized Brigade. He was suspected of failing to prevent "a campaign of terror against Albanian civilians," including murder, the destruction of houses, plunder and forced expulsion. A new law proposed in December 2014 failed to ensure adequate reparation for civilian victims of war, including relatives of the missing and victims of sexual violence.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 319–320.]

Kosovo

In April 2014, the Kosovo parliament approved the establishment of a special court located outside Kosovo and presided over by international judges to adjudicate criminal prosecutions arising from the work of the European Union (EU) Special Task Force established in 2011 to investigate serious abuses during and after the Kosovo war (1998–1999). The Special Task Force based its work on findings of a 2010 Council of Europe report. The court will be based in the Netherlands and was expected to become operational once the Kosovo Assembly adopted necessary legislative changes. The mandate of the European Union-led Police and Justice Mission (EULEX) was extended until June 2016. Under the new agreement, international judges no longer formed the majority on judicial panels in cases of serious crimes. In July 2014, a Special Investigative Task Force, established by EULEX to investigate allegations against senior Kosovo Liberation Army (KLA) members, announced that unnamed individuals would be indicted for war crimes and crimes against humanity, including the unlawful killing, abduction, illegal detention, sexual violence against and forced displacement of Kosovo Serbs and Albanian civilians, unlawfully transferred to Albania in 1999. Suspects would be indicted and tried by a special court, yet to be established, outside of Kosovo in order to ensure effective witness protection. In September 2014, the retrial opened of Fatmir Limaj

and nine others accused of the torture and ill-treatment of Albanian civilians at the Klečka/Klecka camp in 1999. They had been acquitted in September 2013, following the suicide of a protected witness on which the prosecution case relied. Kosovo Serb political leader Oliver Ivanović, arrested in January 2014, was indicted in August for incitement to commit war crimes in 1999, and incitement to aggravated murder in February 2000. In March 2014, President Atifete Jahjaga launched a national council for the survivors of wartime sexual violence, to encourage them to come forward to claim reparation, including compensation, as set out in legal amendments adopted by the Assembly later that month. Despite the exhumation of the bodies of 53 Kosovo Albanian civilians at Raška, where they had been reburied in 1999, and further investigations at Batajnica, where over 800 bodies were exhumed in 2000–2001, there was no progress in bringing to justice those who organized the transfer of the bodies from Kosovo. Relatives of the disappeared protested against legal provisions ending their monthly compensation of 135 euros after the body of their family member was found. By November 2014, 1,655 people remained missing after the armed conflict.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 320, 321–322; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 471–473.]

In March 2014, the Council of Europe Venice Commission published its opinion on an amendment of the Law on Freedom of Religion in Kosovo, outlining the need for a number of improvements, including expanding the list of religious communities that “constitute the historical, cultural and social heritage of the country” from five groups to include all other established religious groups.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 476.]

See also Bosnia and Herzegovina.

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007.

See Montenegro and Serbia / Kosovo.

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012.

See Liberia.

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011.

On 10 September 2014, the Media Development Authority (MDA) banned Tan Pin Pin's documentary, *To Singapore with Love*, on the grounds that it undermined national security. This award-winning documentary contained a series of interviews with former activists who fled Singapore rather than face political persecution and possible detention under the abusive Internal Security Act (ISA), some already for five decades. The title referred to the fact that the film was shot entirely outside Singapore. The MDA said that "legitimate actions of the security agencies to protect the national security and stability of Singapore are presented in a distorted way," that "the individuals in the film have given distorted and untruthful accounts of how they came to leave Singapore and remain outside Singapore," and that "a number of these self-professed 'exiles' were members of, or had provided support to, the proscribed Communist Party of Malaya (CPM)." Tan appealed the MDA decision, stating that people should be able to air "differing views about our past, even views that the government disapproves," and meanwhile did not agree to any private screenings of the film. On 12 November 2014, the Film Appeals Committee rejected the appeal by a 9–3 vote. Tan Pin Pin had been on the board of the National Archives of Singapore (2007–2009).

[Sources: Patrick Frater, "Banned Singapore Director Tan Pin Pin To Be Part of Celebratory 'Jubilee'" (25 September 2014; <http://variety.com/2014/film/news/banned-singapore-director-tan-pin-pin-to-be-part-of-celebratory-jubilee-1201313553>); Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 477; "Tan Pin Pin," *Wikipedia* (6 October 2014); "Singapore Film Ban Creates Free Speech Issue" *Voice of America* (26 October 2014; <http://www.voanews.com/content/singapore-film-ban-creates-free-speech-issue-for-yale-nus-college/2494081.html>).]

On 27 March 2015, sixteen-year-old Amos Yee (1998–) was arrested and charged with wounding religious feelings, harassment and obscenity for uploading an eight-minute YouTube video on former Prime Minister Lee Kuan Yew (1923–2015), considered Singapore's founding father, who had died

on 23 March. The video was entitled “Lee Kuan Yew is Finally Dead!”, likened Lee to Jesus Christ and harshly criticized both and Christians in general. Later, Yee posted a cartoon depicting Lee having sex with Margaret Thatcher, a personal and political ally of Lee’s. On 12 May 2015, Yee was convicted to a suspended sentence.

[Source: “Amos Yee,” *Wikipedia* (http://en.wikipedia.org/wiki/Amos_Yee; retrieved 13 May 2015); Tessa Wong, “Amos Yee: The Boy Who Criticised Lee Kuan Yew,” *BBC News* (12 May 2015; <http://www.bbc.com/news/world-asia-32604122>).]

On 29 May 2015, the National Arts Council (NAC) withdrew a publishing grant of 8,000 Singapore dollar from the graphic novel *The Art of Charlie Chan Hock Chye* by artist-illustrator Sonny Liew. Khor Kok Wah, senior director of the NAC’s literary arts sector, said: “The retelling of Singapore’s history in the work potentially undermine[d] the authority or legitimacy of the government and its public institutions, and thus breache[d] our funding guidelines.” The book contained the story of comic-book artist Charlie Chan during the formative years of Singapore’s modern history, and featured personalities such as first Prime Minister Lee Kuan Yew (1923–2015) and opposition politician Lim Chin Siong (1933–1996), and events such as the Hock Lee bus riots (12 May 1955) and Operation Spectrum (or “Marxist Conspiracy,” 1987). News of the withdrawal boosted sales of the book; the first print run sold out in a weekend.

[Source: Mayo Martin, “Graphic Novel ‘Undermines Govt’s Authority’: NAC,” *Channel NewsAsia* (3 June 2015; <http://www.channelnewsasia.com/news/singapore/graphic-novel-undermines/1889140.html>).]

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011, 2013–2014.

In September 2014, the official (Slovak) Institute of National Memory (ÚPN; established to provide access to the records of the Štátna Bezpečnosť—ŠtB; secret police—of communist Czechoslovakia in 1949–1989) complained that the Czech Republic did not carry out a 2007 agreement to provide Slovakia with Slovakia-related files. It noted that the Czech Republic archived its files in a way that violated the 2007 agreement and considered them to be its own property. The Czech Security Services Archive in Kanice claimed that it would be impossible to provide only Slovakia-related documents since these could not be easily separated from other documents. Later it was agreed that Slovakia would receive digital copies of the central registry of ŠtB archives and of records that included data on Slovak citizens.

[Sources: “Files of Slovak Communist Agents Still in Czech Republic,” *Slovak Spectator* (22 September

2014;

http://spectator.sme.sk/articles/view/55338/10/files_of_slovak_communist_agents_still_in_czech_republi_c.html); International Council on Archives Human Rights Working Group, *News of October 2014* and *News of December 2014*.]

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2013.

Despite some positive measures, the authorities failed to guarantee the rights of some former permanent residents of Slovenia originating from other former Yugoslav republics, known as the “erased,” whose legal status was unlawfully revoked in 1992. The 2010 Legal Status Act, which offered an avenue for the erased to restore their legal status, expired in July 2013. About 12,000 of the 25,671 “erased” had had their status restored by this date. In December 2013, legislation was adopted creating a compensation scheme for those whose status had been regulated. The scheme provided 50 euros for each month spent without legal status.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 327–328.]

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012–2014.

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012–2014.

On 9 March 2015, students at the University of Cape Town (UCT) called for the removal of the statue of British colonial figure Cecil John Rhodes (1853–1902) [prime minister of the Cape colony, mining magnate, British imperialist and philanthropist] from the campus center, labeling it a symbol of the colonial past and of white supremacy and racism. Vice-chancellor Max Price and Higher Education Minister Blade Nzimande supported relocation of the statue. On 8 April 2015, the university decided to effectively remove the statue, unveiled in 1934. At Rhodes University, Grahamstown (Eastern

Cape province), students wanted the name of the university changed. In Zimbabwe (formerly South Rhodesia), most monuments dedicated to Rhodes were removed after the 1980 independence. Rhodes had funded the creation and operation of universities such as Cape Town, the Witwatersrand and Rhodes (the last one named after him). Elsewhere, in the capital Pretoria, a statue of Afrikaner leader and former President Paul Kruger (1825–1904) was vandalized with green paint.

[Sources: Munyaradzi Makoni, “Student Revolt against the Statue of Cecil John Rhodes,” *University World News* (27 March 2015; universityworldnews.com/article.php?story=20150326130155803); Reitumetse Pitso, Shaun Smillie & Poppy Louw, “‘Rhodes Rage’ Shifts Up a Gear,” *Times Live* (19 March 2015; timeslive.co.za/thetimes/2015/03/19/rhodes-rage-shifts-up-a-gear); Reuters, “South African University to Remove Rhodes Statue Following Student Protests,” *University World News* (8 April 2015; <http://www.reuters.com/article/2015/04/08/us-safrica-rhodes-idUSKBN0MZ24420150408>); Bram Vermeulen, “De koloniale held moet van de sokkel, eisen studenten,” *NRC Handelsblad* (19 March 2015), 19.]

SOUTH SUDAN

Previous *Annual Report* entries: 2013.

The government did not conduct prompt, thorough, impartial and independent investigations with a view to prosecuting and holding accountable individuals suspected of crimes under international law and serious violations of human rights. President Salva Kiir established a committee to investigate human rights abuses allegedly committed during an attempted coup on 15 December 2013. The committee’s eight members were selected by the President’s Office, its activities were funded by the presidency and it was mandated to report directly to the President. No report, or update on its findings, was made public by the end of 2014. On 30 December 2013, the African Union (AU) Peace and Security Council called for the establishment of an AU Commission of Inquiry into human rights violations and abuses committed during the armed conflict (December 2013–January 2014). Its mandate included recommending measures to ensure accountability and reconciliation. Members of the commission, chaired by the former president of Nigeria, Olusegun Obasanjo, were sworn in by March 2014. In its June 2014 interim report, the commission said it was not yet in a position to determine whether crimes under international law had been committed. The commission submitted its final report to the AU in October, but it had not been publicly released by the end of 2014.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 336, 337, 339.]

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2014.

The definitions of enforced disappearance and torture in Spanish legislation continued to fall short of international human rights standards. Amendments to legislation governing universal jurisdiction in Spain that entered into force on 14 March 2014 limited the powers of Spanish authorities to investigate crimes under international law, including genocide, enforced disappearance, crimes against humanity and torture, committed outside Spain. The reforms were criticized by the United Nations (UN) Working Group on Enforced or Involuntary Disappearances and the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in July 2014, when the Spanish authorities were urged to strengthen efforts to establish the fate and whereabouts of persons disappeared during Francisco Franco's rule (1939–1975).

More in general, the rights to truth, justice and reparation for victims of crimes committed during the Civil War (1936–1939) and under Franco's rule continued to be denied. Spanish authorities failed to adequately assist the Argentine judiciary, which has been exercising universal jurisdiction to investigate crimes under international law committed during the Franco era. In April 2014, the Spanish Court of Justice rejected petitions to extradite two former security agents to Argentina.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 61, 342; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 246.]

In July 2015, the mayor of Madrid, Manuela Carmena, announced that she intended to remove 168 street names which referred to General Francisco Franco's dictatorship (1939–1975), including the Avenida del Comandante Franco.

[Source: Koen Greven, "Linkse burgemeester verwijdert dictator Franco na 40 jaar uit straatbeeld," [NRC Handelsblad](#) (7 July 2015).]

See also Netherlands.

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2014.

Serious violations of international law committed during the civil war (1983–2009), including enforced disappearances, extrajudicial executions and the intentional shelling of civilians and protected areas such as hospitals, remained unaddressed. The government continued to deny that such violations occurred until 15 July 2014, when it announced that it was expanding its Disappearances Commission to investigate other alleged crimes under international law. The ad hoc Presidential Commission to Investigate into Complaints Regarding Missing Persons (the Disappearances Commission) was appointed in August 2013 to examine complaints between 10 June 1990 and 19 May 2009. It received some 15,000 civilian complaints as well as some 5,000 cases of missing armed forces personnel. By August 2014, the commission had reportedly begun inquiries into less than five percent of these cases, or 462 complaints. Some complaints, which the commission said were being analyzed for further investigation, were potentially over a decade old.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 61, 343–344.]

Between the end of the civil war (1983–2009), in which the army defeated Tamil Tiger separatists, and 2015, the Tamil were not allowed to publicly commemorate their dead. Political party offices and media institutions were watched and roads to Hindu religious shrines closed in order to deny any attempts at commemoration. Only after the new President, Maithripala Sirisena, was elected in January 2015, did this change. The name of the official celebration to mark the end of the war was changed from “Victory Day” into “Remembrance Day” to mark the sacrifices made by all sides, irrespective of ethnicity. On 18 May 2015, Tamil politicians in the former war zones in the north and east were allowed to hold a memorial event for dead civilians for the first time on the beach of Mullivaayikkal in Mulaithivu district, the place of the final battle. According to United Nations estimates, between 80,000 and 100,000 people were killed in the conflict. About 40,000 Tamil civilians may reportedly have been killed in the final few weeks.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 345; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 505; “Sri Lanka Shift on Civil War Anniversary,” *BBC News* (19 May 2015; <http://www.bbc.co.uk/news/world-asia-32805544>).]

The 2013 British documentary *No Fire Zone: The Killing Fields of Sri Lanka*, directed by Callum Macrae, was banned until the presidential elections of January 2015 brought a government change.

The film treated the final 138 days of the civil war (1983–2009), in which thousands of Tamil people were shelled or extrajudicially executed by the Sri Lankan Army. Screening the film was also obstructed or banned in India, Malaysia and Nepal.

[Source: “No Fire Zone: The Killing Fields of Sri Lanka,” *Wikipedia* (9 April 2015; wikipedia.org/wiki/No_Fire_Zone).]

The United Nations Human Rights Council initiated an international inquiry into reports of war crimes committed during the civil war (1983–2009). Government officials and supporters threatened human rights defenders not to have contact with the investigators or to contribute to the inquiry.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 4, 26–27.]

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2014.

The International Criminal Court (ICC) had charges pending against five individuals, including President Omar al-Bashir, for war crimes, crimes against humanity, and genocide in connection with atrocities in Darfur. Khartoum refused to cooperate with the ICC and obstructed its work. In September, the ICC issued an arrest warrant and vacated the November 2014 trial start for Abdallah Banda, a Darfur rebel commander accused of attacking a United Nations base in 2007.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 513.]

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012–2013.

Following a request by the accused in 2013, the Court of Justice ordered the resumption of Edgar Ritfeld’s trial in a military court in January 2014. Ritfeld, who claimed to be innocent, was one of 25 people accused of the extrajudicial executions of fifteen opponents of the then military government in December 1982. The trial had been halted since 2012 following an amendment to the 1992 amnesty law granting immunity for the alleged torture and extrajudicial executions committed in December 1982. The 25 accused, including current President Desiré Delano “Dési” Bouterse, who was the country’s military leader at the time of the killings, were put on trial before a military court in

November 2007 for the killings. Although the Court of Justice decided that the Ritfeld case should resume, the military court decided in October 2014 not to resume the trials of the 24 others, including Bouterse. In August 2014, families of the fifteen people killed in December 1982 filed a case before the Inter-American Commission on Human Rights.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 349.]

SWAZILAND

Previous *Annual Report* entries: 2011, 2013.

SWEDEN

Previous *Annual Report* entries: 1998.

See Rwanda.

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009, 2014.

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2014.

In March 2012, Bassel Khartabil (also known as Bassel Safadi) was imprisoned. A specialist in open-source software development, he co-founded the research company Aiki Labs and was the chief technology officer of Al-Aous, a publishing and research institution dedicated to archaeological sciences and arts in Syria. His work included a 3D photorealistic reconstruction of the old city of Palmyra in Syria. In December 2014, he was still reported in prison.

[Source: “Break the Silence: Campaign for Jailed Human Rights Activists,” (<http://advocacy.globalvoicesonline.org/2014/12/10/break-the-silence-campaign-for-jailed-human-rights-activists>; 10 December 2014).]

In May-June 2014, a new wave of organized archaeological looting began at Dura-Europos, the Ottoman period gate at the eastern Syrian city of Deir Ez-Zor was bombed, a medieval Christian graveyard was desecrated, and the Jewish Synagogue in Jobar and the Omayyad mosque in Aleppo were destroyed. On 24 June 2014, the Ministry of Culture and Family Affairs for the Syrian Interim Government announced the creation of a Heritage Task Force to help protect Syrian cultural heritage. [Source: Syrian Coalition, “Interim Government Establishes Heritage Task Force” (National Coalition of Syrian Revolution and Opposition Forces; <http://www.etilaf.us/heritagetf>; 24 June 2014).]

In September 2014, fighters from the Islamic State (IS) reportedly desecrated an Armenian genocide memorial complex in Deir Ez-Zor. Near the site, vast numbers of Armenian refugees were forced to march to their deaths in 1915. The complex encompassed a church (containing the remains of victims of the Armenian genocide), a museum, a monument and an archive, and was often compared to the Auschwitz death camp in Poland. In February 2015, the United Nations Security Council banned all trade in artefacts from Syria, accusing IS militants of looting cultural heritage to strengthen its ability “to organize and carry out terrorist attacks.” On 21 February 2015, Turkish troops entered northern Syria to evacuate the tomb of Suleyman Shah (c. 1178–1230), grandfather of the founder of the Ottoman Empire, Osman I, in order to prevent it from falling into the hands of IS. According to a 1921 treaty, the site was a Turkish exclave.

[Sources: Simon Cox, “The Men Who Smuggle the Loot that Funds IS,” *BBC News* (17 February 2015; <http://www.bbc.com/news/magazine-31485439>); “IS Is Said to Destroy Armenian Genocide Memorial,” *Times of Israel* (22 September 2014; <http://www.timesofisrael.com/is-reportedly-destroys-armenian-genocide-memorial>).]

See also Australia, Germany, Iraq.

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012.

See China.

TANZANIA

Previous *Annual Report* entries: 2010.

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2014.

In October 2013, Patiwat Saraiyaem ([1991–]), a student at Khon Kaen University's Fine and Applied Arts Faculty, and activist Pornthip Munkong [Mankong] (f) ([1989–]), a graduate of the Faculty of Political Science at Ramkhamhaeng University, performed the play *Jao Sao Ma Pa* (*The Wolf Bride*), about a fictitious monarchy, performed to commemorate the fortieth anniversary of the October 1973 pro-democracy student protest at Thammasat University. In mid-August 2014, they were arrested, imprisoned and in October 2014 charged with *lèse majesté*. Denied bail, they pleaded guilty on 29 December 2014 in order to reduce their sentence. On 23 February 2015, they were each sentenced to two and a half years' imprisonment.

[Sources: Charlie Campbell, "The Draconian Legal Weapon Being Used to Silence Thai Dissent," *Time Magazine* (31 December 2014; <http://time.com/3650981/thailand-lese-majeste-article-112>); PEN International Rapid Action Network, "Thailand: Student Activists Sentenced for Insulting the Monarchy in a Play" (24 February 2015); "Thammasat University" (<http://monitoring.academicfreedom.info/reports/2014-10-27-thammasat-university>; 27 October 2014).]

In August 2014, the new military junta ordered high school students to use the history textbook written by Thanom Anarmwat under a new curriculum that aimed to instill patriotism in Thai youth. The junta emphasized the themes of the monarchy and the glories of the ancient kingdoms of Siam. In September 2014, the author declared that the Ministry of Education cut the name of former Prime Minister Thaksin Shinawatra (2001–2006) from his textbook. To coup supporters, Thaksin was seen

as a threat to their power. Winai Rodjay, the chairman of a committee on the teaching of history and civic duty, said that the omission of Thaksin was an error that he could not explain. The new textbook described Thaksin's government as one that used "many policies designed to gain popularity from people through huge budgets." A subheading described the protests that preceded Thaksin's ouster by the military in 2006 as "the people's movement against dictatorial power, corruption and embezzlement." Before the May 2014 coup, schools were allowed to choose from a variety of history textbooks. The one in use since August 2014 was commissioned by the previous military junta, which seized power from Thaksin in 2006. Thaksin's sister, Yingluck Shinawatra, was prime minister from 2011 until she was removed from office in May 2014.

[Source: Thomas Fuller, "Loved and Hated, Former Premier of Thailand Is Erased from Textbook," *New York Times* (15 September 2014; <http://www.nytimes.com/2014/09/16/world/asia/loved-and-hated-thaksin-shinawatra-former-premier-of-thailand-is-erased-from-textbook.html>).]

On 18 September 2014, a number of academics and student activists were detained for holding a public forum on democracy, entitled "The Fall of Foreign Dictatorships" and held at Thammasat University's Rangsit campus. It was staged for thirty minutes before dozens of police and military officers intervened. The four speakers, including Niddhi Eosewong (1940–), a historian retired from Chiang Mai University, and the student organizers were interrogated and released after a few hours. A letter issued by the military prior to the event explained that the forum "could affect the government's attempts to fix national problems" and might create "rifts in society."

[Sources: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 534; Lamubol, "Academics, Students Arrested."; "Thammasat University" (<http://monitoring.academicfreedom.info/reports/2014-09-18-thammasat-university>; 18 September 2014).]

In early September 2014, Thammasat University in Bangkok pre-emptively ordered a ban on the annual 6 October commemoration of the student crackdown and ensuing massacre at the university on 6 October 1976. University administrators declared that this was done to prevent rifts and division in society. On 6 October 2014, the commemoration of the 38th anniversary of the massacre was effectively canceled. Under conditions set by the university, only a religious service and ceremonial speeches were allowed, but the traditional academic panel on the historical context of the massacre was forbidden. The order was in line with the military junta's ban on all political activities. Law student and student leader Rangsiman Rome said that Thammasat University wanted to "erase" the student massacre from history. In defiance of the ban, however, the Thai Student Center for Democracy (TSCD) organized a mini-concert in commemoration of the massacre. Prominent social critic Sulak Sivaraksa (1933–) (see below and *see NCH Annual Reports 1995 and 2008*) attended the

event and said in a speech that Thammasat University administrators had turned themselves into “servants of the dictators.” The 1976 massacre was carried out by police officers and hooligans who stormed the university’s Tha Prachan campus to disperse thousands of leftist students who were holding a peaceful rally there. Official records says 46 people were killed in the crackdown, but historians believe that between 50 and 100 leftist student protesters were tortured and killed, hundreds more injured, and thousands arrested. The United States National Archives and Records Administration opened more than 75 declassified records about the event. The Thai government was called upon to open its own archives on the massacre.

[Sources: Khaosod English, “Student Activist Decries University’s ‘Silencing’ of 1976 Massacre” (6 October 2014; <http://www.khaosodenglish.com/detail.php?newsid=1412603816>); Suluck Lamubol, “Academics, Students Arrested for Democracy Forum,” *University World News* (<http://www.universityworldnews.com/article.php?story=20140919125856959>; 19 September 2014); Emily Willard, “Declassified U.S. Documents Help Fill Void Left by Thailand’s Silence on 38th Anniversary of Thammasat University Massacre” (10 October 2014; <http://nsarchive.wordpress.com/2014/10/10/declassified-u-s-documents-help-fill-void-left-by-thailands-silence-on-38th-anniversary-of-thammasat-university-massacre>).]

On 20 October 2014, two retired army officers filed a complaint for *lèse majesté* against veteran social campaigner Sulak Sivaraksa (1933–) (see above and *see NCH Annual Reports 1995 and 2008*) over remarks he made at an academic seminar entitled “Construction and Deconstruction of Thai History” on 12 October 2014 about Naresuan the Great (1555–1605), a king of the Ayutthaya kingdom (1590–1605) known for his campaigns to free Siam from Burmese invaders. He questioned the traditional accounts of an elephant battle featuring King Naresuan. If convicted, Sulak could be imprisoned for up to fifteen years.

[Sources: Mark Fenn, “Battle Royal,” *Index on Censorship* (2014 no. 4), 24; Reuters, “Thai Scholar Faces Royal Insult Charge over Mediaeval King,” (20 October 2014; <http://www.reuters.com/article/2014/10/20/thailand-lesemajeste-idUSL3N0SF1TH20141020>).]

In December 2014, historian Somsak Jeamteerasakul—living in exile following martial law declared by the National Council for Peace and Order (NCPO; the military junta) on 22 May 2014—submitted his resignation but in February 2015 Thammasat University summarily dismissed him instead, which caused him to lose his university pension. There was no appeal possibility. Thammasat University rector Somkid Lertpaitoon issued the order on 24 February 2015; the grounds cited was that he had ignored orders to report for duty for fifteen consecutive days. (For background, *see NCH Annual Report 2014*.)

[Sources: “Scholars Condemn Somsak’s Dismissal,” *Thai PBS* (5 March 2015;

<http://englishnews.thaipbs.or.th/scholars-condemn-somsaks-dismissal>); Suluck Lamubol, “International Outcry over Eroded Academic Freedom,” *University World News* (13 March 2015; <http://www.universityworldnews.com/article.php?story=20150312205039591>).]

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2013.

Little progress was made in addressing crimes against humanity and other human rights violations committed by Indonesian security forces and their auxiliaries from 1975 to 1999. Many suspected perpetrators remained at large in Indonesia where they were safe from prosecution. In August 2014, the Court of Appeal upheld the sentence of a former AHI (Aileu Hametin Integrasaun) militia member imprisoned for crimes against humanity committed in Aileu district around the 1999 independence referendum. The Timorese government failed to implement recommendations from the Commission for Reception, Truth and Reconciliation (CAVR) and the bilateral Indonesia-Timor-Leste Commission of Truth and Friendship (CTF) relating to impunity. Parliament continued delaying consideration of two draft laws providing for a National Reparations Program and the establishment of a “Public Memory Institute,” a body which would implement the recommendations of the CAVR and CTF, including the reparations Program. A commission to examine enforced disappearances, recommended by the CTF, had not been established by the end of 2014. Initiatives undertaken with the Indonesian government to reunite children separated from their families in 1999 lacked transparency and adequate consultation with civil society.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 366–367.]

See also Australia, Indonesia.

TOGO

Previous *Annual Report* entries: 2002, 2008–2013.

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2014.

Since 2011, Tunisian authorities have taken some steps to prosecute perpetrators of human rights violations, notably those committed during the uprising that began on 17 December 2010, and ended in February 2011. An official investigation concluded that the authorities' attempt to crush the uprising using excessive force caused the deaths of 132 protesters and injuries to hundreds more. The trials of those accused of responsibility for these killings began in late 2011 before military courts, which had sole jurisdiction over cases involving members of the military and security forces. First instance military courts that began investigations in July 2011 determined that the accused should stand trial in groups, organized geographically, and trials opened in the military tribunals of Tunis and Le Kef in November and December 2011. Defendants included the former President Zine el-Abidine Ben Ali, charged in absentia, two former interior ministers, five general directors of the Interior Ministry, and several high- and mid-level security force commanders. When the tribunals delivered their verdicts in June and July 2012, they convicted Ben Ali, his interior minister at the time, and five directors of the Interior Ministry and imposed prison sentences ranging from 15 years to life. On 12 April 2014, the military court of appeals confirmed the life imprisonment sentence in absentia of Ben Ali but significantly reduced the sentences of all other former senior officials. The government's failure to press effectively for Ben Ali's extradition from Saudi Arabia to stand trial in Tunisia undermined accountability.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 543.]

Following the adoption of a Transitional Justice law in December 2013, an Instance Vérité & Dignité (IVD; Truth and Dignity Commission) was established in June 2014 to investigate human rights violations and arbitrate on cases of official corruption between 1 July 1955 and December 2013. An independent body chaired by Sihem Bensedrine (a former journalist and human rights activist, considered by some as too close to the conservative party Ennahda), the IVD was also mandated to provide both material and symbolic reparations to victims and to draft recommendations to prevent the recurrence of human rights violations and the misuse of public funds and to promote democracy. The IVD, which has a four-year mandate extendable for up to one year, began its work in December 2014 after developing its rules and methods of operation. Public hearings were scheduled to begin in June 2015. Plaintiffs could lodge complaints up until 14 December 2015 and the IVD would be able to access government archives. On 26 December 2014, however, the IVD had a conflict with the national archives: instead of accessing and consulting the presidential archives, it wanted to take them over. The December 2013 law also established mechanisms for institutional reform, vetting of civil

servants, and national reconciliation, and provided for the establishment of Special Judicial Chambers to investigate and prosecute human rights violations committed by state agents. In March 2014, the Ministry of Justice appointed a technical committee to draft a decree on how these specialized chambers would function.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 372; Carlotta Gall, "Women in Tunisia Tell of Decades of Police Cruelty, Violence and Rape," *New York Times* (28 May 2015; http://www.nytimes.com/2015/05/29/world/africa/women-in-tunisia-tell-of-decades-of-police-cruelty-violence-and-rape.html?_r=0); Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 544; Julie Schneider, "Tunisian Truth Commission Opens Despite Internal Turmoil," *International Justice Tribune* (17 December 2014; <https://www.justicetribune.com/articles/tunisian-truth-commission-opens-despite-internal-turmoil>); Julie Schneider, "Tunisia's Truth Commission Carries on Despite Red Tape and Lacking Funds" (28 January 2015; <https://www.justicetribune.com/articles/tunisias-truth-commission-carries-despite-red-tape-and-lacking-funds>); TAP, "Le DG des Archives nationales appelle l'IVD à revoir sa méthode de travail" (2 January 2015; <http://www.gnet.tn/actualites-nationales/le-dg-des-archives-nationales-appelle-livd-a-revoir-ses-methodes-de-travail/id-menu-958.html>); "Tunis: L'IVD autorisée à accéder aux archives de la Présidence," *African Manager* (27 May 2015; <http://www.africanmanager.com/186558.html>).]

In April 2014, the authorities released some of the former senior officials imprisoned in connection with the unlawful killings of protesters during the 2010–2011 uprising after the Military Court of Appeal amended the charges on which they had previously been convicted by military courts and reduced their sentences. Those released included former Minister of the Interior Rafiq Haj Kacem, whose twelve-year sentence was reduced to a three-year term, including time spent in custody awaiting trial. Several family members of people killed or injured during the uprising went on hunger strike in protest.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 372.]

On 18 March 2015, two armed men attacked the Bardo Museum, adjacent to the parliament in Tunis, much visited by tourists because of its rich archaeological collection, killing at least twenty foreign tourists and two Tunisians. The Islamic State (IS) claimed responsibility for the assault. The gunmen were killed.

[Source: Human Rights Watch, "Tunisia: Deadly Attack on Museum-goers: Response of Authorities Will Test Commitment to Rights" (18 March 2015; hrw.org/news/2015/03/18/tunisia-deadly-attack-museum-goers).]

TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2014.

The retrial of a group of young men for the January 2007 murder of journalist Hrant Dink continued. In July 2014, the Constitutional Court ruled that the murder investigation had not been conducted in an effective manner. (For background, see *NCH Annual Reports 2006–2014*.)

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 552.]

In November 2014, the General Staff removed from its website archival documents under the heading “Armenian activities in 1914–1918,” which included photographs of Turks massacred by Armenian rebels. This move was interpreted as underscoring Turkey’s desire for the centenary of the 1915 genocide to pass in a calm atmosphere.

[Source: Tulay Cetingulec, “Armenians Dig Out Their Ottoman Land Deeds,” *Almonitor: Turkey Pulse* (12 November 2014; [http://www.al-monitor.com/pulse/originals/2014/11/armenians-dig-out-ottoman-title-deeds.html?utm_source=Al-Monitor+Newsletter+\[English\]&utm_campaign=8d63b8d54a-November_13_2014&utm_medium=email&utm_term=0_28264b27a0-8d63b8d54a-93088897](http://www.al-monitor.com/pulse/originals/2014/11/armenians-dig-out-ottoman-title-deeds.html?utm_source=Al-Monitor+Newsletter+[English]&utm_campaign=8d63b8d54a-November_13_2014&utm_medium=email&utm_term=0_28264b27a0-8d63b8d54a-93088897)].]

On 24 December 2014, police arrested a sixteen-year-old student, listed by the initials MEA, on charges of insulting President Recep Tayyip Erdogan after criticizing the ruling AK Party during a speech given to commemorate the killing of a Turkish soldier by Islamists in the 1920s at a student protest in the city of Konya. In the speech, the student defended secularism and Kemalist principles and criticized Erdogan over recent corruption allegations, as the crowd chanted “everywhere is bribery, everywhere is corruption.” On 28 December 2014, the student was released after dozens of lawyers had signed a petition on his behalf.

[Sources: “Turkish Police Arrest Boy, 16, for Insulting Erdogan,” *BBC News* (<http://www.bbc.com/news/world-europe-30602250>; 25 December 2014); “Turkey Teenager Accused of Insulting President Released,” *BBC News* (<http://www.bbc.com/news/world-europe-30603709>; 26 December 2014).]

In early 2015, Reşat Barış Ünlü, a historian of political movements during the Ottoman Empire (1299–1918) at Ankara University’s political sciences department, asked his students to analyze the 1978 Kurdistan manifesto written by Abdullah Öcalan, the imprisoned leader of the Kurdistan Workers Party (PKK). The newspaper *Vahdet* wrote that this amounted to treachery and concluded that some academics hid their “terrorist activities” “behind the cloak of freedom of expression.”

Because of the article and a hate campaign on social media, Ünlü received multiple death threats. Ünlü was the biographer of socialist leader Mehmet Ali Aybar (1908–1995).

[Source: Kaya Genç, “Silence on Campus,” *Index on Censorship* (2015 no. 2), 10–11.]

In [February] 2015, students from Istanbul University’s communication faculty planned to show a documentary film about the Dersim massacre, a military operation that resulted in the deaths of thousands of Kurds in 1936–1938 (*see NCH Annual Reports 1998, 2002, 2008 and 2012.*) The university administration considered the showing of the film on its premises unacceptable (although President Erdogan had apologized for the massacre in 2013).

[Source: Kaya Genç, “Silence on Campus,” *Index on Censorship* (2015 no. 2), 12.]

In March 2015, Istanbul University’s art history club decided to organize a panel called A History of Beauty: Through the Lens of Art History. The event was promoted with a poster featuring Tiziano’s 1514 painting, “Amor sacro e Amor profano” (“Sacred and profane love”; also: “Venus and the bride”). The university administration told students that the image was “too explicit” and asked them to remove it from the poster.

[Source: Kaya Genç, “Silence on Campus,” *Index on Censorship* (2015 no. 2), 12.]

When academics from Turkish universities and the University of California wanted to organize a conference about the 1915 Armenian genocide, at the same venue, Bilgi University, of a similar 2005 conference (*see NCH Annual Report 2006*), the university refused, saying that it had not received an application. The organizers responded that the university had not only accepted their application but even announced the event before deleting it from its website.

[Source: Kaya Genç, “Silence on Campus,” *Index on Censorship* (2015 no. 2), 13.]

During April and May 2015, Turkey withdrew its ambassadors from Austria, Luxembourg and the Vatican, because the latter recognized that the 1915 massacres of Armenians had a genocidal character.

[Source: “Turkije roept weer ambassadeur terug om genocide-erkenning,” *Volkskrant* (7 May 2015; <http://www.volkskrant.nl/buitenland/turkije-roept-weer-ambassadeur-terug-om-genocide-erkenning~a4006648>).]

See also Australia, Cyprus, Syria.

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012.

According to the Turkmen Initiative for Human Rights (TIHR), a Vienna-based group, several books written by and about President Gurbanguly Berdymukhamedov, who used the title “Arkadag” (Protector), were added to the secondary-school curriculum in January 2014, replacing the study of writings by former President Saparmurat Niyazov. TIHR also reported that in May 2014, parents of school children in Ashgabat were obliged to sign a pledge to raise their children in accordance with Turkmen traditions. In one school, the pledge obliged students to “become faithful sons and daughters” of the president.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 555.]

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2013.

International Criminal Court arrest warrants issued in 2005 remained in force for Joseph Kony, the Lord's Resistance Army (LRA) leader, and three LRA commanders. The men were still at large at the end of 2014. Former LRA commander Thomas Kwoyelo, who in 2011 pleaded not guilty before the International Crimes Division of the High Court to charges of murder, willful killing and other offences committed in the context of the conflict in northern Uganda, remained remanded in prison. The government appeal against the Constitutional Court's decision that Kwoyelo was entitled to amnesty under the Amnesty Act of 2000 remained pending before the Supreme Court. A complaint submitted by Kwoyelo to the African Commission on Human and Peoples' Rights challenging his continued detention by the government remained pending.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 382.]

See also Congo (Democratic Republic).

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011, 2014.

On 28 September 2014, nationalist protesters tore down a statue of Lenin in the center of Kharkiv; they were supported by the governor of the region. *See also* *NCH Annual Report 2014*.

[Source: "Ukraine Nationalists Tear Down Kharkiv's Lenin Statue," *BBC News* (28 September 2014; <http://www.bbc.com/news/world-europe-29405089>).]

On 18 June 2014, Sergei Dolgov, editor of *Vestnik Pryazovya* and *Khochu v SSSR* ("I want to go to the USSR"), was abducted from his office in Mariupol by six masked men in civilian dress bearing automatic weapons. His whereabouts and the identity and motive of his abductors remained unknown for five days. On 23 June 2014, the Security Service of Ukraine in Mariupol announced that he was "alive and in good health" and being held at an anti-terrorism center in Zaporozhye. In December 2014, however, the Security Service reportedly told Amnesty International that it had no record of Dolgov's detention. Dolgov's wife said that she had been contacted by an anonymous source who alleged that he had been held with Dolgov in military base A1978 in Zaporozhye until the former's

release in October 2014. Dolgov's colleagues thought that his abduction was linked to *Khochu v SSSR*, which publishes historical articles about the Soviet era.

[Source: Pen International Writers in Prison Committee, *Case List January-December 2014* (London: PEN, May 2015), 230–231.]

The ministry of education introduced patriotic history education at schools and universities. In their turn, universities on the territory of the self-declared republics abolished the history of Ukraine as a separate course and proposed their own vision of Ukraine's history, based on Russian textbooks.

[Source: Tatyana Malyarenko, "Universities under Fire in Ukraine's War," *Index on Censorship* (2015 no. 2), 17.]

See also Russia.

UNITED ARAB EMIRATES

Previous *Annual Report* entries: 2013.

See Egypt.

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2014.

In May 2013, the High Court ruled that the Iraq Historic Allegations Team (IHAT), a unit within the Ministry of Defence set up to investigate allegations of abuses of Iraqi civilians by United Kingdom (UK) armed forces between March 2003 and July 2009, was failing to meet its obligations to uphold the right to life. The judge ruled that small inquiries modelled on inquests were needed, but rejected the claimants' arguments that IHAT lacked independence and should be replaced by a single, public inquiry. In May 2014, the prosecutor of the International Criminal Court reopened a preliminary investigation into allegations that UK armed forces committed war crimes involving systematic detainee abuse in Iraq.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 390–391.]

In 2014, Thomas Docherty, professor of English and comparative literature at the University of Warwick, was suspended, barred from contacts with colleagues and students, barred from campus and prevented from attending and speaking at a conference about historian E. P. Thompson (1924–1993) after he had been accused of “undermining a colleague and asking critical questions of [his] superiors.” None of the charges were upheld at a university tribunal later.

[Source: Thomas Docherty, “Open-door Policy?” *Index on Censorship* (2015 no. 2), 37–39.]

In June 2014, the Irish television channel RTÉ broadcast newly discovered archival material suggesting that the United Kingdom (UK) had misled the European Court of Human Rights in [Ireland v. UK](#) (1978; Application no. 5310/71), over the use of five torture techniques used by British security forces in Northern Ireland in 1971–1972. In December 2014, the Irish government sought a reopening of the case by the court. Lawyers for the victims also called for an independent, human rights-compliant investigation in the UK into the new evidence.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 392.]

Secret files disclosed in a redacted format on 24 October 2014 revealed that the security service MI5 had subjected historians Eric Hobsbawm (1917–2012) and Christopher Hill (1912–2003) to persistent surveillance for decades, tapping their telephone, intercepting their correspondence and monitoring their contacts because they were Communist Party of Great Britain (CPGB) members. The surveillance started in 1935 (Hill—when he visited the USSR) and 1942 (Hobsbawm). There was no evidence in the files of any attempt by either Hobsbawm or Hill to spy for the USSR. Hobsbawm was refused access to his files when he asked to see them in 2009. According to transcripts of MI5's bugged conversations, the files showed that the CPGB leadership considered dismissing Hobsbawm in 1956 after he, Hill and the writer Doris Lessing attacked its “uncritical support...to Soviet action in Hungary” in a letter referring to the crushing of the uprising there. That support was “the undesirable culmination of years of distortion of facts.” After the CPGB paper, *Daily Worker*, refused to publish the letter, it was later run by the left-wing weekly *Tribune*. MI5 also opened personal files on historian A.J.P. Taylor (1906–1990) after he had signed a letter supporting a march against the nuclear bomb in 1959.

[Source: Richard Norton-Taylor, “MI5 Spied on Leading British Historians for Decades, Secret Files Reveal,” *Guardian* (24 October 2014; <http://www.theguardian.com/world/2014/oct/24/mi5-spied-historians-eric-hobsbawm-christopher-hill-secret-files>).]

In May 2015, it became known that British Foreign and Commonwealth Office in 2014 had located a new cache of colonial-era government documents (170,000 historic files), including from the former

Colonial Office's Intelligence and Security Department (ISD).

[Source: Katie Engelhart, "Exclusive: The UK Has Just Unearthed New 'Top Secret' Colonial-Era Government Files," *VICE News* (11 May 2015; <https://news.vice.com/article/exclusive-the-uk-has-just-unearthed-new-top-secret-colonial-era-government-files>).]

Northern Ireland

In Northern Ireland, the mechanisms and institutions mandated to address "legacy" (conflict-related or historical) human rights violations in previous decades operated in a fragmented and incremental manner. The Historical Enquiries Team (HET), mandated since 2006 to re-examine all deaths attributed to the conflict in Northern Ireland, was closed following wide criticism. In July 2013, Her Majesty's Inspectorate of Constabulary had found that the HET reviewed cases involving the state with less rigor than non-state cases. The transfer, announced in December 2013, of some of HET's work to a Legacy Investigative Branch within the Police Service of Northern Ireland (PSNI) prompted concerns over the independence of future case reviews. Positive reforms to the Office of the Police Ombudsman for Northern Ireland (OPONI) continued throughout 2013 and 2014. A 30 September 2014 report by Criminal Justice Inspection Northern Ireland found that confidence in the OPONI's investigation of historical cases had been "fully restored." However, on the same day, cuts to the OPONI's budget led to a loss of 25% of staff working on legacy cases, and to serious concerns about the OPONI's ability to complete "legacy" casework. The government remained unwilling to establish public inquiries into legacy cases. In September 2013, inter-party talks chaired by former United States diplomat Richard Haass began with the aim of reaching agreement on parades and protests; the use of flags, symbols and emblems; and how to deal with "the past." The talks ended without agreement on 31 December 2013. The draft Haass proposals detailed two mechanisms: a Historical Investigation Unit (HIU) and an Independent Commission for Information Retrieval (ICIR). Further talks, which concluded in December 2014, agreed in principle to take forward the Haass proposals of an HIU and ICIR, although details of finance, resourcing, timeframes and legislation were not completely resolved at the end of 2014.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 37, 391–392.]

The legal battle to get access to some of the Boston tapes (*see NCH Annual Reports 2012–2014*) continued in 2015. In the Winston "Winkie" Rea case, the European Court of Human Rights in late May or early June 2015 refused to grant an interim prohibition as part of efforts to stop the Police Service of Northern Ireland (PSNI) from obtaining his taped testimony.

[Sources: "Boston College Tapes: Police Get Access to Ex-Loyalist Prisoner Winston Rea's Interviews," *BBC News* (5 June 2015; <http://www.bbc.com/news/uk-northern-ireland-33017930>);

Alan Erwin, “Court Refuses to Hear Winkie Rea’s Appeal over Boston Tapes,” *Irish Times* (19 May 2015; <http://www.irishtimes.com/news/crime-and-law/court-refuses-to-hear-winkie-rea-s-appeal-over-boston-tapes-1.2218168>); Alan Erwin, “Ex-loyalist Prisoner Seeks Emergency Hearing to Block Boston Tapes; Winston ‘Winkie’ Rea to Have Final Roll of Dice in European Court of Human Rights,” *Irish Times* (21 May 2015; <http://www.irishtimes.com/news/crime-and-law/ex-loyalist-prisoner-seeks-emergency-hearing-to-block-boston-tapes-1.2221052>).

See also Bangladesh, Russia, Rwanda.

UNITED STATES

Previous *Annual Report* entries: 1995–2014.

On 19 July 2013, an appeals court in Virginia ruled that *New York Times* reporter James Risen had to testify at the criminal trial of former Central Intelligence Agency (CIA) agent Jeffrey Sterling who was prosecuted on charges of espionage for leaking classified information to Risen which was subsequently included in the latter’s book *State of War: The Secret History of the CIA and the Bush Administration* (2006). The court maintained that Risen could not claim a reporter’s privilege. On 15 October 2013, a federal appeals court declined to hear Risen’s appeal. On 2 June 2014, the Supreme Court rejected Risen’s appeal. Non-compliance with the subpoena (first issued in 2008) could result in a prison sentence or heavy fine. On 12 January 2015, when federal prosecutors filed a motion before a district court that Risen not be called as a witness in the case against Sterling, the United States Department of Justice eventually withdrew its subpoena. Critics asked the department to revise the guidelines on media subpoenas. The leaked information concerned a top-secret CIA operation to sabotage Iran’s alleged nuclear program.

[Sources: Committee to Protect Journalists, “U.S. Will Not Force Risen to Testify in Leak Case” (14 January 2015; https://www.ifex.org/united_states/2015/01/14/risen_subpoena_withdrawn/?utm_source=whatcounts&utm_medium=email&utm_campaign=itw_14january2015); Pen International Writers in Prison Committee, *Case List January-December 2014* (London: PEN, May 2015), 106–107.]

The United States (US) appeared before three United Nations treaty bodies in 2014. In April, the Human Rights Committee criticized the US on a range of issues—including the lack of accountability for abuses in the counter-terrorism context, solitary confinement in prisons, racial disparities in the criminal justice system, targeted killings by drones, excessive use of force by law enforcement

officials, the treatment of migrants and the death penalty. In August, the Committee on the Elimination of Racial Discrimination also made numerous recommendations to the US. In November, the Committee against Torture's concluding observations similarly covered a range of issues.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 393.]

In [the summer of] 2014, the Advanced Placement United States history course (APUSHC)—based on a newly revised “framework” for teachers—was the target of intense criticism for weeks from conservatives who charged that it was anti-American. In August 2014, the Republican National Committee (RNC) adopted a resolution attacking the APUSHC because it “emphasize[d] negative aspects of our nation’s history while omitting or minimizing positive aspects.” The RNC said that it did not give sufficient weight to important American historical figures, such as George Washington, Benjamin Franklin or Martin Luther King, Jr., and spent too much time on the darker episodes in American history (like slavery, Japanese internment camps, and the A-bomb). In their turn, high school students and teachers from the Jefferson County District in Colorado protested against this attempt to make the course more patriotic. As a result of the conflict, the College Board, which owned the APUSHC and denied that it belittled American history, published a revised version of the framework in late September with new instructions (but unchanged historical content) to try to assuage critics of the framework’s first version. On 17 February 2015, Oklahoma House Republicans on the Common Education Committee voted to ban Advanced Placement United States history courses, because they thought that the latter showed “what was bad about America.” This reportedly included subjects such as the lynchings of African-Americans and the killing of Native Americans at Washita Battlefield.

[Sources: Rebecca Klein, “Fox News’ Ben Carson Thinks New AP U.S. History Course Will Make Students Join ISIS,” *The Huffington Post* (1 October 2014; http://www.huffingtonpost.com/2014/10/01/ben-carson-ap-us-history_n_5910982.html); Valerie Strauss, “College Board Says It ‘Revised’ Controversial AP U.S. History Framework (Update),” *Washington Post* (1 October 2014; <http://www.washingtonpost.com/blogs/answer-sheet/wp/2014/10/01/college-board-says-it-revised-controversial-ap-u-s-history-framework>); Steven Thrasher, “Sorry, Oklahoma: You Don’t Get To Ban History You Don’t Like,” *Guardian* (18 February 2015; <http://www.theguardian.com/education/commentisfree/2015/feb/18/oklahoma-ban-advanced-placement-history>).]

In August 2014, President Barack Obama acknowledged that the United States (US) used torture in its response to the 11 September 2001 terrorist attacks (“9/11”), under a secret detention program authorized by his predecessor, George W. Bush, and operated by the Central Intelligence Agency

(CIA). He stated that torture was carried out under “some” of the “enhanced interrogation techniques” used in the program, not just the one known as “waterboarding” (a mock execution by interrupted drowning). Nevertheless, Obama remained silent on accountability and redress, reflecting the US’s continuing refusal to meet its international obligations on these issues. Neither did he make any reference to enforced disappearance, a crime under international law to which most, if not all, of those held in the secret program were subjected, some of them for years. On 3 April 2014, the Senate Select Committee on Intelligence (SSCI) voted to submit for declassification the summary of its report into the CIA’s secret detention and interrogation program operated between 2002 and 2008. Release of the summary came on 9 December 2014 and the 500-page document contained some new details on the program and the torture and other human rights violations committed in it. The full 6,700 page report—containing “details of each detainee in CIA custody, the conditions under which they were detained, [and] how they were interrogated”—remained classified top secret, held, according to SSCI Chairperson Senator Dianne Feinstein, “for declassification at a later time.” Although there has for years been much information in the public domain about the CIA program, no one has yet been brought to justice for the human rights violations, including the crimes under international law of torture and enforced disappearance, carried out under that program. By the end of 2014, 127 men remained in indefinite military detention at the United States naval base at Guantánamo Bay in Cuba. [Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 21–22, 393–394.]

In November 2014, Bill Harbaugh, economics professor at the University of Oregon (UO), requested and on 3 December 2014 received 25,000 pages of unfiltered electronic records of four former UO presidents from the UO archives. The records contained emails, reports and other papers, including confidential data about students and staff. Harbaugh returned them in January 2015 at the request of the UO administration. The two archivists involved were placed on paid administrative leave pending an investigation after UO accused them of not having first filtered out identifying information or other records the UO wished to withhold under exemptions to the Oregon public records law. One of the two archivists, James Fox, director of UO Special Collections and University Archives and associate professor in the UO history department, was dismissed (effective 30 June 2015). The other, Kira Homo, electronic records archivist at UO Special Collections and the secretary of the union United Academics, resigned for personal reasons on 1 March 2015. Fox said that Homo acted without informing him and intended to sue UO for defamation. Over the past four years, Harbaugh had formally asked the UO for public records 229 times and posted many of them on his watchdog blog uomatters.com. UO had learned about the release after Harbaugh had posted a memo from a UO lawyer (saying that the staff gave up its voice in university governance when it unionized and advocating dissolution of the UO Senate) on his blog. Harbaugh declared he had no intention of

harming the university but rather had wished to point to UO's obsessive secrecy.

[Sources: Diane Dietz, "University Of Oregon: Professor Returns UO Documents," *The Register-Guard* (<http://registerguard.com/rg/news/local/32704897-75/story.csp>; 29 January 2015); Laura Frazier, "UO Archivist Involved in Records Leak Left Job for Personal Reasons, Union Says," *The Oregonian/OregonLive* (27 March 2015; oregonlive.com/education/index.ssf/2015/03/university_of_oregon_archivist_1.html); "University Of Oregon: Professors' Letter Urges Archivist's Reinstatement: More than 100 UO Faculty Members Sign a Document in Support of James Fox, Who Lost His Job at the Library," *The Register-Guard* (<http://registerguard.com/rg/news/local/32974405-75/more-than-100-uo-profs-sign-letter-urging-archivists-reinstatement.html.csp>; 13 April 2015); Richard Read, "Archivist James Fox Says UO Interim President Scott Coltrane's Team Betrayed, Scapegoated Him," *The Oregonian/OregonLive* (http://www.oregonlive.com/education/index.ssf/2015/04/archivist_james_fox_says_uo_in.html; 17 April 2015).]

On 4 January 2015, three anti-Israel resolutions submitted by Historians against War at the annual meeting of the American Historical Association (AHA) in New York were not voted on. The resolutions had been submitted on 22 December 2014, weeks after the 1 November deadline, and AHA members declined by a vote of 144 to 54 to suspend the AHA bylaws. One resolution accused Israel of violating academic freedom, saying Israel "arbitrarily limits the entry of foreign nationals who seek to lecture, teach and attend conferences at Palestinian universities." Another resolution called on the AHA to condemn the "acts of violence and intimidation by the State of Israel against Palestinian researchers and their archival collections, acts which can destroy the Palestinians' sense of historical identity as well as the historical record itself." It also accused Israel of bombing the Islamic University in Gaza in August 2014.

[Source: JTA & Rebecca Shimoni Stoil, "American Historical Association Rejects Anti-Israel Resolutions Vote," *Times of Israel* (11 January 2015; <http://www.timesofisrael.com/american-historical-association-rejects-anti-israel-resolutions-vote>).]

On 4 March 2015, after years of delay, the National Security Archive filed suit against the State Department under the Freedom of Information Act (FOIA) to force release of the last 700 transcripts of former Secretary of State Henry Kissinger's telephone calls (telcons). Kissinger had removed more than 16,000 telcons from the State Department when leaving office in late 1976 but returned them, when notified to do so, in 2001. The State Department released most of them but, starting in 2007, withheld some 700, claiming they were "pre-decisional" or covered by executive privilege—claims that according to the National Security Archive should long since have expired in the case of forty-year-old records.

[Source: National Security Archive, “Archive Sues State Department Over Kissinger Telcons” (4 March 2015).]

In April 2015, the estate of Joseph Goebbels (minister of propaganda in Nazi Germany) sued Random House for royalties for the use of extensive extracts from his diaries in the English translation of a Goebbels biography (2010) written by German historian Peter Longerich and due to be published in May 2015. Random House initially agreed to pay a fee, but later said it had moral objections to paying a war criminal’s estate. Longerich argued that a private person (in this case, Cordula Schacht, daughter of Hjalmar Schacht, a minister in the Nazi regime, who owned the copyright to Goebbels’ diaries) should not be given control of important historical documents.

[Source: “Goebbels’ Estate Sues Random House for Diary Royalties,” *BBC News* (18 April 2015; <http://www.bbc.com/news/world-europe-32363846>).]

See also Bolivia, China, Colombia, Congo (Democratic Republic), Iraq, Japan, Marshall Islands, Thailand, Turkey.

URUGUAY

Previous *Annual Report* entries: 2001–2013.

The fight for justice regarding human rights violations committed during the period of civil and military rule (1973–1985) faced a possible step back following a decision in February 2013, when the Supreme Court overturned two key articles of Law 18.831, adopted in 2011, which established that crimes committed during 1973–1985 were crimes against humanity and that no statute of limitations could be applied. The Supreme Court also concluded that no crimes against humanity were committed at the time because they were made criminal under national law only in 2006, and therefore they were subject to a statute of limitations. During 2014 little progress was made to ensure that complaints for past human rights violations would be fully investigated. The trial of a former police officer, charged in 2012 with complicity in the killing of teacher and journalist Julio Castro in 1977, continued at the end of 2014.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 398.]

On 20 May 2015, President Tabaré Vázquez Rosas issued a decree establishing a Truth and Justice Working Group to investigate crimes committed by the police and army during the dictatorship

(1973–1985) and during a state of emergency preceding it (13 June 1968–1973). Vázquez’s Frente Amplio (Broad Front) party included former members of the Tupamaros guerrilla group. The announcement came as activists prepared to hold the twentieth annual march of silence calling for justice for the hundreds of people who disappeared during the dictatorship.

[Source: Agence France-Press, “Uruguay to Probe Dictatorship Crimes,” (20 May 2015; <http://news.yahoo.com/uruguay-probe-dictatorship-crimes-172729498.html>).]

UZBEKISTAN

Previous *Annual Report* entries: 2005–2014.

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011.

In November 2014, Pope Francis took the position that the secret records about World War II should be opened after the legal and other matters were sorted out. (For background, *see NCH Annual Report 2004*).

[Source: “Francis Wants to Open Holocaust-era Vatican Archives as Quickly as Possible” (http://www.worldjewishcongress.org/en/news/15409/francis_wants_to_open_holocaust_era_vatican_archives_as_quickly_as_possible; 28 November 2014).]

See also Turkey.

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012, 2014.

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2013.

See China.

WESTERN SAHARA

See Morocco / Western Sahara.

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010, 2013–2014.

The authorities made little progress in addressing the widespread human rights abuses of previous years. The government took no steps to clarify the fate of hundreds of political activists and others who were subjected to enforced disappearance under the former regime, headed for decades by Ali Abdullah Saleh (President of North Yemen, 1978–1990, President of Yemen, 1990–2012, or to bring those responsible to justice, despite the reappearance of a number of people forcibly disappeared decades earlier. In January 2012, the parliament voted to give former President Ali Abdullah Saleh and his aides immunity from prosecution. In September 2012, however, Saleh's successor, President Abdrabuh Mansour Hadi, decreed the creation of an independent commission of inquiry to investigate alleged rights abuses committed during the 2011 uprising, and recommend measures to hold perpetrators accountable and afford redress to victims. By November 2014, Hadi had still to nominate the inquiry's commissioners and no progress had been achieved. After numerous drafts that fell far short of safeguarding justice and accountability for past crimes, a draft Law on Transitional Justice and National Reconciliation, created at the behest of the ten months-long National Dialogue Conference (NDC), was submitted for cabinet approval in May 2014 but had not been made law by the end of 2014. Two other commissions that the president had announced in 2013 were inundated with claims. One commission, tasked with addressing the issue of land confiscation in southern Yemen in the 1990s, had received over 100,000 claims by May 2014 while the other, set up to review the forced dismissal of southerners from government employment, had registered 93,000 claims by the same time. Neither, however, appeared sufficiently resourced to address and resolve the claims they received. In September 2014, the United Nations (UN) Human Rights Council adopted a resolution on Yemen that highlighted the need for investigations into past abuses, the passage of a transitional justice law, and the creation of an independent national human rights institution. In its report presented to the Human Rights Council and released in August 2014, the UN Office of the High Commissioner for Human Rights encouraged the international community to establish an independent, international mechanism to investigate violations of human rights that took place in 2011.

[Sources: Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 409; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 620–621, 628.]

ZAMBIA

Previous *Annual Report* entries: 2009.

On 12 March 2014, 49 young people were arrested by police during a march to commemorate Youth Day in the capital Lusaka. The young activists were arrested for wearing T-shirts and carrying placards bearing the message “Give us our constitution now.” They were separated and detained for at least six hours, before being cautioned and released. Four of the youths were reportedly assaulted by police officers who beat them with their fists during their detention at Lusaka Central Police Station, resulting in one sustaining a serious ear injury. The activists were allegedly forced to remove their T-shirts, leaving some, including young women, partially undressed.

[Source: Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights* (London: Amnesty International, 2015), 410–411.]

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2014.

Lack of accountability for past abuses remained a serious problem. The government failed to ensure justice for victims more than five years after the 2008 politically motivated violence in which the ruling Zimbabwe African National Union- Patriotic Front (ZANU-PF), backed by state security forces, committed widespread and systematic abuses that led to the killing of up to 200 people, the beating and torture of 5,000 more, and the displacement of about 36,000 people.

[Source: Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 632.]

See also South Africa.

INTRODUCTION

The twentieth *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists and archaeologists around the globe, as reported by various human rights organizations and other sources. It mainly covers events and developments of 2013 and 2014.

Disclaimer. The fact that NCH presents this news does *not* imply that it shares the views and beliefs of the historians and others mentioned in it.

The complete set of *Annual Reports* (1995–2014) was compiled by Antoon De Baets. Please send any comments to: <antoondebaets@concernedhistorians.org>.

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AFGHANISTAN

Previous *Annual Report* entries: 2000–2013.

Although praised globally as an effective human rights body, the Afghanistan Independent Human Rights Commission (AIHRC) was largely in limbo from December 2011 until June 2013 due to multiple commissioner vacancies that President Hamid Karzai did not fill for 1.5 years. However, after donors set a deadline for filling these positions as part of the follow-up to the 2012 Tokyo Conference, at which donors pledged US\$16 billion in development aid in return for commitments by the Afghan government including support for human rights, Karzai in June 2013 filled all vacant seats, albeit without the consultation with civil society that the 1993 Principles Relating to the Status of National Institutions (Paris Principles) requires. Several of the five new appointees had little or no experience in human rights or had expressed overt hostility to the concept of universal human rights. Abdul Rahman Hotak, a former member of the Taliban government, after his appointment publicly criticized the 2009 EVAW Law (Law on the Elimination of Violence against Women). In June 2013, the United Nations High Commissioner for Human Rights Navi Pillay took the unusual step of raising “serious concerns” about the appointments and called for the government “to reconsider the recent appointments and re-open the selection process.” One of the AIHRC’s key achievements in recent years was the completion of an 800-page report, *Conflict Mapping in Afghanistan Since 1978*, that mapped war crimes and crimes against humanity in Afghanistan since the communist era. Completed in December 2011, it would provide a foundation for future steps to prosecute those implicated in past abuses. However, at the end of 2013 there was no planned release date for the report: Karzai blocked the release with the encouragement of international donors including the United States and the United Kingdom, which argued that releasing the report could be destabilizing in the current tense security environment since it likely implicated a number of powerful figures. [See also *NCH Annual Report 2013*.]

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 289–290.]

See also Ukraine.

ALBANIA

Previous *Annual Report* entries: 1996, 2012.

See Serbia / Kosovo.

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2013.

Security forces and armed groups continued to enjoy impunity for atrocities they committed during the civil war (1992–2000).

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 522.]

See also France.

ANGOLA

Previous *Annual Report* entries: 2003, 2009.

ARGENTINA

Previous *Annual Report* entries: 1997–2013.

On 26 November 1977, Laura Estela Carlotto ([1954]–1977), a history student at the Universidad Nacional de La Plata (National University of La Plata) and a member of the Juventud Universitaria Peronista (JUP, Peronist University Youth) was abducted together with her partner Walmir Óscar Montoya and transported to the clandestine prison of La Cacha in La Plata. Walmir was assassinated but Laura, being pregnant, was kept alive. She gave birth to her baby in the Hospital Militar (military hospital) in Buenos Aires on 26 June 1978. On 25 August 1978, she was murdered under the responsibility of General Carlos Guillermo Suárez Masón. Her body was given to her mother, Estela de Carlotto, the same day. On 27 August 1978, she was buried in La Plata. The baby, of Italian-Argentinian nationality, was named Guido (Montoya Carlotto) by the family. He was taken away and adopted by another family, received the name of Ignacio Hurban and became a musician. Uncertain about his origin, he took a DNA test in 2014, which proved his kinship with the Carlotto family. On 5 August 2014, judge María Servini de Cubría informed his grandmother, Estela de Carlotto, who was the president of the Abuelas de Plaza de Mayo (the Grandmothers of the Plaza de Mayo), about the DNA test result. This was the 114th case (out of possibly 500) of a baby stolen during the Dirty War (1976–1983) whose identity could be traced. In December 2000, Suárez Masón (1924–2005) was sentenced *in absentia* to life imprisonment in Italy.

[Sources: “Apareció Guido Carlotto,” *Abuelas Plaza de Mayo Website* (5 August 2014; http://www.abuelas.org.ar/comunicados.php?comunicados=restituciones.php&der1=der1_varios.php&der2=der2_dif.php); “Conocé la historia de Laura, hija de Estela de Carlotto,” *Nuevo diario web* (5 August 2014; <http://www.nuevodiarioweb.com.ar/nota/pais/544666/conoce-historia-laura-hija-estela-carlotto.html>); Corte di assisi di Roma, Italy *versus* Carlos Guillermo Suárez Masón and Others: Judgment and Sentence (<http://www.concernedhistorians.org/le/356.pdf> and <http://www.concernedhistorians.org/le/357.pdf>; 2000); “Laura Estela Carlotto Detenida–Desaparecida en Noviembre 1977” (<http://www.desaparecidos.org/arg/victimas/carlotto>); *NRC Handelsblad* (7 August 2014), 13.]

Several cases of human rights violations committed during Argentina’s military dictatorship (1976–1983) were reopened in 2003 after Congress annulled existing amnesty laws. The Supreme Court subsequently ruled that the amnesty laws were unconstitutional, and federal judges struck down pardons favoring former officials convicted of, or facing trial for, human rights violations. By September 2013, out of 2,316 persons investigated by the courts for crimes against humanity, 416 had been convicted and 35 had been found not guilty, according to the Center of Legal and Social Studies (CELS). There were 11 ongoing oral trials involving multiple victims and suspects. In December 2012, for example, a federal court convicted Jaime Smart, a minister of Buenos Aires province during the dictatorship, for the torture and subsequent death of one individual, and the illegal detention and abuse of 43 others. The first civilian government official convicted for these crimes, Smart was given life imprisonment. The tribunal also convicted 22 security officials for the same abuses, and requested the investigation of a prosecutor, members of the judiciary, and the Catholic Church for their alleged involvement. Given the large number of victims, suspects, and cases, prosecutors and judges faced challenges bringing those responsible to justice while respecting the due process rights of the accused. [Source: Human Rights Watch, *World Report 2014* (Washington 2014), 206–207.]

At the end of 2013, no one had been convicted for the 1994 bombing of the Argentine Israelite Mutual Association (AMIA) in Buenos Aires that killed 85 people and injured over 300. Judicial corruption and political obstruction hindered criminal investigations and prosecutions from the investigation’s outset. Iran, which was suspected of ordering the attack, refused Argentina’s requests for the extradition of former Iranian President Ali Akbar Hashemi-Rafsanjani and seven Iranian officials suspected of participating in the crime. In January 2013, Argentina and Iran signed a memorandum of understanding that created an international commission of jurists with powers to review evidence against Iranians accused by Argentine judicial authorities of being responsible for the bombing, and to interrogate some of the suspects. Legislators from the party of President Cristina Fernández de Kirchner ratified the agreement in February. In Iran, it was ratified by the Council of Ministers, but it

was unclear from the agreement's vague terms whether it could be implemented without Iranian parliamentary approval, or if the Iranians' statements would be admissible as evidence in Argentine criminal proceedings. In September 2013, President Fernández called on Iran to ratify the agreement during her speech before the United Nations General Assembly. A legal challenge to the agreement filed in April by Jewish community leaders before Argentine courts remained pending at the end of 2013.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 206.]

See also Spain, Venezuela.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010.

In April 2014 Armenian National Archive director Amatuni Virabyan announced that the archive would draft a list of the names of victims of the 1915 genocide based on surviving records. According to the International Association of Genocide Scholars, more than a million were exterminated.

[Source: "Armenia Compiles List of 1915-1916 Victims as Anniversary Approaches," *Transitions Online* (http://www.tol.org/client/article/24227-the-baltics-get-a-us-guarantee-poland-speeds-up-missile-defense.html?utm_source=TOL+mailing+list&utm_campaign=8204d5e55e-TOL_newsletter_27_8_2012&utm_medium=email&utm_term=0_35d0a711b5-8204d5e55e-298065710).]

See also Switzerland, Turkey.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009.

In October 2013, researchers Lynnette Silver and Di Elliot declared to the press that many World War II files appeared to have been censored over the past 20 years by the National Archives of Australia (NAA) for privacy reasons. The information withheld included names of collaborators, locations of graves of murdered civilians and details of torture and murder meted out to Australian soldiers. Among them were an investigation filed into the massacre of 160 Australian soldiers at the Tol

Plantation in New Guinea and the files of missing lieutenants Clifford Perske and John Sachs, murdered by the Japanese. NAA Director-General David Fricker denied the claims.

[*Source*: Rory Callinan, “WWII Files on Torture Censored: Researchers,” *Brisbane Times* (12 October 2013).]

On 2 April 2014, the Administrative Appeal Tribunal (AAT) confirmed an earlier decision of the National Archives of Australia (NAA) to deny Clinton Fernandes, a University of New South Wales associate professor in the International and Political Studies Program, access to parts of two Department of Foreign Affairs & Trade (DFAT) files containing Australian diplomatic papers and intelligence about East Timor. In 2012, the NAA had released the files, but denied access to 140 of the 600 pages on the grounds that they could damage Australia’s international relations (with Indonesia) or that they were provided in confidence by another government (the United States). The folders were part of a set of folders dating back to 1946 and entitled “Portuguese Timor—Political—General,” created and maintained by the DFAT in Canberra; specifically, they contained reports about a major Indonesian military offensive against the Fretilin-led resistance across East Timor in late 1981 and early 1982, known as *Operasi Keamanan*. In the operation, the Indonesian army used East Timorese civilians as human shields; it reportedly ended with a massacre of hundreds of people.

[*Sources*: Philip Dorling, “Australia Wins Legal Battle To Suppress Secret Papers on East Timor ‘for Fear of Upsetting Indonesia’,” *Sydney Morning Herald* (3 April 2014; <http://www.smh.com.au/federal-politics/political-news/australia-wins-legal-battle-to-suppress-secret-papers-on-east-timor-for-fear-of-upsetting-indonesia-20140403-zqq73.html>); “Keeping Secret (Some) Australian Government Archives,” *Timor Archives* (no date; <http://timorarchives.wordpress.com/2014/04/16/keeping-oz-archives-secret>).]

See also India.

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009.

See Russia.

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2013.

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012.

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2013.

After the Awami League came to power again in 2009, it established an International Crimes Tribunal (ICT) to try the crimes committed during the 1971 India-Pakistan war leading to the independence of Bangladesh. In 2011–2013, suspects from the Jamaat-e-Islami (the main Islamist party) and the Bangladesh Nationalist Party (BNP), charged with gross crimes for assisting the Pakistani army to commit genocide, were found guilty in controversial trials and received harsh punishments. The trials sparked protests from those who accused the government of pursuing a political vendetta on the one hand and from those who called on Jamaat-e-Islami leaders to face their crimes on the other. In clashes between both groups, more than a hundred people died. [See also *NCH Annual Report 2013*.] [Sources include: Amnesty International, *Report 2012* (London 2012), 75–76; Human Rights Watch, *World Report 2012* (Washington 2012), 297–298, *World Report 2013* (Washington 2013), 280, *World Report 2014* (Washington 2014), 298–300; Human Rights Watch, “Bangladesh: Post-Trial Amendments Taint War Crimes Process: Protesters, Security Forces Should Exercise Restraint” (14 February 2013); Human Rights Watch, “Crackdown on Bloggers, Editors in Bangladesh” (17 April 2013); *Index on Censorship*, 2014, no. 1, 119–122.]

In February 2013, Bangladesh was gripped by large-scale protests, political unrest, and violence after the International Crimes Tribunal (ICT) sentenced a leader of the Jamaat-e-Islami party, Abdul Qader Mollah, to life in prison instead of death for war crimes committed during the independence war of 1971. Hundreds of thousands of people throughout Bangladesh took to the streets in peaceful protests to demand that Mollah be hanged. The situation took a more violent turn after the ICT, on 28 February 2013, sentenced another Jamaat leader, Delwar Hossain Sayedee, to death for war crimes committed during the same war. Following this verdict, Jamaat supporters took to the streets and were responsible for a number of deaths, but the security forces killed many more with often indiscriminate attacks on protesters and bystanders. [See also *NCH Annual Report 2013*.]

At the end of 2013, the International Crimes Tribunal (ICT) had handed down eight convictions, five of which resulted in death sentences. While human rights organizations have long called for fair trials of those responsible, the trials fell short of international human rights standards. In December

2012, the *Economist* published damning evidence of collusion between judges, prosecutors, and the government showing that judges were instructing the prosecution on the conduct of the trials, the questioning of witnesses, and written submissions. The revelations led to the resignation of the ICT's chief judge, but defense motions for retrials were rejected. Although the ICT had the authority to order measures for victim and witness protection, it summarily dismissed credible claims of witness insecurity. In the Delwar Hossain Sayedee case, judges dismissed credible evidence that an important defense witness was abducted from the courthouse gates and did not order an independent investigation into the allegation. Contradictory statements by key prosecution witnesses were not taken into account in several cases, and judges severely limited the number of defense witnesses. The Appellate Division of the Supreme Court reversed the life sentence given to Abdur Qader Mollah and imposed the death penalty after the government pushed through retrospective amendments to the ICT Act, in clear violation of Bangladesh's obligations under article 15 of the International Covenant on Civil and Political Rights (the legality or non-retroactivity principle). The amendment allowed the prosecution to appeal against the life sentence handed down by the trial judges, which the ICT Act had not previously allowed. Human Rights Watch and the *Economist*, journalists and television show guests were issued orders by the ICT to show cause for contempt for critical remarks and reporting on the tribunal. [See also *NCH Annual Report 2013*.]

[Sources: Human Rights Watch, *World Report 2014* (Washington 2014), 298–300; “Trying War Crimes in Bangladesh,” *The Economist* (15 December 2012).]

In April 2013 two former leaders of Al Badr (Al Badar Razakar; an extreme right-wing Islamist militia group) were charged before the ICT with instructing the killing of eighteen intellectuals during the 1971 genocide (which led to the independence of East Pakistan, renamed Bangladesh; see above entries), including the following three historians assassinated on 13 December 1971 (days before the surrender of the Pakistani army):

- Ghyasuddin [Ghiasuddin] Ahmed (1933–1971) an assistant history professor at Dhaka University specialized in European and contemporary world history. During the war of liberation, he supported the cause of the freedom fighters by raising funds for injured freedom fighters and families of the fallen. In September and November 1971, the Pakistani army had twice picked him up for interrogation. On 4 January 1972, his mutilated body was identified in Mirpur area.
- Santosh Chandra Bhattacharya (1915–1971), a senior history lecturer specialized in Sanskrit literature and the ancient history of Bengal and India.
- Abul Khair [Khayer] (1929–1971), an associate history professor at Dhaka University specialized in the history of Indo-Pakistani relations and a supporter of the Bangladesh movement.

On 25 April 2013, Chowdhury Mueen Uddin and Ashrafuzzaman Khan were charged *in absentia* on 16 counts of war crimes before the ICT. According to one of the charges, a gang of five to six armed Al-Badr men led by them “abducted” Ahmed, Bhattacharyya, Khair and five other intellectuals on the university campus, brought them to the Mirpur killing field and killed them. After 16 December, the mutilated bodies were recovered and identified from a Mirpur mass grave. Ahmed was found listed as one of the targets of intellectual killing in a diary recovered from Ashrafuzzaman Khan’s house after independence. Al-Badr was provided with arms and support by the Pakistan army. The intent of the killings was reported as “to cripple the intelligentsia and eliminate the future leaders of the new nation.” 14 December is commemorated as Shaheed Buddhijibi Hatya Dibash (Martyred Intellectuals’ Day). In 1997, Ahmed’s sister Farida Banu, had filed a criminal case in Ramna against Chowdhury Mueen Uddin and Ashrafuzzaman Khan for the killing of her brother and seven others. On 20 August 2002, the investigator ruled that the trial had to be held under the International Crimes (Tribunals) Act of 1973. After formation of the ICT in March 2010, the investigation agency started to probe the alleged crimes of the duo on 25 September 2011 and submitted its report to the prosecution in October 2012.

[Sources: Kalyan Chaudhuri, *Genocide in Bangladesh* (Bombay 1972), 149–150; “Killing of Intellectuals,” *Banglapedia* (http://www.bpedia.org/K_0261.php; 6 November 2013); “1971 Killing of Bengali Intellectuals,” *Wikipedia* (6 November 2013); “Mueen, Ashraf Indicted; Face 11 Charges for Killing Intellectuals in 1971,” *The Daily Star* (<http://www.thedailystar.net/beta2/news/mueen-ashraf-indicted-2/>; 26 June 2013).]

See also Pakistan.

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011, 2013.

In April 2013, police held four environmental activists in preventive custody to stop them from attending a march in Minsk to commemorate the 1986 Chernobyl nuclear disaster. Police severely beat a protester at the peaceful march and detained four journalists who covered it.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 421.]

In the summer of 2007, Pavel Tereshkovich (1958–), a historian and anthropologist at the anthropology department of Belarusian State University, Minsk (1991–2008), was forced to meet a KGB officer and then accused of collaboration with the European Humanities University-in-exile

(EHU) in Vilnius, Lithuania (founded in 1992 in Minsk; reopened in exile since 2005), which he indeed had joined in 2005. He had also refused to press students for early voting in the 2006 presidential elections. The same day, the police accused him of having stolen a mobile phone. After several months of intense psychological pressure on him, his relatives, and his collaborators, he resigned. In March 2008, he became a visiting professor of EHU and academic co-director of the Center for Advanced Studies and Education (CASE) in Lithuania and Belarus. In December 2008, he was appointed dean at the EHU Arts and History Department. He became chairman of EHU's Senate, in which capacity he criticized the EHU board over its appointment of top personnel in a conflict that had started in late 2012. On 5 February 2014, his contract as a professor was not renewed, a move against which the other Senate members and the EHU students' union protested.

[*Sources*: "Open Letter in Support of Pavel Tereshkovich" (<http://www.change.org/petitions>); Matthew Reisz, "No Imminent Return for Free Thinkers of Exiled Institution," *Times Higher Education* (7 February 2013); Scholars at Risk, *Summary Report of 2008 SAR/EHU Meeting & Symposium in Vilnius, Lithuania* (1 October 2008), 10; Pavel Tereshkovich, personal information (June & December 2008; 23 February 2014).]

In the summer of 2013, the History Department of Janka-Kupala State University (founded in 1954) ceased to exist as an independent entity. [See also *NCH Annual Report 2013*.]

[*Source*: Uladzimir Matskevich, "Belarus: Academic Freedom Persecuted" (29 November 2013; <http://www.indexonensorship.org/2013/11/belarus-academic-freedom-persecuted>).]

On 29 October 2013, Day of Remembrance of the Victims of Political Repressions, several journalists—including Natallia Valakida, Siarhei Krauchuk, Natallia Benitsevich, Dzianis Nosau and Aliaksandr Korsakau—were among a group of 20 persons detained by the police in Minsk while covering the Mourning Marathon, an unofficial event to commemorate victims of the repression under Stalin. The Mourning Marathon started from the Kalvaryja cemetery and followed a route of places of mass killings and burials of the victims. After a one-hour-and-a-half search and interrogation at the district police department, the detainees were released. On the Day of Remembrance of the Victims of Political Repressions, 29 October, more than 100 intellectuals were executed in Minsk NKVD prison in 1937.

[*Source*: Belarusian Association of Journalists, "Journalists Detained on the Day of Commemorating Victims of Stalinist Repressions" (<http://baj.by/en/node/22701>; 29 October 2013).]

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012.

BELIZE

Previous *Annual Report* entries: —.

Around 10 May 2013, a construction company seeking gravel for road filler leveled the Noh Mul temple, located in northern Belize, estimated to be 2,300 years old and one of Belize's largest Mayan pyramids. The complex was located on private land, but under Belizean law any pre-Hispanic ruins came under government protection. Bulldozing Maya mounds was called an endemic problem in Belize. Prosecutors were considering bringing criminal charges against the company.

[*Sources: BBC News* (14 & 15 May 2013); *Keesings historisch archief* (2013), 341.]

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2013.

Bolivia made little progress investigating and prosecuting human rights violations committed under authoritarian governments between 1964 and 1982. A contributing factor was the unwillingness of the armed forces to provide information that might clarify the fate or whereabouts of people killed or disappeared during this period. Plans to create a truth commission announced by the Evo Morales administration in 2008 did not materialize. Bolivia also failed to fulfill commitments to compensate victims of political violence during that period. A 2004 law budgeted US\$3.6 million in government funds for this purpose, which would only cover about 20 percent of the proposed costs. The remaining funds were to be obtained from private donors, but were never raised. In April 2012, Congress passed a law announcing one-off payments equivalent to roughly 20 percent of the compensation amounts approved in 2004. As of December 2012, 1,418 of the 1,714 approved beneficiaries had received one of these reduced payments, according to the government. Many additional potential beneficiaries said they were rejected due to overly stringent documentary evidence required by the government commission appointed to review claims.

[*Source: Human Rights Watch, World Report 2014* (Washington 2014), 211.]

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2013.

In February 2013, the new chief state prosecutor publicly committed to expedite some 600 pending war crime investigations and prepare for an increased caseload once the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) expired at the end of 2014. Implementation of the national war crimes strategy was hindered by insufficient capacity and funding, particularly at the local level. In March 2013 the Organization for Security and Co-operation in Europe (OSCE) launched a judicial capacity program that included district and cantonal courts. By November 2013, the War Crimes Chamber of the State Court of Bosnia and Herzegovina had reached verdicts in 25 cases, raising the number of completed cases to 199. The State Prosecutor's Office signed a cooperation agreement on the prosecution of war crimes, crimes against humanity, and genocide with its counterparts in Serbia and Croatia.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 426.]

In February 2013, the ICTY Appeals Chamber acquitted Momčilo Perišić, wartime chief of the General Staff of the Yugoslav Army, who had been convicted to 27 years in prison for aiding and abetting crimes against humanity and violations of the laws or customs of war. The Appeals Chamber found that the criterion of specific direction as an element of aiding and abetting liability was not proven beyond reasonable doubt. The ICTY trial of Bosnian Serb wartime General Ratko Mladić, charged with genocide, war crimes, and crimes against humanity—including the murder of at least 7,000 men and boys from Srebrenica in July 1995—continued, subject to repeated interruptions due to Mladić's ill-health. In the case of Bosnian Serb wartime president Radovan Karadžić, on trial at the ICTY for many of the same crimes as Mladić, a charge of genocide in seven Bosnian municipalities was reinstated in July 2013 by the ICTY Appeals Chamber, after being dropped in 2012 on the grounds of insufficient evidence. On 3 September 2013, Karadžić sought to have the decision overturned.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 426–427.]

In June 2013, the United Nations Human Rights Committee found several violations of the International Covenant on Civil and Political Rights in the case of five individuals who were tortured and then forcibly disappeared in 1992, marking the first time Bosnia and Herzegovina was held accountable for forced disappearances during the war (1992–1995). In July 2013, the European Court of Human Rights ruled that the application of the 2003 criminal code in two war crimes cases at the State Court of Bosnia and Herzegovina violated the right to protection from retroactive criminal law

under article 7 of the European Convention on Human Rights. In response, in October and November the State Court ordered the retrial of 12 convicted war criminals, including six involved in the 1995 Srebrenica massacre, and their release from custody pending retrial.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 427, 429.]

In September 2013, the Dutch Supreme Court found the Netherlands responsible for the death of three Bosnian Muslims during the 1995 Srebrenica genocide because Dutch peacekeepers had sent the men away from the United Nations (UN) compound. The decision was the first to hold a government liable for events occurring under a UN mandate, highlighting that principles of accountability also applied to peacekeeping missions.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 429.]

On 23 January 2014, the Bosnian Serb municipal authorities of Višegrad, backed up by police, entered the Straziste Muslim cemetery to remove the word “genocide” from a memorial to Bosniak war victims. The Bosnian Serb mayor, Slaviša Mišković, described it as an illegally erected monument and told the press that the word was offensive to local people because there “was no proof or verdict about genocide in Višegrad.” The wording on the memorial now reads: “To all killed and missing Bosniak men, women and child victims... in Višegrad.” The authorities previously attempted to remove the word from the memorial in December 2013, but this was postponed after protests by Bosniaks. One Bosniak war victim, Bakira Hasečić, said that the authorities defaced the memorial and added that the families of Bosniak victims used red lipstick to reinstate the word genocide on the memorial. So far, the International Criminal Tribunal for the Former Yugoslavia did not pass a genocide verdict for Višegrad, but several Bosnian Serbs were found guilty of crimes against humanity in the town during the 1992–1995 conflict.

[Source: Denis Dzidic, “Bosnian Serbs Delete ‘Genocide’ From Visegrad Memorial,” *Balkan Insight* (23 January 2014; <http://www.balkaninsight.com/en/article/visegrad-authorities-remove-genocide-from-monument>).]

On 7 February 2014, during large anti-government protests, a fire at the state archives of Bosnia and Herzegovina in Sarajevo destroyed mostly documents from 1878 to 1918 (when Bosnia was part of the Austro-Hungarian empire), but also material from the Ottoman period (1384–1878) and documents from the war crimes commission after World War II. Archive director Adamir Jerković condemned it as an “act of vandalism.”

[Source: Philip Oltermann, “Bosnia-Herzegovina Fire Feared to Have Destroyed Ottoman Archives,” (<http://www.theguardian.com/world/2014/feb/09/bosnia-herzegovina-fire-ottoman-archives>; 9 February 2014).]

See also Serbia / Kosovo.

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2013.

Article 20 of the civil code, reformed in 2002, made it mandatory for biographical films and books to have prior authorization from the subject of the work before public release, which caused many authors to practice self-censorship. Several defamation cases took place as a result of the publication of unauthorized biographies, such as in the case of the relatives of footballer Manuel Francisco dos Santos Manuel Francisco dos Santos [“Garrincha”] (1933–1983) against journalist Ruy Castro in 1995 (before the reform); or the case of singer Roberto Carlos against historian and journalist Paulo César de Araújo in 2007 (after the reform; see below). *Di Glauber*, a highly acclaimed film from 1979 about the life of painter Di Cavalcanti was banned for 34 years for violating article 20. Family members also put a stop to already written biographies about football player Pelé, singer Vinicius de Moraes and gaúcho actor and singer Teixeirinha (the latter’s biography was written by journalist Daniel Feix). Legislative attempts to have the clause repealed failed in 2011–2013. In July 2012, the Associação Nacional dos Editores de Livros (ANEL; National Association of Book Publishers) filed a petition with the Federal Supreme Court to have the clause declared unconstitutional, arguing that it generated censorship. In April 2014, the Chamber of Deputies passed bill 393/2011 (the so called “biographies’ law”), allowing the disclosure of biographical information without prior authorization. A last-minute amendment was added, however, establishing that “the persons who [felt] affected in their honor, good reputation or respectability” could request the section offensive to them to be excluded in future reproductions of the work. If approved by the senate, the law would go to President Dilma Rousseff for approval and enter into force. The Order of Lawyers of Brazil, the Brazilian Historical and Geographical Institute, the Brazilian Academy of Letters and Article 19 Brazil all supported eliminating censorship of unauthorized biographies.

[*Sources: Index on Censorship*, 2013, no. 3, 133–135; Simone Marques, “Brazil’s Banned Biographies: When Public Figures Want to Control the Message,” *Index on Censorship* (16 July 2014; https://www.ifex.org/brazil/2014/07/16/banned_biographies/?utm_source=whatcounts&utm_medium=email&utm_campaign=itw_16july2014).]

In February 2007, *Roberto Carlos em detalhes* (Planeta publishers, 2006), a best-selling unauthorized biography of the popular singer Roberto Carlos, written by historian and journalist Paulo César de Araújo after a decade of research, was banned because it contained sensitive passages about the

singer's relationships with women. During the trial, judge Maurício Chaves de Lima ruled that Carlos's reputation was harmed and his privacy invaded and that the book could only be published with the singer's previous agreement. The publisher was also requested to take back copies of the book already distributed to bookshops (47,000 copies were sold already). On the other hand, Carlos's request for an indemnity and the accusation of wrongdoing against his honor were withdrawn. On 15 May 2014, Carlos filed a petition to the Supreme Court to take part in the process of discussing publication of unauthorized biographies. He created the Instituto Amigo, to participate in the case as an *amicus curiae*. (See the entry above.) Meanwhile, Araújo wrote another book about Carlos, *O Réu e o Rei* (The Accused and the King). Launched on 22 May 2014, it discussed the lawsuit and contained new information on the singer. In the past, Carlos had also banned publication of a Master's degree thesis on *Jovem Guarda*, the musical movement in which he participated in the mid-1960s. In the 1980s, he had also obstructed the publication of magazine articles about him.

[Sources: Patrícia Araújo, "Editora aceita recolher livro de Roberto Carlos, que desiste de indenização," *Notícias da Globo* (7 April 2007); Pedro Caldas, personal communication (26 December 2010); *Index on Censorship*, 2013, no. 3, 133–135; Simone Marques, "Brazil's Banned Biographies: When Public Figures Want to Control the Message," *Index on Censorship* (16 July 2014; https://www.ifex.org/brazil/2014/07/16/banned_biographies/?utm_source=whatcounts&utm_medium=email&utm_campaign=itw_16july2014).]

In May 2012, a national truth commission began investigating the systematic human rights violations that occurred during military rule (1964–1985), which included extrajudicial killings, forced disappearances, torture, arbitrary detention, and the curtailment of free expression. The perpetrators of these crimes had been shielded from justice by a 1979 amnesty law. In April 2010, the Brazilian Supreme Court reaffirmed the interpretation of lower courts that the amnesty barred most prosecutions of state agents for these cases. However, six months later, the Inter-American Court of Human Rights ruled that this interpretation violated Brazil's obligations under international law, and that the amnesty should not be an obstacle to prosecuting serious human rights violations committed under military rule.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 221.]

On 28 May 2013, historian Dulce Pandolfi (1949–) testified before the Rio de Janeiro branch of the National Truth Commission about her torture in 1970–1971. In 1968, Pandolfi, then a politically active student of social sciences at the Federal University of Pernambuco, Recife, joined the Ação Libertadora Nacional (ALN), a left-wing armed organization. In 1970 she was persecuted and fled to Rio de Janeiro, where on 20 August 1970, she was arrested. During her detention at the Destacamento de Operações de Informações–Centro de Operações de Defesa Interna (DOI-CODI; Department of

Information Operations–Center for Internal Defense Operations) in Rio, she was tortured for more than three months. In December 1970, she was transferred to Talavera Bruce prison, where she stayed for almost six months. Then she was transferred to a prison in Recife, where she was conditionally released on 14 December 1971. She became a historian specialized in Brazilian political history and political sociology. She was a researcher of the CPDOC (Centro de Pesquisa e Documentação de História Contemporânea do Brasil of the Fundação Getúlio Vargas) from 1978 to 2013. On 6 September 2013, the CPDOC director summarily dismissed her because she did not submit a report of her recent activities as she was to reach the retirement age a few months later.

[*Sources*: “Abaixo-assinado Carta de Solidariedade a Dulce Pandolfi e outros pesquisadores do CPDOC-FGV” (<http://www.peticaopublica.com.br/?pi=P2013N43949>; 6 September 2013); Dulce Pandolfi, “Íntegra do depoimento da historiadora Dulce Pandolfi à Comissão Estadual da Verdade do Rio de Janeiro” (30 May 2013; <http://racismoambiental.net.br/2013/05/integra-do-depoimento-da-historiadora-dulce-pandolfi-a-comissao-estadual-da-verdade-do-rio-de-janeiro/>).]

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012.

In [August 2013], the government dismissed Martin Ivanov, director of the State Archives since 2011, and appointed Ivan Komitski, a retired official from the State Agency for National Security, in his place. In an open letter sent to Prime Minister Plamen Oresharski, 56 academics protested the reshuffle. Ivanov had started the digitization of records and uploaded Politburo files on to the internet as well as the police files of communist dictator Todor Zhivkov (1911–1998) and others. As an employee of the interior ministry archives service in 1990, Komitski had helped carry out orders to destroy the files from the communist-era secret State Security Service (DS; Darzhavna Sigurnost).

[*Source*: “Bulgarian Historians Protest State Archives Reshuffle,” *Sofia Globe* (<http://sofiaglobe.com/2013/09/02/bulgarian-historians-protest-state-archives-reshuffle>; 2 September 2013).]

In October 2013, the Bulgarian Socialist Party (BSP) and nationalist party Ataka submitted amendments to the Dossier Act so as to prevent the disclosure of DS records proving the collaboration with the DS of persons who had held senior positions in the civil and military intelligence services since 1991. The amendment aimed at restoring the provision preserving the DS records from disclosure by the Dossier Commission (the body established in 2006 to publicly disclose former DS members holding positions of influence), which had been revoked in late 2012 by the center-right

GERB (Citizens for European Development of Bulgaria) government (2009–2013). In March 2013, the Dossier Commission had uncovered a first set of names, among which the name of the current head of the National Intelligence Service, Dragomir Dimitrov. The military and civil intelligence services did not yet submit their full archives to the Dossier Commission. The BSP reportedly also had plans to move the Dossier Commission under the aegis of the State Archives (see entry above). On 1 February 2014, the Day of Recognition and Honoring of the Victims of the Communist Regime, President Rosen Plevneliev (GERB) called for full disclosure of the DS records and their transfer to the State Archives.

[*Sources*: “Bulgaria President Urges Opening of Communist-Era State Security Files,” *Novinite.com* (<http://www.novinite.com/articles/157791/Bulgaria+President+Urges+Opening+of+Communist-Era+State+Security+Files>); “Bulgaria to Reintroduce Ban on Disclosure of Communist-Era State Security Files of Senior Intelligence Officers,” *Sofia Globe* (6 October 2013); “Bulgarian Socialist Party MPs Mulling Moves to Muzzle Dossier Commission—Reports,” *Sofia Globe* (20 October 2013).]

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005, 2013.

See Guinea.

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2013.

In late 2013, parliament had not yet adopted a draft law establishing a Truth and Reconciliation Commission to cover crimes committed since 1962, despite assurances by President Pierre Nkurunziza that the commission would be established by the end of 2012. The draft law did not provide for the establishment of a special tribunal to prosecute those accused of the most serious offenses. On 17 April 2014, the ruling CNDD-FDD (Conseil national pour la défense de la démocratie–Forces pour la défense de la démocratie; National Council for the Defense of Democracy–Forces for the Defense of Democracy) party voted to launch the commission and let Nkurunziza select its members. Opposition parties said that this would shield the CNDD-FDD from accountability for past crimes.

[*Sources*: Human Rights Watch, *World Report 2014* (Washington 2014), 88; Patrick Nduwimana, “Burundi Creates Reconciliation Body that Divides Public Opinion,” (18 April 2014; <http://www.reuters.com/article/2014/04/18/us-burundi-politics-idUSBREA3H0E020140418>).]

CAMBODIA

Previous *Annual Report* entries: 1999–2013.

The United Nations-assisted Extraordinary Chambers in the Courts of Cambodia (ECCC) continued to suffer the long-term effects of government obstruction of, and non-cooperation with efforts to bring leaders of the Khmer Rouge to justice for genocide, crimes against humanity, and war crimes committed during their rule from 1975 to 1979. The ECCC had fully tried and convicted only one person since it was established in 2006, the head of the Tuol Sleng torture center, Deuch. It was currently trying two Khmer Rouge senior leaders, Nuon Chea and Khieu Samphan, both elderly and in ill-health, and only for a few of the crimes for which the ECCC originally indicted them in 2010. Another ECCC indictee, Leng Sary, died on 14 March 2013. Government non-cooperation slowed United Nations investigations into five other suspects begun in 2006, one of whom died in 2013. Popular interest and support for the ECCC had greatly waned. (On 7 August 2014, Nuon Chea and Khieu Samphan were convicted and sentenced to life imprisonment.)

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 317.]

On 7 June 2013, the National Assembly approved the Law Against Non-recognition of the Crimes Committed during the Democratic Kampuchea. “Non-recognition” included “downplaying,” “denying,” “disputing” or “lauding” the existence of these crimes. This “memory law,” which had still to be approved by the Senate, was first proposed by Prime Minister Hun Sen on 27 May 2013 after the president of the opposition party Cambodian National Rescue Party, Kem Sokha, allegedly claimed that Khmer Rouge atrocities were actually staged in Vietnam—an allegation the latter denied. The law was seen as a tool of the government to curb political opposition and thwart historical research contradicting official views. It was criticized for criminalizing the broad range of expressions considered as “public non-recognition of the crimes committed during the Democratic Kampuchea period” and for imposing a harsh regime of penalties.

[*Source*: Article 19, *Cambodia: Law Against Non-Recognition of the Crimes Committed during Democratic Kampuchea: Legal Analysis* (<http://www.concernedhistorians.org/to/318.pdf>; June 2013).]

See also Thailand.

CAMEROON

Previous *Annual Report* entries: 2010, 2012–2013.

Sometime between 23 and 24 March 2013, unidentified men abducted filmmaker Richard Fouofie Djimeli from his home. On 3 April 2013, he was found alive, though one of his fingers was amputated. The director and actors from his film *139...Les derniers prédateurs* (139...The Last Predators) received death threats weeks before the film's launch. The film, about a 139-year-old totalitarian regime in an imaginary country named Chimpanz, satirized Paul Biya's regime, which had held power in Cameroon since 1982.

[Source: Article 19, *Artistic Censorship Report: Filmmaker Abducted, Street Artists Fined* (http://www.ifex.org/international/2013/05/14/artistic_censorship; 14 May 2013).]

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012–2013.

In 2008, the government created a Truth and Reconciliation Commission (TRC) to investigate how between the 1870s and 1996 it removed about 150,000 indigenous children from their homes and sent them to church-run schools, where many suffered physical and sexual abuse and about 4,100 died. Its mandate included to hold public hearings where victims could tell their stories, collect records and establish a National Research Centre. The TRC sued the government of Prime Minister Stephen Harper because it transferred only part of the relevant material available in the Library and Archives Canada. On 30 January 2013, the court ordered the government to provide millions of school-related documents to the TRC. In early 2014, no steps were taken for the transfer, which imperiled the submission of the TRC report by June 2015.

In 2013, the federal government apologized for the residential school system of the 1800s and 1900s. Approximately 150,000 indigenous children had been removed from their families and communities and placed in the schools, where they had been forbidden to speak their own languages or practice their culture. Many had also suffered physical and sexual abuse. In 2013, information surfaced indicating that some children in residential schools in the 1940s and 1950s had been subjected to medical experimentation.

[Sources: Human Rights Watch, *World Report 2014* (Washington 2014), 639–640; Mark Kennedy (Postmedia News), “Documents Delay Hampers Truth, Reconciliation Process: Residential Schools Scandal; Approval Hasn’t Been Granted for Estimated \$14-Million Retrieval Job,” *Montreal Gazette*

(<http://www.montrealgazette.com/news/Documents+delay+hampers+truth+reconciliation+process/9479485/story.html>; 7 February 2014).]

On 9 March 2014, historian Veronica Strong-Boag claimed that she was censored by the Canadian Museum for Human Rights in Winnipeg after her blog post on International Women's Day she was invited to write was first posted and then removed from the museum's website. The museum said that the blog post was politicized as it criticized the conservative's government "anti-woman" record rather than giving personal experiences. Strong-Boag posted her article on the website ActiveHistory.ca instead.

[Source: "Female Historian Says Human Rights Museum Censored Her," *CBC News*

(<http://www.cbc.ca/news/canada/manitoba/female-historian-says-human-rights-museum-censored-her-1.2565885>; 9 March 2014).]

See also India, Rwanda.

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012.

The Central African Republic first accepted the jurisdiction of the International Criminal Court (ICC) in 2001, when it became a state party to the Rome Statute. On 22 December 2004, the government went one step further and referred the situation in the country to the ICC prosecutor, after a Bangui court of appeals ruled that domestic courts were unable to prosecute grave international crimes effectively. In 2007, the ICC opened an investigation into crimes committed during the 2002–2003 civil war. The investigation led so far to only one case, that of Jean-Pierre Bemba Gombo, a Congolese national and former vice-president of the Democratic Republic Congo. Bemba and his Mouvement pour la Libération du Congo (Movement for Liberation of Congo) forces were invited to the Central African Republic in 2002 by then-President Ange-Félix Patassé to support resistance of a coup attempt by François Bozizé. Bemba was currently on trial at the ICC for war crimes and crimes against humanity. ICC Prosecutor Fatou Bensouda continued to monitor developments in the country and indicated that she might exercise jurisdiction over more recent crimes. She issued public statements on 22 April and 7 August 2013, warning those responsible for recent abuses that their crimes may fall under the ICC's jurisdiction and that her office would investigate and prosecute those most responsible for committing serious crimes "if necessary."

On 22 May 2013, a presidential decree established a national commission of inquiry to investigate

human rights violations committed since 2002 and to identify the persons most responsible for these crimes. The commission, comprising judges, human rights defenders, and police officers, was also tasked with identifying individual victims and assessing levels of damage for eventual compensation. The commission was initially incapable of doing its work due to a lack of funding, but in September 2013 it received technical assistance and vehicles from the government to conduct investigations. Some civil society actors questioned the ability of a national commission to achieve results and called for the establishment of an international commission of inquiry.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 92, 94.]

CHAD

Previous *Annual Report* entries: 2000–2012.

CHILE

Previous *Annual Report* entries: 1998–2013.

In an interview prior to the 40th anniversary of the 11 September 1973 military coup, President Sebastián Piñera acknowledged civilian complicity in abuses under the dictatorship of General Augusto Pinochet (1973–1990), stating that “there are many who were passive accomplices [of human rights violations], who knew and did nothing, or did not want to know.” The National Association of Magistrates of the Judiciary made an apology for the action of its members under the military regime. The chief justice publicly acknowledged that the Supreme Court failed during the dictatorship to act against human rights violations and to protect victims. In September 2013, he announced that the appellate judges in Santiago who were responsible for trying perpetrators of abuses committed during the dictatorship would be ordered to dedicate themselves exclusively to these cases.

The chief justice had stated in March 2013 that 1,104 cases of human rights violations were under adjudication by the courts. According to the human rights program of the Ministry of the Interior, a party to 837 of these cases, as of September 2013 courts had convicted 355 perpetrators, 262 of whom had received a final sentence. Sixteen of those convicted had held the rank of general in the armed forces or police and 39 had been colonels before retirement. Sixty-six were serving sentences in prison. Nevertheless, as of July 2013, only 33 cases of torture—a systematic practice under Augusto Pinochet’s dictatorial regime—were under adjudication, according to the Human Rights Observatory

of Diego Portales University, which monitored the progress of trials for dictatorship-era abuses. In many cases, the Supreme Court used its discretionary powers to issue lenient sentences against officials who committed serious human rights abuses by arguing that significant time had elapsed since the criminal act. In other cases, the court commuted the sentences of others previously convicted for such crimes. These practices raised concerns about Chile's fulfillment of its obligation to hold accountable perpetrators of crimes against humanity by imposing appropriate punishments or sanctions.

[Sources: *BBC News* (4 September 2013); Human Rights Watch, *World Report 2014* (Washington 2014), 226–227.]

CHINA

Previous *Annual Report* entries: 1995–2013.

According to many historians, China had gradually restricted scholarly access to its historical archives—including the Chinese Communist Party [CCP] archives, the Second Historical Archives of China in Nanjing (collecting official archives from the Republic of China period [1912–1949]), and the foreign ministry archives) since January 2013 with the excuse of having to digitize them. Some believed that the restrictions were related to heightened sensitivity over historical claims in the East China Sea: an article in a Japanese newspaper in December 2012 had quoted a 1950s document from the Chinese foreign ministry archives which apparently used the Japanese name Senkaku for the Diaoyu Islands, appearing to undermine China's historical claims. Others thought that it was due to control of the historical image of the CCP and to less tolerance for criticism of Mao Zedong's conduct.

[Source: Yojana Sharma, "China Restricts Academic Access to Historical Archives," *University World News* (<http://www.universityworldnews.com/article.php?story=20140311231740373>; 14 March 2014).]

2012 films like *Argo* (a film on the 1979 hostage crisis in Iran, see *NCH Annual Report 2013*) and *Zero Dark Thirty* (A chronicle of the hunt for al-Qaeda leader Osama bin Laden) were banned, the former because China maintained good relations with Iran, the latter because it was against the war in Iraq.

[Source: *NRC Handelsblad* (16 October 2013), C3.]

On 13 May 2013, the General Office of the Central Committee of the Chinese Communist Party

(CCP) issued a secret memorandum, “Concerning the Situation in the Ideological Sphere” (sometimes called Document no. 9), inspired by CCP Secretary-General Xi Jinping and presenting a “Seven Speak-Not” policy in the wake of, inter alia, the confrontation at the *Southern Weekly* [see *NCH Annual Report 2013*]. It banned teaching or discussing seven topics at universities, including “historical mistakes by the Communist Party” (such as the Cultural Revolution of 1966–1976 or the 1989 Tiananmen Square massacre). Other topics were Western constitutional democracy, universal values of human rights, freedom of the press, civil society, the privileged capitalist class, and judicial independence. While not overtly enforced, the topics created a chilling effect on campuses. The memo was also seen as an attempt to defend the legacy of Mao Zedong. [See also *NCH Annual Report 2013*.]

[Sources: Chris Buckley, “China Takes Aim at Western Ideas,” *New York Times* (19 August 2013; http://www.nytimes.com/2013/08/20/world/asia/chinas-new-leadership-takes-hard-line-in-secret-memo.html?pagewanted=all&_r=2&); Oiwan Lam, “Chinese Government Bans Seven ‘Speak-Not’ Subjects,” *Global Voices* (<http://globalvoicesonline.org/2013/05/16/chinese-government-bans-seven-speak-not-school-subjects>; 16 May 2013); Nozomu Hayashi, “Chinese Authorities Ban Human Rights, Political Discussions at Universities,” *Asahi Shimbun* (<http://ajw.asahi.com/article/asia/china/AJ201305120046>; 12 May 2013); Yojana Sharma, “Crackdown on Academics in Ideology Campaign,” *University World News* (30 August 2013).]

In June 2013, Xia Yeliang, an economics professor at Beijing University since 2000 and one of the first *Charter '08* signatories, was told by a CCP official that he would face a faculty vote on whether he would be dismissed. No reason was mentioned but most thought it was linked to his liberal political views and his outspoken criticism of the government. Since 2009, he had made a series of remarks in favor of free speech and constitutional governance. In 2009 he had written an open letter to Liu Yunshan, the then director of the CCP propaganda department (and since 2012 a member of the Politburo Standing Committee), calling for an end to state censorship. The state-run *Global Times* newspaper published an editorial stating that Xia had failed to pass a teaching evaluation and that his liberal beliefs were “in conflict with mainstream values.” A visiting scholar at Stanford University in California, where he taught classes in American economic history and institutional economics, Xia said that he wanted to return to Beijing to fight the expulsion. In September 2013, more than hundred faculty members at Wellesley College, United States, urged Beijing University in an open letter not to expel Xia. In October 2013, Beijing University School of Economics voted to terminate Xia’s contract on 31 January 2014 in a 30–3 vote, with one abstention, officially for “poor teaching.” [See also *NCH Annual Report 2013*.]

[Sources: Patrick Boehler, “Liberal Peking University Professor Threatened with Expulsion,” *South China Morning Post* (8 July 2013); Ian Wilhelm, “Peking U. Fires Scholar, Threatening Academic

Freedom and Wellesley Ties,” *Chronicle of Higher Education* (18 October 2013); Amy Li, “Don’t Expel Liberal Professor, US Academics Urge Peking University,” *South China Morning Post* (12 September 2013); “Professor Says He May Be Fired in Political Crackdown,” *Chronicle of Higher Education* (14 September 2013); *South China Morning Post* (23 October 2013).]

In July 2013, Zhu Jianrong ([1957–]), a Chinese professor of international relations and history based at Toyo Gakuen University in Tokyo, was detained in Shanghai. He was released on 17 January 2014. He was questioned for months about materials he had gathered as a researcher of modern history and his role in promoting Japanese-Chinese relations (he was the chairman of the Society of Chinese Professors in Japan).

[Sources: “Chinese Scholar Detained in Home Country Returns to Japan,” *Asahi Shimbun* (1 March 2014; http://ajw.asahi.com/article/behind_news/social_affairs/AJ201403010029); Jane Perlez, “China Is Said to Be Holding a Professor Based in Japan,” *New York Times* (1 October 2013; http://www.nytimes.com/2013/10/02/world/asia/china-is-said-to-be-holding-professor-over-his-activities-in-japan.html?_r=2&); Yojana Sharma, “China Restricts Academic Access to Historical Archives,” *University World News* (14 March 2014; <http://www.universityworldnews.com/article.php?story=20140311231740373>).]

On 21 August 2013, the Public Security Ministry announced the detention of Yang Xiuyu, founder of the online promotion company Beijing Erma Interactive Marketing and Planning, employee Qin Zhihui and two others for slanderous Internet postings which questioned the frugality of the model soldier Lei Feng (1940–1962). Lei had been promoted as a model of humility and selflessness for the past four decades (including on a “Learn from Lei Feng” day).

[Source: “Questioning of Lei Feng’s Frugality Leads to Detention,” *Wall Street Journal* (21 August 2013; <http://blogs.wsj.com/chinarealtime/2013/08/21/four-detained-for-questioning-lei-fengs-frugality>).]

On 10 September 2013 (fifteen months before the end of his sentence), freelance journalist and poet Shi Tao ([1975–]) was released. [See *NCH Annual Reports 2005* and *2007*; <http://www.concernedhistorians.org/ca/56.pdf>.]

[Source: PEN, *News Release* (10 September 2013).]

On 26 October 2013, a 12-minute projection sequence depicting historical stages such as the Ming Dynasty (1368–1644), Qing Dynasty (1644–1911), the provisional Republic of China (1937–1940) and the Cultural Revolution (1966–1976), was cut from a production of the Hong Kong Ballet. The Ballet denied that the cuts were political self-censorship.

[Source: Article 19, *Artistic Freedom Report* (19 November 2013).]

On 13 November 2013, the blogs written by liberal historian Zhang Lifan (1950–) and containing critical remarks about the lack of political reform in China, were simultaneously removed from a number of large Chinese portals. In September 2013, a campaign had been initiated to punish the online posting of libelous messages, of which Zhang may have been the first victim. Zhang was educated at the Institute of Modern History of the Chinese Academy of Social Sciences (CASS).

[Sources: Chris Luo, “‘I Am like a Ghost Now,’ Says Censored Outspoken Scholar Zhang Lifan,” *South China Morning Post* (<http://www.scmp.com/news/china-insider/article/1355832/i-am-ghost-now-says-censored-outspoken-scholar-zhang-lifan>; 14 November 2013); *NRC Handelsblad* (13 November 2013); *Wikipedia* (7 December 2013).]

In December 2013, the Archives Action Group criticized Hong Kong’s inadequate arrangements for safeguarding public records in a complaint it submitted to the Ombudsman. It denounced the fact that no archives law existed and that records were destroyed at a massive rate.

[Sources: Don Brech, “Hong Kong’s Colonial Era Records Remain Intact,” *South China Morning Post* (8 December 2013); International Council on Archives Human Rights Working Group, *News of January 2014*, 4; Howard Winn, “Destruction of Archives Is One More Dirty Government Secret,” *South China Morning Post* (16 November 2013).]

In February 2014, Xu Yangsheng, the president of the Shenzhen branch of the Chinese University of Hong Kong to be opened in September 2014, said that academic discussion of the Tiananmen Square crackdown in 1989 would not be taboo. He pledged to defend the academic freedom of the new institution.

[Source: Johnny Tam, “Tiananmen Won’t Be Taboo at New CUHK-Shenzhen Campus, Says President,” *South China Morning Post* (<http://www.scmp.com/news/hong-kong/article/1422223/tiananmen-wont-be-taboo-new-cuhk-shenzhen-campus-says-president>; 7 February 2014).]

On 7 March 2014, the Japan-based Chinese-born historian and political philosopher Wang Ke ([1956–]), a specialist in the history of modern Chinese philosophy at the Graduate School of Intercultural Studies at Kobe University, Japan, was detained by police in Quanzhou, Fujian Province, during a trip to China to conduct interviews among Muslim minorities. He was released on 24 March 2014. In 1996, his book about the Uighur independence movement during the 1930s and 1940s had been awarded the Suntory Prize for Social Sciences and Humanities.

[Sources: “Kobe University Chinese Scholar Goes Missing in China,” *Asahi Shimbun* (22 March

2014; http://ajw.asahi.com/article/behind_news/social_affairs/AJ201403220037); “Wang Ke,” *Scholars At Risk Academic Freedom Monitor Digest* (March-May 2014) (<http://monitoring.academicfreedom.info/reports/2014-03-07-university-kobe>).]

On 3 May 2014, at least 15 people—writers, scholars, activists—held a seminar at a private residence (the “2014 workshop on Beijing’s June 4”) in Beijing to commemorate the upcoming 25th anniversary of the 1989 Tiananmen massacre. In a statement released after the meeting, they called on the Chinese government to launch an official investigation into the events and to compensate the victims. On 4 and 5 May 2014, some of the participants were taken in for questioning by police. Most were released after interrogation, but at least five were criminally detained for “creating a disturbance in a public place, causing serious disorder.” They included university lecturer, political activist and dissident writer Hu Shigen [see *NCH Annual Reports 2008–2009*], Xu Youyu, a noted historian and research fellow of the CASS Institute of Philosophy, dissident blogger Liu Di [see *NCH Annual Reports 2003–2004*], Hao Jian, a professor at the Beijing Film Academy, and civil rights lawyer Pu Zhiqiang, who was one of the students protesting in Tiananmen Square in 1989. All but Pu were released on bail on 5 June 2014.

[*Sources*: International PEN, “China: Renewed Crackdown on Writers and Journalists ahead of 25th anniversary of Tiananmen Protests” (7 May 2014); Yojana Sharma, “25 years after Tiananmen, Scholars Protest Detentions,” *University World News* (23 May 2014; <http://www.universityworldnews.com/article.php?story=20140523131816311>).]

On 15 May 2014, Chow Po-chung, an associate professor at Chinese University’s department of government and public administration, Hong Kong, had his lecture on freedom and social justice at Sun Yat-sen University in Guangzhou canceled a day after he had shared on social media a photograph of a group of students staging a fast during the 1989 protests at Tiananmen Square in Beijing. The photo was deleted from Weibo, but remained on Chow’s Facebook page. On 23 May 2014, the microblog of Kong Qingdong, professor of Chinese studies at Peking University, was blocked, possibly in response to a comment he posted on the 1989 protests. Kong was a neo-Maoist and reportedly a 73rd-generation descendant of Confucius. A student at Peking University in 1989, he had been a member of his school’s organizing committee then. He was able to resume his academic career after the protests were suppressed.

[*Sources*: Austin Ramzy, “Tiananmen Comment Eyed after Professor’s Microblog Vanishes” (26 May 2014; <http://sinosphere.blogs.nytimes.com/2014/05/26/tiananmen-comment-eyed-after-professors-microblog-vanishes/>); Jennifer Ngo, “Academic’s Talk on Freedom Cancelled after Sharing Tiananmen Image Online,” *South China Morning Post* (15 May 2014; <http://www.scmp.com/news/hong-kong/article/1512794/academics-talk-freedom-cancelled-after->

sharing-tiananmen-image-online).]

On 4 June 2014, the 25th anniversary of the Tiananmen Square crackdown on democracy protests, the authorities imposed blanket security in mainland China to prevent attempts to mark the anniversary. On 3 June 2014, United Nations High Commissioner of Human Rights Navi Pillay had called on China to release dozens of activists detained ahead of the anniversary. As in previous years, internet searches related to the Tiananmen massacre were blocked. Some of the relatives of those killed during the massacre were allowed to visit the graves under police guard. In Hong Kong, a large vigil was held on 4 June 2014; it was attended by more than 100,000 mourners. On 26 April 2014, the world's first museum on the 1989 pro-democracy protests, the June 4 Memorial Museum, had opened its doors. By 4 June, it had attracted 7,000 visitors. The museum faced a lawsuit for violating the deeds of the building in which it was housed. Historian Wang Dan [see *NCH Annual Reports 1995–1998, 2000, 2009*] was forbidden entry in Hong Kong.

[Sources: AFP, “Beijing Targets Artists, Students on Tiananmen Anniversary,” *Radio Free Asia* (3 June 2014; <http://www.rfa.org/english/news/china/anniversary-06032014173537.html>); Amnesty International, “China’s Tiananmen Anniversary Blackout” (20 May 2014; <http://livewire.amnesty.org/2014/05/20/chinas-tiananmen-anniversary-blackout/>); “H.K. Turns Away Taiwanese Scholar Heading for June 4 Conference,” *Global Post* (30 May 2014; <http://www.globalpost.com/dispatch/news/kyodo-news-international/140530/hk-turns-away-taiwanese-scholar-heading-june-4-confere>); *NRC Handelsblad* (4 June 2014), 10–11; Marianna Tzabiras, “How the Chinese Are Taking on the Challenge of Talking about Tiananmen 25 Years Later,” *Ifex Alert* (4 June 2014; https://www.ifex.org/china/2014/06/04/tiananmen_anniversary/); “Tiananmen Anniversary Marked at Huge Hong Kong Vigil,” *BBC News* (4 June 2014).]

In July 2014, Elliot Sperling, an American professor of Tibetan history, was denied entry at the airport in Beijing, although he held a one-year visa. Sperling believed that he was being punished for his support of Ilham Tohti, a politically moderate Uighur economics professor under arrest on charges of inciting separatism, but he was not informed why his visa was canceled.

[Source: “Blacklisting Scholars: Editorial,” *New York Times* (17 July 2014).]

On 7 July 2014, authorities in Hangzhou once more detained writer and human rights activist Lu (Lü) Gengsong (1956–) on suspicion of “incitement to subvert state power,” although according to his wife the real reason for his arrest was his advocacy work on behalf of ordinary people with grievances against the Chinese Communist Party. Others thought that his detention could be linked to recent posts he had made online regarding official corruption and to his reports about petitioners in Jiangsu province. Lu had been detained under similar charges in November 2013. He had been under 24-hour

surveillance since February 2014.

A history graduate from Zhejiang University, Hangzhou (1982), Lu taught at the Zhejiang Higher Professional School of Public Security (a police training academy) before being expelled in 1993 because of his pro-democracy activities. He went on to become a freelance writer and he published several books on political reform, including *A History of Corruption in the Community Party of China* (Hong Kong 2000). He was known for his reporting on human rights violations and his political commentaries published on the Internet. He was also an active member of the China Democracy Party (CDP; banned in 1998). He was imprisoned from 2007 until 2011.

[See also *NCH Annual Reports 2008* and *2012*; <http://www.concernedhistorians.org/ca/50.pdf>; <http://www.concernedhistorians.org/ca/50f1.pdf>; <http://www.concernedhistorians.org/ca/56.pdf>.]

[*Source*: Gao Shan & Grace Kei Lai-see, “Veteran Chinese Opposition Activist Held on Subversion Charges,” *Radio Free Asia* (10 July 2014; <http://www.rfa.org/english/news/china/activist-07102014111324.html>).]

See also India, Japan.

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2013.

During 2012, two history professors from the Universidad Pedagógica Nacional (National Pedagogic University), Bogotá, were intimidated by means of leaflets containing death threats anonymously distributed on campus and issued by the paramilitary groups “Águilas Negras” (Black Eagles) and the “Bloque Capital de las Autodefensas.” (Self-defense Bloc from the Capital). They were accused of supporting insurgents and encouraging the radical and violent thought of subversive groups from their professorial chairs. One of them, Renán Vega Cantor, left the country in August 2012, the other, Adolfo Atehortúa, dean of the humanities faculty, stayed. A list with “terrorist” students also circulated. Vega Cantor wrote the four-volume *Gente muy rebelde: Protesta popular y modernización capitalista en Colombia (1909–1929)* (Very Rebellious People: Popular Protest and Capitalist Modernization in Colombia (1909–1929)); Atehortúa wrote *Estado y fuerzas armadas en Colombia: 1886–1953* (1994; State and Army in Colombia: 1886–1953), *El poder y la sangre: Las historias de Trujillo (Valle)* (1995; Power and Blood: The Histories of Trujillo [Valle]) and *Sueños de inclusión: Las violencias en Cali, años 80* (1998; Dreams of Inclusion: Violence in Cali, 1980s).

[*Sources*: César Augusto Duque Sánchez, personal communication (February 2014); “Universidad Pedagógica: en medio de panfletos y amenazas,” *Semana* (29 November 2012);

<http://www.semana.com/nacion/articulo/universidad-pedagogica-medio-panfletos-amenazas/268589-3>.)]

The administration of President Juan Manuel Santos promoted constitutional changes concerning transitional justice and the military justice system that threatened to ensure impunity for egregious abuses by guerrillas, paramilitaries, and the military. In proceedings before the Inter-American Court of Human Rights, the government denied the military's participation in atrocities for which military members had already been convicted in national courts. The Colombian government and Revolutionary Armed Forces of Colombia (FARC) guerrillas had been engaged in peace talks in Cuba since 2012. Colombia's internal armed conflict had taken approximately 220,000 lives since 1958, 81.5 percent of whom were civilians, according to a report published in 2013 by the government-created National Center for Historical Memory.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 230.]

Colombia's internal armed conflict (1958–) continued to result in serious abuses by irregular armed groups in 2013, including guerrillas and successor groups to paramilitaries. More than 5 million Colombians were internally displaced, and upward of 150,000 continue to flee their homes each year, generating the world's second largest population of internally displaced persons (IDPs).

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 230.]

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2013.

In December 2012, the International Criminal Court (ICC) acquitted and released Mathieu Ngudjolo Chui, who had been charged with crimes against humanity and war crimes allegedly committed in northeastern Congo in 2003. The trial of Ngudjolo's co-accused, Germain Katanga, continued. On 18 March 2013, Bosco Ntaganda turned himself in to the United States embassy in Kigali, Rwanda, and was flown to The Hague, where he faced charges of war crimes and crimes against humanity at the International Criminal Court (ICC). Sylvestre Mudacumura, the military commander of the Democratic Forces for the Liberation of Rwanda (FDLR), sought on an arrest warrant from the ICC for war crimes, remained at large in late 2013. The Congolese government issued arrest warrants for several leaders of the M23 rebel group. Government officials stated clearly that they would neither provide an amnesty nor integrate into the army those allegedly responsible for war crimes.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 106–107.]

See also Central African Republic, Rwanda, United States.

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012.

COSTA RICA

Previous *Annual Report* entries: 2010.

CÔTE D'IVOIRE

See Ivory Coast.

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2013.

See Bosnia and Herzegovina, France.

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012.

See Colombia.

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011, 2013.

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010, 2013.

In mid-May 2013, President Miloš Zeman refused to confer the title of professor upon Martin Putna ([1967–]), a literary historian and scholar of the Catholic church at Charles University, Prague, because he disliked the latter's social activism for gay rights. After a wave of criticism from students and academics, Zeman abandoned his opposition. Putna had openly criticized Zeman before his election as president in January 2013.

[*Sources*: Blade, "Czech President in University Row over Gay Rights Activist," *France 24* (<http://www.france24.com/en/20130521-czech-president-university-row-over-gay-rights-activist>; 21 May 2013); Sean Carney, "Czech President Yields to Pressure, Faces Ire of Cardinal," *Wall Street Journal* (22 May 2013); Nick DeSantis, "Yielding to Critics, Czech President Won't Block Professor's Appointment," *Chronicle of Higher Education* (<http://chronicle.com/blogs/ticker/jp/yielding-to-critics-czech-president-wont-block-professors-appointment>; 22 May 2013).]

On or about 31 January 2014, Jiří Fiedler (1935–2014) and his wife Dagmar (1939–2014) were murdered in their apartment in Prague. A non-Jewish translator and copy editor at Albatros (a publisher of children's literature), Fiedler documented the local heritage and history of Jews in the Czech lands. From the 1970s onward, he worked mostly alone, unpaid and anonymous in his spare time. His work aroused the suspicion of the authorities, and he was regularly called in by the secret police. Fiedler repeatedly tried to gain access to the archive of the Jewish Museum in Prague, but it was closely watched by the secret police. Academics researching Jews in Renaissance Prague were able to do their work, but applications by individuals researching more recent history were closely tracked and reported. In 1996, Fiedler became a research director at the Jewish Museum in Prague (1996–2012). He published *Židovské památky v Čechách a na Moravě* (1992; Jewish Sights of Bohemia and Moravia) and worked on an electronic "Encyclopedia of Jewish Communities in the Czech Republic." The dead bodies were not discovered until two weeks after the murder. The apartment was not forced open and nothing was stolen. The police had no suspect and no motive. An announcement posted on the website of the Jewish Museum of Prague read: "The circumstances of his death have not yet been fully clarified." The funeral was held on 3 March 2014.

[*Sources*: Helen Epstein, "Eulogy for a Source," *New York Times* (8 March 2014; http://www.nytimes.com/2014/03/09/opinion/sunday/eulogy-for-a-source.html?_r=1); "Jiří Fiedler (1935–2014)," <http://www.jewishmuseum.cz/aindex.php>; JTA, "Murder of Jiri Fielder, Researcher of Jewish Heritage, Being Probed in Prague" (9 March 2014;

opinion/world/murder-of-jiri-fielder-jewish-heritage-researcher-being-probed-in-prague).]

See also Russia, Slovakia.

DENMARK

Previous *Annual Report* entries: 2006–2007, 2013.

See Rwanda.

DJIBOUTI

Previous *Annual Report* entries: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: 2013.

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2013.

Efforts to hold accountable those responsible for human rights violations committed by governments from 1984 to 2008 made significant progress in 2013. In 2010, a special prosecutorial unit was formed to investigate 118 cases involving 456 victims (including 68 victims of extrajudicial execution and 17 of enforced disappearance), which had been documented by a truth commission created by the administration of President Rafael Correa. In 2012, the number of cases under investigation rose to 138. In October 2013, two former government defense ministers and eight retired military and police officers were charged with enforced disappearance and torture in connection with the illegal arrest in 1985 and torture of three people linked to a guerrilla group. As of October 2013, work by a human rights investigative unit attached to the Attorney General's Office had led to charges being filed against 36 government agents in three other cases from the period covered by the truth commission report.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 246.]

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2013.

In February 2012, a court in Assiut (Upper Egypt) sentenced Makarem Diab, a Christian school teacher, to six years' imprisonment on charges of defaming Islam brought by Islamist colleagues who accused him of mocking the Prophet Mohammed.

In late September 2012, Nevine Gad, a Coptic social studies teacher at a preparatory school in Manfalout, Assiut province, was suspended from teaching, arrested and charged with contempt of religion and insulting the Prophet Mohammed after a pupil, the latter's Salafist father and some colleagues complained about one of her lessons on Islamic history (taught on 26 September 2012) with a section on Mohammed's life. On 3 October 2012, she was released and reinstated because of lack of evidence. All charges were dropped.

[Sources: Sherry El-Gergawi, "Saga of Coptic teacher 'maliciously' accused of insulting Islam ends," *Ahram Online* (<http://english.ahram.org/News/54832.aspx>; 5 October 2012); Global Coalition to Protect Education from Attack, *Education under Attack 2014* (New York 2014), 135.]

There was no effort to account for the crimes of the Hosni Mubarak era (1981–2011) or those killed

by the police and military during and after the January–February 2011 uprising. In January 2013, President Mohamed Morsy received a report by a fact-finding committee he had set up on police and military abuses against protesters, but refused to make its findings or recommendations public. The interim government that took power after the 3 July 2013 coup established a Ministry for Transitional Justice but it took no steps towards accountability. The government failed to set up a fact-finding committee to look into the mass killing of protesters, despite Interim President Adly Mansour's 8 July 2013 promise to do so.

In a rare case of police accountability, a court in March 2013 sentenced one officer to three years imprisonment for shooting protesters during the protests in Mohamed Mahmoud Street in Cairo in November 2011. Only 5 of the 38 trials of middle and low-ranking police officers accused of killing protesters in January 2011 resulted in prison sentences. Two of them were suspended, so that only two officers served actual prison time. In January 2013, the Court of Cassation overturned the conviction of former president Hosni Mubarak. His retrial opened in May and was ongoing at the end of 2013.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 533–534.]

In 2013, in a very controversial move, Iman Ezzeldin, director of the National Library, and Abdel-Wahed, Sabry El-Daly and Nevine, employees of the Egyptian National Archives (ENA), were dismissed on accusations of corruption. The new ENA director Khaled Fahmy, who announced himself publicly as a Muslim Brotherhood member (and not to be confused with Khaled Fahmy, the head of the history department at the American University in Cairo), defended the dismissal. Employees had claimed that El-Daly had been involved in the theft of documents and Abdel-Wahed (former ENA head) never promoted or fairly rewarded the hard-working employees. Some expressed fears that the Muslim Brotherhood wanted to destroy or confiscate some sensitive archives (like those about the Brotherhood itself). After the coup of 3 July 2013, Ezzeldin and most others got their job back.

[Sources: Joshua Hersh, "The Battle of the Archives: What Egypt's Intellectuals Lost," *New Yorker* (4 September 2013; <http://www.newyorker.com/news/news-desk/the-battle-of-the-archives-what-egypts-intellectuals-lost>); Mary Mourad, "Historian Fahmy Argues for Easing Access to Egyptian National Archives," *Ahram Online* (<http://english.ahram.org.eg/NewsContentP/18/74745/Books/Historian-Fahmy-argues-for-easing-access-to-Egypti.aspx>; 24 June 2013).]

In [June] 2013, Monica Hanna ([1983–]), a post-doctoral student of archaeology at Humboldt University, Berlin, was threatened by several men at an ancient burial site because of her campaign to expose the looting of Egyptian antiquities. Antiquity looting had exploded since the 2011 revolution: 2,000 art objects had been stolen, of which 1,000 were reported still missing in 2014. Together with three other women who remained anonymous, Hanna started Egypt's Heritage Task Force. She was

threatened regularly.

[*Sources*: Betsy Hiel, “Egyptologist Risks Life, Career to Expose Looting,” *TribLive* (15 June 2013; <http://triblive.com/news/editorspicks/4198483-74/hanna-heritage-archaeological#axzz2WZUhBSED>); “Monica Hanna to Receive 2014 SAFE Beacon Award” (<http://www.savingantiquities.org/2014-beacon-award>; 8 December 2013); *NRC Handelsblad* (30 January 2014), C12.]

On 24 November 2013, Egyptian-German novelist and teacher of Islamic history Hamid Abdel Samad (1972–) was kidnapped. He reappeared on 26 November 2013. Once an Islamist himself, Samad became a staunch critic of Islamism in Germany (where he had lived since 1995), one of his novels bearing the title “Fall of the Islamic World.” He had been appointed body guards after he was threatened by Islamists in early June 2013. In the summer of 2013, he had held a lecture in Cairo about Islamic fascism, after which a *fatwa* to kill him had been issued.

[*Sources*: “Egyptian-German Novelist Hamid Abdel Samad Kidnapped in Cairo” (<http://www.expatcairo.com/egyptian-german-novelist-hamid-abdel-samad-kidnapped-in-cairo>; 25 November 2013); Sonja Zekri, “Hamed Abdel-Samad Verlag sorgt sich um Verbleib von Autor” (<http://www.sueddeutsche.de/kultur/hamed-abdel-samad-im-machtkampf-am-nil-angekommen-1.1828785>; 26 November 2013); *Trouw* (26 November 2013).]

See also Israel.

EL SALVADOR

Previous *Annual Report* entries: 2001–2013.

On 30 September 2013, the archbishop of San Salvador, José Luis Escobar Alas, abruptly closed his legal office, Tutela Legal del Arzobispado (founded in 1982 as successor to Socorro Jurídico), leaving the status of its archives containing 50,000 files of documentation of crimes against humanity uncertain. Tutela Legal had brought some of these cases to the Inter-American Court of Human Rights, which in 2012 ruled that the 1993 amnesty law violated the international treaties, after which the Constitutional Chamber of the Supreme Court on 20 September 2013 agreed to hear arguments about the constitutionality of the amnesty law. The closure was widely criticized, including by President Mauricio Funes. Although the archbishop and the attorney general reached an agreement about the archives and the Supreme Court ruled that they would be retained by the archdiocese, their fate remained uncertain.

In October 2013, it was reported that the archives of the Co-Madres (Comité de Madres Monseñor

Romero; Mothers' Committee Archbishop Romero), a non-governmental association of mothers and relatives of those disappeared and/or killed during the military regime and the armed conflict (1979–1992), set up in 1977, had been stolen five times.

On 14 November 2013, armed men broke into the offices of Pro-Búsqueda (a non-governmental organization [founded in 1994] working to locate children missing from the armed conflict), stole its computers and set fire to its archives containing 1,200 cases. About 80% of the archives were destroyed. The government's special prosecutor for human rights condemned the attack.

The International Council on Archives wrote to archbishop Escobar Alas asking that the records of Tutela Legal be preserved and to the special prosecutor for human rights, urging that those who had destroyed the records of Pro-Búsqueda be held accountable.

[*Sources:* Frederick B. Mills, "El Salvador: Closure of Human Rights Office Threatens Vital Archives," *Latin American Bureau* (8 October 2013; <http://lab.org.uk/el-salvador-closure-of-human-rights-office-threatens-vital-archives>); International Council on Archives Human Rights Working Group, *News of October 2013*, 7; *News of November 2013*, 1, 9; *News of December 2013*, 2; International Center for Transitional Justice, "Twenty Years Later, A Chance for Accountability in El Salvador" (1 October 2013); Sarah Maslin, "El Salvador—Destruction of Historical Memory," *Latin American Bureau* (1 December 2013; <http://lab.org.uk/destruction-of-historical-and-human-rights-archives>).]

ERITREA

Previous *Annual Report* entries: 2008.

ESTONIA

Previous *Annual Report* entries: 2007, 2010.

ETHIOPIA

Previous *Annual Report* entries: 1998–2011.

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012.

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2013.

In 2012, the project of a major exhibition about writer Albert Camus (1913–1960) in Aix-en-Provence was delayed because its curator, Benjamin Stora (1950–), a historian of colonial Algeria, was dismissed (after working on the exhibit since 2009) and his successor, philosopher Michel Onfray, a biographer of Camus, withdrew from the project in September 2012. Among the reasons mentioned for Stora's dismissal (brought about by the conservative mayor of Aix, Maryse Joissains-Masini) were his reported intention to emphasize Camus's problematic status as a "French" writer (being born on North African soil) and his identity as a pied-noir (a former settler in Algeria who had returned to France) who opposed both the Organisation de l'armée secrète (OAS; the terrorist Secret Army Organization) and the Algerian Front de Libération Nationale (FLN; National Liberation Front).

[*Sources*: Simon Buisson, "Camus Exhibit Sparks Controversy" (23 August 2012); *Le Monde* (15 & 17 September 2012); Delphine Munos, "Who's Afraid of Albert Camus? The Memorialization of French Algeria and the Controversy over Camus' Legacy" (<http://orbi.ulg.ac.be/handle/2268/150214>; 23 March 2013); *NRC Handelsblad* (8 November 2013).]

In August 2013, the Barreau de Paris (the association of lawyers) intervened to stop the sale by the Drouot auction house of the professional notes of Jacques Vergès (1925–2013), who had been the lawyer for Gestapo leader Klaus Barbie during the latter's war crimes trial in 1987. The lawyers argued that the principle of professional secret (lawyer-client confidentiality) made it unacceptable to sell the notes and said that the historically significant papers of attorneys could be stored properly in the association's museum.

[*Sources*: International Council on Archives Human Rights Working Group, *News of June 2014*, 5; "Procès Barbie: des avocats obtiennent le retrait de la vente d'archives de Jacques Vergès," *Le*

Progrès (29 July 2014; <http://www.leprogres.fr/rhone/2014/06/19/proces-barbie-des-avocats-obtiennent-le-retrait-de-la-vente-d-archives-de-jacques-verges>.)]

In October 2013, following a complaint of the Council of Croats in France (CRICCF), United States singer and song writer Bob Dylan (1941–), who visited France to receive an award, was placed under judicial investigation on charges of “public injury” and “incitement to racial hatred” toward Croats. In September 2012, Dylan had given an interview to *Rolling Stone magazine*, in which he allegedly compared the relationship between Jews and Nazis to that of Serbs and Croats. He reportedly said: “Blacks know that some whites didn’t want to give up slavery—that if they had their way, they would still be under the yoke, and they can’t pretend they don’t know that. If you got a slave master or [Ku Klux] Klan in your blood, blacks can sense that. That stuff lingers to this day. Just like Jews can sense Nazi blood and the Serbs can sense Croatian blood.” The latter was interpreted as a reference to the crimes committed by the Ustasha Independent State of Croatia state (Nezavisna Drava Hrvatska or NDH; 1941–1945). Several Croatian radio stations stopped playing his songs in protest over his comments.

[*Sources*: Article 19, “France: Bob Dylan Charged with Incitement to Racial Hatred”

(https://www.ifex.org/international/2014/02/12/artist_alert/; London 12 February 2014); *BBC News* (2 December 2013).]

See also Rwanda, Saint Vincent, Switzerland.

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012.

In response to over 20,000 complaints about alleged past abuses, the authorities charged 35 former officials from a variety of ministries with, inter alia, abuse of office, embezzlement, and false arrest; 14 of them were in custody at the end of 2013. The authorities did not explain the criteria they used to determine which cases of past abuses to investigate. While investigating past abuses prosecutors questioned over 6,000 persons.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 455.]

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2013.

See Egypt, France, Palestinian Authority, Poland, Russia.

GHANA

Previous *Annual Report* entries: 2002, 2004–2008.

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011, 2013.

When in June 2013, historian and history textbook author Maria Repousi (Repoussi), then a member of parliament for the Democratic Left, stated that “the Dance of Zalongo” was a national myth, she was attacked by composer Mikis Theodorakis, who called her viewpoint a form of “national nihilism.” The term Dance of Zalongo referred to an event in Greek history involving a mass suicide of women from Souli and their children during the Souliote War of 1803, near the village of Zalongo in Epirus. The name also referred to a popular dance-song commemorating the event. [See also *NCH Annual Reports 2007–2008*.]

[*Source*: Maria Korologou, “Theodorakis to Repousi: Leave If You Don’t Love Greece”

(greece.greekreporter.com/2013/06/03/theodorakis-to-repousi-leave-if-you-dont-love-greece; 3 June 2013).]

GRENADA

Previous *Annual Report* entries: 2007.

GUATEMALA

Previous *Annual Report* entries: 1995–2013.

In a landmark ruling, former head of state Efraín Ríos Montt was found guilty in May 2013 of genocide and crimes against humanity, and sentenced to 80 years' imprisonment. The retired general led a military regime from 1982 to 1983 that carried out hundreds of massacres of unarmed civilians. However, the verdict was overturned 10 days later, when the Constitutional Court ruled that all proceedings in the final three weeks of the trial had been invalid due to irregularities relating to an incident in March, when Ríos Montt was briefly without his own defense attorney. The case would likely have to be retried in full, with witnesses testifying once more before a different criminal court. Proceedings were scheduled to begin in January 2015. In November 2013, representatives of the victims filed a petition before the Inter-American Commission of Human Rights, accusing the Guatemalan state of failing to provide justice in the case. Ríos Montt's defense made repeated requests for the former leader to be protected from prosecution under amnesty legislation. In April 2013, while the genocide trial was ongoing, President Otto Pérez Molina expressed his support for a public letter signed by a group of prominent politicians that called genocide charges against members of the army a "fabrication," and said that the charges endangered peace.

Ríos Montt was also charged in a separate case involving a 1982 massacre in the town of Dos Erres, in the Petén region, in which soldiers murdered more than 250 people, including children. Proceedings, which were ongoing, were delayed by legal challenges from Ríos Montt's lawyers. Five former members of army special forces received lengthy prison sentences for their role in the Dos Erres massacre, while several high-level former members of the security forces were convicted in recent years of human rights crimes committed in previous decades. They included former National Police Chief Hector Bol de la Cruz, who received a 40-year sentence in September 2013 for ordering the disappearance of a student activist in 1984.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 249–250.]

GUINEA

Previous *Annual Report* entries: 2007, 2009–2013.

The domestic investigation into members of the security forces implicated in the September 2009 massacre of some 150 people and the rape of over 100 women during the military regime of Moussa Dadis Camara had yet to conclude. In 2010, the then-government committed to bringing the perpetrators to justice, and a Guinean prosecutor appointed a panel of three judges to investigate the crimes. The panel made important strides, having interviewed more than 300 victims and charged at least eight suspects including several high-level members of the security forces. However, progress continued to be stymied by insufficient government support, including its failure to place high-level suspects on leave from their government posts pending investigation and to satisfactorily resolve the judges' outstanding request to question the former Guinean president, who was living in Burkina Faso. Some suspects had been in pretrial detention longer than the two years Guinean law permits.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 125.]

During 2013, the “Reflection Commission,” created by presidential decree in June 2011 to promote reconciliation, made no visible progress in fulfilling its mandate. The interim co-presidents appeared to limit its mandate to promoting reconciliation largely through prayer, while local human rights groups pushed for a commission that could meaningfully address impunity. Progress in setting up the independent human rights institution, as mandated by the 2010 constitution, was undermined by delays in holding legislative elections; the constitution stipulated that the institution could only be established through a law voted on by the national assembly. While the Ministry for Human Rights and Civil Liberties, newly created in 2012, lacked resources, the minister actively advocated for strengthening the judiciary, an end to impunity for abuses, and respect for freedom of the press.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 126.]

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012.

GUYANA

Previous *Annual Report* entries: 1997.

See Saint Vincent.

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2013.

Former President Jean-Claude Duvalier returned to Haiti in January 2011 after nearly 25 years in exile. He was charged with financial and human rights crimes allegedly committed during his 15-year tenure as president. From 1971 to 1986, Duvalier commanded a network of security forces that committed serious human rights violations, including arbitrary detentions, torture, disappearances, summary executions, and forced exile. In January 2012, the investigating judge in the case found, contrary to international standards, that the statute of limitations prevented prosecuting Duvalier for his human rights crimes. On 20 February 2014, however, the Court of Appeals ordered the reopening of the investigation into human rights abuses. It concluded that international law was part of Haitian domestic law, and that, therefore, statutory limitations did not apply to crimes against humanity. In May 2014, the Inter-American Commission on Human Rights called on the member states of the Organization of American States to open their archives on the human rights violations committed under Duvalier's regime so as to make possible the right of access to justice for his victims.

[*Sources*: Human Rights Watch, *World Report 2014* (Washington 2014), 256; Human Rights Watch, "Haiti: Duvalier Ruling Disappoints Justice" (31 January 2012); "Press Release: IACHR Calls on Member States to Open their Archives on the Human Rights Violations Committed under the Regime of Jean-Claude Duvalier" (http://www.oas.org/en/iachr/media_center/PReleases/2014/048.asp; 5 May 2014).]

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2013.

Following the June 2009 military coup, the *de facto* government (ruling from June 2009 to January 2010) suspended key civil liberties, including freedom of the press and assembly. In the ensuing days, security forces responded to generally peaceful demonstrations with excessive force and shut down opposition media outlets, which caused several deaths, scores of injuries, and thousands of arbitrary detentions. A truth commission established by President Porfirio Lobo (in power from January 2010 to January 2014) published a report in July 2011 that documented 20 cases of excessive use of force and killings by security forces. Honduras made very little progress prosecuting the abuses in 2013.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 261–262.]

In 2013, individuals working for the Ministry of Culture reportedly “denounced the theft of documents and cultural relics, as well as the censorship of [...] historical documents.”

[Source: International PEN, *Honduras: Journalism in the Shadow of Impunity* (London: International PEN, 2014), 55.]

In August 2013, the mayor of Danlí banned the installation of a statue made by sculptor Johnny Mac Donald in a public park because he deemed its subject—a depiction the Mayan corn goddess Yum Kaax—sacrilegious. He called it a diabolic figure.

[Source: International PEN, *Honduras: Journalism in the Shadow of Impunity* (London: International PEN, 2014), 54.]

HONG KONG

Previous *Annual Report* entries: 1996. *See* China.

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2013.

In March 2013, the far-right political party Jobbik sued historian and Holocaust researcher László Karsai [see also *NCH Annual Report 2010*] for defamation because he had labeled Jobbik “neo-Nazi” in a television program. The Budapest District Court ruled that Jobbik did not hold Nazi views per se in historical terms, portraying itself not as neo-Nazi but rather as a national radical Christian conservative party. It found Karsai’s statement “gratuitously offensive.”

[Source: Tamás Szigeti, “Why Shouldn’t a Hungarian Historian Call Jobbik “Neo-Nazi”?” *Free Speech Debate* (18 July 2013).]

On 12 January 2014, the deputy leader of the governing allied Christian Democrats (KDNP), Bence Retvari, called on the opposition Socialist Party to transfer their communist-era documents (1944–1989), stored in the archives of the Institute of Political History (PTI; established by the Socialists), to the Hungarian National Archives. He said that the 2012 amendment to the archives law obliged the PTI to hand over the documents to the archives because it defined documents filed in 1944–1989 as state property. On 11 June 2014, the Supreme Court rejected the PTI appeal and ordered the transfer.

[Sources: MTI, “KDNP Calls on Socialists to Hand over Communist Era Files”

(<http://www.politics.hu/20140112/kdnp-calls-on-socialists-to-hand-over-communist-era-files/>; 12 January 2014); MTI, “Pre-1989 Communist Documents to Be Transferred to National Archives,” (<http://www.politics.hu/20140612/pre-1989-communist-documents-to-be-transferred-to-national-archives>; 12 June 2014).]

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2013.

In 2013, some Tamil Nadu politicians claimed that the Nadar community was depicted in a poor light in a social science textbook of the National Council for Educational Research and Training (NCERT) for Class IX, *India and the Contemporary World-1*. A chapter entitled “Clothing: A Social History” mentioned that the Nadars were “toddy-tappers” and had migrated to the southern Travancore state in the 19th century to work under Nair landlords. The recommendation of the NCERT’s textbook development committee (that had prepared the book) to delete these references was carried out.

[*Source*: Basant Kumar Mohanty, “Assam Boy Forces Textbook Revision,” *Telegraph* (5 February 2014; http://www.telegraphindia.com/1140206/jsp/nation/story_17905703.jsp#.U5gLsShkzAB).]

During the communal violence that erupted in Gujarat state after a train carrying Hindu pilgrims in 2002 caught fire, killing 59 passengers, 230 shrines, tombs and mosques were vandalized or destroyed, including the grave of poet Wali Muhammad (1667–1707) and the Dada Hari and Malik Asin mosques in Ahmedabad. Over 1000 people were killed. In a legal case before a court in Ahmedabad, Gujarat, in August 2013, a lawyer alleged that the Gujarat government had tampered with or destroyed many records about the violence shortly after the Supreme Court had appointed a Special Investigation Team to investigate it.

[*Sources*: Robert Bevan, *The Destruction of Memory: Architecture at War* (London 2006), 139; “SIT Overlooked How Modi Govt Destroyed Records, Says Zakia’s Lawyer,” *FirstPost* (http://www.firstpost.com/india/sit-overlooked-how-modi-govt-destroyed-records-says-zakias-lawyer-1065097.html?utm_source=hp-footer; 27 August 2013).

On 3 March 2010, Dinanath Batra (1942–), national convener of the Hindu nationalist group Shiksha Bachao Aandolan Samiti (SBAS; Save Education Movement), sent a legal notice to Wendy Doniger, the Mircea Eliade distinguished service professor of the history of religions at the University of Chicago, and the Penguin Group with the request to withdraw certain passages of her book *The Hindus: An Alternative History* (New York: The Penguin Press, 2009). According to him, the book’s malicious intent was to ridicule, hurt and defame the Hindus, denigrate the Hindu traditions, create and spread pornographic and hate literature, and create disharmony and promote enmity among various religious sections of India. He also demanded that Doniger issue an apology. Seven petitioners brought a civil case in 2011 against Penguin India (on the basis of sections 153A, 298 and 295A of the Indian Penal Code allowing people to seek legal redress on grounds of their religious or ethnic sensibilities being offended) arguing that Doninger’s book was insulting to Hindus and

heretical. They said that Doniger was incorrect in describing the Rashtriya Swayamsevak Sangh (RSS) as the militant wing of the Bharatiya Janata Party (BJP) or that it was behind the assassination of Mahatma Gandhi (1869–1948; Gandhi was shot dead by a former RSS member). On 4 February 2014, after it reached an out-of-court settlement with SBAS, Penguin India decided to recall and pulp all copies of the book on Indian territory, saying that it had to respect the law and that it had a duty to protect its employees against threats. The decision was widely criticized. Within hours of being banned, Doniger's book came out online.

In March 2014, SBAS threatened to sue publisher Aleph Books if it did not withdraw Doniger's *On Hinduism* (a different book than *The Hindus*). Under pressure from Batra, publisher Orient Blackswan put several books "under review for comprehensive assessment" in May 2014, including *Communalism and Sexual Violence: Ahmedabad Since 1969*, a study by Megha Kumar of sexual violence perpetrated mostly on Muslim women during riots in Ahmedabad in 1969, 1985 and 2002, and *From Plassey to Partition: A History of Modern India* by Sekhar Bandyopadhyay (the latter because it allegedly included inflammatory passages about the RSS).

Doniger had also encountered difficulties in the past. After the 2002 publication of the online essay "Wendy's Child Syndrome," written by Rajiv Malhotra, an entrepreneur and activist living in New Jersey, United States, in which Doniger was criticized for her controversial Freudian interpretations of ancient Hindu texts, she received a dozen negative emails. In November 2003, she was thrown an egg at when giving a lecture on the Hindu *Ramayana* text at the University of London. As a result, she canceled a lecture in Bombay. In September 2002, her article on Hinduism for Microsoft's online *Encarta* encyclopedia was criticized for its "negative portrayal of Hinduism," especially when compared to the entries on other religions. Microsoft replaced the essay with one by Arvind Sharma, a McGill University professor of comparative religion.

[*Sources*: Article 19, "Satirist Returns to Egyptian TV, Film Banned in Malaysia and Other Artistic Freedom News" (https://www.ifex.org/international/2014/03/17/artist_alert/; 17 March 2014); *BBC News* (14 February 2014); Amy Braverman, "The Interpretation of Gods," *University of Chicago Magazine* (December 2004); Faisal Devji, "What Really Threatens Free Expression in India," *Free Speech Debate* (http://freespeechdebate.com/en/2014/02/what-really-threatens-free-expression-in-india/?utm_source=FSD+newsletter&utm_campaign=5c52af0465-Newsletter_21_06_13&utm_medium=email&utm_term=0_0cfc6f2a44-5c52af0465-304640457; 6 March 2014); *Index on Censorship*, 2014, no 2, 123; Malini Nair, "Under Pressure, Publisher Puts Books under 'Review,'" *Times of India* (4 June 2014; <http://timesofindia.indiatimes.com/india/Under-pressure-publisher-puts-books-under-review/articleshow/36024216.cms>); Rama Lakshmi, "The 'Ban Man': India's Self-Appointed Book Censor Wields Real Clout," *Washington Post* (23 June 2014; http://www.washingtonpost.com/world/asia_pacific/the-ban-man-indias-self-appointed-book-censor-wields-real-clout/2014/06/23/6f71eca2-b73f-4102-96e0-21d5a52e59a7_story.html); *NRC*

Handelsblad (14 February 2014), 13; PEN International, *Rapid Action Network 05/14* (18 February 2014; <http://www.concernedhistorians.org/ca/73.pdf>); “Petitioning Members of Both Houses of the Indian Parliament, and the Honorable Law Minister, Government of India: Reconsider and Revise Sections 153 (A) and 295 (A) of the Indian Penal Code to Protect Freedom of Expression in India!” (<https://www.change.org/en-IN/petitions/members-of-both-houses-of-the-indian-parliament-and-the-honorable-law-minister-government-of-india-reconsider-and-revise-sections-153-a-and-295-a-of-the-indian-penal-code-to-protect-freedom-of-expression-in-india>); Reuters, “Publisher Penguin Warns of India’s Free Speech Curbs after Withdrawing Book on Hindus,” (14 February 2014; <http://www.reuters.com/article/2014/02/14/us-india-book-idUSBREA1D0TX20140214>); Supreme Court of India, *Dina Nath Batra’s Legal Notice to Wendy Doniger & Penguin Books* (<http://www.concernedhistorians.org/le/264.pdf>; 2010); Out-of-court settlement (<http://www.concernedhistorians.org/le/333.pdf>).

In March 2014, parts of the top-secret Henderson Brooks-P.S. Bhagat report (April 1963) were leaked online by Neville Maxwell, an Australian retired New Delhi correspondent of *The Times*. Maxwell, who always had had access to the report, decided to put parts of it in the public domain because of India’s unwillingness to release it. The report—of which only one copy existed which was kept under lock and key in the (Indian) Military Operations Directorate at Army Headquarters—contained a very critical internal review by the Indian army of its (lost) border war with China in 1962, about which Maxwell had written *India’s China War* (1970). In April 2010, Indian Defence Minister A.K. Antony had written to the lower house of Parliament that the contents of the report were “extremely sensitive” and “of current operational value.” The battlefield records on which the report was based (the so-called After Action Reports) had been destroyed, presumably to cover-up errors (flawed military plans, deficient army leadership, disastrous implementation of the “forward policy” of then Prime Minister Jawaharlal Nehru (1889–1964) [the policy of forward deployment in the high mountains]) leading to defeat. For hours, the leaked excerpts could not be accessed from India.

[*Sources*: Agence France-Presse, “1962 Sino-Indian War Still Stirs Bitter Controversy,” *South China Morning Post* (19 March 2014; <http://www.scmp.com/news/asia/article/1452590/1962-sino-indian-war-still-stirs-bitter-controversy>); Neeta Lal, “Revealing India’s Failures in 1962 War with China Can Help Clear the Air,” *South China Morning Post* (31 March 2014; <http://www.scmp.com/comment/insight-opinion/article/1461062/revealing-indias-failures-1962-war-china-can-help-clear-air>); Vishal Thapar, “1962 War Records Destroyed To Cover Up Lapses,” *Sunday Guardian* (22 March 2014; <http://www.sunday-guardian.com/news/1962-war-records-destroyed-to-cover-up-lapses>).

On 2 June 2014, a young Muslim information technology graduate, Mohsin Shaikh (–2014), lost his

life to an angry mob in Pune, Maharashtra, due to violence that erupted after offensive pictures of (probably) Shivaji (1627–1680) and Shiv Sena founder Bal Thackeray (1926–2012) appeared on Facebook and WhatsApp.

[*Sources*: Mahima Kaul, “India’s ‘Social Peace Force’: Reporting ‘Anti-Social’ Posts to Facebook,” *Index on Censorship*

(https://www.ifex.org/india/2014/07/02/social_media_peace_force/?utm_source=whatcounts&utm_medium=email&utm_campaign=itw_2july2014; 2 July 2014); “Pune Techie Murder Case,” *Wikipedia* (http://en.wikipedia.org/wiki/Pune_techie_murder_case; 6 August 2014).]

In June 2014, it was reported that the Ministry of Home Affairs had destroyed some 150,000 files (including about Lord Louis Mountbatten, Mahatma Gandhi and Rajendra Prasad) over the past month in a cleanliness drive instead of transferring them to the National Archives. The orders apparently came from the Office of Prime Minister Narendra Modi. Although no malicious intent was suspected, many criticized the new government’s gross negligence. On 11 July 2014, Home Minister Rajnath Singh declared in Parliament that 11,000 files had been destroyed between 5 June and 8 July 2014 but denied that any of them related to the three historical figures mentioned.

[*Sources*: “11,100 files Destroyed, Mahatma Gandhi Assassination Records Safe: MHA,” *IBN Live* (11 July 2014; <http://ibnlive.in.com/news/11100-files-destroyed-mahatma-gandhi-assassination-records-safe-mha/485293-37-64.html>); Jaideep Prabhu, “Why Historians Feel the Destruction of 1.5 Lakh Government Files Is Akin to the Taliban Destruction of the Bamiyan Buddha Statues,” *DNA India* (27 June 2014; <http://www.dnaindia.com/analysis/standpoint-why-historians-feel-the-destruction-of-15-lakh-government-files-is-akin-to-the-taliban-destruction-of-the-bamiyan-buddha-statues-1998173>).]

On 1 August 2014, Congress Party members in Vadodara, Gujarat, organized a demonstration against the inclusion of books written by Dinanath Batra (see entry above) in the school curriculum. They ended up burning the notification issued by the government for including the books in the curriculum and one of the books’ cover page, which carried photographs of well-known national leaders such as Mahatma Gandhi, Swami Vivekananda, Rabindranath Tagore, Sarvepalli Radhakrishnan, Maharshi Aurobindo and Vinoba Bhave. The governing Bharatiya Janata Party (BJP) accused Congress of insulting national leaders. In response, Congress said they were opposed to the government’s attempt to spread “RSS ideology” (“Rashtriya Swayamsevak Sangh ideology”) by introducing books that distorted historical and geographical facts in their favor.

[*Sources*: “Cong Burns Dinanath Batra’s Books,” *Times of India* (2 August 2014; <http://timesofindia.indiatimes.com/city/vadodara/Cong-burns-Dinanath-Batras-books/articleshow/39458264.cms>); “Cong, BJP Spar over Burning Copies of Batra’s Books,” *The*

Indian Express (3 August 2014; <http://indianexpress.com/article/cities/ahmedabad/cong-bjp-spar-over-burning-copies-of-batras-books>.)]

See also Bangladesh, Pakistan.

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2013.

See Australia, Netherlands.

IRAN

Previous *Annual Report* entries: 1996–2013.

In 2012, women were barred from 77 courses in 36 universities across the country, including archaeology.

[*Source*: Amnesty International, *Silenced, Expelled, Imprisoned: Repression of Students and Academics in Iran* (London: AI, June 2014), 24.]

On 28 October 2013, the authorities shut down the reformist daily, *Bahar*, five days after it published a controversial article thought to question the historical veracity of events involving the first Shia imam Ali (600–661 CE).

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 542.]

See also Argentina, China.

IRAQ

Previous *Annual Report* entries: 1998, 2000–2013.

Ten years after the 2003 United States (US)-led invasion of Iraq, the United States government turned a blind eye to serial human rights abuses. Accountability for abuses committed by Coalition Forces

remained almost non-existent.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 552.]

On 28 December 2013, according to a police source, historian and Islamic scholar Bashar Awad Marouf (–2013) was killed by unknown gunmen in the New Mosul neighborhood, (West-Mosul). Marouf wrote fifteen books and various other studies. In 2008, he gave a series of lectures at the Bibliotheca Alexandrina about the following topics: “Hadith and History: A Study of Methodological Influences,” “Approaches to Manuscript Authentication: Text Editing and Commentary Writing,” “The Historiography of Baghdad,” “Shamsul-Din al-Dhahabi,” and “Education in Baghdad until the End of the Abbasid Period: Means and Methodologies.”

[*Sources*: Bibliotheca Alexandrina, “Dr. Bashar Awad Marouf A Resident Scholar at the BA” (6 July 2008;

http://www.bibalex.org/News/NewsDetails_EN.aspx?id=2196&Keywords=&fromDD=1&fromMM=7&fromYY=2008&toDD=31&toMM=7&toYY=2008&PageSize=5&searching=&Dir=7); Scholars at Risk, “SAR Academic Freedom Monitor Digest (December 2013–February 2014)” (24 March 2014; <http://monitoring.academicfreedom.info/reports/2013-12-28-al-imam-al-aadam-college-iraq-mosul>).]

In June 2014, the Islamic State (IS; formerly Islamic State of Iraq and Syria, ISIS) destroyed a Shia mosque near Mosul. Later it destroyed three Husseiniyas (Shia ceremonial commemoration halls) in Bashir village, Kirkuk province. Not much was known yet about the destruction of cultural heritage by the IS.

On 17 July 2014, UNESCO held a consultation with Iraqi and international cultural heritage experts and agreed on an Emergency Response Action Plan to safeguard Iraq’s cultural heritage.

[*Sources*: “Are These the Photos Being Used to Further Terrify Christian Refugees from Mosul?” (<http://conflictantiquities.wordpress.com/2014/07/23/syria-iraq-mosul-burned-syriac-catholic-cathedral-source-photographs>); “Islamic State Urbicide in Iraq: Destruction of Shia Cultural Property and State Structures in Bashir (Kirkuk)” (<http://conflictantiquities.wordpress.com/2014/07/18/syria-iraq-kirkuk-bashir-urbicide-destruction-islamic-state>); UNESCO, “Emergency Response Action Plan to Safeguard Iraqi Heritage” (17 July 2014; <http://www.unesco.org/new/en/media-services/single-view/news/-a36765f929/back/9597/#.U-ti82MqaZF>).]

See also China.

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006, 2013.

See United Kingdom.

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2013.

In March and June 2013, veterans of the 1973 Yom Kippur War with Egypt demanded that closed state archival material relating to the war be opened to the public. Israel's State Archives had planned to release in September 2013 classified minutes of 1973 cabinet meetings and meetings of the Ministerial Committee on National Security Affairs relating to the war on its fortieth anniversary, but the office of Prime Minister Benjamin Netanyahu said that 50 years of classification was the term provided by law and that it would not use its legal privilege to deviate from the rule because of "historical, academic or public interest." Other archives released classified material on the war in advance of the anniversary: the Israel Defense Forces and Defense Establishment Archives published the full testimony of witnesses who appeared before the Agranat Commission, which had investigated the war after it ended.

[*Sources*: Ofer Aderet, "Forty Years On: State Blocking Publication of Yom Kippur Documents," *Haaretz* (11 September 2013); Ben Caspit, "Do the Right Thing: Open All the Archives!" *Jerusalem Post* (5 October 2013); International Council on Archives Human Rights Working Group, *Newsletter of September 2013* (October 2013), 9.]

See also Argentina, Czech Republic, Palestinian Authority, United States, Venezuela.

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012.

See Argentina.

IVORY COAST (Côte d'Ivoire)

Previous *Annual Report* entries: 2004, 2006–2013.

In 2013, the Alassane Ouattara government failed to deliver on its promise to render fair and impartial justice for crimes committed during the 2010–2011 post-election crisis. This crisis was the culmination of a decade of political-ethnic conflict in which security forces, rebel forces, and allied militia groups regularly committed serious crimes with complete impunity. Ivorian authorities investigated and charged more than 150 civilian and military supporters of former President (and historian) Laurent Gbagbo for their role in the post-election violence. However, they failed to charge a single member of the pro-Ouattara Republican Forces for the serious crimes they committed during the crisis. Ongoing investigations also appear one-sided. A national commission of inquiry reported in August 2012 that both sides had committed hundreds of summary executions, yet the United Nations reported that, as of July 2013, only three of the 207 investigations subsequently opened related to perpetrators from pro-Ouattara forces. Military trials against several key military leaders under Gbagbo were set to start in late November 2013. In late 2013, civilian courts had yet to begin trials for post-election crimes, meaning that most pro-Gbagbo defendants had languished in pre-trial detention for 2.5 years, violating their right to a trial within a reasonable time. Ivorian authorities did provisionally release 14 pro-Gbagbo defendants in early August 2013.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 98.]

On 30 September 2013, the International Criminal Court (ICC) unsealed an arrest warrant against Charles Blé Goudé, the youth minister under former President Laurent Gbagbo, for four counts of crimes against humanity, following the unsealing in 2012 of arrest warrants against Laurent and Simone Gbagbo. Many Ivorians grew disenchanted with the lack of progress in the investigation of crimes by pro-Ouattara forces, although the Office of the Prosecutor stressed that its investigations would ultimately target both sides.

On 15 February 2013, Cote d'Ivoire (Ivory Coast) ratified the ICC Statute, taking a positive step in the fight against impunity. In October 2013, 18 months after the ICC issued an arrest warrant against Simone Gbagbo, the Ivorian government filed an admissibility challenge contesting her transfer on the grounds that national proceedings were ongoing for substantially the same crimes. The government had yet to respond to the warrant against Blé Goudé, raising further concerns about its intent to cooperate fully with the ICC. In June 2013, the ICC's Pre-Trial Chamber asked the prosecutor to consider providing additional evidence in the case against Laurent Gbagbo, as it decided whether to confirm charges for four counts of crimes against humanity.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 98–99.]

JAPAN

Previous *Annual Report* entries: 1995–2013.

On 1 March 2007, then Prime Minister Shinzo Abe affirmed the existence of the comfort women system but also asserted that there was no evidence for the military's role in coercing or abducting the women, thus undercutting the 1993 Kono Declaration. On 17 April 2007, a group of historians, including Yoshiaki Yoshimi (an expert who in 1992 had provided the evidence which led to the Kono Declaration), said that there was ample evidence of coercion. On 30 July 2007, the United States Congress approved a resolution demanding that the Declaration be observed. On 4 November 2012, then opposition leader Abe was among signatories to a United States newspaper advertisement which denied that the Japanese Imperial Army forced women into military sexual slavery during World War II. In February 2014, Shinzo Abe (again Prime Minister since December 2012) again raised the possibility of revising the Kono Declaration—under protest from China and South Korea.

[*Sources*: Amnesty International, *Report 2013* (London 2013), 141; *BBC News* (27 January 2014; 28 February 2014; 1 March 2014); *Index on Censorship*, 2007, no. 2, 195, 198; *Keesings historisch archief* (2007), 471–472.]

On 26 August 2013, a school board in Matsue, south-west Japan decided to prevent pupils from viewing *Hadashi no Gen* (Barefoot Gen), a ten-volume *manga* series by Keiji Nakazawa (originally appearing from 1973 to 1985), depicting and explaining crimes committed during the Pacific War (1931–1945). Copies of the series were removed from all of the school libraries. The prohibition came after a citizen complained that the series “depicted actions that were not committed by Japanese troops during the war.” The removal was also due to the series's images of graphic violence.

[*Source*: Article 19, *Artist Alert* (https://www.ifex.org/international/2013/10/22/artist_alert) (22 October 2013).]

On 8 December 2013, the Diet passed a controversial national security law of which its overbroad definition of “national security” (including a list of 23 vaguely worded categories of information which might be declared secret on national security grounds); its provision to grant too much power to officials to classify information as secret; its provision to provide prison terms of up to ten years for those divulging and publishing state secrets; and its stipulation that secrets were embargoed for sixty years, were severely criticized. The government said that the law was intended to bolster national security, protect diplomatic efforts, and fight terrorism and espionage. Japanese academics feared that it would threaten constitutional rights, academic freedom and the public's right to know, and prevent scrutiny of controversial policy issues. One of the organizers of the protest was historian Hiroaki

Ozawa from Chiba University.

[*Sources*: Centre for Law and Democracy, “Japan; Harsh Secrecy Law Fails to Respect International Standards” (5 December 2013); International Council on Archives Human Rights Working Group, *News of November 2013*, 9, 13–14 (“Emergency Statement by the Records Management Society of Japan concerning the Contentious State Secrets Bill Proposed for the National Diet of Japan: From the Perspective of Archives Management Rules and Human Rights”); *NRC Handelsblad* (26 November 2013), 13; “Over Scientists’ Objections, Japan Set to Adopt State Secrets Law,” *Science* (6 December 2013).]

See also Australia, China.

JORDAN

Previous *Annual Report* entries: 2003–2004.

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2013.

President Uhuru Kenyatta, his deputy William Ruto, and former radio journalist Joshua arap Sang faced charges of crimes against humanity at the International Criminal Court (ICC) for their alleged roles in the 2007–2008 post-election violence. Ruto and Sang’s trial began in September 2013, while Kenyatta’s trial was expected to start in February 2014. Kenya pledged to continue cooperating with the ICC, but since the March 2013 elections, the new government had actively campaigned at the United Nations and the African Union to have the cases dropped, deferred, or referred to a local justice mechanism. In September 2013, the National Assembly and the Senate approved a motion calling on the Kenyan government to withdraw from the Rome Statute, the treaty establishing the ICC, which Kenya signed in 2005. The government took no steps to act on that motion, and any prospective withdrawal from the Rome Statute would not affect the ongoing cases at the ICC. The ICC intervened in 2010 and summoned six people alleged to bear the greatest responsibility after parliament defeated a bill that would have established a domestic tribunal to try those responsible for the violence in 2007–2008. In 2012, a committee appointed by the director of public prosecutions said there was insufficient evidence in the 5,000 files it had reviewed, to proceed with criminal prosecutions. In 2012, the chief justice announced plans to set up an International Crimes Division to deal with post-election violence and other related cases in the future, but the Judicial Service Commission was still assessing the modalities of setting up the division. The ICC cases in Kenya were marred by withdrawals of prosecution witnesses, allegedly because of bribery and intimidation; the defendants also alleged evidence tampering or intimidation of witnesses. The ICC prosecutor described the level of witness tampering in the Kenyan cases as “unprecedented.”

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 129–130.]

On 21 May 2013, the official Truth, Justice and Reconciliation Commission (TJRC) released its four-volume report. It said that during the period it was mandated to investigate—from independence on 12 December 1963 until February 2008—the state adopted policies that resulted in the economic marginalization of five key regions in Kenya. It also confirmed the finding of a 2008 government commission that had said that historical injustices such as unequal land distribution were partly

responsible for the 2007–2008 post-election violence. Kenyan media reported that the TJRC had been under pressure from individuals in and out of government to edit out sections of the report implicating certain people on illegal land allocations. The international commissioners working for the TJRC allegedly said that the Office of the President forced the TJRC to submit to it an advance copy of the final report and then exerted pressure to make changes in the report's chapter on historical land injustices. University of Seattle Professor Ronald Slye, one of them, did not sign the chapter because he did not approve of the changes. Judge Gertrude Chawatama from Zambia, another international commissioner, also did not sign the chapter on land.

[*Sources*: International Council on Archives Human Rights Working Group, *News of June 2013*, 8; Tom Odula, "Kenya's Truth Report: Killings, Land Grabs, Graft" (Associated Press; 22 May 2013).]

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011, 2013.

On 7 December 2013, North Korean state television removed images of Jang Song-thaek (1946–2013)— a powerful uncle, Politburo member and key aide to Kim Jong-un, North Korea's leader since December 2011— by adjusted focus and framing from a documentary about Kim, *The Great Comrade*, following Jang's dismissal on 3 December 2013. Despite his family ties to the leadership and senior status, Jang had been targeted by purges in the past: he had disappeared from public view in 2004 but two years later he had been reinstated. On 9 December 2013, Jang was arrested and on 12 December, summarily tried, found guilty of treason and executed. In the days before and after his execution, his image and name, as well as those of his wife (Kim Il-sung's daughter), were massively erased from photographs, footage, newspapers, press releases, and over 35,000 online articles. In addition to these original Korean language articles, translations into English, Spanish, Chinese and Japanese were also deleted from the archives, bringing the total to nearly 100,000 missing articles. Furthermore, 20,000 articles had been removed from the archives of *Rodong Sinmun*, North Korea's state newspaper. North Korean media web portal *Naenara* had reportedly deleted the digital archives of its monthly and quarterly Foreign Language Publishing house materials on previous occasions.

[*Sources*: *BBC News* (7 December 2013); Chad O'Carroll, "In 1984 Moment, N. Korea Deletes Near Entirety of News Archives (<http://www.nknews.org/2013/12/in-1984-moment-n-korea-deletes-near-entirety-of-news-archives>; 16 December 2013); Human Rights Council, *Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea* (A/HRC/25/CRP.1; 7 February 2014), paragraph 212; "KCNA Deleted, then Restored Old Reports on Jang" (11 December 2013; <http://www.northkoreatech.org/2013/12/11/kcna-deleted-then->

restored-old-reports-on-jang/); Sybil Jones (*Index on Censorship*), “North Korea Is Deleting History” (17 December 2013); Sybil Jones, “Real-Time News Slips out of North Korea,” *Index on Censorship*, 43 no. 2 (Summer 2014), 154; *NRC Handelsblad* (14–15 December 2013), 22–23.]

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012–2013.

See Japan.

KOSOVO

See Serbia / Kosovo.

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005.

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2013.

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008.

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2013.

In February 2012, the United Nations Special Tribunal for Lebanon announced that the *in absentia* trial of four indicted members of Hezbollah for the killing of former Prime Minister Rafik Hariri in 2005, would go forward. The trial was tentatively scheduled to begin on 13 January 2014.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 576.]

In October 2012, Justice Minister Shakib Qortbawi put forward a draft decree to the cabinet to establish a national commission to investigate the fate of Lebanese and other nationals who “disappeared” during and after the Lebanese civil war (1975–1990). The cabinet formed a ministerial committee to examine the draft, but no action was taken. In September 2013, a criminal case brought by Najat Hashisho against three members of the Lebanese Forces militia for “disappearing” her husband over 30 years ago was dismissed for lack of evidence. Hashisho and her attorney argued that there was significant evidence against the accused and planned to appeal the decision.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 576.]

On 3 January 2014, the Al-Saeh library, belonging to Greek Orthodox priest Ibrahim Sarrrouj and containing about 80,000 books and ancient manuscripts, was set ablaze by Islamists in Tripoli after the discovery of a pamphlet inside one of its books deemed insulting to Islam and the Prophet Mohammed. Two-thirds of the texts were destroyed. The next day, hundreds of local Muslims staged a demonstration against the act of arson.

[Sources: Jessica Elgot, “Lebanon Library Torched, 78,000 Books Burned By Islamists,” *The Huffington Post* (5 January 2014); “Religion, Libraries and War: The Acrid Smell of Burning Books,” *The Economist* (6 January 2014).]

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2013.

In 2013, the government made some progress in implementing the recommendations the Truth and Reconciliation Commission had made since 2009. In June 2013, it released a plan for promoting national peacebuilding and reconciliation, and in October launched the National Palava Hut Program, envisioned to foster reconciliation through community and grassroots dialogue. The plan advocated for reparations, but ignored the commission's call for prosecutions of those responsible for war crimes committed during the armed conflict (1979–2003), for which there had still been no accountability.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 137.]

LIBYA

Previous *Annual Report* entries: 2003, 2005–2013.

Some members of the General National Congress, Libya's first elected parliament, were removed due to a sweeping lustration law that banned from office persons who had held any office in the Muammar Gaddafi era (1969–2011). The interim government failed to demobilize militias or merge fighters who fought against Gaddafi's forces in the 2011 uprising into government forces with proper vetting procedures.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 577.]

At the end of 2013, the General National Congress had yet to pass the draft transitional justice law, which called for a commission to investigate abuses, refer perpetrators for prosecution, and compensate victims directly. It would cover abuses committed during the Gaddafi era (1969–2011) and during the transitional phase following the 2011 uprising.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 580.]

At the end of 2013, the general prosecutor had not concluded an investigation into the killing of Muammar Gaddafi (1942–2011) and his supporters in October 2011. On 19 September 2013, Libyan authorities started the pre-trial stage of domestic proceedings against one of Gaddafi's sons, Saif al-Islam Gaddafi, his intelligence chief, Abdullah Sanussi, and 36 other senior Gaddafi-era officials. They faced charges of murder, torture and indiscriminate killings committed during the 2011 uprising. The trials of these former officials were expected to start in December 2013.

Saif al-Islam Gaddafi and Abdullah Sanussi, who were also wanted by the International Criminal Court (ICC) for crimes against humanity, remained in Libyan custody, without access to lawyers. Libya filed a legal bid at the ICC to prosecute Gaddafi domestically in May 2012, and was told it could postpone surrendering him to the court until the ICC made its decision. In May 2013, the ICC judges rejected Libya's bid and reminded the Libyan authorities of their obligation to surrender him. Libya appealed the decision. On 11 October 2013, the ICC ruled Sanussi's case inadmissible thereby granting Libya the right to try him domestically. Sanussi's lawyers at the ICC appealed that decision. At the end of 2013, the ICC had yet to rule on the appeal.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 580–581.]

On 5 February 2014, the General National Congress amended Gaddafi-era article 195 of the penal code. Article 195 said: “Any person making what could be regarded as an attack on the Great Al-Fateh Revolution [of 1 September 1969] or its leader is liable to be punished with imprisonment. [...]” The penalty was three to fifteen years. It was changed into “[A]ny person stating something that is detrimental to the 17 February Revolution [of 2011] is liable to be punished with imprisonment [...]”

[See also *NCH Annual Report 2013*.]

[Source: Reporters without Borders, “Free Expression in New Libya Approached with Same Draconian Gaddafi-era Law” (19 February 2014).]

LITHUANIA

Previous *Annual Report* entries: 2005, 2009.

See Belarus.

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2013.

On 31 July, Parliament elected a new Lustration Commission team. The old team had been criticized by the opposition for allegedly blacklisting suspected Communist-era collaborators for political reasons. Five members of the old team kept their positions, including lawyer Tome Adziev as the commission chairman. Among the six new members was historian Sasko Janev. Ever since the commission started work in 2009, it has been marred by controversy. The opposition argued that it has been misused to target government critics and in December 2012, it removed two of its members from the commission in protest. Parliament passed a first lustration law in 2008 and a second one in 2012 after the constitutional court scrapped many key provisions from the original legislation, narrowing its time span and the range of professions to be subjected to checks.

[*Source*: Sinisa Jakov Marusic, “New Macedonia Lustration Commission Resumes Collaborator Probe,” *Balkan Insight* (1 August 2104; http://www.balkaninsight.com/en/article/old-head-to-lead-macedonia-s-lustration-commission?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=414d537400-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-414d537400-311109073).]

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011.

MALAWI

Previous *Annual Report* entries: 2011–2012.

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010, 2013.

MALI

Previous *Annual Report* entries: 2011, 2013.

War crimes and other serious abuses were committed by all sides during Mali's recent armed conflict (2012–2013). These abuses included, among others, the destruction of religious and cultural shrines by armed Islamist groups [See *NCH Annual Report 2013*]. In July 2012, the government, a state party to the International Criminal Court (ICC), referred “the situation in Mali since January 2012” to the ICC prosecutor for investigation. On 16 January 2013, the ICC prosecutor formally opened an investigation into grave crimes allegedly committed in the northern three regions. At the end of 2013, no arrest warrants had been issued. The government and military high command gave mixed signals regarding abuses by Malian soldiers, at times flatly denying violations and at others promising to hold alleged perpetrators to account. While the authorities investigated a few incidents, numerous others had not been investigated, and no soldiers implicated in recent abuses had been put on trial.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 145.]

In March 2013, the interim government established the Commission for Dialogue and Reconciliation, but its efficacy was undermined by an unclear mandate and the hasty appointment of commissioners. In addition, the interim government failed to consult sufficiently with a wide variety of stakeholders. Because its mandate and powers appear limited to promoting reconciliation, some Malians pushed for a commission that could address impunity for abuses and recommend individuals for prosecution.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 146.]

MALTA

Previous *Annual Report* entries: 2012.

MARSHALL ISLANDS

Previous *Annual Report* entries: 2013.

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011.

MAURITIUS

Previous *Annual Report* entries: 2012.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2013.

On 2 July 2013, (Óscar) Samuel Malpica Uribe ([1955]–2013), social anthropologist and historian, researcher at the Department of Historical Research into the Workers' Movement (DIHMO) of the Benemérita Universidad Autónoma de Puebla (BUAP; Distinguished Autonomous University of Puebla), and leftist activist, was shot dead by unidentified gunmen. He was a former rector of the BUAP (1987–1989). Investigators looked at a number of possible motives, including allegations made by Malpica about the existence of a corruption network at the BUAP. On 13 June 2013, he had filed an official request with the state comptroller's office for an investigation into the alleged irregularities. According to his widow, he was planning to stage a hunger strike to press for an investigation of the BUAP.

As the founder of the Ecomuseo de Metepec (ECUML) in Atlixco—in which the workers' patrimony of a textile factory was preserved—he received the National Prize Francisco de la Maza of the Instituto Nacional de Antropología e Historia (INAH) [Francisco de la Maza (1913–1972) was a Mexican historian of colonial art]. Malpica also investigated the astronomy and culture of the Mayas. He was unsuccessful in his attempt to become Puebla's mayor in 2008 for the Workers' Party and Party of the Democratic Revolution (PRD). In 1989, Malpica had been removed as rector, arrested on fraud charges in 1990 and in 1992–1993 imprisoned for one year during the administration of Governor Mariano Piña Olaya of the Institutional Revolutionary Party (PRI), but not convicted. He declared that he had been a political prisoner.

[*Sources*: “La Benemérita Universidad Autónoma de Puebla lamenta la muerte del ex Rector Samuel Malpica Uribe” (3 July 2013);

http://www.buap.mx/portal_pprd/wb/comunic/la_benemerita_universidad_autonoma_de_puebla_lam en); “Former University President Murdered in Mexico,” *Latin American Herald Tribune*

(<http://www.laht.com/>; EFE, 3 July 2013).]

See also United States.

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010.

MONGOLIA

Previous *Annual Report* entries: 2007, 2013.

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2013.

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2013.

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2013.

The Law on Peaceful Assembly and Peaceful Processions was applied haphazardly in 2013, with the authorities permitting some demonstrations and denying permission for others. They permitted a major gathering on 8 August 2013 to commemorate the 25th anniversary of the 1988 democratic uprising. After the 1988 military coup, cultural, historical, economic, or religious studies of ethnic minorities had been suppressed. Any discussion of the pro-democracy rebellion or the coup had been banned until 2013.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 308, 310.]

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011.

NEPAL

Previous *Annual Report* entries: 2007–2013.

Instead of taking steps to ensure the prosecution of those responsible for the worst crimes committed during the country's civil war (1996–2006)—during which at least 13,000 people were killed and over 1,300 subjected to enforced disappearance—the cabinet pushed an ordinance that could lead to an amnesty for the perpetrators. Nepal's Truth, Reconciliation and Disappearance Ordinance, signed into law by President Ram Baran Yadav in March 2013, called for a high-level commission to investigate serious conflict-related violations. The law did not define which crimes were eligible for amnesty and which were excluded, giving commissioners potentially wide discretion to make determinations. As a result, some perpetrators of torture, war crimes, and crimes against humanity could win amnesties in contravention of international law. The high-level commission had yet to be formed, and in April the Supreme Court suspended the ordinance pending further review. About the amnesties, United Nations High Commissioner for Human Rights Navi Pillay said: "Such amnesties would not only violate core principles under international law but would also weaken the foundation for a genuine and lasting peace in Nepal."

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 356–357, 359–360.]

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2013.

On 18 October 2013, the Court in Amsterdam ordered cultural anthropologist and management consultant Martijn van Oorschot not to publish his manuscript which was commissioned by the Nederlandse Loodscorporatie (NLC; Dutch Pilots' Corporation). The manuscript contained a history of the years between the privatization of the NLC in 1988 and 2013. The court ruled that the oral agreement between van Oorschot and the maritime pilots gave the latter the copyright. The conflict began when van Oorschot submitted the manuscript and NLC chairman Eric van Dijk had the text substantially edited in July 2013, especially the places where twenty interviewees were quoted.

Van Oorschot refused to change his text, and when Van Dijk annulled the agreement and ordered Van Oorschot to destroy his source materials, Van Oorschot refused and expressed his intention to publish the manuscript himself. Subsequently, the NLC chairman and interviewees sued Van Oorschot in summary proceedings. Sensitive passages of the manuscript reportedly included the post-1988 period in which retirement age and pension schemes were at stake and a later period in which computerized distant piloting was discussed. Van Oorschot, who had already written a book chapter containing a history of the maritime pilots in 2004, appealed the decision.

[*Sources*: Martijn van Oorschot, personal communication (February 2014); *NRC Handelsblad* (7, 11, 21 October 2013); Rechtbank Amsterdam, *Nederlandse Loodsencorporatie versus Martijn van Oorschot* (<http://www.concernedhistorians.org/le/310.pdf>; 18 October 2013).]

On 19 November 2013, *NRC Handelsblad* newspaper reported that archives of the military information services MARVO and MARNSVO documenting crimes committed by the Dutch military in Indonesia during the independence war of 1945–1949 had been destroyed or hidden. The archive of the military information service DLC had been heavily censored.

[*Source*: *NRC Handelsblad* (19 November 2013), 11.]

On 30 November 2013, the *Volkskrant* newspaper published classified documents showing that the violent end to a 20-days' train hijack by South Moluccan activists in 1977 ended in the execution of six of the hijackers, disproving the official version that the aim had not been to kill the latter. Nine armed Moluccans had taken over a train close to De Punt in Drenthe in an effort to force the Dutch government to recognize an independent South Maluku, as it had promised during the Indonesian independence talks in the late 1940s. The official documents on the ending of the siege were sealed until 2053. Two hostages were also killed during the siege.

[*Sources*: "MPs Want Answers on Moluccan Train Siege Ending in 1977"

(http://www.dutchnews.nl/news/archives/2013/12/mps_want_answers_on_moluccan_t.php; 2

December 2013); M. Nadeem, "MPs Question 'Rain of Bullets' on Moluccan Train in 1977"

(<http://www.nltimes.nl/2013/12/04/mps-question-rain-bullets-moluccan-train-1977>; 4 December 2013).]

On 7 February 2014, the *Volkskrant* newspaper sued De Nederlandsche Bank (DNB; the central bank of the Netherlands) with the purpose to disclose a secret two-volume internal DNB history about the sale and nationalization of ABN Amro bank in 2007–2008. Written by DNB historian Corry van Renselaar and consisting mainly of the discussions among DNB direction members, the text was intended to be published under the title *Bank in brokken* (Bank into pieces) but it never appeared. In March 2012 the *Volkskrant* had become aware of the history and in April 2012 filed a Wet

Openbaarheid Bestuur (WOB; Freedom of Information Act) request, but DNB had rejected it with the argument that the WOB was not applicable to it.

[*Source*: Robert Giebels & Gijs Herderscheë, “De Volkskrant daagt DNB voor de rechter om informatie verkoop ABN,” *Volkskrant* (7 February 2014).]

On 30 July 2014, the Raad van State (Council of State) ruled in a case confronting a biographer from Nijmegen (name unknown) and the Ministry of the Interior and Kingdom Relations regarding access to internal security files about the failed coup against Indonesian President Sukarno on 23 January 1950. The biographer was writing a work about Raymond Westerling (1919–1987), a Dutch military officer of the KNIL (Royal Netherlands East Indies Army) who had organized the failed coup. After a first request from the biographer for data about the coup, the minister made accessible a file of 11 redacted pages. The biographer complained that it was implausible that such an important historical event had yielded only one modest file. He argued that, according to Dirk Engelen’s book about the history of the Internal Security Service BVD, Westerling’s file alone consisted of 12 volumes and that, according to reports of the Military Police and to a secret Exterior Ministry note, members of the Dutch army command had been involved in the attempt. In November 2012, the Minister rejected the complaint, a decision confirmed by the Court in The Hague in October 2013. On higher appeal, however, the Council of State ruled that the minister had not searched the relevant BVD archives in their entirety, having used only the key-terms “coup against Sukarno in 1950” and excluded personal files such as Westerling’s. It ordered a new search.

[*Source*: Raad van State, *X versus* Ministry of the Interior and Kingdom Relations (2014; <http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RVS:2014:2866>; <http://www.concernedhistorians.org/le/355.pdf>).]

See also Bosnia and Herzegovina, Saint Vincent, Rwanda.

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007.

NICARAGUA

Previous *Annual Report* entries: 1998.

NIGER

Previous *Annual Report* entries: 2009, 2013.

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2013.

NORWAY

Previous *Annual Report* entries: 2009, 2012.

See Rwanda.

OMAN

Previous *Annual Report* entries: 2010.

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012.

On 28 March 2014, journalist and human-rights defender Raza Rumi was the victim of an assassination attempt while driving home after completing his weekly television program in Lahore. His driver was killed and his security guard left paralyzed. Lahore police ordered Rumi to hide. They arrested six men for the attack, saying that Lashkar-e-Jhangvi—an anti-Shia Muslim armed group that claimed responsibility for hundreds of killings across Pakistan—was responsible. Rumi had frequently received threatening messages on Twitter and Facebook because of his work; his name was on several hit-lists. He declared that the reasons for the attempt on his life were his views on minority rights; his book *Delhi by Heart: Impressions of a Pakistani Traveller* (2013), his demand to include the 11 August 1947 speech by *Quaid* Ali Jinnah (1876–1948), Pakistan’s first governor-general, in the Constitution; and his plea for rational engagement with the West and the outside world. The 2013 book—on the shared history of India and Pakistan—dealt with how ancient and medieval Delhi led to the evolution of the north Indian cuisine, music, Urdu language and other expressions of everyday life.

[*Sources*: Amnesty International, “*A Bullet Has Been Chosen For You*”: *Attacks On Journalists In Pakistan* (London 2014), 7–8, 35, 39–40; Hassan Naqvi, “Delhi by Heart: Writing ‘Home’” (7 July 2013; <http://tribune.com.pk/story/571876/delhi-by-heart-writing-home>); Raza Rumi, “Escaping Death in the Land of the Pure,” *The Express Tribune* (29 March 2014; <http://tribune.com.pk/story/688869/escaping-death-in-the-land-of-the-pure/>).

See also Bangladesh.

PALESTINIAN AUTHORITY

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2013.

In November 2013, Brandeis and Syracuse Universities in the United States suspended their ties with Al-Quds University after a protest on 5 November 2013 on the campus in which demonstrators used the traditional Nazi salute and honored “martyred” suicide bombers. The suspension came although university president Sari Nusseibeh repeatedly denounced the protest.

[*Source*: Elizabeth Redden, “Syracuse to Cut Ties with Al-Quds, Bard to Keep Partnership,” *Inside HigherEd* (25 November 2013).]

In [March] 2014, Mohammed S. Dajani (1946–), political scientist, library director and founder of the American studies program at al-Quds University in East Jerusalem, took 27 Palestinian college students to visit the Auschwitz concentration camp in Poland as part of a project designed to teach empathy and tolerance and funded by the German Research Foundation. While the Palestinian students were visiting Auschwitz, a parallel group of Jewish Israeli students from Ben-Gurion University of the Negev, Beer-Sheva, and Tel Aviv University went to Bethlehem to hear Palestinians from the Dheisheh refugee camp tell their story. The responses of both groups of students—Israelis and Palestinians—would then be analyzed.

Following media reports about the trip, online commentators in April branded Dajani a traitor, reproached him to teach the Holocaust rather than the Nakba (the latter meaning “catastrophe”; the term used by Palestinians to describe the expulsion of hundreds of thousands of Palestinians from Israel in 1948) and urged him not to return to the university. The online version of an article about the trip published in the major Palestinian newspaper *al-Quds* was taken down by the publishers, reportedly because it was heavily attacked in the comments section. On 18 May 2014, following weeks of pressure, death threats and campus riots, Dajani resigned. He said that he had hoped the university would reject his resignation and, in so doing, support academic freedom. Instead, his resignation was accepted. The university issued a statement saying that Dajani and the students had made the trip in a “personal capacity.”

In the past, Dajani had been trained as a guerrilla with the Palestine Liberation Organization and banned from Israel for 25 years (until 1993) because of his role as head of Fatah’s English-language propaganda arm. In 2007, he had founded Wasatia (“moderation” in Arabic), a group promoting the Muslim tradition of compromise and non-violence.

[*Sources:* William Booth, “Palestinian University Students’ Trip to Auschwitz Causes Uproar,” *Washington Post* (13 April 2014; http://www.washingtonpost.com/world/middle_east/palestinian-university-students-trip-to-auschwitz-causes-uproar/2014/04/12/c162ba42-c27d-11e3-9ee7-02c1e10a03f0_story.html); Inna Lazareva, “Palestinian Professor Resigns over Students’ Trip to Auschwitz,” *Telegraph* (10 June 2014; <http://www.telegraph.co.uk/news/worldnews/middleeast/palestinianauthority/10885313/Palestinian-professor-resigns-over-students-trip-to-Auschwitz.html>); “Mohammed S. Dajani,” *Scholars at Risk Academic Freedom Monitor Digest* (March-May 2014) (<http://monitoring.academicfreedom.info/reports/2014-04-10-al-quds-university>); Matthew Kalman, “Palestinian Teaches Tolerance via Holocaust,” *New York Times* (20 April 2014; http://www.nytimes.com/2014/04/21/world/middleeast/palestinian-teaches-tolerance-via-holocaust.html?_r=0); Yifa Yaakov, “Palestinian Lecturer Who Led Auschwitz Trip Quits after Backlash,” *Times of Israel* (8 June 2014;

[auschwitz-trip-quits-after-backlash/#ixzz34Pz6kMKq](#).]

See also United States, Venezuela.

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2013.

PAPUA NEW GUINEA

Previous *Annual Report* entries: —.

See Australia.

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012.

PERU

Previous *Annual Report* entries: 2001–2013.

Peru's Truth and Reconciliation Commission estimated that almost 70,000 people died or were subject to enforced disappearance during the armed conflict (1980–2000). Many were victims of atrocities by the Shining Path and other insurgent groups; others were victims of human rights violations by state agents. Former President Alberto Fujimori was sentenced in 2009 to 25 years in prison for killings and “disappearances” in 1991 and 1992. His intelligence advisor, Vladimiro Montesinos, three former army generals, and members of the Colina Group, a government death squad, were also serving sentences ranging from 15 to 25 years for the assassination in 1991 of 15 people in the Lima district of Barrios Altos, and for six enforced disappearances.

In June 2013, President Ollanta Humala rejected a petition to grant Fujimori a presidential pardon requested by his family on grounds of ill-health. Media reports indicated that a commission on

presidential pardons had determined that Fujimori was not suffering from a terminal or degenerative illness or grave psychological problems. Judicial investigations into other cases were subject to long delays and resulted in few convictions. In a report issued in August 2013 to mark the tenth anniversary of the Truth and Reconciliation Commission's report, the human rights ombudsman found that, despite initial efforts, Peru had failed to implement a specialized judicial system with sufficient staff and resources to bring most cases to court. According to the ombudsman, as of April 2013, 113 of the 194 cases it monitored had been closed or were in the early stages of investigation, and only 32 had resulted in a sentence.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 273–274.]

In June 2013, the Constitutional Court held that a 1986 massacre in El Frontón prison during the first administration of former President Alan García, in which at least 130 inmates were killed, was subject to a statute of limitations since it did not constitute a crime against humanity. The court's opinion disregarded a 2000 ruling of the Inter-American Court of Human Rights in the case of Durand and Ugarte, which ordered Peru to investigate these events and hold those responsible accountable. In September 2013, the Ministry of Justice asked the Constitutional Court to correct the ruling on the grounds that a majority of the judges had rejected the petitioners' argument that the opening of trial proceedings in the El Frontón case was unconstitutional, and that the court had not been asked to rule on whether the crimes committed were crimes against humanity. As of October 2013, the court had not responded.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 274.]

PHILIPPINES

Previous *Annual Report* entries: 2011–2013.

In 2014, sustained efforts were underway to collect records documenting human rights violations during the martial law years (1972–1986) in order to enable victims to file reparation claims.

[Source: Mike Frialde, "CHR putting together 'Martial Law Files'," *The Philippine Star* (1 February 2014; <http://www.philstar.com/headlines/2014/02/01/1285324/chr-putting-together-martial-law-files> <http://newsinfo.inquirer.net/579055/how-much-is-suffering-under-marcos-worth>).]

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011.

The actors of the 2012 film *Pokłosie* (The Aftermath), directed by Władysław Pasikowski, were insulted and received death threats because the film supposedly defamed Poland. It showed two brothers returning to their village and trying to break the silence about a wartime pogrom; it was inspired by Jan Tomasz Gross's book *Neighbors* (2001), concerning a pogrom in which at least 340 Jews were killed by Polish villagers in Jedwabne in July 1941. The movie was praised but also widely criticized by nationalists and banned in some towns.

[*Sources*: *NRC Handelsblad* (26 March 2014), C2 and (21 May 2014), C4; *Wikipedia* (27 March 2014).]

On 14 October 2013, a statue made by Jerzy Szumczyk, a fifth-year student at the Academy of Fine Arts, was removed in Gdansk. Entitled *Komm Frau* (Come Here, Woman), the statue was illegally installed on 12 October 2013 and represented a Soviet soldier raping a pregnant German woman. Szumczyk was detained and released after questioning. Historians estimated that over one million German women were raped by Soviet soldiers in 1944–1945. A Red Army War Memorial in Berlin became known as the “tomb of the unknown rapist.”

[*Sources*: Tara Brady, “Polish Town Tears Down Statue Marking the Rape of Millions of German Women by Russian Soldiers,” *Daily Mail* (14 October 2013); “Red Army Rape Statue Removed in Gdansk,” *News from Poland* (<http://www.thenews.pl/1/9/Artykul/149969,Red-Army-rape-statue-removed-in-Gdansk>; 14 October 2013).]

See also Palestinian Authority, Russia.

QATAR

Previous *Annual Report* entries: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010.

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2013.

According to a study conducted by Anti-Plagiarism, one of Russia's leading analytical agencies in the field of intellectual property, one out of every ten theses on history defended in Russia involved plagiarism.

[Source: Eugene Vorotnikov, "Government to Combat Plagiarism and Illegal Degrees," *University World News Global Edition*, Issue 309; (24 February 2014); <http://www.universityworldnews.com/article.php?story=20140224162330475>).

Over several years, there had been a campaign of criminal persecution against people who read or distributed the works of Said Nursi. Nursi (1868–1960) was a Muslim Kurdish scholar, Sufi teacher and political leader. [See also *NCH Annual Report 2012*, under Turkey.]

[Source: *Index on Censorship*, 2013, no. 4, 39.]

In July 2013, the City Court in Dzerzhinsk rejected the petition filed by the local prosecutor's office to ban a 1,200-page book written by Stanislav Dmitrievsky, an archaeologist and writer, Oksana Chelysheva and Bogdan Guareli, and entitled *International Tribunal for Chechnya: Prospects of Bringing to Justice Individuals Suspected of War Crimes and Crimes Against Humanity during the Armed Conflict in the Chechen Republic* (2009) under the anti-extremism legislation. In October 2013, an appeals court upheld this decision. [See also *NCH Annual Report 2013*.]

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 473.]

On 25 August 2013, when ten Moscovites wanted to repeat a demonstration on the Red Square in Moscow held on 25 August 1968 by eight dissidents against the Warsaw Pact invasion of Czechoslovakia, they were arrested and held for a few hours. Now as then, the demonstrators carried a banner with the slogan "For your and our liberty." Former dissident Natalya Gorbanevskaya (1936–2013), a poet, participated in both demonstrations. She died a few months later.

[Source: *NRC Handelsblad* (27 August 2013), 9; (9 December 2013), 12.]

On 21 October 2013, the Grand Chamber of the European Court of Human Rights reduced the scope of an earlier 2012 judgment on the 1940 Katyń massacre [See *NCH Annual Report 2012*]. It found, first, that the court was indeed not competent to examine the adequacy of an investigation into the events. In order to establish whether a “genuine connection” between the deaths of the victims in 1940 and the ratification, 58 years later, of the European Convention of Human Rights by Russia was possible, that connection had to be determined by two criteria: the period of time between the event and the entry into force of the Convention had to be reasonably short and not exceeding in any event ten years, and a major part of the investigation ought to have been carried out after the entry into force. In applying these criteria, it determined that the period between 1940 (the time of the events) and May 1998 (the time the Convention entered into force in Russia) was too long for a “genuine connection” to be established between both. In particular, Russia had undertaken real investigative steps in the early 1990s but not after May 1998 and the investigation itself was only formally terminated in 2004. No relevant piece of evidence had come to light since 1998. There were no elements capable of providing a bridge from the distant past into the recent post-1998 period. Accordingly, the Court had no temporal jurisdiction to examine the complaint.

Secondly, the Court’s jurisdiction only extended to the period starting in May 1998: by then, the death of the Polish prisoners of war had become established as a historical fact and no lingering uncertainty as to their fate—which might have given rise to a breach of article 3 (prohibition of inhuman treatment)—had remained. What could initially have been a “disappearance” case had to be considered a “confirmed death” case.

The Grand Chamber also underlined, third, that under article 38 (obligation to furnish necessary facilities for examination of the case) Russia was obliged to comply with its requests for evidence and found that, in refusing to submit the key procedural decision of September 2004 which remained classified, Russia had failed to do so. The Russian courts had not scrutinized the assertion that that material had to be kept secret more than 70 years after the events. They had not addressed the argument of the NGO Memorial that the decision brought to an end the investigation into a mass murder of unarmed prisoners. Finally, they had not performed a balancing exercise between the alleged need to protect the information held by the Federal Security Bureau (FSB; successor to the NKVD and KGB) and the public interest in a transparent investigation into the crimes of the previous totalitarian regime. The Grand Chamber was unable to accept that the submission of a copy of the September 2004 decision could have affected Russia’s national security.

[Sources: *BBC News* (21 October 2013); European Court of Human Rights, *Janowiec and Others versus Russia: Judgment* (<http://www.concernedhistorians.org/le/259.pdf>; 2102); European Court of Human Rights (Grand Chamber), *Judgment* (<http://www.concernedhistorians.org/le/312.pdf>.)]

In December 2013, a court in Saint Petersburg ruled that the International Society Memorial’s local

anti-discrimination division—which assisted victims of discrimination and xenophobia—had to register as a foreign agent. Memorial intended to appeal the ruling. [See also *NCH Annual Report 2013*.] In July 2013, Memorial’s office in Sochi had been inspected.

[*Sources*: Kristina Gorelik & Tom Balmforth, “A Quarter Century of Rights Activism: Memorial Turns 25,” *Radio Free Europe/Radio Liberty* (29 January 2014); International Council on Archives Human Rights Working Group, *News of August 2013*, 9.]

On 1 March 2004, the day that the Federation Council (the upper house of the Duma) authorized President Vladimir Putin to send troops to Ukraine, historian and theologian Andrei Zubov compared Moscow’s incursion into the Crimea with Nazi Germany’s annexation of Austria in March 1938 in an opinion article (entitled “This Has Already Happened”) published on the daily *Vedomosti*’s website. On 24 March 2014, the Moscow State Institute of International Relations (MGIMO; Moscow’s diplomatic academy with ties to the foreign ministry), where Zubov had worked since 2001, dismissed him for criticizing Russia’s foreign policy, noting “Let the inappropriate and offensive historical analogies and characterizations lay on Zubov’s conscience, the leadership of MGIMO views it as impossible for A. B. Zubov to continue working at the institute.” Many protested the dismissal. Zubov declared that he thought that MGIMO was put under pressure “by higher authorities” and planned to challenge his dismissal in court. In late April 2014, he was temporarily reinstated after the dismissal proved to be unlawful because Zubov was a member of an election commission for a district in Moscow and he could not be dismissed while serving on that commission. But Zubov’s contract with the commission was due to expire on 30 June 2014 and would not be extended. After that, his dismissal would take effect. MGIMO lecturer Elina Kolesnikova resigned the day after Zubov was dismissed, denouncing the violation of academic freedom. Zubov also directed the history of religions department at Saint John Russian Orthodox University and edited two volumes of *Russian History: 20th Century*.

[*Sources*: Sergey Berzin, “Russian Academics Spooked by Zubov’s Dismissal,” *University World News* (11 April 2014; <http://www.universityworldnews.com/article.php?story=20140410172832334>); Sergey Berzin, “New Twist in Outspoken Professor Zubov’s Dismissal,” *University World News* (18 April 2014); Matthew Bodner, “Professor Says Sacked Over Opinion Article Against Possible Ukraine Invasion,” *Moscow Times* (5 March 2014; <http://www.themoscowtimes.com/news/article/professor-says-sacked-over-opinion-article-against-possible-ukraine-invasion/495616.html>); Reuters, “Russian Professor Compares Russia’s Actions to Nazi Annexation of Austria,” *Voice of America* (<http://www.voanews.com/articleprintview/1864112.html>; 4 March 2014); Reuters, “Russian Professor Sacked over Criticism of Actions in Ukraine” (24 March 2014; <http://www.reuters.com/article/2014/03/24/us-ukraine-crisis-professor->

idUSBREA2N1BM20140324); “Russian Historian Fired over Putin-Hitler Comparison,” *Transitions Online* (<http://www.tol.org/client/article/24198-russia-plans-permanent-link-to-crimea-armenia-on-threshold-of-customs-union>; 5 March 2014); Andrei Zubov, “Это уже было,” *Vedomosti.ru* (1 March 2014; <http://www.vedomosti.ru/opinion/news/23467291/andrej-zubov-eto-uzhe-bylo>.)]

In May 2014, the Chechen film “Ordered to Forget” («Приказано забыть») —produced by Ruslan Kokanayev and dealing with the burning alive of 700 people in the Chechen village of Haybakh at the time of the deportation of the entire Chechen and Ingush nations in February 1944 on Stalin’s orders—was to be premiered in Grozny, the capital of Chechnya. However, Russia’s Ministry of Culture refused to certify the film for public distribution on the grounds that, since the archives of the People’s Commissariat for Internal Affairs (NKVD, the forerunner of the present-day Federal Security Bureau, FSB) contained no evidence of the crime, the film constituted “a falsification of history” that could give rise to interethnic hatred. Kokanayev said that the Ministry of Culture did not raise any objections when he first submitted the scenario for approval, and that, when the finished film was first screened in Moscow in early February 2014, it was praised. Kokanayev planned to contest the ban in court.

He challenged the Ministry of Culture’s claim that no documentary evidence of the mass killing existed; he had used a scholarly work about the killing for writing his script. The findings of a Khrushchev-era probe were never made public, however, and Haybakh remained a taboo subject until the late 1980s. In response to a newspaper article, the prosecutor’s office in Chechnya’s Urus-Martan district had opened a criminal case in 1989. Similar mass killings had taken place in other Chechen and Ingush villages (Melkhesty, Kezenoy-Am, Targim) in February 1944. On 20 June 2014, “Ordered to Forget” was screened at the Moscow International Film Festival.

[*Sources*: International Council on Archives Human Rights Working Group, *News of June 2014*, 7; RFE/RL (Liz Fuller), “Banned Chechen Movie Screened At Moscow Film Festival” (23 June 2014; <http://www.rferl.org/content/caucasus-report-banned-chechen-movie-haybakh/25432647.html>.)]

In early May 2014, a new version of the law “On Combating the Rehabilitation of Nazism, Nazi Criminals or Their Collaborators in the Newly Independent States on the Territory of the Former Union of Soviet Socialist Republics” [see *NCH Annual Report 2010*] was reportedly reintroduced and signed by President Vladimir Putin.

[*Source*: Neil Macfarquhar, “Russia Revisits Its History to Nail down Its Future,” *New York Times* (11 May 2014; http://www.nytimes.com/2014/05/12/world/europe/russia-revisits-its-history-to-nail-down-its-future.html?_r=0.)]

On 17 May 2014, the *de facto* authorities in Crimea, annexed by Russia in March 2014, banned all

public gatherings until 6 June 2014. Pro-Moscow Crimean leader Sergei Aksyonov cited violence in southeast Ukraine as the reason for his decision to ban rallies. On 18 May 2014, the Mejlis—the main representative body of the Crimean Tatars—called of a rally in the center of Simferopol, Crimea’s capital, to mark the 70th anniversary of the deportation of the Crimean Tatars by Stalin. It called instead for Tatars to gather at religious centers and other locations. Dozens of people gathered at a memorial near Simferopol’s railway station, the departure point for thousands of Tatars sent into internal exile. Later that day, at least 10,000 people participated in the rally on the outskirts of Simferopol, carrying placards calling for self-determination. Refat Chubarov, chairman of the Mejlis, described the decree as an “inhuman act.” Crimean Tatar leader Mustafa Dzhemilev was banned by *de facto* Russian authorities in Crimea from returning to the peninsula. On May 18 1944, Soviet authorities began deporting Crimean Tatars to Central Asia; many of the 200,000 deportees died on their way into exile.

[Source: RFE/RL, “Crimean Tatars Mark 70th Anniversary of Deportation,” (18 May 2014; <http://www.rferl.org/content/ukraine-crimea-tatars-deportation/25389125.html>).]

See also Poland, Ukraine.

RWANDA

Previous *Annual Report* entries: 1998, 2000–2013.

In October 2013, a revised version of the 2008 law on genocide ideology was promulgated. It contained several improvements, including a more precise definition of the offense and the requirement to demonstrate intent behind the crime, thereby reducing the scope for abusive prosecutions. However, several articles retained language that could be used to criminalize free speech. The new law reduced the maximum prison sentence from 25 to 9 years. [See also *NCH Annual Reports 2009–2011, 2013*.]

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 158.]

The trial of Léon Mugesera, a former government official extradited from Canada to Rwanda in 2012 and accused of planning and inciting genocide, took place in the High Court in Kigali. It was ongoing at the end of 2013. In July 2013, the International Criminal Tribunal for Rwanda (ICTR) transferred genocide suspect Bernard Munyagishari to face trial in Rwanda. After preliminary hearings, the trial of Jean Bosco Uwinkindi, the first such case to be transferred by the ICTR to Rwanda in 2012, was postponed and had not begun in substance at the end of 2013. Criminal trials of Rwandan genocide

suspects on the basis of universal jurisdiction took place in the national courts of Norway, Sweden, and the Netherlands, leading to convictions and prison sentences.

A United States (US) court convicted a Rwandan of immigration fraud for concealing her role in the genocide, stripped her of US citizenship and sentenced her to 10 years' imprisonment. A genocide suspect in Norway was extradited to Rwanda while two others in Sweden and Denmark lost their appeals against extradition. Extradition cases were pending in several other countries, including the United Kingdom, Netherlands, and France.

[*Source: Human Rights Watch, World Report 2014* (Washington 2014), 157–158.]

On the twentieth anniversary of the 1994 genocide, on 7 April 2014, French ambassador Michel Flesch was barred from attending the commemoration ceremony in Kigali. The measure came after French Justice Minister Christiane Taubira had canceled plans to attend the ceremony following an accusation by President Paul Kagame that France had participated in the genocide.

[*Source: BBC News* (7 April 2014).]

See also Congo (Democratic Republic).

SAINT VINCENT

Previous *Annual Report* entries: —.

On 11 March 2014, the Caribbean Community (Caricom), based in Georgetown, Guyana, approved a ten-point plan for reparations from the former slave-owning states of Europe at a two-day meeting in Saint Vincent and the Grenadines. Caricom said that European governments had been responsible for conducting slavery and genocide, and imposed racial apartheid and suffering on freed slaves and genocide survivors. It also declared that they had “refused to acknowledge such crimes or to compensate victims and their descendants.” The plan would pursue a full formal apology for slavery, repatriation to Africa, a development plan for the native Caribbean peoples and funding for cultural institutions. It also sought to address chronic diseases and psychological rehabilitation for trauma inflicted by slavery, technology transfer to make up for technological and scientific backwardness resulting from the slave era, and support for payment of domestic debt and cancelation of international debt. Slavery ended throughout the Caribbean in the 1800s in the wake of slave revolts. By the end of April 2014, a formal complaint would be presented to the European governments (including the United Kingdom, France and the Netherlands). If the latter would reject it, the Caricom nations would take their individual cases to the International Court of Justice.

[*Source*: Aileen Torres-Bennett, “Caribbean Nations Agree to Seek Slavery Reparations from Europe,” *Reuters* (11 March 2014; <http://www.reuters.com/article/2014/03/11/us-caribbean-slavery-idUSBREA2A1ZR20140311>.)]

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011, 2013.

See Tunisia.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009, 2013.

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2013.

Despite a historic agreement in April 2013 by the European Council to start European Union membership talks in January 2014 with Serbia, human rights concerns persisted. Prosecutions for war crimes committed in 1991–1995 progressed slowly in 2013. The Belgrade War Crimes Chamber reached convictions in six cases and acquitted two people in one case. The Office of the War Crimes Prosecutor indicted three people for crimes against civilians. Fourteen prosecutions were pending at the end of 2013. In February 2013, Serbia signed a war crimes protocol with Bosnia facilitating the mutual transfer of information and evidence of war crimes. In July, this resulted in an agreement to cooperate on investigations against 30 suspected war criminals believed to live in Serbia. In April 2013, Serbian President Tomislav Nikolić offered an apology on Bosnian TV in the name of the Serbian people for war crimes committed by Serb forces in Bosnia during the 1992–1995 war. The apology stopped short of calling the 1995 massacre in Srebrenica genocide. [See also *NCH Annual Report 2013*.]

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 483–484.]

Kosovo

In the first nine months of 2013, the European Union Rule of Law Mission (EULEX) judges handed down five war crimes judgments, reaching acquittals in all but one case. The September acquittal of Fatmir Limaj and nine others in a case concerning the 1998 mass murder of Serb and Albanian civilians in Klecka by Kosovo Liberation Army (KLA) forces illustrated weaknesses in Kosovo's witness protection program and challenged to prosecute crimes committed during and after Kosovo's 1998–1999 war. In October 2012, the EULEX special prosecutor charged 15 people with war crimes against civilians and prisoners in 1998 at a KLA detention center in Likovac. Hundreds of cases were pending before the Kosovo Special Prosecution Office, the War Crimes Investigative Unit of the Kosovo Police, and EULEX. At the end of 2013, 13 arrest warrants were outstanding concerning Serbs who were believed to reside outside Kosovo. EULEX continued to investigate 94 war crimes cases from the 1998–1999 war, including massacres in Meja, Dubrava, and Krusha thought to involve more than 1,000 victims. At the end of August, the Human Rights Review Panel (HRRP), an independent body set up by EULEX staff in 2009 to review allegations of human rights violations, handed down 15 decisions, finding violations in 5 cases.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 488–489.]

See also Bosnia and Herzegovina.

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007. *See* Montenegro and Serbia / Kosovo.

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012.

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011.

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011, 2013.

On 16 October 2013, chairman Ondrej Krajňák of the official Institute of National Memory (ÚPN; established to provide access to the records of the activities of the secret police of Czechoslovakia in 1939–1989) refused to open the extraordinary session of the ÚPN board and left the meeting. The other board members then unanimously approved a resolution which stated concern over what it called Krajňák's attempts to disable the operation of the ÚPN board. Krajňák perceived the publicized accusations as an effort of some board members to discredit him.

[*Source: Slovak Spectator* (17 October 2013;

http://spectator.sme.sk/articles/view/51715/10/upn_head_accused_of_sabotaging_institute_responds_in_part_of_discrediting_campaign.html.)]

See also Russia.

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2013.

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012–2013.

In government-controlled areas, targeted killings, including of traditional elders, increased. The perpetrators were frequently unknown, although the Islamist armed group Al-Shabaab was often believed to be responsible.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 162.]

On 15 October 2011, Al-Shabaab issued a directive imposing its interpretation of Islam in all primary schools in the Middle Shabelle region. It threatened or killed teachers for refusing to comply with its demands. This included a ban on the teaching of geography and history, imposing its own teachers in schools, and using class time to teach extreme Islamist ideology. Al-Shabaab fighters toured the schools in the main districts of Middle Shabelle and donated new textbooks in Arabic ostensibly to replace the geography and history textbooks. In September 2009, Al-Shabaab had already warned against using United Nations-provided textbooks, claiming that they were teaching students “un-Islamic” subjects.

[*Sources*: Global Coalition to Protect Education from Attack, *Education under Attack 2014* (New York 2014), 179; Mohammed Shiil, “Al-Shabaab Bans Teaching Geography and History, It Remains Unclear Why The Militant Group Issued The Order,” *Somalia Report* (http://www.somaliareport.com/index.php/post/1777/Al-Shabaab_Bans_Teaching_Geography_and_History; 16 October 2011).]

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012–2013.

In September 2010, National Archivist Graham Dominy [1953–] and archivist Clive Kirkwood were suspended by the Department of Arts and Culture on a series of administrative charges (related to the alleged favoring in late 2008 of a bidding company whose manager was a former national archives employee and to Dominy’s request to attend the International Council on Archives conference in Malta in November 2009). Both were later dismissed. In the ensuing legal case, not one of the charges was substantiated. In rulings of March 2012 and, after appeal, of May 2013, the Labour Court ordered the department to reinstate Dominy and Kirkwood or otherwise fully compensate them for loss of income.

[*Sources*: Tim Dunne, “Questions That Need Answers,” *Mail & Guardian Online* (6 July 2012; <http://mg.co.za/article/2012-07-06-questions-that-need-answers>); Shula Marks, “Do Not Let Our Archives Turn to Dust,” *Mail & Guardian Online* (29 June 2012; <http://mg.co.za/article/2012-06-28-do-not-let-our-archives-turn-to-dust>); Shula Marks, personal communication (August 2013).]

SOUTH SUDAN

Previous *Annual Report* entries: 2013.

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2013.

In 2012, the Francisco Franco Foundation sued artist Eugenio Merino because they found that his artwork “Always Franco” (a Franco sculpture in a fridge shown at the ARCO international art show in Madrid in 2012) defamed Franco. They sought 18,000 euros in damages. In July 2013, a judge ruled that the sculpture was a legitimate piece of artistic expression. The foundation appealed the decision. [*Source*: Guy Hedgecoe, “Spanish Left Cold over ‘Franco in a Fridge’” (<http://www.dw.de/spanish-left-cold-over-franco-in-a-fridge/a-17029255>; 19 August 2013).]

On 25 June 2013, the Juzgado de Instrucción (court of first instance) No. 37 of Madrid interrogated internet journalist Gerardo Rivas Rico who was accused of defamation by the Falange (Falange española y de las JONS) because of the publication on 22 March 2012 of an article on www.plural.com in which he stated that the Falange was an organization with a long record of crimes against humanity since its foundation by José Antonio Primo de Rivera in 1933.

[*Sources*: Academia solidaria (<http://www.h-debate.com>; 3 June 2013); “La Falange se querrela contra la libertad de expresión e información” (<http://ala.org.es/la-falange-se-querrela-contra-la-libertad-de-expresion-e-informacion/>; 25 June 2013).]

In October 2013, a judge in Argentina exercised universal jurisdiction and requested extradition of two officials of the former Francisco Franco regime (1939–1975) for torture. In November 2013, the United Nations (UN) Committee on Enforced Disappearances urged Spain to investigate all enforced disappearances regardless of when they were committed, and concluded that incommunicado detention breached the prohibition of secret detention under the UN Convention on Enforced

Disappearance. [See also *NCH Annual Report 2013*.]

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 450.]

On 10 December 2013, three Spanish nationalist parties—the governing People’s Party (PP), the unionist Ciutadans–Partit de la Ciutadania (C’s) and the Spanish nationalist and populist Unió Progreso y Democracia (UPyD)—requested the immediate cancelation of an academic symposium, “Spain against Catalonia: A Historical Overview (1714–2014).” They also filed a complaint against it for “incitement to discrimination, hate, or violence” (article 510 of the penal code) in the Superior Tribunal of Catalonia. The symposium, scheduled for 12–14 December 2013 and organized by the independent Institute of Catalan Studies (IEC; Catalonia’s Science and Language Academy) and the Center of Contemporary History of Catalonia (CHCC; linked to the Catalan government), sought to discuss long-term patterns of repression by the Spanish state against Catalan institutions. UPyD leader Rosa Díez compared the event with “Nazism.” Spanish Foreign Affairs Minister José Manuel García-Margallo said that the event was “a flagrant falsification of history” made by “excluding and nationalistic pseudo-historians.” The spokesperson of the Catalan government, Francesc Homs, accused the critics of having “double standards,” because they criticized the event but “shut up when Nazism [was] trivialized.” The symposium organizers, among whom were leading Catalan historians such as Jaume Sobrequés and Josep Fontana, emphasized the academic nature of the event. More than 200 people registered for the symposium and the IEC had to open an extra hall to accommodate the overflow crowd. The PP’s Catalan leader, Alicia Sánchez-Camacho, announced that the PP would organize its own “symposium of the truth.”

[*Sources*: Academia solidaria (<http://www.h-debate.com>; 12 December 2013); “Controversial Historical Symposium Begins by Praising Catalonia’s Affection towards Spanish Society” (12 December 2013; <http://www.catalannewsagency.com/politics/item/controversial-historical-symposium-begins-by-praising-catalonia-s-affection-towards-spanish-society>); “Spanish Nationalists Want to Close an Academic History Symposium in Catalonia” (11 December 2013; <http://www.catalannewsagency.com/politics/item/spanish-nationalists-want-to-close-an-academic-history-symposium-in-catalonia>); “Suing a Symposium: Spain against Catalonia” (11 December 2013; <http://www.newscatalonia.com/2013/12/spain-against-catalonia.html>).]

See also Switzerland.

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2013.

The government of President Mahinda Rajapaksa made little progress in 2013 in addressing accountability for serious human rights abuses committed during the country's nearly three-decades-long civil war (1983–2009). Sri Lanka's failure over several years to address war crimes allegations prompted the United Nations (UN) Human Rights Council (HRC) in March 2013 to issue a resolution calling on Sri Lanka to independently and credibly investigate violations of international humanitarian and human rights law. The resolution also called on UN High Commissioner for Human Rights Navi Pillay to give an oral update on the human rights situation in Sri Lanka during the HRC's September session, and to present a written report at the March 2014 session. Following the HRC resolution, the government issued several updates regarding its implementation of recommendations of its own Lessons Learnt and Reconciliation Commission (LLRC), including investigations into a few war crimes allegations. Many of its claims were difficult to verify due to lack of government transparency, and, even if accurate, in important respects fell far short of the steps called for in the resolution. Special army courts of inquiry established in 2012 wholly exonerated the army of any laws of war violations despite significant evidence to the contrary. In response to LLRC concerns about enforced disappearances, the government established the latest in a long line of special commissions with a limited mandate and no clarity as to whether the government would publicize its findings. By September 2013, the government continued to detain 230 of the estimated 12,000 members and supporters of the defeated Liberation Tigers of Tamil Eelam (LTTE) held at the end of the civil war for "rehabilitation." High Commissioner Pillay travelled to Sri Lanka in August 2013. Her September oral report to the HRC was a scathing critique of the government's failures on postwar accountability. Pillay said she found no evidence of government efforts "to independently or credibly investigate the allegations" of war crimes and reported that the government had failed to implement many of the LLRC recommendations. Pillay said that the separation of the police from the Ministry of Defense, a key LLRC recommendation, remained incomplete as the police were placed under the command of a former army officer.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 387–388.]

In early May 2014, the registrar of Jaffna University sent out a circular announcing that the university would remain closed from 16 to 20 May 2014, coinciding with the days that the civil war (1983–2009) ended. The Science Teachers' Association condemned the closure and said that some university professors and student leaders had received death threats warning them against holding any commemoration for the war casualties, alleging that they were trying to revive the defeated Liberation Tigers of Tamil Eelam (LTTE). Pointing to the official "Victory Day" celebration to mark the end of the war, the teachers asked why the Tamils alone were barred from remembering and mourning their dead.

[*Source*: Meera Srinivasan, “Jaffna Varsity Teachers Assert Right to Mourn,” *The Hindu* (14 May 2014; <http://www.thehindu.com/news/international/south-asia/jaffna-varsity-teachers-assert-right-to-mourn/article6006123.ece>).]

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2013.

In 2013, Sudan did not cooperate with the International Criminal Court (ICC). Arrest warrants or summonses for six men, including President Omar al-Bashir, on charges of genocide, crimes against humanity and war crimes remained outstanding. A case involving alleged war crimes committed by one rebel leader proceeded at the ICC, while proceedings against a second rebel leader were terminated following his death.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 183.]

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012–2013.

SWAZILAND

Previous *Annual Report* entries: 2011, 2013.

SWEDEN

Previous *Annual Report* entries: 1998.

See Rwanda.

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009.

In late 2012, Iris Ritzmann (1962–), a professor (1997–2013) and interim director (2010–2013) at the Medizinhistorischen Institut (MHIZ; Institute of the History of Medicine) at the University of Zürich, and her husband, ethnologist Eberhard Wolff, were temporarily arrested on charges of having provided the MHIZ annual report and a confidential expert report about the MHIZ Medical History Museum to a journalist of the *Tages-Anzeiger* newspaper. The expert report contained criticism of Christoph Mörgeli, the museum curator and also a right-wing Swiss People's Party member of parliament and member of the Swiss National Council. She also gave the journalist access to the university's learning platform. Following publication of the critical article, Mörgeli claimed to be harassed by colleagues because of his political views, but he was subsequently dismissed from his position. In November 2012, Ritzmann was suspended pending a legal investigation initiated against her. Although the public prosecutor of the Canton of Zürich did not release any results, Ritzmann was dismissed on 29 October 2013. On 6 November 2013, the rector, Andreas Fischer, resigned over the affair. On 8 November 2013, 600 academics from around the world signed a petition asking for Ritzmann's reinstatement. The petition also asked for "deeply rooted" problems at the MHIZ to be made public and for an explanation into if and why the Zürich public prosecutor had been given access to university emails.

[*Sources*: "Petition Regarding Dismissal of Prof. Dr. Iris Ritzmann"

(<http://corpsetmedecine.hypotheses.org/5322>; 30 October 2013); "University Sacking Attracts Protest from Abroad," *Swissinfo.ch* (8 November 2013); *Wikipedia* (14 December 2013).]

In May, July, and September 2005, Doğu Perinçek (1942–), chairman of the Turkish Workers' Party, asserted in Lausanne, Opfikon (during a lecture commemorating the 1923 Lausanne Treaty) and Köniz that the Armenian genocide was an "international lie." He also distributed a tract in German entitled "The Great Powers and the Armenian Question" in which he denied that the 1915 massacres constituted genocide. On 15 July 2005, the Association "Switzerland-Armenia" filed a suit. Under the penal code, any act of denying, belittling or justifying genocide was a violation of the anti-racism legislation. On 9 March 2007, the police court found Perinçek guilty of racial discrimination and ordered him to pay a fine, declaring that the Armenian genocide was an established historical fact. The verdict was confirmed by the Vaud cantonal appeal court in June 2007 and by the Federal Court on 12 December 2007. It was the first time that the Federal Court ruled in a case of Armenian genocide denial. It declared that Perinçek's sentence served to protect the human dignity of the members of the Armenian community, who derived part of their identity from the memory of the

1915 genocide. [See also *NCH Annual Reports 2008* and *2009*.]

On 17 December 2013, the European Court of Human Rights ruled that Perinçek's right to free expression was violated and that his criminal conviction for denial that the atrocities perpetrated against the Armenian people in 1915 and later years constituted genocide was unjustified. The court found that Perinçek's opinion did not incite hatred or violence, or express contempt for the victims of the events and that, therefore, Perinçek did not abuse his rights. It further doubted that there could be a general consensus as to those events, especially their legal characterization as genocide, given that historical research was by definition open to discussion. It also observed that the twenty States which had officially recognized the Armenian genocide had not found it necessary to enact laws imposing criminal sanctions on individuals questioning the official view. The Court also distinguished the present case from Holocaust denial cases, in which the applicants had denied the historical facts (such as the existence of the gas chambers) and the Nazi crimes which had been found by an international court to be clearly established. The court also referred to the Spanish Constitutional Court, which in November 2007 had taken the view that the mere negation of a crime of genocide did not constitute direct incitement to violence, and to the French Constitutional Council which in February 2012 had declared unconstitutional a law which made it a criminal offence to deny the existence of the genocides recognized by the law, finding it to be incompatible with freedom of expression and freedom of research. Finally, it pointed out that in 2011 the United Nations Human Rights Committee had expressed its conviction that "[l]aws that penalize[d] the expression of opinions about historical facts [were] incompatible with the obligations that the Covenant [on Civil and Political Rights] impose[d] on States parties..." and that the "Covenant [did] not permit general prohibition of expressions of an erroneous opinion or an incorrect interpretation of past events."

[*Sources include*: European Court of Human Rights, *Cas de Perincek: Exposé des faits* (<http://www.concernedhistorians.org/le/180.pdf>; 2010); European Court of Human Rights, *Judgment* (<http://www.concernedhistorians.org/le/325.pdf>; 2013); Tribunal d'arrondissement de Lausanne, *Jugement rendu par le Tribunal de Police le 9 mars 2007 à 11:45 heures dans la cause Dogu Perincek* (http://www.concernedhistorians.org/content_files/file/le/70.pdf; 2007); Tribunal fédéral suisse, *Cas de Perincek* (<http://www.concernedhistorians.org/le/179.pdf>; 2007).]

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2013.

More than 90 percent of the most valuable archaeological sites were reportedly situated in high-conflict areas. All the six world heritage sites of Syria (ancient villages of Northern Syria, Bosra, Crac

des Chevaliers, Palmyra, Damascus and Aleppo, which was one of the oldest continuously inhabited cities in the world) were damaged. Many museums (e.g., in Homs and Hama) were looted and sculptures, inscription tablets, coins and tesserae (tiles used in making mosaics) were put on sale abroad. [See also *NCH Annual Report 2013*.]

In May-June 2014, a new wave of organized archaeological looting began at Dura-Europos, the Ottoman period gate at Deir Ez-Zor was bombed, a medieval Christian graveyard was desecrated, and the Jewish Synagogue in Jobar was destroyed. On 24 June 2014, the Ministry of Culture and Family Affairs for the Syrian Interim Government announced the creation of a Heritage Task Force to help protect Syrian cultural heritage.

[*Sources*: Rasha Faek, "Hidden Victim of Syria's Conflict: Historical Heritage," *Al-Fanar Media* (<http://www.al-fanarmedia.org/2014/02/hidden-victim-of-syrias-conflict-historical-heritage>; 20 February 2014); Syrian Coalition, "Interim Government Establishes Heritage Task Force" (National Coalition of Syrian Revolution and Opposition Forces; <http://www.etilaf.us/heritagetf>; 24 June 2014).]

A scholar of medieval Islamic architecture and urban architectural history (name unknown) was threatened with arrest because he was seen as expressing sympathy for the opposition in speaking out against Syrian ministers. Despite his efforts to promote Syria's cultural heritage, he went into exile.

[*Source*: Allan E. Goodman, "Protecting Scholars of Art from Persecution," *Huffington Post* (3 April 2014; http://www.huffingtonpost.com/allan-e-goodman/protecting-scholars-of-ar_b_5086911.html?utm_hp_ref=tw).]

See also Iraq.

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012.

TANZANIA

Previous *Annual Report* entries: 2010.

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2013.

In May 2013, the Supreme Court ruled that defaming past monarchs was a crime under the *lèse majesté* law, thereby making explicit a situation already in existence for decades. Details of this decision became known on 8 November 2013, when the court treated the case of a journalist (name withheld by the court) who had criticized slavery during Rama IV's reign (1851–68) in a 2005 radio broadcast. (Slavery was abolished in 1905 under Rama V only.) The Supreme Court ruled that this view defamed the monarchy, saying that it could lead to the misunderstanding that Thailand was badly governed under Rama IV and had no freedom at the time. It added that defaming the former king could affect the present king and create dissatisfaction among those revering deceased kings, impacting on national security. The journalist received a four-year prison sentence, later reduced to a two-year suspended sentence.

Kullada Kesboonchoo Mead, a political scientist from Chulalongkorn University, author of *The Rise and Decline of Thai Absolutism*, said the ruling affected her work about past monarchies: she was reportedly advised to review it to make it compatible with the law because it was being translated into Thai. The Thai studies program at her university had banned her (English) book, along with those of historians Somsak Jeamteerasakul and Suthachai Yimprasert [see *NCH Annual Reports 2010–2011*.] Thikan Srinara, a historian at Srinakharinwirot University in Bangkok, said that the ruling affected historical research and that the law should be abolished because it severely limited academic freedom, especially in history and political science.

[Source: Suluck Lamubol, "Lèse Majesté Ruling on Past Monarchs a Research Blow," *University World News* (29 November 2013).]

On 1 November 2013, the House of Representatives passed an amnesty bill proposed by the Pheu

Thai Party that promised a full amnesty for protesters from all political sides charged with or convicted of actions against the state (political violence and corruption) from 2004 to 2011, for authorities who ordered crackdowns on protesters, for soldiers who carried out the crackdowns, and for individuals convicted of corruption after the 2006 coup. Even though the Senate rejected this bill on 11 November, anti-amnesty protests in Bangkok and other provinces escalated. More than 100,000 people took to the streets in what protest leaders publicly called an attempt to topple the government of Prime Minister Yingluck Shinawatra and eliminate the political network of former Prime Minister Thaksin Shinawatra. Clashes on 30 November between pro and anti-government groups left at least 4 dead and 60 wounded. Protesters from the People's Democratic Reform Committee (PDRC) and other anti-government groups clashed with police when they tried to storm the Government House and the Bangkok Metropolitan Police headquarters on 1 and 3 December, leading to more than 200 injuries—mostly side-effects from exposure to teargas.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 394.]

On 11 November 2013, the International Court of Justice unanimously ruled that the territory surrounding the Preah Vihear temple was Cambodian. [See also *NCH Annual Reports 2009, 2011–2013*.]

[Sources: International Court of Justice, *Case Summaries: Case Concerning the Temple of Preah Vihear (Merits)—Judgment of 15 June 1952* (<http://www.concernedhistorians.org/le/193.pdf>); <http://www.concernedhistorians.org/le/240.pdf>); International Court of Justice, *Request for Interpretation of the Judgment of 15 June 1962 in the Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand)* (<http://www.concernedhistorians.org/le/313.pdf>; 2013).]

On 12 February 2014, assailants fired repeated shots and threw homemade bombs at the home and car of historian Somsak Jeamteerasakul, an outspoken critic of the monarchy [see also *NCH Annual Report 2011*.] Somsak was at home but was not harmed in the attack.

[Source: Human Rights Watch, “Thailand: ‘Red Shirt’ Activist Murdered—Prominent Poet Opposed Law Barring Criticism of Monarchy” (23 April 2014; <http://www.hrw.org/news/2014/04/23/thailand-red-shirt-activist-murdered>).]

On 24 May 2014, two days after the National Council for Peace and Order (NCPO; the military junta) took power and declared martial law, it ordered some 35 pro-democracy scholars and writers to report to military authorities or face possible arrest or fines. Among them was historian Somsak Jeamteerasakul. [See also entries above and *NCH Annual Report 2011*.] On 28 May 2014, the junta also summoned exiled writers facing *lèse majesté* charges, including Joe Gordon [see *NCH Annual Reports 2011–2012*], to appear in Bangkok by 9 June 2014. In total, more than 500 politicians,

academics and activists were eventually summoned and/or detained for up to seven days under martial law to ensure “cooperation” and “attitude adjustment.” In early July 2014, the junta revoked Somsak’s passport after he failed to report following several summonses and an arrest warrant.

[*Sources: Academic Freedom Monitor* (24 May 2014; <http://monitoring.academicfreedom.info/reports/2014-05-24-various-universities>); Suluck Lamubol, “Academics, Students Flee As Military Takes Over in Latest Coup,” *University World News* (31 May 2014; <http://www.universityworldnews.com/article.php?story=20140530122322452>); “35 Politicians, Scholars Summoned,” *Bangkok Post* (24 May 2014; <http://www.bangkokpost.com/news/politics/411535/35-politicians-scholars-summoned>); Suluck Lamubol, “Junta Is Still Threatening Academics during ‘Talks’,” *University World News* (9 July 2014; <http://www.universityworldnews.com/article.php?story=2014070916510040>); Yojana Sharma, “Pressure on Thai Students, Scholars Extends Overseas,” *University World News* (4 June 2014; <http://www.universityworldnews.com/article.php?story=20140604122501561>).]

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2013.

See Australia.

TOGO

Previous *Annual Report* entries: 2002, 2008–2013.

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2013.

In June 2013, the National Constituent Assembly (NCA) began considering a draft transitional justice law, which proposed the creation of a Council of Truth and Dignity to uncover the truth about past rights abuses. At the end of 2013, the law had yet to be enacted.

Military courts had tried several groups of defendants accused of killing protesters during the revolution which toppled former President Zine el-Abidine Ben Ali (December 2010–January 2011).

A military court also sentenced Ben Ali, who remained in Saudi Arabia, to life imprisonment for complicity in murder, after trying him *in absentia*, and jailed several former high-ranking officials. These trials appeared to respect defendants' rights and enabled some victims to pursue justice, but several factors undermined their value towards achieving accountability, notably the authorities' failure to identify the direct perpetrators of killings and lack of an adequate legal framework to prosecute senior officers with command responsibility for crimes that their subordinates committed. The government's failure to press effectively for Ben Ali's extradition from Saudi Arabia also undermined accountability. Although Ben Ali's security forces used torture extensively, the new authorities had failed to investigate the majority of torture cases. In the one torture-related trial that took place, a court convicted former Interior Minister Abdallah Kallel and three security officials of "using violence against others either directly or through others," and sentenced them to two year prison terms. The case arose from the arrest and detention of 17 senior military officers in 1991 in connection with an alleged plot by the Islamist group Al-Nahdha against Ben Ali.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 620–621.]

In December 2013, 36 civil society organizations signed an open letter urgently demanding the legal protection of the archives of the Ben Ali dictatorship (1987–2011) (. [See also *NCH Annual Report 2013*.]

[Source: "Appel de 36 associations et organisations de la société civile pour la protection des archives de la dictature" (Webdo; 14 December 2013; <http://www.webdo.tn/2013/12/14/appel-de-36-associations-et-organisations-de-la-societe-civile-pour-la-protection-des-archives-de-la-dictature>).]

On 17 June 2014, the court of appeals confirmed the acquittal of historian Habib Kazdaghli, dean of the Faculty of Letters, Arts and Humanities at the Manouba campus of the University of Tunis. [See *NCH Annual Report 2013*.]

[Source: Scholars at Risk, *News Release* (20 June 2014).]

TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2013.

Great obstacles remained in securing justice for victims of abuses by police, military, and state officials. The lifting of the statute of limitations for the prosecution of torture was a positive element in the April 2013 reform bill, though prosecution of unlawful killings by state perpetrators was still subject to a 20-year time limit, raising concerns about impunity for abuses committed in the early

1990s. Following a visit in November 2012, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions had concluded that “the most important and urgent challenge [was] the lack of accountability in cases of killings, both those perpetrated recently and those from the 1990s.”

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 503.]

In May 2013, Turkish-Armenian writer Sevan Nişanyan (1956–) was sentenced to 13.5 months’ imprisonment on blasphemy charges because in a September 2012 blog he had discussed the YouTube video *Innocence of Muslims* in which he said that lampooning the Prophet Mohammed was not hate speech. Nişanyan studied history, philosophy and political systems of Latin America at Yale and Columbia Universities.

In 2008 he had written a critical book about Atatürk, Kemalism and the origins of the Turkish Republic (*Yanlış Cumhuriyet: Atatürk ve Kemalizm Üzerine 51 soru* [The False Republic: 51 Questions about Atatürk and Kemalism]). In 2010 he had published the book *Adını Unutan Ülke: Türkiye’de Adı Değiştirilen Yerler Sözlüğü*. (The Country that Forgets Its Names: Dictionary of Locations with New Names in Turkey). On 15 June 2010, the Radio and Television Supreme Council (RTÜK) had decided to impose a broadcast ban on the Haber Türk television station after Nişanyan had commented on the 1915 Armenian genocide as a guest on the “One to One” program. RTÜK said that Nişanyan “exceeded the limits of criticism” with his statements that allegedly “humiliated the Republic of Turkey.”

[Sources: Bianet, *Ifex Alert* (6 July 2010); “Blasphemischer Blogeintrag: Türkisch-armenischer Autor zu über einem Jahr Haft verurteilt,” *Deutsch Türkische Nachrichten* (<http://www.deutsch-tuerkische-nachrichten.de/2013/05/476384/blasphemischer-blogeintrag-tuerkisch-armenischer-autor-zu-ueber-einem-jahr-haft-verurteilt>); 22 May 2013); Arpi Hamalian, personal communication (26 January 2014); Reporters without Borders, *Ifex Alert* (15 March 2013); Nadya Uygun, *Urgent Action! Freedom for Sevan Nisanyan* (n.d. [January 2014]); *Wikipedia* (French and German versions; 27 January 2014).]

In late July 2013, some 60 archaeologists, historians, architects, and activists criticized the official policy favoring government-backed development projects that threatened the historic Ottoman sites of Istanbul. Among this threatened heritage were the Ottoman shipyard Tersane and the Yedikule gardens. Remarkably, the government fashioned itself as reviving the Ottoman past.

[Source: Clare M. Gillis, “Scholars in Turkey, at Some Risk, Fight Destruction of Historic Ottoman Sites,” *Chronicle of Higher Education* (9 September 2013).]

The retrial of a group of young men for the January 2007 murder of journalist Hrant Dink [see *NCH*

Annual Reports 2006–2013] began in September 2013 following the Court of Cassation decision to quash the first verdict on procedural grounds. To date there has been inadequate investigation of evidence of state collusion in Dink's murder.

The trial of coup plotters against the ruling Justice and Development Party (the "Ergenekon gang") [see *NCH Annual Reports 2010–2013*] ended in August 2013 with 259 defendants receiving a range of long sentences and 21 acquitted. The case was under appeal. While the Ergenekon case represented a milestone in civilian control over the military, it illustrated the serious concerns regarding the proliferation in recent years, and the fairness, of "mass trials" in which multiple defendants were alleged to have been part of terrorist groups. In the Ergenekon case, there were concerns too that there was no investigation of the human rights abuses in which a core group of military suspects were implicated.

In September 2013, the trial began of 103 retired members of the top military (5 in detention at the end of 2013) charged with removing the government of former Prime Minister Necmettin Erbakan in 1997.

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 503–504.]

On 12 December 2013, the Turkish-Armenian weekly *Agos* revealed that academics working on dissertations about the 1915 Armenian genocide were scrutinized by the Turkish Historical Society (TTK). According to *Agos*, the TTK asked the Higher Education Board for the details of such academics, which, in turn, asked universities to provide them. In 2013, only four theses were written on the issue and, speaking of "Armenian genocide claims," they all reflected the official denialist position on the massacres. The secret profiling of Armenian genocide scholars was indirectly confirmed by two former presidents of Boğaziçi University, Istanbul.

[Source: Orhan Kemal Cengiz, "Turkish Academia and the Armenian Genocide," *Al-Monitor* (http://www.al-monitor.com/pulse/originals/2013/12/turkey-armenia-genocide-academic-research-media-exposure.html?utm_source=&utm_medium=email&utm_campaign=8781#; 23 December 2013).]

On 20 December 2013, historian Ayşe Berktaş was released pending trial. She stood as a candidate for mayor in the Istanbul district elections of 30 March 2014. [See *NCH Annual Report 2013*.]

[Sources: "Ayşe Berktaş Talks to PEN: Turkish Writer and Activist Ayşe Berktaş Talks to PEN" (<http://www.pen-international.org/03/2014/ayse-berktay-talks-to-pen>; 8 March 2014); International PEN Rapid Action Network, *RAN 23/13* (12 June 2013), [Update 1] (24 September 2013), [Update 2] (20 December 2013); <http://www.concernedhistorians.org/ca/71.pdf>.]

On 23 April 2014—the eve of the 99th anniversary of the 1915 Armenian genocide—Prime Minister

Recep Tayyip Erdoğan offered condolences for the events for the first time. He said the events of 1915 had had “inhumane consequences,” and expressed hope that those who died were at peace but stopped short of describing the mass killings as “genocide.” It was the first time that a Turkish leader formally offered condolences for the mass killings. Erdoğan also repeated calls to set up a joint historical commission into the events surrounding the killings—a request so far denied by the Armenian authorities. He also said that Turkey had opened its archives to all researchers, a statement that was strongly qualified by historians (access to open archives, including military archives, was still obstructed). The Turkish and Armenian governments had agreed to normalize relations in October 2009, but peace efforts had since stalled. Armenia said that up to 1.5 million people died during the 1915 events, whereas Turkey maintained that the number was much smaller. The reactions to Erdoğan’s message were mixed.

[*Sources:* Bianet, “Open Archives Are Faulty, Military Archives Are De Facto Closed” (24 April 2014; <http://www.bianet.org/english/world/155390-open-archives-are-faulty-military-archives-are-de-facto-closed>); “The Message of the Prime Minister of the Republic of Turkey, Recep Tayyip Erdoğan on the Events of 1915 (unofficial translation),” *Today’s Zaman* (24 April 2014; <http://www.todayszaman.com/news-345906-erdogan-offers-turkeys-first-condolences-to-armenians-for-1915.html>); “Erdoğan Offers Turkey’s First Condolences to Armenians for 1915,” *Today’s Zaman* (24 April 2014; <http://www.todayszaman.com/news-345906-erdogan-offers-turkeys-first-condolences-to-armenians-for-1915.html>); “Turkey Offers Condolences to Armenia over WWI killings,” *BBC News* (23 April 2014; <http://www.bbc.com/news/world-europe-27131543>).]

See also Armenia, Switzerland, United States.

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012.

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2013.

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011, 2013.

On 8 December 2013, when hundreds of thousands of people took to the streets of Kiev to protest against a customs union of Ukraine with Russia (which was to replace a European Union association agreement), some toppled a statue of Soviet leader Vladimir Lenin (1870–1924) at the top of Shevchenko Boulevard and smashed it with hammers. Prime Minister Mykola Azarov compared the act to the destruction of the Bamyán Buddhas in Afghanistan in 2001. Lenin symbolized Ukraine's shared history with Russia. Other statues of his were toppled in Kotovsk and Dnepropetrovsk. In total, 25 Lenin statues were reported country-wide to be dismantled between December 2013 and February 2014. In Dnepropetrovsk, Lenin Square was renamed into Heroes of Maidan Square. On 23 February 2014, the "Soviet Soldier"—a monument erected in 1965 and commemorating the collective sacrifice of the Soviet army against Nazi forces—was toppled in Stryi, Lvov region.

[*Sources: BBC News* (8 December 2013); "Monument to Soldiers who Died Liberating Ukraine from Nazis Toppled" (<http://rt.com/news/war-monument-toppled-ukraine-351>; 23 February 2014); *NRC Handelsblad* (9 December 2013: 13; 24 February 2014: C9); *Trouw* (8 December 2013).]

On 20 February 2014, a day of bloody clashes between government troops and the opposition, Bohdan Solchanyk (1985–2014), a leading activist and historian in Lviv, was shot dead in Kiev as he walked to a protest tent that he had been mistakenly informed was under opposition control. On 22 February 2014, hundreds of mourners gathered in Lviv for a church service marking his death. Solchanyk had been due to submit his doctoral dissertation.

[*Source: Tom Balmforth, "Tears In Lviv For A Fallen 'Hero'," Radio Free Europe/Radio Liberty* (<http://www.rferl.org/articleprintview/25273844.html>; 22 February 2014).]

When on 22 February 2014 President Viktor Yanukovich fled the country, his staff attempted to get rid of tens of thousands of sheets of paper by burning or shredding them or by dumping them into a reservoir. In the weeks following his ouster, the documents saved from the reservoir were uploaded onto a new website called Yanukovich Leaks. A group of volunteers tried to piece together the shredded documents in the hope of uncovering corruption. Former General Prosecutor Viktor Pshonka

and former Energy Minister Eduard Stavvytsky also reportedly tried to hide incriminating evidence.

[Source: *BBC News* (1 April 2014).]

On 1 March 2014, during the Russian occupation of the Crimea, men with guns stormed and occupied the offices of the Crimean Center for Investigative Journalism. The staff fled, managing to take only part of their files and equipment. Over the rest of the weekend, the Center was supported by the Internet Archive to preserve their web material.

[Source: Ian Milligan, "Preserving History as It Happens: The Internet Archive and the Crimean Crisis," *ActiveHistory.ca* (25 March 2014; <http://activehistory.ca/2014/03/preserving-history-as-it-happens>).]

On 16 March 2014 (the day Crimeans voted in a referendum to rejoin Russia), during protests against the new pro-Western government in Kharkiv, pro-Russian demonstrators broke into the offices of the Ukrainian cultural center Prosvita (Enlightenment), destroyed a portrait of the poet Taras Shevchenko (1814–1861) and burned Ukrainian-language books, including a volume devoted to the *Holodomor* (the famine that as a result of Stalin's farm collectivization program killed millions of people in 1932–33).

[Sources: Lina Kushch, "Pro-Russian Demonstrators Burn Books, Storm Buildings in Eastern Ukraine," *Reuters* (16 March 2014; <http://www.reuters.com/article/2014/03/16/us-ukraine-east-idUSBREA2F0P220140316>); *NRC Handelsblad* (17 March 2014), 6; (28 March 2014), 11.]

On 25 March 2014, after the Euromaidan protests, the new government appointed a new director of the Ukrainian National Memory Institute, Volodymyr Viatrovykh (1978–). As Director of the Security Service of Ukraine Archives in 2008–2010, he had opened the archives of the KGB (Komitet gosudarstvennoi bezopasnosti; Committee of State Security) to the public. The Security Service of Ukraine appointed a new archive director, Ihor Kulyk (1983–), an expert with access to the archives of the Center for Research on the Liberation Movement (www.cdvr.org.ua; a non-governmental research institution founded by Viatrovykh in 2002 and containing the majority of the KGB archival materials). Kulyk intended to facilitate access to KGB materials and transfer the archival materials from 1918–1991 to the National Memory Institute.

[Sources: "KGB Archives in Ukraine Will Be Open to Public," *Euromaidan Wache Berlin* (1 April 2014; <http://euromaidanberlin.wordpress.com/2014/04/01/kgb-archives-in-ukraine-will-be-open-to-public>); *Kyiv Post* (24 February 2011); Inna Zavhorodnya & Vladyslav Hrynevych, "Erasing Ukraine's Memories," *Transitions Online* (17 July 2012; <http://www.tol.org/client/article/23261-ukraine-culture-history-russia.html>).]

See also Belarus, Russia.

UNITED ARAB EMIRATES

Previous *Annual Report* entries: 2013.

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2013.

In October 2013, it was revealed that the Ministry of Defence unlawfully held more than 66,000 files in breach of the 30-year rule (stipulated in the 1958 Public Records Act and providing transfer of these files to the National Archives), including documents about the Troubles in Northern Ireland (1969–1998). The existence of the Northern Ireland files (most from the 1970s and early 1980s) was not declared to the Historic Enquiries Team (HET), a police unit that reviewed hundreds of violent deaths during those years.

[*Source*: Ian Cobain, “Ministry of Defence Holds 66,000 Files in Breach of 30-Year Rule,” *Guardian* (6 October 2013).]

In October 2013, it was also revealed that the Foreign and Commonwealth Office (FCO; or Foreign Office) had unlawfully stored in a secret archive near London 1.2 million files of historic documents (called “the Special Collections”) dating as far back as the 1840s (and the 1856 treaty of Paris, which concluded the Crimean war) that should have been declassified and handed over to the National Archives. The FCO was expected to devise a plan for declassification and transfer of the archive. The news came after the FCO admitted in 2011 that an archive of 8800 colonial-era documents (“the migrated archive”) had been stored for decades in a secret archive near London [see *NCH Annual Report 2013*]. Most of the latter archive was made public, with the exception of certain files. The reason why “certain files” had to remain secret was secret itself. The FCO never explained why these massive file collections were hidden, but fears for embarrassment, litigation and damage to diplomatic relations were cited among the reasons.

[*Sources*: Ian Cobain, “Foreign Office Hoarding 1m Historic Files in Secret Archive,” *Guardian* (18 October 2013); Ian Cobain, “Academics Consider Legal Action to Force Foreign Office to Release Public Records,” *Guardian* (13 January 2014); Ian Cobain, “Foreign Office Excludes Public from its Public Records Day,” *Guardian* (17 March 2014).]

The Belfast Project was the name of an oral history archive, stored by the Centre for Irish Programs at Boston College, United States, and believed to contain some 46 taped testimonies, gathered between 2001 and 2006, from both Irish Republican and Loyalist paramilitaries in Northern Ireland about their experiences during the Troubles (1969–1998). The British authorities sought—and in court gained—access to the archive despite the pledge of the interviewers that the tapes would remain confidential until after the death of the interviewed [see *NCH Annual Reports 2012–2013*]. In July 2013, it became known that Boston College did not have all the codes that identified the participants in the interviews and also did not have some of the deeds of gift for the interviews, thereby greatly diminishing the evidential value of the interviews.

On 22 March 2014, ex-IRA senior commander Ivor Bell Ivor was charged with aiding and abetting in the shooting and disappearance of Jean McConville [see *NCH Annual Reports 2012–2013*] on the basis of an interview he gave to the Belfast Project under the name “Z.” On 30 April 2014, Gerry Adams, the president (1983–present) of the Irish republican political party Sinn Féin (and allegedly second in command of the Belfast IRA in 1972), was arrested as part of the interrogation in the McConville case. As a result, Belfast Project interviewer Anthony McIntyre reportedly feared for his safety. Since Adams’s arrest, McIntyre and Ed Moloney, Belfast Project director, faced sustained verbal attacks. Sinn Féin councilors and their supporters labeled them “Boston College touts” —a euphemism for informers. McIntyre’s wife’s messages to United States diplomats were possibly intercepted and leaked to an Irish Sunday tabloid.

Meanwhile, NBC News petitioned the United States district court in Boston for full access to the archives. On 22 May 2014, the Police Service of Northern Ireland (PSNI) said that it would seek access to the entire Belfast Project archive. On 18 June 2014, the United States non-governmental organization MuckRock filed a Freedom of Information Act request to the United States Department of Justice for all its records on the United Kingdom’s request for access to the oral histories made by the Belfast Project.

[*Sources*: Krishnadev Calamur, “Sinn Fein Leader’s Arrest Ignites Debate Over Academic Freedom” (2 May 2014; <http://www.npr.org/blogs/thetwo-way/2014/05/02/308949576/sinn-fein-leader-s-arrest-ignites-debate-over-academic-freedom>); “Case against McConville Accused Based on US Interviews,” *Irish Times* (22 March 2014; <http://www.irishtimes.com/news/crime-and-law/case-against-mcconville-accused-based-on-us-interviews-1.1735104>); International Council on Archives Human Rights Working Group, *News of July 2013*, 5, 10; *News of August 2013*, 6; Henry McDonald, “Ex-IRA Commander Accused of Role in Notorious Troubles-era Murder,” *Guardian* (22 March 2014; <http://www.theguardian.com/uk-news/2014/mar/22/ira-troubles-murder-ivor-bell-court-jean-mcconville>); Henry McDonald, “From IRA Militant to Troubles Historian ... and Now Living in Fear after Adams Arrest,” *Guardian* (3 May 2014; http://www.theguardian.com/uk-news/2014/may/03/gerry-adams-ira-anthony-mcintyre-hate-campaign?CMP=tw_t_gu); Henry

McDonald, “Call for Investigation of Alleged Boston College-IRA Archive Spying,” *Guardian* (18 June 2014; <http://www.theguardian.com/uk-news/2014/jun/18/call-investigation-boston-college-ira-spying>); Beth McMurtrie, “Secrets from Belfast: How Boston College’s Oral History of the Troubles Fell Victim to an International Murder Investigation” (<http://chronicle.com/article/Secrets-From-Belfast/144059>; 26 January 2014); Beth McMurtrie, “Northern Irish Police Seek Boston’s Entire Oral History Archive,” *University World News* (30 May 2014; <http://www.universityworldnews.com/article.php?story=20140530122611229>).]

See also Rwanda, Saint Vincent, United States.

UNITED STATES

Previous *Annual Report* entries: 1995–2013.

A 1991 statute mandated that the State Department publish the documentary record of United States foreign policy (a historical series called *Foreign Relations of the United States* or FRUS) no later than 30 years after the events described. But on 26 June 2013, the State Department’s Historical Advisory Committee (HAC) issued a report (“Report of the Advisory Committee on Historical Diplomatic Documentation, January 1–December 31, 2012”) that concluded that government programs to declassify national security information did not meet public expectations, the needs of historians, or the requirements of law. It noted “substantial delays in the declassification and publication processes” and criticized the substantial percentage of records reviewed by the National Declassification Center that were not cleared for release to the public.

[*Source*: Steven Aftergood, “Historians See Crisis in Declassification” (<http://blogs.fas.org/secrecy/2013/07/crisis-in-declass>; 2 July 2013).]

Emails from January 2010 obtained in July 2013 by the Associated Press through a public records request showed that former Governor Mitch Daniels of Indiana (2005–2013) exerted his influence to keep *A People’s History of the United States* (1980, 2003), a best-selling book by left-wing historian Howard Zinn (1922–2010), out of the classrooms in favor of *America: The Last Best Hope* (2 volumes; 2006–2007), a book by William Bennett (former education secretary under President Ronald Reagan). Daniels had dubbed Zinn “anti-American.” The news sparked a surge in demand for the book at Indiana libraries.

[*Source*: Tom LoBianco, “Daniels: Teach Bennett Text Instead of Zinn,” *Courier Press* (<http://posttrib.suntimes.com/news/22017618-418/daniels-teach-bennett-text-instead-of-zinn.html#.U->

ZgdGOjeno; 18 August 2013).]

In August 2013, the Central Intelligence Agency (CIA) closed its Historical Document Declassification Office for budgetary reasons, handing the latter's workload over to the office that handled Freedom of Information Act requests. The move was widely criticized.

[*Source*: Tim Cushing, "Blaming Sequestration, CIA Closes Historical Document Declassification Office" (<http://www.techdirt.com/articles/20130822/13141424284/blaming-sequestration-cia-closes-historical-document-declassification-office.shtml>; 23 August 2013).]

In October 2013, Matthew Papay, a second-year student at the University of Rochester, was ordered to take down a Confederate flag he had put in the window of his room on campus a week before. He declared that, by doing so, college officials violated his right to express his cultural identity. He also said that he had no intention to offend anyone. The flag was seen by many as a symbol of hate and racism that represented white domination of African-Americans.

[*Source*: James Goodman & Sean Dobbin, "Confederate Flag Raises Issues, Ire at a N.Y. College," *USA Today* (23 October 2013).]

On 22 October 2013, the Tucson Unified School District voted to reinstate previously banned books on Chicano history, which could be used in United States history and world history classrooms in high and middle school. [See *NCH Annual Report 2012*.]

[*Source*: Hector Tobar, "Tucson School Board Lifts Ban on Latino Studies Books," *Los Angeles Times* (25 October 2013; <http://articles.latimes.com/2013/oct/25/entertainment/la-et-jc-tucson-school-board-latino-studies-books-20131025>).]

On 4 November 2013, Columbia College in Chicago decided to remove one section of the course "The Israeli/Palestinian Conflict" scheduled for the spring of 2014. The move followed a few days after an anonymous student complained about "bias" in the same course taught by Iymen Chehade, a historian and part-time faculty member, in the fall of 2013. Chehade had screened the Oscar-nominated film *5 Broken Cameras* (2012; 94 minutes), chronicling non-violent Palestinian resistance as Israel Defense Forces constructed a separation wall in the village of Bil'in on the West Bank. Steven Corey, chair of the Department of Humanities, History, and Social Sciences (HHSS), asked Chehade to address the subject matter in a more "balanced" way. A petition was organized to request the course's reinstatement. After conducting an independent investigation, the American Association of University Professors (AAUP) issued a finding on 25 March 2014 that Columbia College was in violation of Chehade's academic freedom by canceling the section. It read, *inter alia*: "His academic freedom gives him the right to introduce controversial course-related topics, and materials into his

classroom. He need not insure that equal time in the name of balance is given on every topic brought into class. A course on slavery need not proffer arguments for and against the racist, dreaded institution. A course on gay rights or the history of genocide need not ‘balance’ the number of arguments in favor of gay rights and in opposition to genocide with those that support discrimination against homosexuals and mass murder.” The college objected to the AAUP conclusions, but eventually reinstated the canceled section in late March 2014. The Israeli director of the documentary, Guy Davidi, wrote to Chehade, saying that his film had been officially accepted to the cultural program of the Israeli Ministry of Education. It had been screened in dozens of Israeli schools.

In the fall of 2011, some student members of Hillel (a foundation for Jewish Campus Life) had signed a petition also charging Chehade with bias, later citing as examples that he used terms such as (the accurate) “Occupied Territories” (rather than “Disputed Territories”) to refer to the West Bank and Gaza, and “ethnic cleansing” to refer to the expulsion of about 750,000 Palestinians from Israel in 1948. In response, dozens of students circulated and signed a petition in Chehade’s defense.

[*Sources*: American Association of University Professors (Illinois Conference), *Finding in the Case of Iymen Chehade* (<http://www.concernedhistorians.org/le/341.pdf>; 25 March 2014); “Columbia College Chicago Reinstates Professor Chehade’s The Israel/Palestinian Conflict Course” (press release; 31 March 2014); Faten Dabis, “Respect Academic Freedom! Petition by Faten Dabis” (http://www.change.org/petitions/llove-colum-edu-respect-academic-freedom?recruiter=2769606&utm_campaign=signature_receipt&utm_medium=email&utm_source=s_hare_petition); Faten Dabis, “Update about ‘Llove@colum.edu: Respect Academic Freedom!’ on Change.org” (20 & 27 March 2014; 14 April 2014); Nick DeSantis, “Columbia College Chicago Is Accused of Violating Academic Freedom,” *Chronicle of Higher Education* (<http://chronicle.com/blogs/ticker/columbia-college-chicago-is-accused-of-violating-adjuncts-academic-freedom/74909>; March 27, 2014); “A Statement in Support of Columbia College Instructor Iymen Chehade: Respect for Academic Freedom Is about Deeds, not Lip Service” (20 March 2014).]

In December 2013, the State Department released records documenting the covert CIA actions in Congo in 1960–1968, including plans to assassinate Prime Minister Patrice Lumumba (1925–1961) and the provision of military support to the government to quell provincial rebellions. The 1994 *Foreign Relations of the United States* volume on the Congo Crisis had omitted such information.

[*Source*: Steven Aftergood, “Two-Decade Review Yields History of Covert Action in Congo” (<http://blogs.fas.org/secrecy/>; 23 December 2013).]

In December 2013, Michael F. Scheuer, a former CIA official who as an adjunct faculty member has taught in the Center for Security Studies of Georgetown University’s School of Foreign Service, wrote a blog post criticizing President Barack Obama and Prime Minister David Cameron,

denouncing their governments' interventions in the Muslim world and questioning the actions of the National Security Agency. Scheuer quoted Algernon Sidney (1623–1683), an English politician and republican political theorist, who was executed for allegedly plotting against King Charles II of England: "If he [a political leader] be justly accounted an enemy of all, who injures all; he above all must be the publick enemy of a nation, who by usurping power over them, does the greatest and most publick injury that a people can suffer. For which reason, by an established law among the most virtuous nations, every man might kill a tyrant; and no names are recorded in history with more honor, than of those who did it." In an interview with the university's student newspaper, *The Hoya*, he again alluded to violence against the two politicians. The university received many negative comments about Scheuer, but defended Scheuer's academic freedom.

[*Source*: Nick DeSantis, "Georgetown Backs Academic Freedom of Adjunct Who Alluded to Assassinating Obama," *Chronicle of Higher Education* (<http://chronicle.com/blogs/ticker/georgetown-backs-academic-freedom-of-adjunct-who-alluded-to-assassinating-obama/71413>; 15 January 2014).]

On 17 January 2014, Timothy McGettigan, a professor of sociology at Colorado State University-Pueblo, sent out an email to students and faculty members in which he urged them to oppose impending personnel cuts and attend a rally against them. His subject line was "Children of Ludlow," referring to a 1914 massacre of striking coal miners and their families in southern Colorado, instigated by mine owners in Denver. He compared the way the university administration treated its personnel to the way these mine owners treated their workers in 1914 and concluded that, then as now, those without power were being mistreated. Hours after he sent the email, the university removed his email account. In a memo, it stated that he had violated a rule banning use of email to "intimidate, threaten, harass other individuals or interfere with the activity of others to conduct university business." Faculty leaders, while finding the email offending and the images violent, condemned the move and emphasized McGettigan's concern with the university's welfare. McGettigan himself invoked his right to criticize campus policies.

[*Source*: Scott Jaschik, "Colorado State Removes Email Account of Professor Who Criticized Cuts," *Inside HigherEd* (<http://www.insidehighered.com/news/2014/01/20/colorado-state-removes-email-account-professor-who-criticized-cuts#ixzz2rLwq4MvN>; 20 January 2014).]

In February 2014, historians Lisa Guinn and her husband Thomas Jorsch, who had tenure-track jobs at Upper Iowa University, Fayette, Iowa (2010–2014), were given terminal contracts without a reason. Reports said that this *de facto* dismissal was partly the result of their vocal opposition since the fall of 2012 to administrative plans to eliminate the history major and replace it with a hybrid social science major that would have little value for students. Both were able to find positions at Bethany College,

Kansas.

[*Source*: Colleen Flaherty, “Faculty Members at Upper Iowa U. Say They Lost Jobs for Questioning Curricular Changes,” *Inside HigherEd* (22 July 2014); <http://www.insidehighered.com/news/2014/07/22/faculty-members-upper-iowa-u-say-they-lost-jobs-questioning-curricular-changes#ixzz38VNm1gQI>.]

On 1 March 2014, the President of Kennesaw State University (KSU), Georgia, removed an installation—commissioned by KSU to Ruth Stanford, artist and associate professor of sculpture at Georgia State University—from the exhibition *See through Walls* intended to open the new KSU Zuckerman Museum of Art. The subject of the installation was the homestead of author Corra Harris (1869–1935), who had written an article in 1899 in which she had explained lynching and used racist language. KSU administrators did not find it sufficiently celebratory. On 5 March 2014, largely in response to a petition protesting the removal, KSU officials agreed to reinstate the work.

[*Sources*: Art supporters, personal communication (March 2014); “Reinstate Artwork Censored by Kennesaw State University President: Petition by Burnaway.org” (<http://petitions.moveon.org/sign/reinstate-artwork-censored>); Scott Jaschik, “Censoring Art and History,” *Inside HigherEd* (<http://www.insidehighered.com/news/2014/03/03/kennesaw-state-orders-museum-remove-are-racist-past-woman-whose-land-was-given#ixzz2vD5eRz00>; 3 March 2014).]

On 22 April 2014 Ismail Beşikçi (1939–), a Turkish scholar of Kurdish history who was invited to speak at American University in Washington D.C., and his companion (the director of a non-profit cultural foundation), were turned away at Istanbul airport despite possessing valid visas to travel to the United States. Airport personnel reportedly told Beşikçi that the refusal to let him board the flight originated with United States government authorities. [See also *NCH Annual Reports 2002, 2009–2010* under Turkey.]

[*Source*: “Turkish Scholar Denied Right to Board U.S.-Bound Flight,” *Inside HigherEd* (16 May 2014; <http://www.insidehighered.com/quicktakes/2014/05/16/turkish-scholar-denied-right-board-us-bound-flight#ixzz31tPOdytA>).]

On 20 May 2014, the United States Court of Appeals for the District of Columbia Circuit confirmed (2 to 1) that volume 5 of the CIA’s internal 1200-page five-volume Top Secret *Official History of the Bay of Pigs Invasion*, written between 1974 and 1984, could be withheld [see *NCH Annual Reports 2011–2013*]. The majority said that as a draft, the volume was “predecisional and deliberative” and could be withheld, even though the guidance to Federal agencies by the United States Department of Justice prescribed that drafts should not be withheld solely because they are drafts.

[*Sources*: International Council on Archives Human Rights Working Group, *News of May 2014*, 10;

National Security Archive, *Update* (14 April & 1 August & 15 August 2011, 17 April & 10 May & 7 December 2012 & 13 December 2013 & 21 May 2014).]

See also Australia, China, Congo (Democratic Republic), France, India, Iraq, Japan, Kenya, Palestinian Authority, Rwanda, Turkey, United Kingdom.

URUGUAY

Previous *Annual Report* entries: 2001–2013.

UZBEKISTAN

Previous *Annual Report* entries: 2005–2013.

Eight years on, authorities continued to refuse an independent investigation into the 2005 government massacre of hundreds of people in Andijan. They persecuted anyone suspected of having witnessed the atrocities or who attempted to speak publicly about them. On 13 May 2013, they arrested activists Elena Urlaeva and Adelaida Kim as they attempted to lay a wreath of flowers at a public monument in Tashkent to commemorate the massacre's eighth anniversary. [See also *NCH Annual Reports 2006–2010, 2012–2013*.]

[Source: Human Rights Watch, *World Report 2014* (Washington 2014), 519.]

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011.

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012.

On 1 July 2013, the National Center of Cinematography (CNAC), the official body in charge of registering and sponsoring films produced in Venezuela, forced cinemas to screen a short documentary “about the struggle of the Palestinian people” immediately before the film *Esclavo de Dios* (God’s Slave; a film telling the story of the deadly attack against the Israeli embassy in Argentina in 1992, when 29 civilians were killed and 242 others injured.) The film maker Joel Novoa said that he had received threats on Twitter and Facebook because of the alleged “pro-Israeli” content of his film.

[*Source*: Article 19, “Venezuela: Government Body Orders Palestinian Film Shown,” *Artistic Freedom Report* (14 August 2013).]

On 13 February 2014, two persons were killed in a shootout during an anti-government student demonstration in Caracas. The students had demonstrated against the detention of fellow students on the previous day. On 12 February, Día de la Juventud (Day of Youth), the victory of rebel student militias under José Félix Ribas against Spanish troops in the 1814 Battle of La Victoria was commemorated.

[*Source*: *BBC News* (13 February 2014).]

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2013.

See Cambodia.

WESTERN SAHARA

See Morocco / Western Sahara.

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010, 2013.

In 2012, the parliament granted President Ali Abdullah Saleh and his aides immunity from prosecution, and the current President, Abdu Rabu Mansour Hadi, did not create mechanisms to provide accountability for past abuses. In September 2012, Hadi decreed that an independent commission of inquiry had to be created to investigate alleged violations committed during the 2011 uprising and recommend accountability for perpetrators and redress for victims. Over one year later, he had still not nominated the commissioners. Hadi presented a deeply flawed draft transitional justice law to parliament in January 2013, but it had yet to be passed. The draft law did not grant victims judicial redress, but was merely a victim compensation scheme, limited in time to the 2011 events.

In September 2012, the trial began of 78 defendants—but not the key suspects—for the deadliest attack of the 2011 uprising, in which pro-government gunmen killed 45 protesters and wounded 200 on 18 March 2011. It was marred by political interference, failure to follow leads that might have implicated government officials, and factual errors. In April 2013, a trial judge ordered prosecutors to reinvestigate former president Saleh and 11 top aides in connection with the incident.

[*Source*: Human Rights Watch, *World Report 2014* (Washington 2014), 626–627.]

ZAMBIA

Previous *Annual Report* entries: 2009.

See Kenya.

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2013.

Between February 2009 and September 2013, as the office of prime minister was temporarily restored and occupied by Morgan Tsvangirai of the Movement for Democratic Change (MDC), youth militia established by the ZANU-PF political party reportedly attempted to control primary schools history curricula. Some youth militia were running history clubs at schools. History teachers in rural areas said that the setting up of militia bases at schools intimidated them; they felt forced to teach the ZANU-PF version of history or stop teaching history altogether. In 2011, the Progressive Teachers' Union of Zimbabwe (PTUZ) reported that district-level officials summoned history teachers to reorientation meetings and ordered them to invite veterans of the pre-1980 liberation war to give history lessons. The Minister of Education, Sports and Culture, David Coltart, told Parliament in March that the government would not allow war veterans to offer history lessons of the liberation struggle to students in schools. In a September 2011 press statement, the PTUZ said that the history curriculum emphasized military history and neglected economic, technological and social aspects. [See also *NCH Annual Report 2010*.]

[*Sources*: Global Coalition to Protect Education from Attack, *Education under Attack 2014* (New York 2014), 206; Lance Guma, "War Vets Demand to Teach History in Schools" (10 March 2011; <http://www.zimeye.org/war-vets-demand-to-teach-history-in-schools>); Vladimir Mzaca, "Union Accuses Zanu-PF of Distorting History in Schools" (4 September 2011; <http://www.davidcoltart.com/2011/09/union-accuses-zanu-pf-of-distorting-history-in-schools>); "Political Violence Growing in Rural Areas" (Irinnews, 27 July 2009); UNESCO, *Education Under Attack 2010* (Paris 2010), 242; "Zimbabwe Teachers Union Says ZANU-PF Forcing History Syllabus on Schools" (2 September 2011; <http://www.voanews.com/zimbabwe/news/Zimbabwe-Teachers-Union-Says-ZANU-PF-Is-128899388.html>); Chengetai Zvauya, "Stop Meddling in Education: Coltart," *The Zimbabwe Situation* (9 March 2011; http://www.zimbabwesituation.com/mar10_2011.html#Z10).]

INTRODUCTION

The nineteenth *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists and archaeologists around the globe, as reported by various human rights organizations and other sources. It mainly covers events and developments of 2012 and 2013.

Disclaimer. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

The complete set of *Annual Reports* (1995–2013) was compiled by Antoon De Baets. Please send any comments to: <antoondebaets@concernedhistorians.org>.

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AFGHANISTAN

Previous *Annual Report* entries: 2000–2012.

In December 2011, *Conflict Mapping in Afghanistan Since 1978*, a 800-page report on human rights abuses in Afghanistan from 1978 (before the Soviet invasion of Afghanistan) to 2001 (the fall of the Taliban), prepared by forty researchers of the Afghan Independent Human Rights Commission since 2005 (when it was commissioned as part of a reconciliation and justice effort ordered by President Hamid Karzai), was completed. It identified the locations and details of 180 mass graves of civilians or prisoners, many of them secret and none of them (save one) excavated properly. It also compiled testimony from survivors and witnesses to the mass interments, and detailed other war crimes as well. It named more than 500 Afghans as responsible for mass killings. It tallied more than a million people killed in the conflict and 1.3 million disabled, although not all of those were necessarily victims of war crimes. The report was not released, however, and the researchers accused senior Afghan officials—powerful former warlords, including the first vice president, Marshal Muhammad Qasim Fahim, a Tajik from the Jamiat Islami Party—of suppressing the work. Three Afghan and foreign human rights activists who worked as researchers and analysts on large sections of the report spoke about its contents on condition of anonymity, both out of fear of reprisal and because the commission had not authorized them to discuss it publicly. Karzai dismissed three commissioners, including the author of the report, Ahmad Nader Nadery. Nadery's dismissal was denied by a government spokesperson who said that he had finished two five-year terms as a commissioner and that the president was legally entitled to replace him. A fourth position had been vacant since January 2011 when the commissioner responsible for children's rights was killed in a Kabul bombing. Western governments (particularly the United States) backed Karzai's efforts to suppress the report. Meanwhile, evidence in the graves was being destroyed, sometimes as a function of poor care of the sites and sometimes intentionally.

[Sources: Human Rights Watch, *World Report 2013* (Washington 2013), 273–274; Rod Nordland, "Top Afghans Tied to '90s Carnage, Researchers Say," *New York Times* (22 July 2012).]

In 2012, Afghanistan remained under preliminary analysis by the prosecutor of the International Criminal Court (ICC). Since 2007, the ICC has been looking into allegations of crimes, including torture, recruitment of child soldiers, attacks on humanitarian targets and the United Nations, and attacks on objects or locations protected under international law that were not military targets.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 275.]

See also United States.

ALBANIA

Previous *Annual Report* entries: 1996, 2012.

See Serbia.

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2012.

In October 2011, General Khaled Nezzar, ([1937–]), former army chief of staff (1988–1990) and defense minister (1990–1993), was arrested in Geneva, interrogated, and later released on bail. The Swiss Federal Criminal Court started investigations against him for war crimes and crimes against humanity for his role in commanding the repression of armed resistance and civil unrest in Algeria from 1992 to 2000. In July 2012, the court rejected his appeal to drop the case. He remained on bail pending the completion of the investigation and the commencement of the trial. [For background, see *NCH Annual Report 2003*.]

[Sources: *Chicago Tribune* (31 July 2012); Human Rights Watch, *World Report 2013* (Washington 2013), 518–519.]

Security forces and armed groups continued to enjoy broad impunity for atrocities committed during the “dirty war” (1992–2000). The ordinance on the implementation of the Charter for Peace and National Reconciliation (Law 06-01), adopted in February 2006, offered immunity from prosecution both for security force members and members of armed groups, with certain exceptions, for atrocities they perpetrated during the conflict. The charter also sought to muzzle continuing debate and scrutiny of the atrocities committed during that period: it provided for up to five years’ imprisonment for anyone who “exploit[ed] the wounds of the national tragedy, with a view to harming Algerian institutions, harming the honor of its agents who served it with dignity, or tarnishing the image of Algeria at the international level.” No one was known to have been imprisoned under this provision. Families of the disappeared were required to accept death certificates in order to receive compensation but were denied information about the fate of their disappeared relatives. Those who continued to call for truth and justice faced harassment.

[Sources: Amnesty International, *Report 2013* (London 2013), 22; Human Rights Watch, *World Report 2013* (Washington 2013), 517–518.]

In May 2012, Algeria's human rights record was assessed under the United Nations Universal Periodic Review. The government failed to address, inter alia, recommendations to abolish laws originating under the state of emergency (1992–2011), and to recognize the right to truth of families of victims of enforced disappearances during the 1990s.

[Source: Amnesty International, *Report 2013* (London 2013), 21.]

In June 2012, Mohamed Smaïn, former head of the Algerian League for the Defense of Human Rights (LADDH) in Relizane and an advocate of truth and justice for the families of the disappeared, was arrested when he failed to respond to a summons from the Relizane prosecutor. The summons was in connection with a two-month prison sentence and fines imposed on him after he criticized the authorities for moving corpses from a mass grave in Relizane in 2001. His sentence had been confirmed by the Supreme Court in 2011. He was released under a presidential pardon issued in July 2012 on health grounds. [Source: Amnesty International, *Report 2013* (London 2013), 22.]

When Algeria became independent in 1962, the French government exported many official documents to France, thus taking with them vital sources of Algerian history. The 1962 Evian treaty that resulted in Algeria's independence did not include a statement on the disposition of archives or the return of artifacts removed between 1830 (the start of French rule) and 1962. An agreement was reached in 1966 to return the historical archives, notably Ottoman-era documents, and technical documents from the 1830–1962 period, but it was never executed because Algeria reportedly claimed more. Around the fiftieth anniversary of independence, on 5 July 2012, Algeria refused a proposal that it would be given access to copies of the disputed archival items on the condition that it abandoned its claim to them. Abdelmadjid Chikhi, director of the national archives, declared that he was not going to sign away the national heritage. According to him, France still had about 50,000 manuscripts which originated on Algerian soil, as well as large numbers of other historical artifacts, some dating from before 1830. It included the library of Emir Abdelkader, the Islamic scholar who led a rebellion against French rule in the two decades after the French arrived. France argued that since the archives and artifacts were collected by French officials when Algeria was part of France, it now owned them. Algeria argued that French rule was imposed against its will and that documents or artifacts originated on Algerian soil were Algerian property.

[Sources: D. Cox, "Controversy between Algeria and France over Archives" (http://www.docexblog.com/2012_07_01_archive.html; 6 July 2012); David Gordon, *Self-determination and History in the Third World* (Princeton 1971) 159; Christian Lowe, "Algeria, France Tussle over Archives 50 Years after Split" (*Reuters*; 4 July 2012).]

See also France.

ANGOLA

Previous *Annual Report* entries: 2003, 2009.

ARGENTINA

Previous *Annual Report* entries: 1997–2012.

Several important human rights cases from Argentina's last military dictatorship (1976–1983) were reopened in 2003 after Congress annulled the 1986 "Full Stop" law, which had stopped prosecution of such cases, and the 1987 "Due Obedience" law, which had granted immunity to all members of the military, except those in positions of command. In 2005, the Supreme Court upheld the unconstitutionality of the amnesty laws, originally decided by a judge in 2001 in a case brought by the Center for Legal and Social Studies (CELS) and the Abuelas de Plaza de Mayo (Grandmothers of the Plaza de Mayo). From that moment, federal judges struck down pardons that then-President Carlos Menem had issued between 1989 and 1990 to former officials convicted of, or facing trial for, human rights violations.

As of August 2012, the number of persons accused of crimes against humanity had increased to 1,926, from 922 in 2007, according to CELS. 799 people faced charges for these crimes and 262 were convicted and sentenced. Trials were delayed at the appellate level, with appeals normally taking more than two years to be heard after the sentence of the trial court. As of August 2012, the Supreme Court had confirmed final sentences in only eight of the cases reactivated after the annulment of the amnesty laws.

On 5 July 2012, a federal court sentenced Jorge Videla (1925–2013), de facto president from 1976 to 1981, to 50 years in prison for implementing a plan to steal babies from women who gave birth while they were being held in torture centers before they were killed, and to hand them over to military families for adoption. The head of the last military junta, Reynaldo Bignone (1982–1983), received a fifteen-year prison sentence. The court concluded that the theft of babies was a "systematic and generalized practice." Videla had been convicted in 1985 for crimes against humanity and was already serving a life sentence. The trial, pursued by the Association of the Grandmothers of the Plaza de Mayo, was based on the cases of 35 children, now adults, who had been identified through DNA testing as sons and daughters of disappeared victims of the dirty war (1976–1983). The Grandmothers estimated that more than 500 children were captured along with their parents or born in captivity; after their parents were executed, many were raised by security officers' families who hid their true identities. More than 100 of the children have already been identified.

The “mega-trial” of state agents responsible for crimes committed at the Navy Mechanics School (ESMA) continued in 2012. In October 2011, a federal court sentenced twelve of the perpetrators to life imprisonment for the illegal arrest, torture and murder of detainees held at the center. A second trial commenced in November 2012, in which 67 state agents faced similar charges. Seven of them were being tried for their alleged participation in “flights of death,” in which prisoners held at ESMA were drugged and dropped from planes into the Atlantic.

[Sources: Amnesty International, *Report 2013* (London 2013), 26; Human Rights Watch, *World Report 2013* (Washington 2013), 192–193; National Security Archive, “Stolen Babies: Argentina Convicts Two Military Dictators” (5 July 2012).]

During 2012, investigations in Argentina based on universal jurisdiction continued into crimes committed in Spain between 1936 and 1977, including the period of the Spanish Civil War (1936–1939) and the Franco regime (1939–1975).

[Source: Amnesty International, *Report 2013* (London 2013), 25.]

See also Germany.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010.

See Azerbaijan.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009.

See Iraq.

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009.

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2012.

On 29 January 2013, officials from the ruling political party Yeni Azerbaijan publicly called on Akram Aylisli (1937–; pen name of Akram Najaf oglu Naibov), a novelist and former Member of Parliament (2005–2010), to withdraw a recently published novel and ask for the nation’s forgiveness. The novel, *Daş Yuxular* (*Stone Dreams*; completed in 2007), was published in the Russian-language literary journal *Druzhiba Narodov* (Friendship of the Peoples) in Russia in December 2012. Set during the conflict on the disputed region of Nagorno-Karabakh, an Armenian-majority separatist enclave in Azerbaijan (1988–1994), the novel provided a sympathetic view of Armenians in the conflict. It only referred to Azeri violence against Armenians, including during the 1920s and during pogroms in Sumgait and Baku in January 1990, but not to Armenian violence against Azeris, such as during the Khojali massacre in February 1992.

The call was the start of a hostile campaign of intimidation against Aylisli. On 31 January 2013, a crowd of about 70 people gathered outside Aylisli’s home in Baku, shouting “shame” and burning his portrait and books. On 1 February 2013, Azerbaijani lawmakers meeting in parliament began to question Aylisli’s ethnicity, suggesting that he take a DNA test and be forced to emigrate to Armenia. One of them commented that the novel “insulted not only Azerbaijanis, but the whole Turkish nation,” because it referred to the Ottoman Empire’s historical persecution of Armenians. Ali Hasanov, a high-level official from the presidential administration, denounced Aylisli for disrespecting the memory of thousands of martyrs. Aylisli’s wife and son were dismissed from their jobs. Aylisli was also expelled from the Union of Azerbaijani Writers.

On 7 February 2012, President Ilham Aliyev stripped Aylisli of his honorary title of “people’s writer” and cut off his presidential monthly pension, which he had drawn since 2002. Aliyev reportedly argued that the measures were a just punishment “for distorting facts in Azerbaijani history and insulting the feelings of the Azerbaijani people.” *Stone Dreams* had also made negative references to former President Heydar Aliiev (father of the current president). NGOs and support groups for veterans and refugees suggested that they could take legal action against Aylisli. On 10 February 2013, the chairman of the pro-government Müasir Müsavat Partiyası political party (Modern Equality Party), Hafiz Hajiyev (Haciyev), announced that he would pay a ransom to anyone who cut off the writer’s ear. The Interior Minister subsequently announced that such calls for violence were unacceptable and would be investigated.

[Sources: Network of Concerned Historians (<http://www.concernedhistorians.org/ca/70.pdf>; <http://www.concernedhistorians.org/ca/70f1.pdf>); “Azerbaijani Party Leader Offers Reward for Writer’s Ear,” *RFE/RL News* (11 February 2013); Human Rights Watch, “Azeri Writer Harassed over

Novel about Azeri-Armenian conflict” (http://www.ifex.org/azerbaijan/2013/02/12/azerbaijan_stop_harassing; 12 February 2013); *Keesings Historisch Archief* (2013), 152; PEN International Rapid Action Network, “RAN 08/13: Azerbaijan—Writer Akram Aylisli under Threat” (12 February 2013); Daisy Sindelar, “Azeri Author Sends Unpopular Message To Armenians: ‘We Can Live Together,’” *RFE/RL News* (1 February 2013); Daisy Sindelar, “In Azerbaijan, Anger at an Author, but not Necessarily at His Argument,” *RFE/RL News* (8 February 2013); *Wikipedia* (16 February 2013).]

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012.

See United Arab Emirates.

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2012.

In 2010 the Bangladeshi government established the International Crimes Tribunal (ICT) to investigate those accused of collaborating with Pakistani forces who attempted to stop East Pakistan (later: Bangladesh) from becoming independent during the 1971 war (during which between half a million and three million people were killed). Twelve people in total stood trial, including several leaders of the main Islamist party, Jamaat-e-Islami, and a former minister from the opposition Bangladesh Nationalist Party (BNP). The trial chamber allowed several prosecution witnesses statements as evidence, without any live testimony being heard. While the prosecution claimed the witnesses were unavailable, the defense produced safehouse logbooks that showed they were available at the time when they were meant to appear in court. However, the ICT rejected the defense's claims. United States war crimes ambassador, Stephen Rapp, and several international groups asked to amend the ICT Act to ensure that it complied with international fair trial standards.

In December 2012, Mohammed Nizamul Huq, the presiding judge resigned after allegations that at least 230 of his emails and over seventeen hours of his recorded telephone calls (published on YouTube) contained proof of undue governmental pressure (to speed up the court proceedings) and by Ahmed Ziauddin, the director of the Bangladesh Center for Genocide Studies in Brussels who secretly advised the judge and the prosecutor and prepared drafts for the charges and indictments. On 11 April 2013, the police arrested Mahmdur Rahman, the editor of the opposition newspaper, *Amar Desh*; he was charged with sedition and unlawful publication of the hacked conversation between the ICT judges and Ziauddin.

Meanwhile, on 21 January 2013, in the first conviction, former leader of the Jamaat-e-Islami party Abul Kalam Azad was found guilty in absentia of eight charges of genocide and crimes against humanity and sentenced to death. On 5 February 2013, the ICT found another Jamaat-e-Islami party leader, Abdul Kader Mullah (Abdul Qader Mollah), guilty on five out of six counts, including of murder and rape as crimes against humanity and war crimes, and sentenced him to life imprisonment. He denied all the charges. Later that month, amendments to the ICT Act were offered to enable an

appeals court to overturn the life sentence and impose the death penalty.

The trials sparked protests from those who accused the government of pursuing a political vendetta on the one hand and Shahbagh protesters who called on Jamaat-e-Islami leaders to face their crimes on the other hand. Both groups clashed violently. Hundreds of thousands throughout Bangladesh took to the streets in peaceful protests to demand that Mullah be hanged. The violence increased after the ICT, on 28 February 2013, sentenced Delwar Hossain Sayedee, vice-president of the Jamaat-e-Islami party, to death by hanging after finding him guilty of war crimes. Following this verdict, Jamaat party supporters, Shahbagh protesters and security forces attempting to control the protests clashed with each other. More than a hundred people died, most of them in police firing according to media and human rights groups.

On 15 July 2013, the ICT found Ghulam Azam, leader of the Jamaat-e-Islami party from 1969 to 2000, guilty of five charges, sentencing him to 90 years' imprisonment for his involvement in mass killings and rape during the war. He denied all the charges.

[Sources: Article 19, "Journalists and Protesters Injured in Bangladesh Demonstrations" (22 February 2013); "Bangladesh: Abdul Kader Mullah Gets Life Sentence for War Crimes," *BBC News* (5 February 2013); "Bangladesh Islamist Ghulam Azam Found Guilty of War Crimes," *BBC News* (15 July 2013); Human Rights Watch, *World Report 2013* (Washington 2013), 280; Human Rights Watch, "Bangladesh: Post-Trial Amendments Taint War Crimes Process: Protesters, Security Forces Should Exercise Restraint" (14 February 2013); Human Rights Watch, "Crackdown on Bloggers, Editors in Bangladesh" (17 April 2013); *Keesings Historisch Archief* (2013), 286–287; *NRC Handelsblad* (8 March 2013), 15; "Trying War Crimes in Bangladesh," *The Economist* (15 December 2012).]

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011.

In the summer of 2012, David Marples, a historian from the Department of History and Classics at the University of Alberta, Canada, president of the North American Association for Belarusian Studies, did not receive a visa to study the uses of history in Belarus. No reason was given.

[Source: *Index on Censorship* (2012 no. 3), 138.]

In 2012, *Hrodnaznaustva*, a book about the history of Hrodna (Grodno), a town in Western Belarus, was published in Poland. The KGB interrogated the authors and asked them why the narrative stopped in 1991, leaving out treatment of President Alexander Lukashenka's rule from 1994. As a result

several were dismissed from Janka-Kupala State University in Hrodna, including Andrej Czarniakiewicz (Czarniakewich, Charniakewich), a historian specialized in the early-twentieth-century history of Hrodna and a campaigner for the historical heritage of its old town. As official reasons for his dismissal in late September 2012, two versions circulated; one was that he had been late five minutes for two of his lectures, which was a “harsh violation of work discipline;” another that the work was published abroad with an “unclear” funding source. In October 2012, the European Humanities University called the dismissal a violation of academic freedom. In late March 2013, Viachaslau Shved, another contributor, was dismissed as the dean of the Department of Belarusian Culture and Regional Tourism and as a professor. Another historian, Igor Kuzmin, resigned from the university in protest against the dismissals.

[Sources: “Aufruf: Belarusian Historian A. Czarniakiewicz Driven Out of His Hrodna Based University” (<http://www.dbg-online.org/2012/10/10/aufruf-belarusian-historian-czarniakiewicz-driven-out-his-hrodna-based-university>; 10 October 2012); Paula Borowska, “Belarusian Historians Struggle to Find Their Place” (<http://belarusdigest.com/story/cultural-politics-13646>; 11 April 2013); “EHU Senate Condemns Dismissal of Belarusian Historian,” <http://www.ehu.lt/en/news/show/ehu-senate-condemns-dismissal-of-belarusian-historian> (12 October 2012).

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012.

See Bangladesh, Senegal.

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2012.

Delays in bringing to justice those responsible for human rights violations under military governments (1964–1982) persisted. In April and May 2012, legislation was passed reducing compensation payments for the victims of the time and providing for the publication of the names of people entitled to compensation. There were concerns about the lack of transparency and unfairness of the reparation process. Of 6,200 applicants, only around 1,700 qualified as beneficiaries. Victims of human rights violations and their relatives maintained months-long protests in front of the Ministry of Justice to demand greater transparency. Many alleged that they were denied access to compensation because

they had to produce documentary evidence to support their claims, such as medical proof of torture, death certificates, and other documents.

The only notable advance in recent years was the sentencing in August 2011 of five generals to 10 to 15 years' imprisonment each for killing 67 people during anti-government protests in September and October 2003, when the army used lethal force to quell violent demonstrations in the highland city of El Alto. Two members of former President Gonzalo Sánchez de Lozada's cabinet received three-year suspended sentences for their part in the events, often referred to as "Black October." In September 2012, the United States government rejected a Bolivian request to extradite Sánchez de Lozada and two ministers of his administration to face trial on charges including genocide, homicide and torture, for their alleged responsibility for the deaths and injuries during "Black October."

[Sources: Amnesty International, *Report 2013* (London 2013), 40; Human Rights Watch, *World Report 2013* (Washington 2013), 198–199, 201.]

The armed forces failed to turn over files that might clarify the fate or whereabouts of people who were killed or "disappeared" before democracy was restored in 1982. In July 2012, in response to protestors who were demanding that files from the government of Luis García Meza (1980–1981) be declassified, Vice President Alvaro García stated that only one filing cabinet had been found and the rest had been stolen "years ago."

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 198.]

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2012.

A March 2012 report on postwar justice in the Western Balkans from outgoing Council of Europe Human Rights Commissioner Thomas Hammarberg recommended that Bosnian authorities strengthen local courts' capacity to try war crimes and protect witnesses, and expressed support for a regional truth and reconciliation commission.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 416.]

By the end of 2012, five cases concerning Bosnia and Herzegovina (BiH) were pending before the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY). Three other cases were on appeal. Proceedings against former Bosnian Serb leader Radovan Karadžić continued. In June 2012, the ICTY Trial Chamber issued an oral decision dismissing the motion for acquittal on 10 counts of the indictment. However, it granted it in relation to count one, in which the accused was

charged with genocide for crimes committed in several municipalities in BiH between March and December 1992. The ICTY reported that the evidence “even if taken at its highest, did not reach the level from which a reasonable trier of fact could infer that genocide occurred in the municipalities.” On 16 May 2012, the trial against Bosnian Serb wartime General Ratko Mladić commenced at the International Criminal Tribunal for the former Yugoslavia (ICTY). It was periodically delayed by his ill-health. Mladić was charged with genocide (including the murder of 8,000 men and boys from Srebrenica in 1995), war crimes, and crimes against humanity.

The War Crimes Chamber of the BiH State Court of Bosnia and Herzegovina reached verdicts on 13 cases between September 2011 and 2012. Inadequate capacity and funding for war crimes prosecutions continued to hamper implementation of the National Strategy for Prosecution of War Crimes (Strategy) in local courts. In May 2012, the Office of the International High Representative and ICTY chief prosecutor discussed ways to strengthen local prosecutors and courts on war crimes cases. The mandate of the international judges and prosecutors was scheduled to expire by the end of 2012, having been extended once in 2009.

The justice system continued to work on the large backlog of war crimes cases. In early 2012, the BiH Prosecutor’s Office obtained an overview of cases investigated in all jurisdictions within BiH. It handed them over to the State Court of BiH to decide, in accordance with the criteria set in the Strategy, which cases should be prosecuted at the state or entity levels. There were 1,271 cases reviewed in the process, 592 (47%) of which were transferred to the entity Prosecutors’ Offices, and 679 (53%) were pending before the State Prosecutor’s Office. This represented a positive development as the significant delay in establishing the exact number of criminal case files was holding up the implementation of the Strategy. The possibility of parallel investigations and prosecutions at state and entity levels was also greatly reduced. However, around half of these case files had already been pending in entity Prosecutors’ Offices for many years prior to the review and transfer process. The fact that an additional 120 case files were transferred to the entity Prosecutors’ Offices did not automatically accelerate the investigations.

Verbal attacks on the War Crimes Chamber of the BiH State Court and other judicial institutions dedicated to investigating and prosecuting those crimes, along with the denial of crimes under international law—such as the genocide in Srebrenica in July 1995—by high-ranking politicians, undermined the state’s efforts to prosecute them. In February 2012, a coalition party from Republika Srpska (RS) filed a motion to abolish the BiH State Court and the BiH Prosecutor’s Office. The draft proposals were rejected by the BiH Parliament, but politicians continued to make public declarations undermining the work of the state judicial institutions. The entity courts continued to apply the Criminal Code of the former Socialist Federal Republic of Yugoslavia in prosecuting crimes committed during the conflict. As noted in the concluding observations of the United Nations Human Rights Committee in November, this Code had serious gaps, including the absence of a definition of

crimes against humanity and command responsibility.

Around 10,000 people who disappeared during the 1992–1995 war were still unaccounted for. The state’s failure to implement the 2004 Law on Missing Persons led to problems for the families of the disappeared, including the denial of their rights to justice and reparation. The Fund for Providing Assistance to the Families of Missing Persons envisaged by the 2004 Law had still not been established. Many judgments of the BiH Constitutional Court in cases involving enforced disappearances remained unimplemented.

The state failed to adopt the draft Law on the Rights of Victims of Torture and Civilian War Victims, the Strategy on Transitional Justice, and the Program for Victims of Sexual Violence in Conflict.

[Sources: Amnesty International, *Report 2013* (London 2013), 42–43; Human Rights Watch, *World Report 2013* (Washington 2013), 414–415.]

In a German article about history textbook reform in Bosnia-Herzegovina, two of the three history teachers interviewed were given pseudonyms.

[Source: Natalija Bašić, “Angst und Gedächtnis” *Eckert: Das Bulletin* (Summer 2012), 21–23.]

In [January 2013], the Sarajevo-based NGO Research and Identification Center published the “Bosnian Book of the Dead.” [For background, see *NCH Annual Report 2009*.]

[Source: Denis Dzidic, “‘Bosnian Book of the Dead’ Published,” *Balkan Insight* (22 January 2013).]

See also The Netherlands, Serbia.

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2012.

In May 2012, President Dilma Rousseff established the National Truth Commission (NTC). The NTC was mandated to investigate human rights violations from 1946 to 1988, including during the country’s military dictatorship (1964–1985). In September, the NTC announced that it would only investigate grave human rights violations committed by or on behalf of state agents and began hearing testimonies and investigating records, although some concern was expressed at the use of some in camera hearings. The establishment of the TC led to the creation of several truth commissions at state level, for example in the states of Pernambuco, Rio Grande do Sul and São Paulo.

However, concerns remained about the ability to address impunity for crimes against humanity as

long as the 1979 amnesty law remained in place. This law has thus far been interpreted to bar most prosecutions of state agents, an interpretation that the Supreme Court reaffirmed in April 2010. However, this law had been declared “null and void” by the Inter-American Court of Human Rights in December 2010. Federal prosecutors initiated criminal prosecutions of members of the security services accused of kidnappings during the dictatorship, arguing that it was a “continuous crime” and thus not covered by the amnesty law.

Brazil had granted more than United States \$1 billion in financial compensation to more than 12,000 victims of abuses committed by state agents during the dictatorship.

[Sources: Amnesty International, *Report 2013* (London 2013), 44; Human Rights Watch, *World Report 2013* (Washington 2013), 202, 205–206.]

In July 2012, the office of Tortura Nunca Mais (Torture Never Again), a civil society group seeking to raise awareness of the abuses during the military dictatorship (1964–1985), was burglarized and archives with torture victim reports were stolen.

[Source: *New York Times* (4 August 2012).]

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012.

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005.

In June 2012, Parliament passed an amnesty law for heads of state enshrining impunity.

[Source: Amnesty International, *Report 2013* (London 2013), 49.]

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2012.

In 2012, no progress was made to investigate and establish the truth behind grave violations of human rights committed between 1962 and 2008. A revised draft law establishing a Truth and Reconciliation

Commission (TRC) was submitted to parliament but not discussed; it left open the possibility of amnesties, including for those accused of genocide, crimes against humanity, war crimes, torture, enforced disappearances and extrajudicial executions. It did not specify that the Special Tribunal, the judicial mechanism that would follow the TRC, should have an independent prosecutor who can investigate and prosecute cases referred by the TRC as well as new cases.

[Sources: Amnesty International, *Report 2013* (London 2013), 50; Human Rights Watch, *World Report 2013* (Washington 2013), 86.]

CAMBODIA

Previous *Annual Report* entries: 1999–2012.

In the trial of leaders of the Khmer Rouge period (1975–1979), political interference from Prime Minister Hun Sen’s ruling Cambodian People’s Party (CPP) effected via government-appointed judges, prosecutors and other personnel at the Extraordinary Chambers of the Courts of Cambodia (ECCC; the Khmer Rouge Tribunal), precipitated the resignation in May 2012 of Laurent Kasper-Ansermet, an investigating judge nominated by the United Nations secretary-general. Kasper-Ansermet claimed that governmental interference and lack of cooperation made it impossible for him to do his work. His court submissions detailed how that interference had blocked his efforts to investigate five suspects whom Hun Sen had not approved. United States Judge Mark Harmon replaced him in October 2012, but no further progress in the cases was reported. The CPP’s longstanding strategy of attempting to control the court via delaying tactics and passive non-cooperation contributed to reducing the prosecution of Nuon Chea, Ieng Sary, and Khieu Samphan—three Hun Sen-authorized indictees among former Khmer Rouge leaders—to a “mini-trial” in which only a few of the crime against humanity counts against them would be adjudicated. It appeared unlikely that they would ever go on trial for the additional charges of genocide and war crimes laid against them in December 2009, even though the ECCC was the most expensive international or hybrid criminal tribunal ever, calculated in terms of cost per accused put on trial. Ieng Thirith, one of four alleged senior Khmer Rouge leaders on trial in Case 002, was declared unfit to stand trial and released into the care of her family in September. She was believed to have Alzheimer’s disease.

In February 2012 the ECCC upheld the conviction of prison chief Kaing Guek Euv, known as Duch, for war crimes and crimes against humanity, and increased his sentence from 35 years to life in prison.

[Sources: Amnesty International, *Report 2013* (London 2013), 52; Human Rights Watch, *World Report 2013* (Washington 2013), 293, 295–296.]

See also Thailand.

CAMEROON

Previous *Annual Report* entries: 2010, 2012.

On 29 November 2011, writer, historian and politician Dieudonné Enoh Meyomesse ([1954]–) was

arrested upon returning from a business trip to Singapore, and charged with armed robbery of gold and organizing a coup. In December 2012, he was found guilty of armed robbery and illegal sale of gold and sentenced to seven years' imprisonment. It was believed that his trial was related to his critical writings, his political activities and his role as a dissident within the Bulu ethnic group (to which also President Paul Biya belongs). Meyomesse wanted to run for president on 9 October 2011 under the banner of the United National Front (UNF) but the Supreme Court did not validate his candidacy. Among his works written in prison that were confiscated was a manuscript, *The Elite against the People from 1884 to the Present Day*.

[Source: International Pen, "Letter to President Paul Biya" (17 April 2013).]

Sometime between 23 and 24 March 2013, unidentified men abducted filmmaker Richard Fouofie Djimeli from his home. On 3 April 2013, he was found alive, though one of his fingers was amputated. The director and actors from his film *139...Les dernières prédateurs* (139...The Last Predators) received death threats weeks before the film's launch. The film, about a 139-year-old totalitarian regime in an imaginary country named Chimpanz, satirized Paul Biya's regime, which has held power in Cameroon since 1982.

[Source: Article 19, *Artistic Censorship Report: Filmmaker Abducted, Street Artists Fined* (http://www.ifex.org/international/2013/05/14/artistic_censorship; 14 May 2013).]

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012.

The mandate of the Canadian Truth and Reconciliation Commission included "the history, purpose, operation and supervision of the Indian Residential School (IRS) system, the effect and consequences of IRS (including systemic harms, intergenerational consequences and the impact on human dignity) and the ongoing legacy of the residential schools." An estimated 100,000 First Nations children were taken from their families and forced to attend 130 residential schools over more than a century (1880s–1996). The majority of the schools were operated by Roman Catholic entities, about a quarter of the schools run by the Anglican Church, and the remainder by Presbyterians and the United Church.

[Source: Human Rights Working Group of the International Council on Archives, *News of September 2012*, 2.]

See also Belarus, India, Iran, Rwanda.

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012.

CHAD

Previous *Annual Report* entries: 2000–2012.

See Senegal.

CHILE

Previous *Annual Report* entries: 1998–2012.

More than three-quarters of the 3,186 documented extrajudicial executions and enforced disappearances during General Augusto Pinochet's military regime (1973–1990) were heard by courts or are now under court jurisdiction, according to Diego Portales University's Human Rights Observatory, a nongovernmental organization that monitored progress in human rights trials. Between 2000 and September 2011, more than 800 former state security agents had been indicted or convicted, and as of August 2012, 64 agents were serving prison sentences. In many cases, the Supreme Court had used its discretionary powers to reduce sentences against human rights violators in recognition of the time elapsed since the criminal act. Others had their sentences commuted. These practices raise concerns about Chile's fulfillment of its obligation to hold accountable perpetrators of crimes against humanity by imposing appropriate punishments or sanctions.

Following a visit to Chile in August 2012, the United Nations Working Group on Enforced or Involuntary Disappearances welcomed progress in investigations of human rights violations during Pinochet's regime. However, it expressed concern that few of the convicted perpetrators were in fact serving a sentence because of the short penalties imposed. The Working Group also called for the 1978 amnesty law to be repealed; for a national plan to search for the disappeared; and for the allocation of additional resources in order to expedite judicial proceedings.

[Sources: Amnesty International, *Report 2013* (London 2013), 60; Human Rights Watch, *World Report 2013* (Washington 2013), 209, 211–212.]

CHINA

Previous *Annual Report* entries: 1995–2012.

From 2005 on, the businessman and former government official Fan Jianchuan ([1957–]) opened six museums commemorating the Cultural Revolution in Chengdu and elsewhere. He avoided scenes of violence and did not use the term “Cultural Revolution.” According to a museum assistant, who requested anonymity, the period was instead referred to as the more neutral “Red Era.” Fan had a collection of 100 tons of documents, including 20,000 diaries, about the period. Most government-funded museums in China avoid mentioning the Cultural Revolution altogether (The National Museum, renovated in 2011, commemorated the era with one photograph and three lines of written text).

[Source: AFP, “China’s Painful Past Displayed under Political Shadow in Businessman Fan Jianchuan’s Six Museums,” *Artdaily.org* (http://artdaily.com/index.asp?int_sec=2&int_new=58732#.UJe1PyaVySp; 5 November 2012).]

Tombstone: The Great Chinese Famine, 1958–1962 (Chinese 2008; English 2012), by Yang Jisheng (1940–), deputy editor of the historical journal *Yanhuang Chunqiu* and a former editor at the Xinhua News Agency, was banned in mainland China. Yang said that a full exposure of the famine in which a reported 36 million starved to death (making it the worst famine in history) could undermine the legitimacy of the Chinese Communist Party. From the early 1990s, Yang visited more than a dozen provinces, interviewed over a hundred witnesses, and collected thousands of documents. He could get access to archives containing confidential reports of the famine only under the pretext of “researching agricultural policies” or “studying the food issue.” When the book was published in Hong Kong in 2008, pirated texts and internet summaries found their way into the mainland.

[Sources: *International Herald Tribune* (8–9 December 2012); *New York Times* (13 November 2012).]

On 15 September 2010, Li Tie (1962–), human rights activist, dissident writer and signatory of *Charter 08* [For background, see *NCH Annual Reports 2009, 2010*], was arrested by the Wuhan City Public Security Bureau. On 22 October 2010, the initial charge against him (“inciting subversion of state power”) was changed into the more serious “subversion of state power.” On 18 January 2012, the Wuhan Intermediate People’s Court sentenced him to ten years’ imprisonment. The evidence against him included membership of the banned China Social Democracy Party and critical online writings, in particular an article entitled “Human Beings’ Heaven Is Human Dignity.” Li did not receive a fair trial. During the past decade, Li organized activities to honor the memory of Lin Zhao,

the Beijing University student imprisoned in the 1950s and executed by the government in 1968 for her views and writings.

[Source: International PEN, *Caselist—January to June 2012* (London 2012), 29.]

On 19 September 2010, Lu Jiaping [Lü Jiaping] (1944–), a member of the Chinese Research Society on the History of World War II and a retired soldier from Beijing, was arrested. In early May 2011, he was charged with “inciting subversion of state power” (defined as “spreading rumors or slanders or any other means to subvert state political power or overthrow the socialist system”) and secretly sentenced to ten years’ imprisonment by the Beijing First Intermediate Court. His close associate, Jin Andi ([1954–]), probably also a historian, received a sentence of eight years. The sentences were linked to articles published by Lu between 2000 and 2010, which discussed the family background and private life (including some scandals) of former Chinese Communist Party chairman Jiang Zemin. Lu’s wife, Yu Junyi, was released from house arrest in February 2012, after which the cases of Lu and Jin became known. On 1 December 2012, they were still in prison.

[Sources: Committee to Protect Journalists, “Challenged in China: The Shifting Dynamics of Censorship and Control (New York 2013), 13–14, 17; *Epoch Times* Editorial Board, “Anything for Power: The Real Story of China’s Jiang Zemin” (<http://www.theepochtimes.com/news/5-9-20/32517.html>; 20 September 2005); International PEN, *Caselist—January to June 2012* (London 2012), 32; International PEN Writers in Prison Committee, *Half-Yearly Caselist to December 2012* (London 2013), 31–32; *Sydney Morning Herald* (17 November 2012).]

In 2011 Liao Yiwu (?1960–), writer, poet and musician, fled to Germany via Vietnam. [For background, see *NCH Annual Report 2003*.]

[Source: IFEX, “IFEX Marks World Refugee Day, 20 June 2013” (6 June 2013).]

A policy to raze traditional Uighur neighborhoods and relocate or forcibly evict inhabitants, accompanied by a campaign to settle the majority of the nomadic and pastoralist population of Xinjiang, were the most visible aspects of a comprehensive development policy launched in 2010 that was supposed to reduce socioeconomic disparities and lift the livelihood of ethnic groups and help “smash separatist sentiment.”

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 312.]

On 7 January 2013, hundreds of demonstrators staged a protest in support of the progressive weekly newspaper *Nanfang zhoumo* (*Southern Weekly*) in Guangzhou, Guangdong, which had been forced to transform an editorial calling on the new leadership for political reform into a tribute praising the Chinese Communist Party. Eighteen academics signed an open letter calling for the dismissal of Tuo

Zhen, a provincial propaganda minister blamed for the censorship. They included legal professors, liberal economists, historians and writers. The original text—entitled “China’s Dream, the Dream of Constitutionalism” and written by senior editor Dai Zhiyong in a reformist tone as a New Year editorial—was cut down from 2,000 to 1,000 words and changed into a propaganda piece entitled “We Are Closer to Our Dream than Ever Before.” The original contained a sweeping view of history since the 1840s and displayed a willingness to learn lessons from the rest of the world.

[Sources: *Guardian* (7 January 2013); Liu Jin, “Pressing for Freedom: The Protest over China’s ‘Southern Weekly,’” *Free Speech Debate* (27 February 2013); “The Southern Weekly Affair: No Closer to the Chinese Dream?” *Free Speech Debate* (27 February 2013).]

On 13 May 2013, the Chinese Communist Party Central Committee General Office issued a memorandum, “Concerning the Situation in the Ideological Sphere,” which presented a “Seven Speak-Nots” policy: it banned teaching or discussing seven topics at universities, including “historical mistakes by the Communist Party” (such as the Cultural Revolution). Other topics were universal values, freedom of the press, citizen rights, civil society, the privileged capitalist class, and judicial independence.

[Sources: Oiwan Lam, “Chinese Government Bans Seven ‘Speak-Not’ Subjects,” *Global Voices* (<http://globalvoicesonline.org/2013/05/16/chinese-government-bans-seven-speak-not-school-subjects>; 16 May 2013); Hayashi Nozomu, “Chinese Authorities Ban Human Rights, Political Discussions at Universities,” *Asahi Shimbun* (<http://ajw.asahi.com/article/asia/china/AJ201305120046>; 12 May 2013).

In July 2013, economics professor Xia Yeliang, one of the first signatories of *Charter 08* [For background, see *NCH Annual Reports 2009, 2010*], was threatened with expulsion from Beijing University. Since 2009, he had made a series of remarks in favor of free speech and constitutional governance. A visiting scholar at Stanford University in California, where he taught classes in American economic history and institutional economics, Xia said that he wanted to return to Beijing to fight the expulsion.

[Source: Patrick Boehler, “Liberal Peking University Professor Threatened with Expulsion,” *South China Morning Post* (8 July 2013).]

See also Japan, Mongolia, Sri Lanka.

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2012.

In 2012, Colombia began to implement the Victims and Land Restitution Law, which aimed to return millions of acres of abandoned and stolen land to internally displaced persons (IDPs) who fled their homes over the past two decades. Implementation advanced slowly, and there were threats and attacks against individuals seeking land restitution, in some cases by paramilitary successor groups or others interested in maintaining control over the stolen land.

The Colombian government and Revolutionary Armed Forces of Colombia (FARC) guerrillas formally initiated peace talks in October 2012. The negotiations represented Colombia's first opportunity in over a decade to reach a settlement to end the nearly 50-year conflict.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 214.]

Over the past decade, the Colombian army committed a large number of extrajudicial killings of civilians. In many cases—commonly referred to as “false positives”—army personnel murdered civilians and reported them as combatants killed in action, apparently in response to pressure to boost body counts. The government did not keep statistics for cases of “false positives” as a separate category of crimes. However, as of August 2012, the Human Rights Unit of the attorney general's office was investigating 1,727 cases of alleged extrajudicial executions committed by state agents throughout the country involving nearly 3,000 victims. Most cases were attributed to the army and occurred between 2004 and 2008. There was a dramatic reduction in cases of alleged extrajudicial killings attributed to the security forces since 2009; nevertheless, some cases were reported in 2011 and 2012.

As of August 2012, the Human Rights Unit had obtained convictions for less than 10 percent of the 1,727 cases under investigation. The successful prosecutions led to the convictions of 539 army members, of whom 77 were officers, including two lieutenant colonels and two colonels. The office of the prosecutor of the International Criminal Court (ICC) reported in November 2012 that the existing judicial proceedings in false positive cases “ha[d] largely failed to focus on the persons who might bear the greatest responsibility for the commission of these crimes.” Accountability achieved to date was due to the fact that civilian prosecutors were investigating most cases. However, the administration of President Juan Manuel Santos was promoting a constitutional amendment that would result in military atrocities—including extrajudicial killings, torture, and rape—being investigated and tried by the military justice system. The amendment would likely also lead to the transfer of past cases of “false positives” from civilian prosecutors to the military justice system,

which would virtually guarantee impunity for such crimes.

[Sources: Amnesty International, *Report 2013* (London 2013), 67; Human Rights Watch, *World Report 2013* (Washington 2013), 217–218.]

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2012.

In July 2012, the International Criminal Court (ICC) issued its first-ever conviction and sentenced Congolese armed group leader Thomas Lubanga Dyilo—the alleged founder and president of the Union of the Congolese Patriots and chief commander of its armed wing, the Forces patriotiques pour la libération du Congo (FPLC; Patriotic Forces for the Liberation of Congo)—to 14 years' imprisonment. On 14 March, he had been convicted of the war crimes of conscripting and enlisting children under the age of 15 and using them to participate actively in hostilities in Ituri district in eastern Congo in 2002 and 2003.

In May 2012, the evidence phase of the trial of Mathieu Ngudjolo and Germain Katanga, leaders of an armed group that opposed Lubanga's group in Ituri, was completed. Ntaganda, Lubanga's co-accused at the ICC, remained at large by the end of 2012; he has been wanted by the ICC since 2006 for recruiting and using child soldiers, crimes which he continued to commit in 2012. In July, the ICC issued a warrant against him for war crimes and crimes against humanity, also in connection with his activities in Ituri. Congolese authorities refused to arrest and surrender Ntaganda prior to his defection from the Congolese army in April.

There was little progress on the government's proposal to establish a specialized mixed court with jurisdiction over war crimes and crimes against humanity committed since 1990 and on the adoption of legislation implementing the ICC statute. In September 2012, the justice minister pledged to adopt the ICC implementing legislation promptly. In October, she took initial steps to revive draft legislation on the specialized mixed court.

[Sources: Amnesty International, *Report 2013* (London 2013), 80–81; Human Rights Watch, *World Report 2013* (Washington 2013), 100–101.]

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012.

COSTA RICA

Previous *Annual Report* entry: 2010.

CÔTE D'IVOIRE

See Ivory Coast.

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2012.

Despite some progress in prosecuting crimes under international law committed during the 1991–1995 war, the measures taken to address impunity remained inadequate. Many crimes allegedly committed by members of the Croatian Army and police forces against Croatian Serbs and other minorities remained uninvestigated.

In January 2012, the Organization for Security and Co-operation in Europe (OSCE) ended its Croatia presence after more than 15 years, following several years of winding down operations, leaving a significant monitoring gap related to domestic war crimes accountability. Croatia continued to proceed in negotiations to join the European Union (EU), scheduled for July 2013. The October 2012 EU monitoring report noted that Croatia needed to intensify efforts to tackle impunity for war crimes.

The trial at the International Criminal Tribunal for the Former Yugoslavia (ICTY) of Croatian Serb wartime leader Goran Hadžić, president of the self-proclaimed Republic of Serbian Krajina, charged with the killing and deportation of Croats and other non-Serbs began on 17 October 2012. Hadžić was the last of 161 indictees to be brought before the ICTY as it wound down its operations.

In November 2012, the Appeals Chamber of the ICTY acquitted two generals, Ante Gotovina and Mladen Markač. The Appeals Chamber reversed their convictions for crimes against humanity and war crimes, for which they had received sentences of 24 and 18 years. The verdict resonated strongly in region, prompting a surge in nationalistic rhetoric in both Croatia and Serbia. While the two generals were welcomed back to Croatia by government officials, human rights defenders in the region reiterated the importance of holding perpetrators accountable for the crimes committed against Serb civilians between 1991 and 1995.

Fifteen domestic war crimes prosecutions were transferred in late 2011 and early 2012 from local county courts to four courts designated for war crimes cases (in Osijek, Rijeka, Split and Zagreb), with only two remaining in local courts as of August 2012. Following the transfer, the designated courts suspended several cases, particularly those affecting Serbs, because the trials had been conducted in absentia, a long-standing concern about war crimes cases heard in local courts.

Impunity for war crimes was exacerbated by the use of the 1993 Basic Criminal Code in the prosecution of crimes committed during the 1991–1995 war, although it failed to meet international standards. It did not include crimes against humanity and most crimes of sexual violence, while superior and command responsibility for crimes under international law was also not recognized. Those gaps led to impunity.

Some progress was made in providing witness support, but witness protection measures continued to be inadequate. Those responsible for intimidation of witnesses were not brought to justice. The authorities failed to provide victims and their families access to reparation.

[Sources: Amnesty International, *Report 2013* (London 2013), 72–73; Human Rights Watch, *World Report 2013* (Washington 2013), 418, 422.]

See also Serbia.

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012.

See United States.

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011.

During 2012, the Committee of Missing Persons in Cyprus exhumed the remains of 43 people, bringing the total number of exhumations since 2006 to 857. By the end of 2012, the remains of 336 missing individuals (269 Greek Cypriots and 67 Turkish Cypriots) had been identified and restored to their families. However, no perpetrator was identified or prosecuted in either Cyprus or Turkey by the end of 2012.

[Source: Amnesty International, *Report 2013* (London 2013), 76.]

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010.

On 10 April 2013, the supervisory board of the Czech Institute for the Study of Totalitarian Regimes (ÚSTR) in the capital Prague, dismissed ÚSTR director Daniel Herman (1963–), a former priest, dissident and Czech Bishops' Conference spokesman, citing dissatisfaction with his management of ÚSTR and chaotic digitization of documents. In protest against the decision, the fifteen-member academic council—including its chairman Michael Kraus, Cardinal Miloslav Vlk, Igor Lukeš (a professor of history and international relations at Boston University), Alena Šimánková (National Archive) and Mark Kramer (Harvard University)—resigned. Herman and the government Civic Democratic Party (ODS) declared that the board (itself appointed by the Senate) was controlled by the left and that the dismissal was the result of cooperation between the opposition social-democrats (ČSSD) and communists (KSCM) who allegedly wanted to prevent liberal access to the files. Petruška Šustrová (1947–), philosopher, former dissident and ÚSTR board chairwoman, dismissed the charge of politicization expressed by Prime Minister Petr Nečas (ODS). Left-wing parties accused the right of using the ÚSTR to discredit the left; in their turn, right-wing parties accused the left of using the ÚSTR to cover traces of politicians with a Communist past.

The ÚSTR board elected translator Pavla Foglová, head of the Czech Center in Warsaw, as interim director. When military historian Eduard Stehlík, first deputy to Herman, failed to reach agreement with Foglová, he resigned from his post. Herman considered taking legal steps against his dismissal. On 11 April 2013, Lubomír Augustin, head of the Security Services Archive (ABS; the part of ÚSTR managing the records), filed a criminal complaint against the five ÚSTR board members who voted for Herman's dismissal.

In 2008, Parliament had established the ÚSTR to do research into the periods of Nazi occupation (1939–1945) and communist rule (1948–1989). It contained records of the former Communist state security police StB. In its five years of existence, the ÚSTR had had four directors. Herman served from 2010 until 2013.

[Sources: B. C., "Czech Politics: A Row about the Institute for the Study of Totalitarian Regimes," *The Economist* (<http://www.economist.com/blogs/easternapproaches/2013/04/czech-politics-1>; 22 April 2013); Rob Cameron, "More Turmoil for Body Overseeing Secret Police Archives as Director Sacked," *Radio Praha* (11 April 2013); "Members of Academic Council Resign in Protest of Herman Sacking," *Prague Daily Monitor* (12 April 2013); *NRC Handelsblad* (19 April 2013), 13; "Remaining Members of Academic Council Resign Following Herman Sacking," *Radio Praha* (<http://www.radio.cz/en/section/news/news-2013-04-15>; 15 April 2013); Nick DeSantis, "Yielding to Critics, Czech President Won't

Block Professor's Appointment," *Chronicle of Higher Education* (<http://chronicle.com/blogs/ticker/jp/yielding-to-critics-czech-president-wont-block-professors-appointment>; 22 May 2013).]

In mid-May 2013, President Miloš Zeman refused to confer the title of professor upon Martin Putna ([1967–]), a literary historian and scholar of the Catholic church at Charles University, Prague, because he disliked the latter's social activism for gay rights. After a wave of criticism from students and academics, Zeman abandoned his opposition. Putna had openly criticized Zeman before his election as president in January 2013.

[Sources: "Czech President in University Row over Gay Rights Activist," *France 24* (<http://www.france24.com/en/20130521-czech-president-university-row-over-gay-rights-activist>; 21 May 2013); S. Carney, "Czech President Yields to Pressure, Faces Ire of Cardinal," *Wall Street Journal* (22 May 2013); N. DeSantis, "Yielding to Critics, Czech President Won't Block Professor's Appointment," *Chronicle of Higher Education* (<http://chronicle.com/blogs/ticker/jp/yielding-to-critics-czech-president-wont-block-professors-appointment>; 22 May 2013).]

DENMARK

Previous *Annual Report* entries: 2006–2007.

On 24 October 2012, two men were arrested for stealing records from the state archives relating to the Nazi occupation of Denmark during World War II. The materials reportedly included police reports, court files, and cases about deserters related to the war.

[Sources: Human Rights Working Group of the International Council on Archives, *Newsletter* (October 2012), 5; *Telegraph* (25 October 2012).]

On 5 February 2013, Lars Hedegaard (1942–), a controversial Marxist historian, journalist and radical critic of Islam, was shot by an unknown man in front of his house in Frederiksberg. The perpetrator missed his target and Hedegaard survived. Hedegaard was the head of the International Free Press Society, a group claiming that Islam threatens press freedom. In 2011, he had been convicted of hate speech against Muslims but in April 2012, the Supreme Court acquitted him because his words were uttered in private without the intent to disseminate them in public.

[Sources: *NRC Handelsblad* (6 February 2012), 9; Ann Snyder, “Danish Supreme Court Acquits Hedegaard,” *The Legal Project* (21 April 2012); *Wikipedia* (6 February 2013); <http://blog.indexonensorship.org/2013/02/05/index-index-international-free-speech-round-up-050213/>.]

DJIBOUTI

Previous *Annual Report* entry: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: —.

In February 2012, the Inter-American Court of Human Rights established state responsibility for the enforced disappearance of journalist Narciso González Medina in 1994. In October, the Court found the state responsible for the killing of seven Haitian migrants by members of the armed forces in 2000.

[Source: Amnesty International, *Report 2013* (London 2013), 83.]

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2012.

A truth commission created by the administration of President Rafael Correa published a report in June 2010 documenting 118 cases of human rights violations committed between 1984 and 2008 involving 456 victims (including 68 victims of extrajudicial execution and 17 of enforced disappearance). As of November 2012, more than two years after the creation of a special prosecutorial unit charged with investigating the 118 cases, prosecutors had charged one perpetrator, a police captain, with the fatal shooting of Damián Peña Bonilla, a high school student, during a 2002 demonstration.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 228–229.]

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2012.

In 2012, the Office of Censoring Publications banned the previously allowed textbook *A History of the Modern Middle East*, by William Cleveland and Martin Bunton, because it contained a number of maps that put Halayeb and Sahlateen on the Sudanese side of the Egyptian-Sudanese border. Copies of the book to be used at the American University in Cairo were unbanned only after the office corrected the maps by hand.

[Source: Khaled Fahmy, “Egypt’s One-Way Traffic in Books,” *Free Speech Debate* (21 September 2012).]

There has been no process of transitional justice to account for the crimes of the Mubarak era (1981–2011) nor has there been real accountability for the violence during the January 2011 uprising, which left 846 dead. On 2 June 2012, a judge sentenced former President Hosni Mubarak (19981–2011) and his former Minister of Interior Habib al-Adly to life imprisonment for failing to protect the protesters during the 2011 uprising from attacks by “criminal foreign elements.” The judge acquitted the four other assistant ministers of interior because he was not convinced that “the police was connected with the protester deaths.” The prosecution argued that the lack of evidence against them was due to a lack of co-operation from General Intelligence and the Ministry of Interior. Truth and justice remained elusive for hundreds of victims of the uprising and their families.

No Supreme Council of the Armed Forces (SCAF) members faced justice for the killings of

protesters during their 17-month rule. In July 2012, President Mohammed Morsi set up a fact-finding committee of officials, civil society activists and victims' families to identify the perpetrators of the killing and injury of protesters during the 2011 uprising and the SCAF's rule. In November 2012, Morsi passed a law creating a court to try cases of violence against protesters.

[Sources: Amnesty International, *Report 2013* (London 2013), 87; Human Rights Watch, *World Report 2013* (Washington 2013), 531.]

In [2013], Abdel-Wahed, Sabry El-Daly and Nevine, employees of the Egyptian National Archives (ENA), were dismissed on accusations of corruption. The new director Khaled Fahmy, who announced himself publicly as a Muslim Brotherhood member (and not to be confused with Khaled Fahmy, head of the history department at the American University in Cairo), defended the controversial dismissal. Employees had claimed that El-Daly had been involved in the theft of documents and Abdel-Wahed (former ENA head) never promoted or fairly rewarded hard-working employees. [Source: Mary Mourad, "Historian Fahmy Argues for Easing Access to Egyptian National Archives," *Ahram Online* (<http://english.ahram.org.eg/NewsContentP/18/74745/Books/Historian-Fahmy-argues-for-easing-access-to-Egypti.aspx>; 24 June 2013).]

Egyptian authorities confiscated some 1.7 million documents on the brink of being exported to Israel via Jordan. The documents (some dating back to 1863) contained details of Jewish ownership of land and assets in Cairo and were reportedly stolen during riots on 16 December 2011 from the Egyptian Scientific Institute in Cairo. The documents were supposed to be used in an Israeli lawsuit involving Jewish property lost in Egypt during the 1952 revolution.

[Sources: Human Rights Working Group of the International Council on Archives, *Newsletter* (October 2012), 4; *Times of Israel* (28 October 2012); *PressTV* (29 October 2012).]

On 13 March 2013, state security officials blocked the release of an (Egyptian) documentary entitled *Jews of Egypt*, directed by Amir Ramses (a Copt) and produced by Haytham el-Khamissy. The film had already been approved by censorship officials in 2010. It treated the exodus of an estimated 65,000 to 70,000 Jews in the nationalist climate between 1948 and 1973, and its aftermath. According to Khamissy, the authorities feared that the film's title could cause a public uproar after calls by politician Essam Mohamed Hussein el-Erian in 2012 for Jews to return to Egypt. A week later, on 20 March 2013, the documentary was approved for release. According to Ramses, the publicity surrounding the ban increased the number of viewers in Cairo.

[Sources: *NRC Handelsblad* (13 & 21 March & 19 April 2013); *Washington Post* (13 March 2013).]

See also Saudi Arabia, United Arab Emirates.

EL SALVADOR

Previous *Annual Report* entries: 2001–2012.

In January 2012—in accordance with a 2010 ruling by the Inter-American Commission on Human Rights—President Carlos Mauricio Funes Cartagena apologized on behalf of the state for the massacre of over 700 men, women and children in El Mozote and surrounding hamlets in Morazán province. The victims had been tortured and killed by the armed forces over a three-day period in 1981. In December 2012, the Inter-American Court of Human Rights set down its final decision on the massacre, ordering the state to conduct investigations and to hold those responsible to account. The ruling also called on the state to ensure that the 1993 amnesty law was not an obstacle to the prosecution of war criminals; to continue compiling a list of victims; to conduct exhumations; and to ensure reparations for the relatives.

Impunity for many other human rights violations committed during the armed conflict (1980–1992) persisted. In August 2012, survivors and relatives of victims marked 30 years of impunity for the 1982 El Calabozo massacre in which more than 200 women, men and children were killed by the armed forces. In a public event in November 2012, representatives of the relatives and survivors handed in over 5,000 signatures urging the government to take action and respond to the demands of victims and their relatives for truth, justice and reparation.

[Source: Amnesty International, *Report 2013* (London 2013), 89–90.]

ERITREA

Previous *Annual Report* entry: 2008.

ESTONIA

Previous *Annual Report* entries: 2007, 2010.

ETHIOPIA

Previous *Annual Report* entries: 1998–2011.

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012.

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2012.

In 2010, far-right leader Marine Le Pen said at a rally of her political party Front National in Lyons that Muslims using the streets to pray because mosques were overflowing was an “occupation” of French territory, thereby alluding to the Nazi occupation of France (1940–1944). In late May 2013, she lost her immunity as a European Parliament member, as a result of which she could face criminal charges for inciting racism.

[Source: *BBC News* (1 June 2013).]

In October 2012, President François Hollande attended a commemoration of the massacre following a demonstration on 17 October 1961 in favor of Algerian independence by Algerians in Paris, thereby officially recognizing it. [For background, see *NCH Annual Reports 2001, 2002*.]

[Sources: *BBC News* (20 December 2012); *NRC-Handelsblad* (18 December 2012), 11.]

On 21 May 2013, far-right historian Dominique Venner (1935–2013) committed suicide by gunshot in the Notre-Dame Cathedral, Paris, after condemning both same-sex marriage and Islamist influence in France in writings before his death. Venner was a former Algerian War veteran and far-right militant. From 1961 until the autumn of 1962, he was imprisoned for 18 months for his activities with the terrorist Secret Army Organization (OAS) (an organization opposing Algerian independence). He was a prolific writer of historical works.

[Sources: *BBC News* (22 May 2013); *NRC Handelsblad* (22 May 2013); *Wikipedia* (22 May 2013).]

See also Algeria, Panama, Senegal, Turkey.

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012.

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2012.

On 27 June 2013, the federal administrative court ruled that the Bundesnachrichtendienst (BND; the German foreign intelligence agency overseen by Chancellor Angela Merkel's office) could black out passages from the Adolf Eichmann files sought by Gabriele Weber. [For background, see *NCH Annual Reports 2010, 2011*.]

[Source: "Germany Can Keep Eichmann Records Secret, Court Rules," (Associated Press; 28 June 2013).]

See also Bosnia and Herzegovina, China, Congo (Democratic Republic), France.

GHANA

Previous *Annual Report* entries: 2002, 2004–2008.

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011.

On 28 October 2012, Ochi Day (No Day)—a national holiday to commemorate Greek resistance during World War II after the Italian army's invasion in 1940—a citizen journalist took pictures of anti-fascist groups confronting a gathering of the Golden Dawn (the neo-Nazi party) next to the official parade on the island of Corfu and posted them on Facebook. He was arrested.

[Source: *Index on Censorship* (2013 no. 1), 28.]

GRENADA

Previous *Annual Report* entry: 2007.

GUATEMALA

Previous *Annual Report* entries: 1995–2012.

In March 2012, a former member of army special forces, Pedro Pimentel, was sentenced to 6,060 years in prison for his role in the Dos Erres massacre (a 1982 massacre in the town of Dos Erres, in the Petén region, in which soldiers murdered more than 250 people, including children). His conviction followed the sentencing in 2011 of four other retired officers who participated in the massacre and received similar sentences. In October 2012, the Inter-American Court of Human Rights held the state responsible for a series of massacres in Río Negro, Baja Verapaz department, between March 1980 and May 1982. [For background, see *NCH Annual Report 2012*.]

In June 2012, Secretary of Peace Antonio Arenales Forno announced that the government was closing the Office of the Peace Archives, created in December 2008 to systematize and analyze official documents from the internal conflict, such as secret police records. While the government said that over two million documents had been digitalized and would remain accessible, the office's closure ended the staff's efforts to document evidence of past abuses, which had played a key role in the prosecution of former officials.

[Sources: Amnesty International, *Report 2013* (London 2013), 110; Human Rights Watch, *World Report 2013* (Washington 2013), 232, 233–234.]

On 31 January 2013, the landmark criminal trial of Efraín Ríos Montt—a retired general who led the military regime from 1982 to 1983 that carried out hundreds of massacres of unarmed civilians—opened. He had been immune from prosecution between 2000 and 2012 while serving in Congress. Guatemalan courts had denied appeals by his lawyers for amnesty under the National Reconciliation Law. Ríos Montt, along with his chief of army intelligence José Mauricio Rodríguez Sánchez, was charged with genocide and crimes against humanity for ordering and overseeing a counterinsurgency campaign that sought to wipe out guerrilla forces and their supporters. Ríos Montt was accused of bearing command responsibility for hundreds of massacres and a “scorched earth” policy targeting Indigenous Peoples while he was the de facto head of state (March 1982–August 1983). The indictment specifically accused the two retired generals of responsibility for fifteen massacres in the Ixil region, Quiché department, resulting in the deaths of 1,771 unarmed men, women and children.

The prosecution wanted to hear 142 witnesses and 64 experts. The evidence included military records, counterinsurgency campaign plans, field reports, and the findings of the 1999 United Nations-sponsored Historical Clarification Commission (which in 1999 concluded that 200,000 civilians died or disappeared in the 36-year conflict). Commenting on Ríos Montt's prosecution, President Otto Pérez Molina, a former military officer who was elected in 2011, asserted that while state actors may have carried out serious abuses, the crimes committed during the civil war (1960–1996) did not constitute genocide. He denied that genocide had ever occurred during the conflict

[Sources: Amnesty International, *Report 2013* (London 2013), 109, 110; Human Rights Watch, *World Report 2013* (Washington 2013), 232; National Security Archive (Kate Doyle), “Guatemalan Genocide on Trial: Court Case Begins Today against Former Dictator Rios Montt (31 January 2013).]

On 17 January 2013, the premises of the Asociación para el Avance de las Ciencias Sociales (AVANCSO; Association for the Advance of Social Sciences) were broken into and some documents, archives and equipment were stolen. AVANCSO (established 1986) supported a proposed Integrated Rural Development Law #4084, which was the subject of strong criticism by the Chamber of Agriculture and the business sector. AVANCSO was also on the brink of publishing a report carried out in the Historical Archive of the National Police on the history of the police, and a number of archives and photographs relating to this investigation were also taken during the break-in.

[Source: “Guatemala: Break-in and robbery at the offices of Association for the Advance of Social Sciences (AVANCSO),” <http://www.frontlinedefenders.org/node/21359>.]

Sofía Menchú, journalist for *El Periódico*, was reportedly intimidated by a former cabinet member after publishing an article in early March 2013 in which she suggested that retired army captain Byron Lima Oliva, who served twenty years in prison for the assassination of Juan Gerardi [For background, see *NCH Annual Reports 1998–2001, 2003–2004, 2008*.], enjoyed privileged relations with the prison director, with President Otto Pérez Molina and with Vice President Roxana Baldetti.

[Sources: PEN International Rapid Action Network, “Guatemala: One Journalist Shot Dead, Another Threatened” (RAN 13/13; 26 March 2013); *El Periódico* (29 March 2013).]

GUINEA

Previous *Annual Report* entries: 2007, 2009–2012.

The government made some progress in holding accountable members of the security forces implicated in the September 2009 massacre of some 150 people and the rape of over 100 women

during the military regime of Moussa Dadis Camara. A 2009 report by the United Nations-led International Commission of Inquiry concluded that the abuses committed by security forces very likely constituted crimes against humanity. In 2010, the then-government committed to bringing the perpetrators to justice, and a Guinean prosecutor appointed three investigating judges to the case. As of late 2012, the judges had interviewed over 200 victims and charged at least seven suspects in connection with the crimes, including Colonel Moussa Tiegboro Camara, Guinea's current minister in charge of fighting drug trafficking and organized crimes, and Colonel Abdoulaye Chérif Diaby, Guinea's former health minister. However, as of late 2012, the investigation had yet to be completed and some suspects had been detained longer than the two year limit under Guinean law. Meanwhile some 100 victims continued to wait to provide statements to the judges. Also, potential mass graves with bodies of those allegedly disposed of secretly by the security services had yet to be investigated, and the judges had yet to question members of the security forces who might have knowledge of the crimes. The government's refusal for much of 2012 to provide adequate financial support to the investigating judges, coupled with President Alpha Condé's failure to suspend men in his administration who were suspected of involvement in the massacre, brought into question the government's commitment to ensure justice for the crimes.

The International Criminal Court (ICC), which in October 2009 confirmed that the situation in Guinea was under preliminary examination, visited the country in April 2012 to assess progress made in national investigations, bringing the number of visits since 2010 to six.

[Sources: Amnesty International, *Report 2013* (London 2013), 112; Human Rights Watch, *World Report 2013* (Washington 2013), 121–122.]

The "Reflection Commission," created by presidential decree in June 2011 to promote reconciliation, made no visible progress in defining, much less fulfilling, its mandate. Progress was undermined by inadequate consultation with victims and civil society about the goals, composition, or powers of the commission, and inadequate financial support. The interim co-presidents appeared to limit its mandate to promoting reconciliation largely through prayer, while local human rights groups pushed for a commission that could meaningfully address impunity. Rising ethnic tensions, as well as concerns about corruption, demonstrated the urgent need for a truth-telling mechanism with the capacity to make recommendations to address Guinea's human rights challenges.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 122, 124.]

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012.

GUYANA

Previous *Annual Report* entry: 1997.

See United Kingdom.

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2012.

Those responsible for serious human rights violations, including enforced disappearance, torture, rape and extrajudicial executions, over the past four decades continued to evade justice. In January 2012, an investigating judge dismissed complaints of crimes against humanity filed by 22 victims against former President Jean-Claude Duvalier (who had returned to Haiti in January 2011 after nearly 25 years in exile [1986–2011]). During his rule in 1971–1986, Duvalier had commanded a network of security forces that committed serious human rights violations, including arbitrary detentions, torture, disappearances, summary executions and forced exile. The judge concluded that Duvalier should be tried only for corruption and misappropriation of public funds and found, contrary to international standards, that the statute of limitations prevented prosecuting Duvalier for his human rights crimes. An appeal by victims and their relatives was pending at the end of 2012.

[Sources: Amnesty International, *Report 2013* (London 2013), 116; Human Rights Watch, *World Report 2013* (Washington 2013), 239–240.]

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2012.

Following the June 2009 military coup, the de facto government suspended key civil liberties, including freedom of the press and assembly. In the ensuing days, the military occupied opposition media outlets, temporarily shutting their transmissions. Police and military personnel responded to generally peaceful demonstrations with excessive force. This pattern of the disproportionate use of force led to several deaths, scores of injuries, and thousands of arbitrary detentions. In July 2011, a Truth and Reconciliation Commission, established by President Porfirio Lobo's administration to investigate events before and after the coup, issued a report documenting 20 cases of excessive use of force and killings by state security forces. The commission also reported that police and army officials were responsible for "systematic obstruction" of investigations into these abuses. As of October 2012, only one police officer had been held accountable for any of the serious abuses that occurred in the context of protests in support of the ousted president, Manuel Zelaya. Human rights prosecutors faced obstacles conducting investigations, including limited collaboration by security forces, lack of sufficient resources, and an ineffective witness protection program.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 241.]

HONG KONG

Previous *Annual Report* entry: 1996. *See* China.

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2012.

In 2012, there were several anti-Semitic attacks against Jewish leaders and memorials.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 434.]

See also Slovakia.

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2012.

A film based on Salman Rushdie's novel *Midnight Children* (London 1981) was shot secretly in Sri Lanka by India-born Canadian-based director Deepa Mehta (1949–) between 2008 and 2011. Mehta said that she chose the location over India or Pakistan to avoid protests from religious groups. After Iran complained to Sri Lanka when the location leaked out, the production was suspended, but President Mahinda Rajapaksa overturned the ban. The film was eventually released in 2013, but reportedly did not find a distributor in India, which was governed by the Congress Party, headed by Indira Gandhi's daughter-in-law Sonia Gandhi.

[Sources: *BBC News* (10 September 2012); *Index on Censorship* (2012 no. 4), 77–78.]

On 20 February 2013, David Cameron became the first serving British prime minister to pay his respects at the scene of a massacre in Amritsar, Punjab, on 13 April 1919, when hundreds of people at a public meeting were shot dead by British troops. Past prime ministers expressed their regret, but Cameron was the first to pay his respects at the site in person. The prime minister laid a wreath at the Jallianwala Bagh memorial, bowing his head and standing in silence.

[Source: "David Cameron Marks British 1919 Amritsar Massacre," *BBC News* (20 February 2013).]

Suspected perpetrators of enforced disappearances and extrajudicial executions in Assam (in 1998 and 2001), Manipur, Nagaland and other states, remained at large.

Widespread impunity prevailed for violations of international law in Kashmir, including unlawful killings, extrajudicial executions, torture and the enforced disappearance of thousands of people since 1989.

In April 2012, the National Human Rights Commission (NHRC) closed its inquiry into alleged unlawful killings and mass cremations by police during the Punjab conflict (1984–1994), without recommending criminal investigations. It awarded 279.4 million Indian rupees (US\$5.78 million) in compensation to the families of 1,513 of the 2,097 dead. The findings of a Central Bureau of Investigation probe into the killings remained unpublished.

During 2007–2012, the NHRC distributed cash compensation to the families of 191 out of 1,671 people killed in India, after determining they had been extrajudicially executed. Criminal investigations into the majority of such killings failed to make serious progress.

[Source: Amnesty International, *Report 2013* (London 2013), 119–121.]

In March 2012, Hindu fundamentalists exerted pressure not to extend the visa of American historian

Peter Heehs, who had lived in India for 41 years. They objected to his book about spiritual leader Sri Aurobindo (1872–1950), *The Lives of Sri Aurobindo* (Columbia University Press, 2008) saying that it misrepresented the latter's relationship with his female collaborator Mirra Richards (1878–1973). On 30 March 2012, several leading historians wrote a letter to Prime Minister Manmohan Singh and home minister P[alaniappan] Chidambaram protesting the impending withdrawal. On 13 February 2009, a report of the Orissa government's IG Police Intelligence had stated that the book appeared "blasphemous." Two months later, Orissa banned the book on that basis. Court filings prevented the book's distribution in India.

[Sources: Gautam Chikermane, "Don't Expel Us Historian, Govt Told," *Hindustan Times* (31 March 2012); "Indian Academics Object to Treatment of American Historian" (<http://chronicle.com/blogs/global/indian-academics-object-to-treatment-of-american-historian/32734>; 3 April 2012).]

A government-appointed six-member committee ("the Thorat committee") set up to look into the use of cartoons in textbooks for classes IX to XII submitted its report on 27 June 2012. On 6 August 2012, the National Council for Educational Research and Training (NCERT) Textbook Development Committee (TDC) agreed to drop 3 of the 21 cartoons termed "educationally inappropriate" by the Thorat committee and to accept wholly or partially some of its suggested deletions and modifications in four textbooks. The cartoons were the Ambedkar cartoon [For background, see *NCH Annual Report 2012*], which would be replaced by a photograph showing Rajendra Prasad, president of the Constituent Assembly, greeting Bhimrao Ramji Ambedkar, chair of the constitution drafting committee; a cartoon in which Sheikh Mohammed Abdullah (1905–1982), chief minister of Jammu and Kashmir, was kneeling in front of Indira Gandhi and a cartoon on anti-Hindi agitation in Tamil Nadu. [For background, see *NCH Annual Report 2012*.]

[Sources: Antoon De Baets, "India's Textbook Cartoon Affair," *Free Speech Debate* (<http://freespeechdebate.com/en/discuss/indias-textbook-cartoon-affair>; 20 August 2012); *The Hindu* (14 July & 9 August 2012); *Hindustan Times* (19 May 2012); *India Today* (15 July 2012); *Index on Censorship* (2012 no. 3), 111; "NCERT Stands Up to Political Bosses, Will Drop just 3 of 21 Controversial Cartoons," *Daily News and Analysis* (<http://www.dnaindia.com>; 17 August 2012); *Times of India* (5 July 2012).]

See also Sri Lanka, United Kingdom.

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2012.

The Act of Killing (Indonesian: *Jagal*), a 2012 Indonesian-language documentary by American director Joshua Oppenheimer (1974–), shot mostly in Medan, Sumatra, between 2005 and 2011, was not officially released in Indonesia because its theme were the death squads and paramilitary organizations who in 1965–1966 helped the army torture and kill hundreds of thousands of alleged communists. It consisted of interviews with the former perpetrators (who were never tried) and the reenactment of massacre scenes by the latter. Many of Oppenheimer's Indonesian collaborators were listed as anonymous in the closing credits. Oppenheimer himself was declared persona non grata in Indonesia. In March 2013, the *Jakarta Globe* estimated that film had been shown privately more than 260 times in the country.

[Sources: *Guardian* (14 September 2012); *NRC Handelsblad* (13 February & 22 March 2013), *Wikipedia* (16 February 2013); *Wordt Vervolgd* (March 2013), 6–11.]

In July 2012, Komnas HAM (the National Human Rights Commission) submitted its report to the Attorney General on possible crimes against humanity committed against members of the Indonesian Communist Party (PKI) and suspected communist sympathizers in the context of the 1965 failed coup. The commission called on the Attorney General to initiate an official investigation, to bring the perpetrators to justice in a Human Rights Court and to establish a truth and reconciliation commission. No progress was reported.

[Source: Amnesty International, *Report 2013* (London 2013), 125.]

On 23 July 2012, after more than three years of investigation during which testimony from 349 witnesses was gathered, the Komnas HAM (National Commission on Human Rights) issued a 800-page report which stated that the systematic prosecution of alleged members of the Indonesian Communist Party after the failed 1965 coup, in which at least 500,000 were killed, was a crime against humanity. The report, coordinated by Johny Simanjuntak, also urged that military officials involved in the purge be brought to trial. On 25 July 2012, the government said that it supported the conclusion and the recommendation of Komnas HAM but would further study the commission's findings. Earlier attempts under the presidency of Abdurrahman Wahid (1999–2001) to install a truth and reconciliation commission were frustrated after Wahid's term had ended.

[Sources: *Jakarta Post* (25 July 2012); *NRC Handelsblad* (27–28 October 2012), 4–5; *Wordt Vervolgd* (March 2013), 10.]

There was little progress in delivering justice, truth and reparation for past human rights violations, including in Aceh, Papua and Timor-Leste (formerly East Timor). Survivors of sexual violence had yet to receive adequate medical, psychological, sexual and reproductive, and mental health services or treatment. In September 2012, the Indonesian government announced at the United Nations Human Rights Council that they were finalizing a new law on a Truth and Reconciliation Commission; however, no progress was reported. A multi-agency team set up by President Susilo Bambang Yudhoyono in 2011 to devise a plan to resolve past human rights violations had yet to announce any concrete plans.

In September 2012, the Acehnese provincial parliament announced a delay to setting up an Aceh truth and reconciliation commission. This left victims and their families without an official mechanism to establish the truth about the violations they suffered during the conflict or to establish the fate or whereabouts of their loved ones who were killed or had disappeared.

The government failed to implement recommendations made by the bilateral Indonesia-Timor-Leste Commission of Truth and Friendship, in particular to establish a commission for disappeared persons tasked with identifying the whereabouts of all Timor-Leste children who were separated from their parents and notifying their families.

[Source: Amnesty International, *Report 2013* (London 2013), 124–125.]

The President failed to act on Parliament's recommendations in 2009 to bring to justice those involved in the enforced disappearance of 13 prodemocracy activists in 1997 and 1998, to conduct an immediate search for activists who had disappeared, and provide rehabilitation and compensation to their families.

[Source: Amnesty International, *Report 2013* (London 2013), 125.]

See also Timor-Leste.

IRAN

Previous *Annual Report* entries: 1996–2012.

As from September 2012, in the context of what was called an islamicization policy of higher education started in 2009 by the Science and Technology Ministry, some universities began offering majors for only one gender. At Esfahan University, men were no longer allowed to major in, among other subjects, history, sociology and philosophy. Universities were also reported as having reduced or limited social science curricula, which were often viewed by authorities as causing critical and “un-

Islamic” thought. The regulations violated the right to education without discrimination, guaranteed under several international agreements to which Iran is signatory.

[Sources: *Endangered scholars worldwide* (3 December 2012), xiii–xiv; Human Rights Watch, “Iran: Ensure Equal Access to Higher Education: Scrap Policies that Ban Students from Studies on Basis of Gender” (22 September 2012).]

Argo, an American Oscar-winning film on the 1979 hostage crisis directed by Ben Affleck (2012), was banned for being “anti-Iranian.” Mohammad Hosseini, the minister of culture and Islamic guidance, described it as “an offensive act” motivated by “evil intentions.” The film portrayed the rescue (“exfiltration”) of six stranded American diplomats hidden in the Canadian ambassador’s home after the American embassy was occupied in November 1979; other embassy personnel was held hostage for 444 days. The state-affiliated Arts Bureau announced that film maker Ataollah Salmanian would produce *Setad Moshtarak* (The General Staff), a film about twenty American hostages who were delivered to the United States by the revolutionaries, intended as a response to “the ahistorical film *Argo*.”

[Source: *Guardian* (11 January 2013).]

See also India.

IRAQ

Previous *Annual Report* entries: 1998, 2000–2012.

Accountability for abuses committed by coalition forces in Iraq (2003–2012) remained almost non-existent. On 24 January 2012, a military court sentenced Staff Sergeant Frank Wuterich to a reduction in rank and forfeited two-thirds of his pay for three months for leading the “Haditha Massacre”—in which United States forces killed 24 unarmed Iraqi civilians, including women and children, in the town of Haditha in 2005. Wuterich, who pled guilty for negligent dereliction of duty for telling his men to “shoot first, ask questions later,” was originally charged with murder.

In April 2012, *The Guardian* reported that Australian military personnel working in Iraq in 2003 transferred 64 detainees to a secret prison where the American and British intelligence services CIA and MI6 carried out interrogations that year. Two of the detainees died during the transfer and may have been beaten to death by British soldiers, the paper said.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 549–550.]

In 2012, Saad Eskander (Saad Iskander) ([1964–]), the director of the Iraqi National Library and Archives (INLA) in Baghdad (2003–), reportedly pushed controversial legislation that would criminalize the publication of Saddam-era records without the consent of the victims and perpetrators mentioned in them in order to prevent abuse of the records.

[Sources: *Bangkok Post* (26 September 2012); Leonard Kniffel, “Terror Has Not Withdrawn: Daily Life for Librarians in Iraq,” *American Libraries Magazine* (28 November 2012); *NRC Handelsblad* (10–11 May 2008), 5.]

In July 2012, 169 Iraqi citizens were granted permission to seek a judicial review in order to argue that the Iraq Historical Allegations Team—established to investigate allegations of torture and other ill-treatment of Iraqi citizens by United Kingdom armed forces—was still not sufficiently independent despite structural changes made by the government. Lawyers for the claimants argued that a public inquiry was necessary in order to properly investigate allegations of human rights violations by United Kingdom armed forces in Iraq.

[Source: Amnesty International, *Report 2013* (London 2013), 285.]

See also Turkey.

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006.

On 11 February 2013, David Fitzpatrick, a professor of modern history at Trinity College, Dublin, and member of the Royal Irish Academy, delivered the annual Charles Stewart Parnell lecture at Magdalene College, Cambridge University, entitled “The Spectre of Ethnic Cleansing in Revolutionary Ireland.” While delivering it, he sang a self-penned ballad to the tune of the rebel song “Galtee Mountain Boy.” Gillian Coughlan, the mayor of Bandon (Cork County), called it “insulting” and “an attempt to create artificial divisions” because it referred to killings by the Irish Republican Army of two Protestant men in April 1922.

[Source: Justine McCarthy, “Lecturer Ballad ‘Insults’ Victims of Dunmanway,” *Sunday Times* (17 February 2013).]

On 19 February 2013, the Irish Prime Minister (Taoiseach), Enda Kenny, formally apologized in parliament on behalf of the state for its role in the Magdalene laundries. Some 10,000 women and girls were made to do unpaid manual labor in laundries run by Roman Catholic nuns in Ireland

between 1922 and 1996. More than a quarter of those who spent time in the laundries had been sent there by the Irish state. Compensation was proposed for the victims who survived. Amnesty International accused the government of ignoring women who were exploited in laundries that operated across the border in Northern Ireland.

[Sources: “Magdalene Laundries: Irish PM Issues Formal Apology,” *BBC News* (19 February 2013); see also *Report of the Inter-Departmental Committee to Establish the Facts of State Involvement with the Magdalen Laundries* (<http://www.justice.ie/en/JELR/Pages/MagdalenRpt2013>).]

See also United Kingdom.

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2012.

Impunity continued for war crimes committed by Israeli forces during Operation “Cast Lead” in 2008–2009. In May 2012, the military authorities closed their investigation into the killing of 21 members of the Samouni family, including young children, during the operation. The family was sheltering in a house into which Israeli soldiers had ordered them to move, when they were killed, apparently by shelling. The authorities ruled that the deaths did not result from negligence by Israeli troops. In August 2012, a soldier who shot dead two Palestinian women holding a white flag during Operation “Cast Lead” received a 45-day prison sentence for “illegal use of a weapon” as the result of a plea bargain.

[Source: Amnesty International, *Report 2013* (London 2013), 134.]

In May 2012, during the week of the anniversary of the establishment of the state of Israel, student groups at Israeli universities planned events acknowledging Nakba day. Tel Aviv University granted a permit for an event to take place on university premises. After a heated debate in the Knesset education committee, Minister of Education Gideon Saar pressured the university to stop the event. On 14 May 2012, 400 students and faculty attending were met by about 200 right-wing protesters. On 16 May 2012, Haifa University canceled the Nakba day event organized by university students and scheduled to take place on campus, despite the fact that the necessary permits had been granted. [For background, see *NCH Annual Report 2012*.]

[Sources: *Index on Censorship* (2012 no. 3), 76–77; *Times of Israel* (17 June 2012).]

On 26 June 2012, three ultra-Orthodox Jewish men were arrested, suspected of vandalizing the

national Yad Vashem Holocaust memorial with anti-Zionist graffiti. Some ultra-Orthodox Jews believed that a Jewish state could be established only after the coming of the Messiah and therefore opposed the state of Israel as an illegitimate creation.

[Source: *BBC News* (26 June 2012).]

See also Egypt, Palestinian Authority, Tunisia, United Kingdom.

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012.

See also Greece.

IVORY COAST (Côte d'Ivoire)

Previous *Annual Report* entries: 2004, 2006–2012.

On 29 November 2011, the government surrendered former President Laurent Gbagbo to the International Criminal Court (ICC), where he was charged as an indirect co-perpetrator with four counts of crimes against humanity. On 2 November 2012, the court ruled that Gbagbo was fit to stand trial, following a closed hearing on the issue. On 22 November 2012, the ICC unsealed an arrest warrant against his wife Simone Gbagbo and asked the authorities to surrender her to the court. Diplomats and civil society had previously voiced concern over whether the government would cooperate with the ICC in executing additional arrest warrants, as the government increasingly asserted that it could handle all cases going forward. Many perceived this as an effort by the government of President Alasanne Ouattara to protect its military commanders from potential prosecution for their own serious crimes between 2002 and 2011. The office of the prosecutor continued to stress that additional investigations were ongoing, including against pro-Ouattara forces. However, frustration grew among Ivorian civil society and human rights groups over the ICC's significant delay in issuing an arrest warrant against someone from the Ouattara side.

The government repeatedly stated its willingness to try those responsible for crimes committed during the post-election crisis (2010–2011). In August 2012, a national commission of inquiry established by Ouattara in June 2011 published a report on crimes committed during the post-election crisis. Although lacking in details on specific incidents, the report's balance in situating responsibility

was noteworthy—documenting 1,009 summary executions by pro-Gbagbo forces and 545 summary executions by the Ivorian military, known as the Republican Forces. However, by the end of 2012 no judicial proceedings were known to have been instigated against alleged perpetrators. While the authorities charged more than 140 civilian and military leaders linked to the Gbagbo camp with crimes related to the crisis, no member of the forces of Ouattara was arrested, much less charged, for such crimes. There was growing impatience among Ivorian civil society and some diplomats to see tangible progress made toward impartial justice. Delays and shortcomings to the legal proceedings against Gbagbo's relatives and aides raised concerns that they may be held for a lengthy period without trial, or that they would be subject to trials which failed to meet international standards of fairness. Between May and July 2012, eight people were charged with genocide, including Simone Gbagbo, wife of former President Gbagbo.

On 2 October 2012, the first trial for post-election crimes opened in a military court against four officers from pro-Gbagbo forces, including the former head of the Republican Guard, Brunot Dogbo Blé, who was sentenced to 15 years for kidnapping, illegal detention, and murder. Justice officials indicated that trials in civilian courts, including against high-level officials like Simone Gbagbo, would begin in late November 2012.

[Sources: Amnesty International, *Report 2013* (London 2013), 71–72; Human Rights Watch, *World Report 2013* (Washington 2013), 92–93.]

The United Nations Operation in Côte d'Ivoire (UNOCI) actively documented human rights violations and visited detention sites, though it rarely published reports or publicly criticized the government, including on issues such as one-sided justice. The United Nations Security Council did still not publish the findings of the 2004 commission of inquiry that investigated serious human rights and international humanitarian law violations during the 2002–2003 armed conflict.

Created in July 2011, the Dialogue, Truth and Reconciliation Commission faced organizational and financial difficulties and was called to “review and accelerate its activities” by UNOCI in May 2012. In June 2012, it publicly denounced illegal arrests, but public calls for reconciliation and dialogue were not followed by concrete developments.

[Sources: Amnesty International, *Report 2013* (London 2013), 72; Human Rights Watch, *World Report 2013* (Washington 2013), 95.]

JAPAN

Previous *Annual Report* entries: 1995–2012.

In June 2012, South Korean photographer Ahn Se-Hong held an exhibition, “Layer by Layer: Korean Women Left Behind in China Who Were Comfort Women of the Japanese Military,” displaying pictures of ageing “comfort women” in the Shinjuku Nikon Salon, the building of camera maker Nikon in Tokyo. Japanese right-wing groups held small rallies in protest against the exhibition and threatened Ahn. Ahn was also placed under surveillance and his visitors were searched by security hired by Nikon. In May 2012, Nikon had first abruptly canceled the exhibition plan (probably out of fear for conservative pressure after it received numerous complaints against the exhibition) but the Tokyo District Court then had ordered it to sponsor the location.

[Sources: Article 19, *Artist Alert June 2012* (23 July 2012); Lee Yoo Eun, “Japan: Korean ‘Comfort Women’ Photo Exhibit Sabotaged” (Free Speech Debate, 28 June 2012).]

When Japan’s human rights record was assessed under the United Nations Universal Periodic Review in October 2012, government officials claimed that compensation for former “comfort women” had already been resolved under the 1952 San Francisco Peace Treaty, bilateral agreements and treaties. On 4 November 2012, then opposition leader Shinzo Abe was among signatories to a United States newspaper advertisement which denied that the Japanese Imperial Army forced women into military sexual slavery during the Pacific War (1931–1945).

[Source: Amnesty International, *Report 2013* (London 2013), 141.]

JORDAN

Previous *Annual Report* entries: 2003–2004.

See Israel.

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2012.

In 2012, no steps were taken to bring people responsible for crimes and human rights violations, including possible crimes against humanity, allegedly committed during the post-election violence of 2007–2008, to justice, despite the government saying several times that investigations were continuing. In February 2012, the Director of Public Prosecutions established a taskforce to deal with the prosecution of 5,000 pending cases. It was the third time that a taskforce had been created to look into the caseload. In August, the taskforce revealed that most of the evidence was not of a sufficient standard for trial. The United Nations Human Rights Committee expressed concern at the lack of investigations and prosecution of those responsible for the violence.

[Source: Amnesty International, *Report 2013* (London 2013), 146.]

The International Criminal Court (ICC) set April 2013 trial dates in cases against four prominent Kenyans charged (William Ruto, Joshua arap Sang, Uhuru Kenyatta—currently President of Kenya—and Francis Muthaura) with committing crimes against humanity during the post-election violence of 2007–2008. In July 2012, the ICC announced that the trials would commence in April 2013. The ICC prosecutor raised concerns with the government that the email accounts of witnesses had been hacked and correspondence accessed, and warned publicly against witness tampering. In March 2012, the Kenyan police arrested blogger Denis Itumbi on suspicion of hacking into the ICC email system, although he was never charged. The government had pledged to cooperate with the ICC and had committed to national trials of additional perpetrators of the 2007–2008 violence. The Director of Public Prosecutions (DPP) initially announced that his office would review up to 5000 cases with the view to prosecuting them ahead of the 2013 elections, but a DPP-appointed committee to review the cases said in August 2012 it was finding it difficult to obtain evidence and the cases did not proceed.

In April 2012, an extraordinary summit of East African heads of state attended by then President Mwai Kibaki, recommended that the mandate of the East African Court of Justice be expanded to include trials for crimes against humanity. The African Union Assembly in July 2012 deferred adoption of a protocol to expand the jurisdiction of the African Court of Justice and Human Rights (ACJHR) to include the prosecution of individuals for international crimes in order to study further

the financial and structural implications of any such expansion. Kenya supported these initiatives, apparently motivated by its interest in creating competing jurisdictions in order to derail the ICC's Kenyan investigations.

[Sources: Amnesty International, *Report 2013* (London 2013), 147–148; Human Rights Watch, *World Report 2013* (Washington 2013), 132.]

On 21 May 2013, the official Truth, Justice and Reconciliation Commission released its four-volume report. It named President Uhuru Kenyatta and Deputy President William Ruto as being among those suspected of planning and financing the 2007–2008 postelection violence (sparked off by a dispute over who won the December 2007 presidential election) in which more than 1,000 people died and 600,000 were evicted from their homes. Both Kenyatta and Ruto already faced trial at the International Criminal Court (ICC). The commission said that during the period it was mandated to investigate—from independence on 12 December 1963 until February 2008—the state adopted policies that resulted in the economic marginalization of five key regions in Kenya. It also confirmed the finding of a 2008 government commission that had said that historical injustices such as unequal land distribution were partly responsible for the 2007–2008 violence.

Kenyan media reported that the commission had been under pressure from individuals in and out of government to edit out sections of the report implicating certain people on illegal land allocations. The international commissioners working for the commission allegedly said that the Office of the President forced the commission to submit to it an advance copy of the final report and then exerted pressure to make changes in the report's chapter on historical land injustices. University of Seattle Professor Ronald Slye, one of them, did not sign the chapter because he did not approve of the changes. Judge Gertrude Chawatama from Zambia, another of them, also did not sign the chapter on land.

The commission, formed in August 2009, was supposed to take two years to complete its work. It said that despite the challenges, it had managed to collect more than 40,000 statements, more than any other truth commission in the world.

[Sources: Human Rights Working Group of the International Council on Archives, *News of June 2013*, 8; Tom Odula, "Kenya's Truth Report: Killings, Land Grabs, Graft" (Associated Press; 22 May 2013).]

See also United Kingdom.

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011.

A potential breakthrough deal between the United States and North Korea in February 2012 to provide substantial United States food assistance in exchange for an end to uranium enrichment and missile testing by North Korea, and a return of International Atomic Energy Agency (IAEA) inspectors, fell apart when North Korea insisted on attempting to launch a rocket carrying a satellite to commemorate the 100th anniversary of the birth of North Korean founder Kim Il-Sung (1912–1994).

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 346.]

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012.

In May 2012, the Ministry of Education, Science and Technology (MEST) announced that revised editions of high school textbooks would leave out discussion of two examples of evolution (the *Archaeopteryx*, an ancient ancestor to birds, and ancestors of the modern horse). The creationist group Society for Textbook Revision (STR), who argued that the references to bird and horse evolution promoted “atheist materialism,” had proposed the revisions. After a petition of protest from scientists, MEST on 24 June 2012 announced that it would appoint a panel of experts from the Korean Academy of Science and Technology and from the Korean Federation of Science and Technology Societies to reevaluate the STR request. Government regulations mandated that all Korean science textbooks include a section on evolutionary theory with a discussion of the fossil record.

[Sources: Rachel Nuwer, “South Korea to Reconsider Plan to Drop Evolution Examples From Textbooks,” *Science Insider: Breaking News and Analysis from the World of Science Policy* (<http://news.sciencemag.org/scienceinsider/2012/07/south-korea-to-reconsider-plan.html>, 6 July 2012); Soo Bin Park, “South Korea Surrenders to Creationist Demands: Publishers Set to Remove Examples of Evolution from High-School Textbooks,” *Nature* (7 June 2012), 14; *Trouw* (8 July 2012).]

In August 2012, the Supreme Court ordered the government to compensate 492 families of a group of about 400 suspected North Korean sympathizers executed in 1950 by South Korean security forces without proper trials. During the Korean War (1950–1953), many left-wing activists were targeted in South Korea, as part of the government’s anti-communism campaign. The families filed the lawsuit in

2009. The court rejected the government's argument that the claim of the families had exceeded the statute of limitations. It upheld an earlier decision by a lower court in April 2012.

[Source: "South Korea to Pay Families of Slain Activists," *BBC News* (27 August 2012).]

See also Japan.

KOSOVO

See Serbia / Kosovo.

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005.

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2012.

Despite initiatives taken by the authorities in 2011–2012—often in the face of considerable internal opposition—they failed to fairly and effectively investigate the June 2010 violence and its aftermath in the cities of Osh and Jalal-Abad and provide justice for the thousands of victims of the serious crimes and human rights violations, including crimes against humanity. The Osh City Prosecutor stated in April 2012 that out of 105 cases which had gone to trial in relation to the June 2010 violence, only two resulted in acquittals.

[Source: Amnesty International, *Report 2013* (London 2013), 154.]

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008.

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2012.

In 2011, as part of the United Nations Human Rights Council’s Universal Periodic Review process, the government pledged to establish an Independent National Commission to investigate the fate of those Lebanese and other nationals who “disappeared” during and after the Lebanese civil war (1975–1990) and to ratify the 2006 International Convention for the Protection of all Persons from Enforced Disappearances. In October 2012, Justice Minister Shakib Qortbawi put forward a draft decree to the cabinet to establish the commission, which in turn formed a ministerial committee to examine the draft. Representatives of certain families of the disappeared and other groups proposed a draft law to set up the committee.

[Sources: Amnesty International, *Report 2013* (London 2013), 158; Human Rights Watch, *World Report 2013* (Washington 2013), 578.]

In 2011 and 2012, reports continued to emerge of Syrians and Lebanese kidnapped in Lebanon being taken to Syria. An official joint Syrian-Lebanese committee established in May 2005 to investigate cases of Lebanese who “disappeared” at the hands of Syrian security forces had not published any findings as of late 2012.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 579.]

In February 2012, the United Nations’s Netherlands-based Special Tribunal for Lebanon announced that it would proceed with an in absentia trial of four indicted members of Hezbollah for the killing of former Prime Minister Rafik Hariri in 2005. In July 2012, the trial court rejected motions by the defense arguing that in absentia proceedings violated human rights. The trial was set to begin in March 2013.

[Sources: Amnesty International, *Report 2013* (London 2013), 158; Human Rights Watch, *World Report 2013* (Washington 2013), 579.]

See also Syria.

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2012.

Most of the 2009 recommendations of the Truth and Reconciliation Commission (TRC) were yet to be implemented. These included establishing a criminal tribunal for prosecuting crimes under international law, as well as other legal and institutional reforms, and recommendations relating to accountability, and reparations.

[Source: Amnesty International, *Report 2013* (London 2013), 159.]

LIBYA

Previous *Annual Report* entries: 2003, 2005–2012.

On 2 May 2012, the National Transitional Council, Libya's interim rulers, adopted a broad new law (Law 37) that banned the distribution of "false news and information" or "propaganda" that "endangered national security, terrorized the public or undermined public morale," including "glorifying the tyrant [Muammar al-Gaddafi]" and "damaging the 17 February Revolution." The law included sanctions up to life imprisonment. International human rights groups demanded to repeal the law. On 14 June 2012, the Supreme Court declared the law unconstitutional. Al-Gaddafi's criminal code had also penalized any attack on "the Great Al-Fateh Revolution or its Leader."

[Sources: Human Rights Watch, *Ifex Alert* (18 June 2012); *Ifex Communiqué* (9 May 2012); Human Rights Watch, *World Report 2013* (Washington 2013), 580; Reporters without Borders, "Repressive New Law Criminalizes Insulting Government Institutions" (7 May 2012); Reporters without Borders, "Wisdom Prevails: Libyan Supreme Court Strikes Down Law Aimed at Curbing Free Speech" (14 June 2012).]

The authorities vowed to investigate gross human rights violations committed under Muammar al-Gaddafi's government (1969–2011) and initiated investigations into a number of former high-level officials and alleged al-Gaddafi loyalists. In May 2011, the National Transitional Council (NTC; established on 2 March 2011 and leading the opposition to al-Gaddafi, in power until 8 August 2012) passed Law 17 to establish a Fact-Finding and Reconciliation Commission. It was unclear whether the Commission's mandate covered only crimes committed by the former government or included those committed by others. No effective investigations were known to have been carried out by the Commission by the end of 2012. Law 35 on Amnesty, approved by the NTC in May 2012, failed to

comply with Libya's obligation under international law to investigate alleged crimes against humanity, war crimes, enforced disappearances and extrajudicial executions, and prosecute alleged perpetrators. Law 38 of May 2012 provided blanket immunity to militiamen for acts deemed to have been committed with the aim of "protecting the 17 February Revolution."

As of late 2012, no one had been charged or arrested for the apparent execution of 53 al-Gaddafi supporters in Sirte in October 2011, or for the apparent execution of Muammar al-Gaddafi and his son Muatassim. An NTC-formed commission to look at al-Gaddafi's death released no results. In contrast, the judicial authorities began proceedings against several former al-Gaddafi officials. Abuzaid Dorda, the former prime minister and head of foreign intelligence, was injured after jumping from a two-story building while detained by a militia. Dorda said he jumped in order to avoid abuse.

The Libyan authorities refused to hand over Muammar al-Gaddafi's son Saif al-Islam and former intelligence chief Abdullah Sanussi—both in Libyan custody—to the International Criminal Court (ICC) to face charges on two counts of crimes against humanity. At the end of 2012, the ICC pre-trial chamber had yet to rule on an admissibility challenge filed by the government on 1 May to try Saif al-Islam al-Gaddafi under Libyan rather than ICC jurisdiction. However, as of late 2012, Libya was still under an obligation to surrender Sanussi to the ICC pursuant to United Nations Security Council resolution 1970. From 7 June to 2 July 2012, the militia in Zintan holding al-Gaddafi arbitrarily detained ICC staff members, who traveled to Libya to meet with al-Gaddafi in a visit authorized by the ICC judges and agreed to by Libya.

[Sources: Amnesty International, *Report 2013* (London 2013), 163; Human Rights Watch, *World Report 2013* (Washington 2013), 583–584.]

See also Niger.

LITHUANIA

Previous *Annual Report* entries: 2005, 2009.

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2012.

In August 2012, the ruling VMRO-DPMNE party (Internal Macedonian Revolutionary Organization—Democratic Party for Macedonian National Unity) proposed a draft law to provide reparations to Macedonian military and police forces (or their relatives) that fought and suffered losses in the 2001 armed conflict. In October 2012, the bill was derailed in parliament by the coalition party, the Albanian Democratic Union for Integration, because it did not provide for the National Liberation Army (NLA) combatants, an armed group which had fought the government forces.

[Source: Amnesty International, *Report 2013* (London 2013), 165–166.]

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011.

See United Kingdom.

MALAWI

Previous *Annual Report* entries: 2011–2012.

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010.

In January 2012, President G. Kenereege Mohamed Nasheed (1967–), a journalist and historian, was accused of illegally ordering the arrest of a judge accused of corruption. On 7 February 2012, he resigned after what he called “a coup” and many others “a voluntary departure.” On 7 October 2012, he was arrested. [For background, see *NCH Annual Reports 2001, 2003, 2004, 2006, 2009.*]

[Sources: *BBC News* (7 February 2012); *Keesings historisch archief* (2013), 85; *NRC Handelsblad* (8 February 2012), 10–11.]

MALI

Previous *Annual Report* entry: 2011.

In [May] 2012, UNESCO put Timbuktu—a fifth-century desert crossroads and a center of learning from the 13th to the 17th centuries known as the “City of 333 Saints”—on its list of endangered world heritage sites. On 3 April 2012, Islamist fighters from Ansar Dine (Ansar ud-Din; Defenders of Faith)—a group led by Iyad Ag Ghaly (a former nationalist leader) and Abou Dardar, controlling much of northern Mali since March 2012, practicing hard-line Wahhabism, and linked to al-Qaeda in the Islamic Maghreb (AQIM)—imposed the sharia in most of the key towns of northern Mali and began attacking the sixteen shrines of Muslim saints in Timbuktu, including the mausoleum of Sufi Saint Sidi Mahmoud Ben Amar (1463/64–1547/48) (the latter shrine was already set on fire by Ansar Dine in April 2012). On 10 July 2012, the tombs of two Muslim saints within the compound of Timbuktu’s largest mosque, Djingareyber, were destroyed. Earlier, in April 2012, Islamist fighters had destroyed the tomb of Aljoudidi Tamba Tamba; on 2 June 2010, they destroyed the tomb of Sidi Yahya. Eight shrines were also destroyed; Islamists regarded them as idolatrous. Mosques in which Sufi saints were venerated and cemeteries were also targeted. Timbuktu residents were forbidden to visit the graves of their deceased family members or to listen to, perform, or play local folklore music.

Islamist forces also seized the town of Gao from ethnic Tuareg rebels. The seventeenth-century tomb of Songhai Emperor Askia Mohammad I (ca. 1443–1538), located in Gao, was also placed on the UNESCO list. Most Malians practice an open form of Sufi Islam. One Dogon cultural site was also destroyed. On 1 July 2012, International Criminal Court Chief Prosecutor Fatou Bensouda warned Ansar Dine that the destruction of historical monuments and religious buildings was a war crime.

Also at risk in Timbuktu was a collection of between 100,000 and 700,000 handwritten texts in Arabic and in African languages in the Arabic script (mainly Fulani and Songhai) dating back to the thirteenth century. The manuscripts (treatises on history, geography, religion, medicine, astronomy, literature, mathematics, chemistry, law and philosophy) were evidence of ancient African and Islamic written scholarship, contradicting the myth of a purely oral tradition in Africa. The government-run Ahmed Baba Institute in Timbuktu held 30,000 to 40,000 of them. But Ansar Dine rebels seized the institute, looted its computers and used its new building as a sleeping quarters. On 23 January 2013, the institute and its manuscripts (possibly as many as 2,000) were partly ransacked and damaged. Vast parts of the collection (the large majority), however, owned by some 30 families, were taken to safety and hidden in early 2012 (before northern Mali was seized); thousands of them were digitized and hard disks containing images of them were smuggled out of the city. On 27 January 2013, Timbuktu was liberated by French troops.

[Sources: Amnesty International, *Report 2013* (London 2013), 174; “Bulk of Timbuktu Manuscripts Survived Occupation by Rebels,” *Today’s Zaman* (31 January 2013); *BBC News* (30 June & 17 July & 23 December 2012; 30 January & 2 February 2013); Robin Denselow, “Mali Music Ban by Islamists ‘Crushing Culture To Impose Rule’,” *Guardian* (15 January 2013); ”Human Rights Watch, “Mali: Islamist Armed Groups Spread Fear in North (25 September 2012); Serge Daniel, “Timbuktu Shrine Destruction a ‘War Crime’: ICC” (AFP; 1 July 2012); *Keesings Historisch Archief* (2012), 575–76; Human Rights Watch, *World Report 2013* (Washington 2013), 134, 136; Navina Kottoor, “How Timbuktu’s Manuscripts Were Smuggled to Safety,” *BBC News* (3 June 2013); Ishaan Tharoor, “Mali’s Crisis: Terror Stalks the Historic Treasures of Timbuktu,” *Time* (5 April 2012); Ishaan Tharoor, “Timbuktu’s Destruction: Why Islamists Are Wrecking Mali’s Cultural Heritage,” *Time* (2 July 2012); *NRC Handelsblad* (29 January & 22 February 2013), 4; *Trouw* (2 July 2012); *World University Service* (15 February 2013); Geoffrey York, “The Secret Race To Save Timbuktu’s Manuscripts” *Globe and Mail* (27 December 2012).]

In July 2012, the government of Mali, as a state party to the International Criminal Court (ICC), referred “the situation in Mali since January 2012” to the ICC prosecutor for investigation. The prosecutor’s office visited Mali in August, October, and November 2012 and would determine at a future date whether it could take jurisdiction of the situation. Meanwhile, there was no effort by the government to investigate or hold to account members of the security forces implicated in serious abuses during the political upheaval generated by the military coup in March 2012 and the ensuing Tuareg rebellion and Islamist occupation of the north.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 138.]

MALTA

Previous *Annual Report* entry: 2012.

MARSHALL ISLANDS

Previous *Annual Report* entries: —.

In 2012, the United Nations Human Rights Council heard a report from the Special Rapporteur on Toxic Wastes on his mission to the Marshall Islands. He recommended that the United States “[g]rant full access of the Marshall Islands to United States information and records regarding the

environmental and human health ramifications of past and current United States military use of the islands, as well as full access to United States medical and other related records on the Marshallese, in accordance with the right to information and the principle of transparency.”

Between 1946 and 1958 the people of the Marshall Islands endured 67 experimental nuclear tests detonated by the United States (at the time the administrator of the Trust Territory of Micronesia, which included the Marshall Islands). The residents of four atolls were exposed to fallout contamination that compromised their health, made their lands uninhabitable and destroyed their marine and faunal resources. In 1986 the Islands gained sovereignty as the Republic of the Marshall Islands (RMI) when the United States and the RMI governments entered into a Compact of Free Association, under which the United States accepted responsibility for the damage caused by the tests and established a compensation fund administered by a Tribunal set up by the RMI government. In order to fairly distribute the proceeds of the fund, the RMI government and its Nuclear Claims Tribunal had to know precisely what happened before, during and after the tests; and therefore they needed access to United States archives. United States authorities began identifying and declassifying relevant United States government records, and although thousands of pages of documents were delivered to the RMI, some documents were declassified only in part and some were totally withheld. The Tribunal, pressed to begin making compensation payments, went ahead based on incomplete information. But the RMI government refused to close the question of what really happened in the islands until all the records were open; they insisted that there could be “No Closure without Full Disclosure.”

[Sources: Human Rights Working Group of the International Council on Archives, *News of September 2012*, 2, 3; *Keesings Historisch Archief* (2012), 123–124, 698; “US Assistant Secretary Makes Second Annual Visit to Marshall Islands,” *YokweOnline* (<http://www.yokwe.net/index.php?module=News&func=display&sid=3074>; 7 August 2012).]

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011.

See Libya.

MAURITIUS

Previous *Annual Report* entry: 2012.

See United Kingdom.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2012.

Impunity for grave human rights violations committed during the 1960s, 1970s and 1980s persisted. The United Nations Working Group on Enforced or Involuntary Disappearances conducted a fact-finding mission to Mexico in 2011, concluding that, “sufficient efforts are not being made to determine the fate or whereabouts of persons who have disappeared, to punish those responsible and to guarantee the right to the truth and reparation.”

[Sources: Amnesty International, *Report 2013* (London 2013), 177; Human Rights Watch, *World Report 2013* (Washington 2013), 252–253.]

On 2 July 2013, (Oscar) Samuel Malpica Uribe ([1955]–2013), social anthropologist and historian, researcher at the Department of Historical Research into the Workers’ Movement (DIHMO) of the Benemérita Universidad Autónoma de Puebla (BUAP; Distinguished Autonomous University of Puebla), and leftist activist, was shot dead by unidentified gunmen. He was a former rector of the BUAP (1987–1989). Investigators looked at a number of possible motives, including allegations made by Malpica about the existence of a corruption network at the BUAP. On 13 June 2013, he had filed an official request with the state comptroller’s office for an investigation into the alleged irregularities; according to his widow, he was planning to stage a hunger strike to press for an investigation of the BUAP.

As the founder of the Ecomuseo de Metepec (ECUML) in Atlixco—in which the workers’ patrimony of a textile factory was preserved—Malpica received the National Prize Francisco de la Maza of the Instituto Nacional de Antropología e Historia (INAH) [Francisco de la Maza (1913–1972)] was a Mexican historian of colonial art]. Malpica also investigated the astronomy and culture of the Mayas. He was unsuccessful in his attempt to become Puebla’s mayor in 2008 for the Workers’ Party and Party of the Democratic Revolution (PRD). In 1989, Malpic was removed as rector, arrested on fraud charges in 1990 and in 1992–1993 imprisoned for one year during the administration of Governor Mariano Piña Olaya of the Institutional Revolutionary Party (PRI), but not convicted. At

that occasion, he declared that he had been a political prisoner.

[Sources: “La Benemérita Universidad Autónoma de Puebla lamenta la muerte del ex Rector Samuel Malpica Uribe” (3 July 2013; http://www.buap.mx/porta1_pprd/wb/comunic/la_benemerita_universidad_autonoma_de_puebla_lamen); “Former University President Murdered in Mexico,” *Latin American Herald Tribune* (<http://www.laht.com/>; EFE, 3 July 2013).]

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010.

MONGOLIA

Previous *Annual Report* entry: 2007.

On 6 May 2012, historian Rolmaajidiin Tsengel, a former citizen from China’s Inner Mongolia region, who has lived in Mongolia since 1993 and obtained a doctorate in Mongolian history from the National University of Mongolia, was accused of an “attempt to overthrow the government of Mongolia and conspiracy of a coup” because he had translated Chinese documents for the film “Galdan Boshogt,” a historical documentary about a Mongolian national hero (1644–1697) who fought in the seventeenth century against Manchu expansion and strived to unify Mongolia. He was arrested in Ulaanbaatar and reportedly tortured. Three others were also arrested on conspiracy charges, including filmmaker Gurragchaa Badamragchaa. When the latter three, all citizens of Mongolia, were released after a court hearing in late May 2013 failed to find any evidence to support the charge, Tsengel went on hunger strike. According to human rights sources, he was held because of his origins. After renouncing his Chinese citizenship, Tsengel had become a stateless person who was seeking citizenship status in Mongolia. Tsengel reportedly also worked as an adviser to another documentary film entitled “Horjiiloo” (“Triumph of Mongolia”), which dealt with how the Bogd Khan government (1911–1921) sent armies through five different routes to liberate Southern Mongolia from Chinese domination in 1913.

[Sources: Southern Mongolian Human Rights and Information Center (SMHRIC), “Southern Mongolian Historian on Hunger Strike in Mongolian Jail (http://www.smhric.org/news_487.htm; 12 June 2013); Rachel Vandenbrink, “Inner Mongolian Historian on Hunger Strike in Ulan Bator Jail,” *Radio Free Asia* (http://www.rfa.org/english/news/china/mongolia_-06122013170523.html; 12 June 2013).]

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2012.

In April 2012, the prosecution appeal against the acquittal in 2011 of army reservists and police officials charged with inhuman treatment of Bosniaks in Bukovica in 1992 was dismissed. The court found that at the time of the offense, the defendants' actions "did not constitute a criminal act in the eyes of the law," although inhuman treatment was defined as a crime against humanity in the 2003 Criminal Code which ought, under established principles of international law, to have been applied retroactively.

[Source: Amnesty International, *Report 2013* (London 2013), 183.]

See also Serbia.

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2012.

The authorities again failed to implement recommendations made by the Equity and Reconciliation Commission in November 2005, including ratification of the Rome Statute of the International Criminal Court, or to ensure justice for those who suffered serious human rights violations between 1956 and 1999.

[Source: Amnesty International, *Report 2013* (London 2013), 185.]

The Polisario Front again failed to take any steps to hold to account those responsible for human rights abuses committed in camps under its control in the 1970s and 1980s.

[Source: Amnesty International, *Report 2013* (London 2013), 185.]

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2012.

The National Human Rights Commission did not have the authority to receive and investigate complaints of human rights violations which had taken place prior to its formation on 5 September

2011. There was no comprehensive and independent mechanism to investigate possible war crimes and crimes against humanity, leaving victims and their relatives with inadequate access to measures of truth, justice and reparations. Many of those involved in grave human rights violations had not been brought to justice.

[Source: Amnesty International, *Report 2013* (London 2013), 190.]

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011.

NEPAL

Previous *Annual Report* entries: 2007–2012.

Nepal's six-year peace process between government forces and Communist party of Nepal (Maoist) combatants remained in limbo in 2012, and human rights commitments undertaken in the 2006 Comprehensive Peace Accord (CPA) remained unfulfilled. Impunity for wartime abuses continued and the government failed to provide redress for crimes committed during the conflict (1996–2006), including enforced disappearances, torture, rape, and extrajudicial executions. Efforts to ensure accountability for human rights violations and victims' rights to justice, truth and reparation were seriously undermined by the government's promotion of individuals alleged to have committed human rights violations to senior public positions. The government continued to request the withdrawal of criminal cases against individuals affiliated with political parties, as part of a commitment under the CPA and subsequent agreements to withdraw cases of a "political" nature. No clear definition of a "political case" was provided, and many cases recommended for withdrawal involved murder, abduction and other serious crimes.

On 28 August 2012, the Council of Ministers proposed an ordinance to establish a Commission of Inquiry on Disappeared Persons, Truth and Reconciliation, sidelining plans for two separate commissions to cover these issues. The new Commission would have power to recommend amnesties for serious human rights violations but no mandate to recommend prosecutions for alleged crimes, ignoring Nepal's legal obligations to prosecute crimes under international law. The framework for a Truth and Reconciliation Commission was part of the CPA. However, granting amnesty for crimes against humanity clearly violated international law and Nepal's Supreme Court decisions.

The army continued to shield alleged perpetrators of human rights abuses. In July 2012, it recommended the promotion of Colonel Raju Basnet, implicated in dozens of cases of enforced disappearance and torture, to the rank of brigadier general. The cabinet approved the promotion in October. In September 2012, the government promoted Kuber Singh Rana to inspector general of police. Rana was a suspect in ongoing criminal investigations that the Supreme Court ordered in February 2009 related to the October 2003 enforced disappearance and extrajudicial killings of five students from Dhanusha district in Nepal's southern plains.

The United Nations Office of the High Commissioner for Human Rights released a report in

October 2012 on violations of international human rights law and humanitarian law committed during Nepal's armed conflict (1996–2006), together with an archive of approximately 30,000 supporting documents and cases.

[Sources: Amnesty International, *Report 2013* (London 2013), 191–192; Human Rights Watch, *World Report 2013* (Washington 2013), 336–337.]

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2012.

In April 2012, the Dutch Supreme Court delivered a judgment on whether the United Nations Protection Force (UNPROFOR) could be held responsible for deaths of Bosnian Muslims during the 1995 Srebrenica genocide. The Court ruled that the United Nations (UN) held immunity from prosecution before national courts. The families of the victims appealed the decision to the European Court of Human Rights, which upheld the Dutch decision. It stated that the appeal was inadmissible because “the granting of immunity to the UN served a legitimate purpose” and giving national courts jurisdiction over UN operations would allow states “to interfere with the key mission of the UN to secure international peace and security.”

[Sources: Amnesty International, *Report 2013* (London 2013), 193; Human Rights Working Group of the International Council on Archives, *News of June 2013*, 2.]

In 20 August 2012, a report by a commission supervising the security services criticized the AIVD (General Intelligence and Security Service) for its systematic lack of declassification activity and its unwillingness to transfer noncurrent records to the National Archives.

[Sources: Constant Hijzen, “AIVD, open je archief,” *Historisch Nieuwsblad* (26 September 2012); *Historisch Nieuwsblad* (December 2012), 15–16.]

See also Lebanon, Russia, Suriname.

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007.

NICARAGUA

Previous *Annual Report* entry: 1998.

NIGER

Previous *Annual Report* entry: 2009.

In February 2012, under an Interpol operation, Saadi al-Gaddafi, son of the former Libyan President Mu'ammar al-Gaddafi, was put under house arrest in the capital Niamey after he appeared on Arab television and threatened Libya with an imminent uprising. He was still subject to restrictions to his movements and communications at the end of 2012. In May 2012, the authorities expressed their readiness to examine the Libyan authorities' request to hand over several high-ranking Libyan officials from al-Gaddafi's government, who had sought refuge in Niger.

[Source: Amnesty International, *Report 2013* (London 2013), 196.]

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2012.

In 2012, at least 100 people were charged with treason in south-eastern Nigeria after a march supporting independence for Biafra. On 4 November 2012 the Biafran Zionist Movement (BZM) gathered to mark the birthday of former Biafran leader Chukwuemeka Ojukwu (1933–2011), who died in November 2011 and was buried in March 2012. Later, BZM members declared independence, raised the Biafran flag and marched through the region's main town, Enugu. More than one million people died during the 1967–1970 Biafran conflict—mostly from hunger and disease. On 30 May 2007, another separatist movement, the Movement for the Actualisation of the Sovereign State of Biafra (Massob), had accused the government of marginalizing Biafra, but the latter had dismissed Massob members as “common criminals” and “armed robbers.”

[Source: *BBC News* (30 May 2007, 5 November 2012).]

NORWAY

Previous *Annual Report* entries: 2009, 2012.

OMAN

Previous *Annual Report* entry: 2010.

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012.

See Bangladesh.

PALESTINIAN AUTHORITY

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2012.

The Hamas authorities failed to investigate allegations of war crimes and possible crimes against humanity committed by Hamas's forces and other Palestinian armed groups in Gaza during Israel's military Operation "Cast Lead" in 2008–2009 and during the eight-day conflict in November 2012. Neither the Palestinian Authority nor Hamas credibly investigated allegations of torture and other abuses by their security forces or held perpetrators to account.

[Source: Amnesty International, *Report 2013* (London 2013), 206–207.]

See also Israel, Syria.

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2012.

Efforts to ensure justice for victims of human rights violations during the military governments (1968–1989) made slow progress. In January 2012, the government established a Special National Commission to assist in locating and identifying the remains of victims of enforced disappearance. A Truth Commission, which reported in 2002, estimated that 207 people had been forcibly disappeared and killed under the military governments. Manuel Noriega, head of state from 1983 to 1989, who had been extradited from France in 2011, remained in custody throughout 2012 awaiting trial. He was charged with human rights violations, including extrajudicial executions.

[Source: Amnesty International, *Report 2013* (London 2013), 207.]

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012.

PERU

Previous *Annual Report* entries: 2001–2012.

Efforts to prosecute those responsible for the abuses committed during the internal armed conflict (1980–2000) have had mixed results. In 2003, the Truth and Reconciliation Commission had estimated that almost 70,000 people died or were subject to enforced disappearance during the country's armed conflict between 1980 and 2000. Many were victims of atrocities by the Shining Path and other insurgent groups; others were victims of human rights violations by state agents. Former President Alberto Fujimori was sentenced in 2009 to 25 years' imprisonment for killings and "disappearances" in 1991 and 1992. His intelligence adviser, Vladimiro Montesinos, three former army generals and members of the Colina group (a government death squad) were also serving sentences ranging from 15 to 25 years for the assassination in 1991 of 15 people in the Lima district of Barrios Altos, and for 6 "disappearances."

In July 2012, the Permanent Criminal Chamber of the Supreme Court reduced the sentences in the Barrios Altos case on appeal. By denying that the crimes were crimes against humanity, the court undercut the jurisprudence established by the Supreme Court's Special Criminal Chamber in the Fujimori case. The Ministry of Justice and Human Rights filed an appeal for the sentence to be annulled on constitutional grounds. In September 2012, however, the Permanent Criminal Chamber rescinded the sentence, after the Inter-American Court of Human Rights ruled that it was incompatible with Peru's obligations to ensure that the events were fully investigated and those responsible held accountable.

Progress to hold accountable those responsible for human rights violations under earlier governments was very limited. Prosecutors did not yet present charges or they closed hundreds of cases, partly due to the Ministry of Defense and the army failing to cooperate in providing information essential to identify perpetrators. Legislation granting access to reparation for all victims of sexual violence was approved by Congress in May, but had not come into force by the end of 2012. As a result, victims of sexual violence, other than rape, committed during the internal armed conflict (1980–2000) continued to be denied reparation.

[Sources: Amnesty International, *Report 2013* (London 2013), 211; Human Rights Watch, *World Report 2013* (Washington 2013), 254, 255–256, 260.]

In December 2011, the Inter-American Commission on Human Rights asked the Inter-American Court of Human Rights to open a case against Peru for the alleged extrajudicial execution of three former members of the Tupac Amaru Revolutionary Movement (MRTA) who were killed in April 1997 during a commando operation to free hostages held by the MRTA in the Lima residence of the Japanese ambassador. The commission recommended that the case, which a military court had closed in 2004, reopen under civilian jurisdiction. In October 2012, a Lima court found that one of the MRTA members had been extrajudicially executed, but acquitted the three main suspects, including Vladimiro Montesinos.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 260.]

PHILIPPINES

Previous *Annual Report* entries: 2011–2012.

Impunity for torture, enforced disappearances and unlawful killings continued despite the government's stated commitment to eradicate these crimes and bring perpetrators to justice. Court cases arising from human rights violations during martial law (1972–1981) under former President Ferdinand Marcos were dismissed or languished in court. In November 2012, President Benigno S. Aquino III ordered the establishment of an interagency committee to investigate more recent cases of these grave crimes.

[Source: Amnesty International, *Report 2013* (London 2013), 212.]

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011.

See Belarus.

QATAR

Previous *Annual Report* entry: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010.

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2012.

In May 2012, in one of his last acts as president, Dmitry Medvedev dissolved the Commission for Actions against Falsification of History to the Detriment of Russia's Interests, known as the "Historical Truth Commission." (In a 17 June 2009 letter to Medvedev, the American Historical Association had asked to disband the commission as it contradicted the principle of intellectual freedom) [For background, see *NCH Annual Report 2009*.]

On 16 August 2012, historian Mikhail Suprun filed an application to the European Court of Human Rights against violation by Russia of Articles 7 (no punishment without law) and 10 (freedom of expression) of the European Convention on Human Rights [For background, see *NCH Annual Reports 2010–2012*.].

On 21 September 2012, the International Society Memorial announced that it would fight the federal law on "Amendments to Certain Legislative Acts of the Russian Federation pertaining to the Regulation of the Activity of Non-profit Organizations, which Perform the Function of a Foreign Agent," to come into effect on 21 November 2012. It called the law illegal (because it gave the government judicial power) and recalled that by forcing civic organizations that received donations from abroad to put themselves on a list of "organizations–foreign agents," the law conjured up the 1930s when hundreds of thousands of people were also coerced into calling themselves "foreign agents." On the day of the entry into force of the law, Memorial discovered graffiti with the inscription "Foreign Agent. I love USA" spray-painted on the walls of its headquarters in Moscow.

[Sources: *Keesings Historisch Archief* (2012), 548; Observatory for the Protection of Human Rights Defenders, *Violations of the Right of NGOs to Funding: From Harassment to Criminalisation—2013 Annual Report* (Geneva 2013), 59; Statement by International Society "Memorial" on the Law on "Foreign Agents" (21 September 2012).]

A Dutch documentary, *900 Days* (2012), directed by Jessica Gorter and containing interviews with survivors of the Nazi siege of Leningrad (now St. Petersburg) in 1941–1944 (leaving one million dead

from starvation), could be shown during film festivals and in selected cinemas in September 2012 but not on the television channel *Kultura* (although no ban was issued). The reason was that the film implied silent criticism of the official story of heroic resistance of the population.

[Source: *NRC Handelsblad* (27–28 September 2012), 36–37.]

The request by historian Nikita Petrov, deputy chair of the Council of Memorial, to access documents of the KGB (Komitet gosudarstvennoi bezopasnosti; Committee of State Security) from 1946 to 1956 was rejected by the Federal Security Service (FSB) on the grounds that they contained state secrets. When Petrov lodged a complaint, both the Moscow City Court and the Supreme Court ruled that the requested documents were created before the 1993 Law on State Secrets and therefore not covered by it. This meant that declassification of Soviet-era documents was dependent on internal decisions made by relevant archive holders. Petrov applied to the Constitutional Court, which on 22 November 2012 ruled not to consider his complaint but at the same time affirming that the 30-year classification limit provided for in the 1993 law applied to information defined as state secret both before and after 1993. [Source: Svetlana Savranskaya, “Russian Court Ruling Aids Release of Soviet Era Secrets,” (<http://www.freedominfo.org/2013/01/russian-constitutional-court-rules-on-law-on-state-secrets>); 15 January 2013).]

On 6 December 2012, the City Court in Dzerzhinsk (Nizhny Novgorod region) held a hearing on a petition filed by the local prosecutor’s office to ban a 1,200-page book written by Stanislav Dmitrievsky [Dmitriyevsky], an archaeologist and writer, Oksana Chelysheva, and Bogdan Guareli, and entitled *International Tribunal for Chechnya: Prospects of Bringing to Justice Individuals Suspected of War Crimes and Crimes Against Humanity during the Armed Conflict in the Chechen Republic* (2009) under the anti-extremism legislation. The book, with a print-run of 700 copies and also available on the website of the independent newspaper *Novaya Gazeta*, provided a detailed analysis of the human violations by all parties during the Chechnyan conflict; it emphasized the responsibility borne by the top Russian leadership. In a statement of 11 January 2013, Russian PEN complained that the two prosecutors had not read the book and that the two experts summoned by them did not make the distinction between negative evaluations and extremism or between statements by the author and quotations. The next hearing was to be held on 11 April 2013. Since 2005, local authorities have persecuted Dmitrievsky with administrative arrests, a criminal prosecution, intrusive inspections, orders to close his office and arson attacks. Upon appearance of the monograph in 2009, Moscow investigators had already conducted a criminal inquiry into the alleged presence of extremist content, but they had not found sufficient grounds then to open a case.

[Sources: Human Rights Watch, “Russia: Stop Efforts to Ban Human Rights Book—Local Authorities Go After Activist’s Account of Chechnya Conflict” (3 December 2012); PEN

International Rapid Action Network, *RAN 77/12* (14 December 2012); PEN America, “Russia: Stanislav Dmitrievsky” (21 December 2012); “PEN Russia Issues Statement on Stanislav Dmitrievsky” (<http://www.pen-international.org/01/2013/pen-russia-issues-statement-on-stanislav-dmitrievsky>; 11 January 2013); Radio Free Europe/Radio Liberty, “Tenacious Russian Activist Girds for yet Another Battle” (4 December 2012).]

In February 2013, the Justice Ministry put recent writings of liberal historian Yuri Afanasiev (1934–) on a “Federal List of Extremist Material.” They included his 2011 essay about the frustrated democratization of Russia, in which Afanasiev held that post-1991 liberals, like the Bolsheviks in 1917, had failed because they based their reforms on abstract theory instead of historical experience and that this had led to neo-totalitarian rather than democratic power. All publications on the list were banned. A court in Omsk, Siberia, also banned the essay. In 2005, together with Aleksandr Yakovlev (1923–2005; a close adviser to Mikhail Gorbachev and also a historian), Afanasiev had already warned against a re-Stalinization.

[Sources: Charles Gurin, “Russian Historians Denounce Re-Stalinization,” *Eurasia Daily Monitor* (6 May 2005); *NRC Handelsblad* (26 February 2013).]

On 21 March 2013, five officials from the Prosecutor’s Office, the Ministry of Internal Affairs, the Ministry of Justice, and the Tax Inspectorate arrived at Memorial society without warning to conduct an inspection. A television crew from the pro-Kremlin station NTV arrived with the inspectors to film the proceedings; it aired a news report alleging that Memorial could be in violation of the “foreign agents” law (requiring groups that accept foreign funding and engage in “political activity” to register as a “foreign agent”).

In March 2013, teams of officials inspected at least 30 groups in Moscow, and many more in other regions. The inspections were part of a broader crackdown on civil society that began in 2012. A document leaked (to the media) that provided instructions to local prosecutors’ offices for conducting inspections urged them to analyze sources of foreign funding for the groups and their involvement in political activities, as well as any evidence of “extremism.”

[Sources: Human Rights Watch, “Russia: New Pressure on Civil Society: Government Inspects Dozens of Groups with Foreign Funding in NGO Crackdown” (21 March 2013); *NRC Handelsblad* (22 & 27 March 2013).]

See also Azerbaijan.

RWANDA

Previous *Annual Report* entries: 1998, 2000–2012.

In June 2012, the Council of Ministers approved an amended version of the 2008 genocide ideology law, which has been used to silence critics. As of late 2012, the revised law was before parliament. The revised law contained improvements (a narrower definition of the offense and a reduction in prison sentences) but retained the notion of “genocide ideology” as a criminal offense punishable by imprisonment and contained vague language that could be used to criminalize free speech.

[Sources: Amnesty International, *Report 2013* (London 2013), 223; Human Rights Watch, *World Report 2013* (Washington 2013), 150.]

Community-based gacaca courts, set up to try cases related to the 1994 genocide, closed in June 2012, after trying almost two million cases, according to government statistics. The trial of former Pastor Jean Bosco Uwinkindi, the first case transferred to Rwanda by the International Criminal Tribunal for Rwanda (ICTR), opened in Kigali. Several other cases were also transferred in 2012. Two ICTR staff members were assigned to monitor referral cases on a temporary basis, pending agreement on trial monitoring with the African Commission on Human and Peoples’ Rights. They were required to file monthly reports through the Registry to the President of the ICTR, or the President of the Mechanism for International Criminal Tribunals, as appropriate.

In January 2012, academic and former government official Léon Mugesera was sent back to Rwanda from Canada to face charges of planning of and incitement to genocide. Preliminary court hearings took place in Kigali. Court proceedings against Rwandan genocide suspects took place in several other jurisdictions, including Belgium Canada, Finland, Norway, Sweden, Germany, and the Netherlands.

[Sources: Amnesty International, *Report 2013* (London 2013), 223–224; Human Rights Watch, *World Report 2013* (Washington 2013), 147, 150–151.]

In June 2012, the Council of Ministers approved an amended version of the 2008 genocide ideology law. As of late 2012, the law was before parliament. It law contained improvements (a narrower definition of the offense and a reduction in prison sentences) but retained the notion of “genocide ideology” as a criminal offense punishable by imprisonment and contained vague language that could be used to criminalize free speech. [For background, see *NCH Annual Reports 2009–2011*.]

In April 2012, Epaphrodite Habarugira, an announcer at Radio Huguka, was arrested and charged with genocide ideology after apparently mistakenly, during a news broadcast, mixing up words when referring to survivors of the genocide. He spent three months in prison before being acquitted in July.

The state prosecutor appealed against his acquittal.

On 5 April 2012, the Supreme Court reduced the sentences of Agnès Uwimana Nkusi, editor of the privately-owned bimonthly *Umurabyo*, and Saidati Mukakibibi, deputy editor and reporter at *Umurabyo*, to four and three years respectively. The Supreme Court cleared Uwimana of “genocide ideology” and “divisionism” charges but upheld a conviction for defamation. [For background, see *NCH Annual Report 2011*.]

On 30 October 2012, the High Court in Kigali found Victoire Ingabire guilty of conspiracy to undermine the established government (for financially supporting anti-Rwandese rebels in East Congo) and denying the genocide (based on a 2003 law rather than on the 2008 genocide ideology law) and sentenced her to eight years’ imprisonment. There were doubts about the reliability of some evidence. (Confessions of two co-accused incriminating Ingabire were made after a prolonged period of detention in a military camp where torture was used to coerce confessions; a defence witness claimed he had been held in military detention with one of the co-accused and alleged that the individual’s confession had been forced.) [For background, see *NCH Annual Report 2011*.]

[Sources: Amnesty International, *Report 2013* (London 2013), 223; Human Rights Watch, “Rwanda: Eight-Year Sentence for Opposition Leader—Victoire Ingabire Found Guilty of Two Charges in Flawed Trial” (30 October 2012); Human Rights Watch, “Rwanda: Eight-Year Sentence” (30 October 2012); Human Rights Watch, *World Report 2013* (Washington 2013), 147–150; *Keesings Historisch Archief* (2013), 96–97; *NRC Handelsblad* (31 October 2012).]

See also Congo (Democratic Republic).

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011.

On 20 July 2012, the first day of the ramadan month of fasting, *Omar*, a 31-part historical television drama produced by the Saudi Middle East Broadcasting Center (MBC), said to be the largest ever Arabic production and depicting the life of the second Caliph Omar ibn al-Khattab (586/590–644), a close companion of Prophet Muhammad who oversaw the expansion of the Muslim empire in the seventh century), sparked a controversy in the Arab world with thousands opposing the depiction of the Prophet Muhammad and his companions. Although such visual depictions were not banned in the Quran, Sunni scholars generally agreed that personifications of religious figures were banned because they could lead to idolatry. Official Islamic institutions like Al-Azhar in Egypt and Dar al-Ifta, the legal research center of Saudi Arabia, issued fatwas against the series, but other scholars, including Sheikh Yusuf Al-Qaradawi from Egypt, praised the series's historical accuracy.

[Sources: AFP, "TV Depiction of Revered Islamic Figure Causes Stir" (23 July 2012); *NRC Handelsblad* (24–25 July 2012), 32; "Prophet Companions TV Series Stirs Debate," *On Islam* (<http://www.onislam.net/english/news/middle-east/458110-prophet-companions-tv-series-stirs-debate.html>; 23 July 2012).]

See also Tunisia, United Kingdom.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009.

On 24 July 2012, Senegal agreed to establish a special court to try former Chadian President Hissène Habré, who resided in the country since 1990. On 20 July 2012, the International Court of Justice had found that Senegal had violated its legal obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ordered Senegal to bring Habré to justice "without further delay" either by prosecuting him in Senegal or extraditing him to Belgium. After four days of talks in Dakar, Senegal agreed to an African Union (AU) plan to try Habré before a special court in the Senegalese justice system with AU-appointed judges presiding over his trial. A 1992 National Truth Commission in Chad had accused Habré's government (1982–1990) of systemic torture and up to 40,000 political assassinations. Between 2001 and 2005, a Belgian judge and his team had investigated the crimes before indicting Habré on charges of crimes against

humanity, war crimes, and torture in 2005, leading Belgium to request his extradition from Senegal.

On 22 August 2012, an agreement was signed between Senegal and the AU to establish a special court to try Habré. In September 2012, Chadian authorities stated that they had confirmed their financial contribution of CFA 2 billion (around US\$4 million) for the trial. On 19 December 2012, the National Assembly adopted a law establishing special chambers within the existing court structure. However, some key elements to the successful conduct of a fair trial had not been set up, such as a program for protection of victims and witnesses, and an effective mutual legal assistance agreement with other countries, including France and Chad, where victims, witnesses, evidence and assets may be located.

[Sources: Amnesty International, *Report 2013* (London 2013), 227, 228; International Federation for Human Rights, “Chad: After World Court Ruling, Plan to Try Chad’s Ex-Dictator in Senegal with African Judges” (25 July 2012).]

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2012.

In 2012, both incoming President Tomislav Nikolić and former President Boris Tadić made statements that genocide had not taken place in Srebrenica. On the day of his inauguration, 31 May 2012, Nikolić said that the massacre in Srebrenica was a serious crime but no genocide in an interview with the Montenegrin national broadcaster RTCG. He invoked the National Assembly of the Republic of Serbia, which adopted a Srebrenica Resolution in March 2010 condemning the “serious crime” committed against the Bosniak population in Srebrenica.

[Sources: Amnesty International, *Report 2013* (London 2013), 228; J. G., “Reactions to Statements from Newly Elected President of Serbia, Tomislav Nikolić,” *RECOM Initiative !Voice* (<http://www.scribd.com/doc/98868941/RECOM-Initiative-Voice-7-2012>; 2012 no. 7), 12–14.]

There was ongoing progress in domestic war crimes prosecutions. In September 2012, the Belgrade War Crimes Chamber convicted 11 members of the Kosovo Liberation Army’s (KLA) “Gnjilane group” to a combined total of 116 years’ imprisonment for crimes against civilians, mainly Roma and Ashkali, during the 1999 Kosovo war. In June 2012, the chamber sentenced 14 former members of the Yugoslav People’s Army (JNA) to a combined total of 126 years’ imprisonment for war crimes against Croat civilians in the Croatian village of Lovas in 1991.

However, in a report from June 2012, Chief Prosecutor Serge Brammertz at the International Criminal Tribunal for the former Yugoslavia (ICTY) criticized Serbia’s lack of efforts to uncover the

networks that helped war crimes fugitives wanted by the ICTY to evade justice. The Serbian war crimes prosecutor's office subsequently began investigating 13 suspects, including a former high-ranking security official. In his report, Brammertz also criticized Serbia's failure to sign a proposed protocol on war crimes cooperation between the Serbian prosecutor and his Bosnian counterpart.

[Sources: Amnesty International, *Report 2013* (London 2013), 229; Human Rights Watch, *World Report 2013* (Washington 2013), 470.]

In November 2012, it was reported that one of the main reasons why the role of the Yugoslav People's Army (JNA) in the breakup of Yugoslavia remained unclear was that JNA archives were still kept secret.

[Source: "Role of JNA in the 1990s Wars Still Remains Unclear" (Balkan Transitional Justice; 2 November 2012).]

On 20 January 2013, two hundred elite police officers supervised the removal of a controversial memorial from a central square in the southern Serbian town of Presevo, an area with a significant Albanian community. The monument, erected in December 2012, was dedicated to 27 ethnic Albanian rebels who fought against Serbia and were killed during a 2000 insurgency in Presevo, a spillover of the 1999 Kosovo conflict. Serbia regarded the rebels as terrorists. At least 2,000 ethnic Albanians rallied in Presevo to protest against the removal.

[Sources: "Serbia Removes Ethnic Albanian Memorial," *Radio Free Europe/Radio Liberty* (20 January 2013); "Albanians Protest Removal of Presevo Monument," *Radio Free Europe/Radio Liberty* (21 January 2013).]

Kosovo

On 21 September 2012, a study by the Humanitarian Law Center in Kosovo—directed by Kreshnik Sylejmani, conducted at a number of secondary schools across Kosovo and based on interviews with 15- to 17-year-olds—was presented in Pristina. It showed that the history textbooks did not mention—and pupils were ignorant of—the facts of the war in 1998–1999, particularly the number of victims who were killed and disappeared on both sides. (The war, between Serb security forces and the insurgent Kosovo Liberation Army, claimed around 10,000 victims, the majority Kosovo Albanians, and ended after a 78-day NATO air-bombing campaign in 1999 that ousted Serb armed forces from the province, which was then put under United Nations administration). Shkelzen Gashi, a political scientist from Kosovo, presented his comparative study of seventh-grade primary school history textbooks in Kosovo, Albania and Serbia, finding falsification and distortion of events (such as the 1389 battle and the 1999 war) in both Albanian and Serb textbooks. He also found that the textbooks contained hate speech: Kosovar books talked about state genocide against the Albanians; Serb books

presented Kosovo Albanians as terrorists and fascists.

[Source: Fatmir Aliu, “Kosovo Kids Taught False History, Study Shows,” *Balkan Insight* (<http://www.balkaninsight.com/en/article/kosovo-kids-taught-wrongly-a-study-shows>; 24 September 2012).]

On 29 November 2012, the International Criminal Tribunal for the former Yugoslavia (ICTY) acquitted Ramush Haradinaj, the former prime minister of Kosovo, and his two co-defendants, Lahi Brahimaj and Idriz Balaj, former Kosovo Liberation Army (KLA) commanders, after their retrial for crimes against humanity against Serb Roma and Albanian civilians in the Jablanica detention camp in 1998.

The European Union Rule of Law Mission (EULEX) special investigation team continued its investigation into allegations that some KLA members, including senior officials in Kosovo, had participated in post-war abductions, enforced disappearances, killing of Serbs, and organ trafficking. In the first nine months of 2012, EULEX judges handed down three war crimes judgments and confirmed one new war crimes indictment in October. During January and September 2012, local judges handed down 20 other verdicts. As of October 2012, 78 war crimes cases were under investigation.

In December 2012, the Human Rights Advisory Panel (HRAP), established to decide on alleged human rights violations by the United Nations Interim Administration Mission in Kosovo (UNMIK), considered three complaints, in which they decided that UNMIK had violated the right to life of Kosovo Serbs abducted following the 1999 armed conflict, by failing to conduct an effective investigation.

The Kosovo Government Commission for Missing Persons largely failed to implement the 2011 Law on Missing Persons. Relatives demanded that the authorities address the issue of missing persons in talks with Serbia.

[Sources: Amnesty International, *Report 2013* (London 2013), 228–230; Human Rights Watch, *World Report 2013* (Washington 2013), 478.]

See also Croatia.

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007. *See* Montenegro and Serbia / Kosovo.

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012.

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011.

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011.

On 21 August 2009, the government of Prime Minister Robert Fico barred Hungarian President László Sólyom from making a controversial visit during which he had planned (at the invitation of an association based in Slovakia) to unveil the statue of Saint Stephen (975–1038), the founder and first king of the Hungarian State, in the southern (predominantly ethnic Hungarian) town of Komárno, on the River Danube, which separates Slovakia and Hungary (20 August was a national holiday in Hungary, in commemoration of Saint Stephen). No Slovak officials had been invited to the event, which coincided with the anniversary of the 1968 invasion of Czechoslovakia by five armies, including Hungary's. The incident heightened bilateral tension over Slovakia's treatment of its ethnic Hungarians, who made up about ten per cent of the population. On 16 October 2012, the Court of Justice of the European Union found that European Union law did not oblige Slovakia to guarantee access to its territory to Sólyom, because of the specific status of a head of state.

[Sources: *BBC News* (21 & 25 August 2009); Court of Justice of the European Union, *Hungary versus Slovak Republic: Judgment* (<http://www.concernedhistorians.org/le/277.pdf>; 16 October 2012); *NRC Handelsblad* (28 August 2009) 5; *Keesings Historisch Archief* (2010), 17; (2012), 500.]

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2012.

Former permanent residents of Slovenia originating from other former Yugoslav republics, whose legal status was unlawfully revoked in 1992 (known as the “erased”), continued to be denied

restoration of their rights. Past legislative initiatives failed to provide them with reparation for the violations of rights they suffered as a result, or to guarantee their access to these rights in future. The authorities also failed to present any new measures to fully restore their rights. On 26 June 2012, the Grand Chamber of the European Court of Human Rights ruled in the pilot case *Kuric versus Slovenia* that the “erasure” and its consequences constituted a violation of the applicants’ rights to family and private life and to effective legal remedy. The Grand Chamber also found that the applicants had suffered discrimination in relation to these rights, and set a one-year deadline for the creation of a domestic compensation scheme for victims. By the end of 2012, there was no indication that the authorities had made efforts to set up such a scheme.

[Source: Amnesty International, *Report 2013* (London 2013), 235.]

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012.

Given the gravity of the crimes committed in Somalia since 1991, accountability at the international level, notably through establishing a United Nations commission of inquiry, or a comparable, appropriate mechanism, was critical to document serious crimes and recommend appropriate measures.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 158.]

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012.

The reintroduction of the Traditional Courts Bill in 2012, after the government withdrew it in 2008 following widespread criticism, may have dire consequences for the rights of women. The bill aimed to affirm the traditional justice system based on restorative justice and reconciliation. As such, it emphasized the position of traditional leaders in the administration of justice, and effectively centralized their power as the arbiters of customary law. The bill would give traditional leaders the authority to enforce controversial versions of customary law such as the practice of *ukutwala* (forced marriage), adjudicate compliance and enforce penalties. The penalties were of particular concern as section 10 of the bill imposed sanctions including fines, forced labor, and the withdrawal of customary benefits, such as the enjoyment of communal land. Section 4 provided for the minister of

justice to appoint traditional leaders who were recognized in the Traditional Leadership and Governance Framework Act as presiding officers of traditional courts. Most traditional leaders were men, and the bill did not assign women any role in the courts. A significant concern with the traditional justice system was its entrenchment of patriarchy, as well as discriminatory social and economic practices, such as access to land, inheritance and forced marriage.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 161.]

South Africa continued to play a leadership role in affirming the need to uphold obligations to the International Criminal Court (ICC), although it had yet to block African Union decisions, which called for states not to cooperate with the court in the arrest of suspect Sudanese President Omar al-Bashir. The first domestic criminal case in South Africa for international crimes committed in Zimbabwe also commenced, although it was initially challenged by South's Africa's police and prosecuting authority.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 162.]

See also Sudan.

SOUTH SUDAN

Previous *Annual Report* entries: —.

An investigation established in August 2011 into allegations against the former Director of Public Security and Criminal Investigations remained ongoing at the end of 2012. The investigation was examining torture, corruption, the creation of illegal detention centers, and a case of enforced disappearance. Violations perpetrated by the Sudan People's Liberation Army (SPLA) and the South Sudan Police Service (SSPS) Auxiliary Force during the Jonglei (one of the ten states of South Sudan) state-wide civilian disarmament campaign Operation Restore Peace, launched in March 2012, remained largely unaddressed by the government.

[Source: Amnesty International, *Report 2013* (London 2013), 244.]

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2012.

On 27 February 2012, the Supreme Court acquitted former judge Baltasar Garzón of exceeding his authority. Garzón was prosecuted, among other things, for violating the 1977 amnesty law by launching an investigation in 2008 into the enforced disappearances of 114,266 people between July 1936 and December 1951. Despite the acquittal, the Supreme Court concluded that Garzón had wrongfully interpreted the law when considering the facts under investigation as crimes against humanity. According to the Court, the crimes were not defined as crimes against humanity within domestic law at the time they were committed. This judgment by the Supreme Court could rule out the possibility of investigating past crimes under international law in Spain.

[Source: Amnesty International, *Report 2013* (London 2013), 248.]

In October 2012, Minister of Education José Ignacio Wert (of the Partido Popular political party) declared in the Cortes that a lack of emphasis on the Spanish language and history in Catalan schools had helped foster support for independence in the region and that secondary school children there should be “hispanicized” by bringing the curriculum under greater central control. He also said that the common history of Spain and Catalonia was minimized in Catalan schools. The statement was rejected as unfounded by both Catalan and other critics, including Irene Rigau, Catalonia’s education minister.

[Sources: *El País* (10 & 11 October 2012); *Financial Times* (10 October 2012).]

See also Argentina.

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2012.

Sri Lanka made no progress in 2012 toward ensuring justice for the victims of numerous violations of human rights and the laws of war committed by both sides during the 26-year-long conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE) (1983–2009). These violations included the government’s indiscriminate shelling of civilians and the LTTE’s use of civilians as “human shields” in the final months of the conflict, which ended in May 2009. The government continued to ignore the 2011 report of the panel of experts appointed by United Nations (UN)

Secretary-General Ban Ki-moon, which recommended establishing an independent international mechanism to monitor the government's implementation of the panel recommendations, conduct an independent investigation, and collect and safeguard evidence.

In March 2012, the UN Human Rights Council (HRC) adopted a resolution finding that the government's Lessons Learnt and Reconciliation Commission (LLRC) did not adequately address serious allegations of violations of international law, and called on Sri Lanka to take all necessary steps to ensure justice and accountability. It requested that the government expeditiously present a comprehensive plan detailing the steps it had taken to implement the LLRC's recommendations and to address accountability. The government responded by publicly threatening human rights defenders who had advocated for the resolution. In July 2012, however, it announced that it had adopted Plan of Action on the LLRC recommendations. The plan vaguely called for the government to look into civilian deaths and prosecute any wrongdoers. It sets out a 12-month timeframe to conclude disciplinary inquiries and 24 months for prosecutions. But the government proposal merely left responsibility for investigations with the military and police, the entities responsible for the abuses. There was no information regarding actions of the special army courts of inquiry, supposedly established in 2012 to look into allegations of war crimes.

Sri Lanka's human rights record was assessed under the UN Universal Periodic Review in November 2012; Sri Lanka maintained that it did not need independent investigations into alleged human rights violations and past crimes under international law despite concerns raised by UN members. A report by the UN Secretary-General's Internal Review Panel on UN Action in Sri Lanka, released on 14 November 2012, acknowledged the UN's failure to protect civilians during the country's armed conflict. At the March Human Rights Council session, the government tried to block the council from adopting a resolution focusing on accountability. The resolution, which passed with 24 votes in favor, 15 against, and 8 abstentions, effectively overturned a May 2009 council resolution that ignored serious human rights concerns during the Sri Lankan war. The resolution called on the UN Office of the High Commissioner for Human Rights to report back in March 2013.

India (which faced pressure from Tamil Nadu state and civil society activists demanding accountability) continued to press the Sri Lankan government to address allegations of human rights violations, implement the LLRC recommendations, and initiate a reconciliation process with the Tamil minority. China has emerged in recent years as an important ally of Sri Lanka's government. In addition to investing heavily in developing Sri Lankan infrastructure, China had several high-level diplomatic and military missions to Sri Lanka during 2012 and vocally opposed the council resolution. [Sources: Amnesty International, *Report 2013* (London 2013), 149; Human Rights Watch, *World Report 2013* (Washington 2013), 368–370, 372–373.]

See also India.

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2012.

Seven years after the International Criminal Court (ICC) issued arrest warrants or summons to appear against six individuals, Sudan continued to refuse to cooperate with the ICC or to meaningfully prosecute the crimes in its own courts. In 2005, the United Nations Security Council had referred the situation in Darfur to the ICC, which issued the warrants or summons to appear against President Omar al-Bashir and five others (including Ahmed Haroun, Governor of Southern Kordofan, and Ali Mohammed Ali Abdelrahman, a former Janjaweed militia leader), on charges of war crimes, crimes against humanity, and genocide, although the charges were not confirmed against one of the suspects, Bahar Idriss Abu Garda. On 1 March 2012, the ICC issued a warrant of arrest against Abdel Raheem Muhammad Hussein, current Minister of National Defense, for 41 counts of crimes against humanity and war crimes allegedly committed in the context of the situation in Darfur.

Sudan made none of the justice reforms recommended in the 2009 report from the African Union's High-level Panel on Darfur, headed by former South African President Thabo Mbeki.

[Sources: Amnesty International, *Report 2013* (London 2013), 251; Human Rights Watch, *World Report 2013* (Washington 2013), 174–175.]

See also Egypt, South Africa.

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012.

In April 2012, the National Assembly approved an amendment to the 1992 amnesty law, extending the period covered by the law from April 1980 to August 1992, thereby covering the torture and extrajudicial execution of 15 opponents of the then military government in December 1982 (the so-called December Murders). Twenty-five people, including President Dési Bouterse, the country's military leader at the time, had been put on trial before a military court in November 2007 for the killings. The amended law granted an amnesty to those who “have committed criminal offenses and/or are suspected of having done so within the framework of the defense of the State and/or overthrow of the lawful authorities such as the events occurring during December 1982 and the Guerrilla War” in order to “promote national unity and the further uninterrupted development of the Republic of Suriname.” Bouterse argued that the new amnesty law would help to reconcile the

country. However, there were demonstrations in Paramaribo, the capital, in April and May against this initiative to grant immunity to Bouterse and the other co-accused. International criticism of the law included statements by the Inter-American Commission on Human Rights that “laws that seek to leave serious human rights violations in impunity are incompatible with Inter-American human rights obligations.” In April 2012, following the approval of the law, the Netherlands withdrew their ambassador. On 11 May 2012, the military court adjourned the trial until the Constitutional Court could review the new amnesty law. This decision was confirmed by the Office of the Public Prosecutor on 12 December 2012. However, this could result in a lengthy delay as, although the 1987 Constitution provides for the creation of a constitutional court, no such court had been established by the end of 2012. In November 2012, youth activist Sharona Lieuw On, chair of Youth against Amnesty, filed a complaint after receiving a bullet through the post along with a letter warning her not to continue her protests against the amnesty law. She later withdrew her complaint as she feared for her safety.

[Source: Amnesty International, *Report 2013* (London 2013), 253–254.]

SWAZILAND

Previous *Annual Report* entry: 2011.

In April 2012, police disrupted events organized by the Trade Union Congress of Swaziland (TUCOSWA) and other groups to commemorate the 1973 ban on political parties and to call for democratic reforms. Fifteen trade union members were arrested. Ahead of the protests, the government had issued a notice of de-registration of TUCOSWA.

[Source: Front Line Defenders, *2013 Annual Report: Global Trends in 2012 for Human Rights Defenders* (Blackrock 2013), 6.]

SWEDEN

Previous *Annual Report* entry: 1998.

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009.

See Algeria.

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2012.

During the armed conflict, which began in March 2011 and which later turned into a civil war, many monuments were either damaged and looted or destroyed, including the Crac des Chevaliers (one of the world's best-preserved Crusader castles); ruins in the ancient city of Palmyra; and the souk (the medieval covered market) and Umayyad mosque in Aleppo's walled Old City (the latter two in October 2012). Both rebels and regime forces had turned some of the historic sites into bases, including citadels, Turkish bath houses and the Umayyad mosque.

[Source: "Aleppo Mosque is Latest Casualty of Syria's Civil War," *Telegraph* (16 October 2012).]

In February 2012, scenarist and writer Khaled Khalifa (1964–) published an open letter accusing the Syrian regime of committing genocide against its own population; he was attacked by the secret police. In 2006, his novel *In Praise of Hatred*, centering on a family in Aleppo and mainly about "the Events" (the armed conflict in 1976–1982 between the Muslim Brotherhood and the security forces of the secular Baath Party, which left at least 10,000 dead in the city of Hama in 1982), a taboo topic, had been banned upon publication. In 2007, it was republished in Beirut.

[Sources: *NRC Handelsblad* (1 June 2011, 4–5 April 2013); Robert Worth, "A Bloody Era of Syria's History Informs a Writer's Banned Novel," *New York Times* (12 April 2008).]

On 17 July 2012, citizen journalist Fatima Khaled Saad was reportedly transferred to the headquarters of the general intelligence department in Damascus. In late June, Saad was detained for possession of recordings about the country's revolution (which began in March 2011). She was reportedly a victim of violence and ill-treatment while in custody.

[Source: *Index on Censorship* (2012 no. 4), 136.]

In 2012, government forces and their associated militias committed war crimes while rampaging through cities, towns and villages perceived to be opposition strongholds in areas including Homs, Idlib, Hama, Damascus and Aleppo governorates. They carried out indiscriminate attacks that killed or injured thousands of civilians. Many of the deaths resulted from the government's improper use of imprecise battlefield weapons in densely populated civilian areas. In addition to dropping free-fall, unguided bombs from aircraft, security forces fired mortars, artillery, incendiary weapons and rockets in residential areas. They also used internationally banned weapons, including anti-personnel mines and cluster munitions, and systematically looted, destroyed and burned property and sometimes the bodies of those they killed.

[Source: Amnesty International, *Report 2013* (London 2013), 259.]

Government forces withheld information on the fate of hundreds, possibly thousands, of detainees held in connection with the conflict in conditions that amounted to enforced disappearance. The authorities also continued their failure to account for some 17,000 people who disappeared in Syrian custody since the late 1970s. They included hundreds of Palestinians and Lebanese nationals who were arrested in Syria or abducted from Lebanon by Syrian forces or by Lebanese and Palestinian militias.

[Source: Amnesty International, *Report 2013* (London 2013), 261.]

The government took no steps to investigate the numerous allegations against their forces or to bring anyone to justice for alleged gross human rights violations, crimes against humanity or war crimes. The government maintained a regime of impunity, including legislation giving members of the security forces effective immunity for unlawful killings, torture, enforced disappearances and other human rights violations. Nor did the authorities take any steps to investigate and hold to account those responsible for gross violations committed in the past, including thousands of enforced disappearances and the killing of prisoners at Saydnaya prison in 2008 and Tadmur prison in June 1980. In February 2012, the Independent International Commission of Inquiry (established in 2011) gave the United Nations High Commissioner for Human Rights a sealed list of senior officials whom it said should be investigated for crimes against humanity. Armed opposition groups also failed to respect international humanitarian law, including by failing to prevent war crimes such as torture and the summary killings of captives.

[Source: Amnesty International, *Report 2013* (London 2013), 261–262.]

On 11 February 2013, the Islamist opposition movement al-Nusra decapitated the head of a statue of Abul Ala al-Maarri (973–1058) in Aleppo. An Arab philosopher, al-Maarri had condemned religious dogmas, which was the reason for the attack. On 4 March 2013, rebels tore down a statue of former President Hafez al-Assad (1971–2000) while conquering the town of Raqqa.

[Sources: “Beeld oude Assad omvergetrokken” (<http://nos.nl/artikel/480864-beeld-oude-assad-omvergetrokken.html>); 4 March 2013); *Trouw* (2 February 2013).]

See also Lebanon.

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012.

TANZANIA

Previous *Annual Report* entry: 2010.

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2012.

At least 90 people died and more than 2,000 were injured during violent political confrontations from March to May 2010 as a result of unnecessary or excessive use of lethal force by Thai security forces, as well as attacks by “Black Shirts,” a militant armed group operating in tandem with the anti-government United Front for Democracy against Dictatorship (UDD), known as the “Red Shirts.”

In January 2012, the government of Prime Minister Yingluck Shinawatra agreed to provide financial compensation to victims of the 2010 violence. However, many victims and their families said they feared that financial compensation had been offered as a substitute to full investigations and commitment to bring perpetrators of violence to justice. In May 2012, a National Reconciliation Bill that included an amnesty provision for those involved in the 2010 violence led to more protests. The Bill was put on hold in July 2012. After a court found security forces responsible for the May 2010 killing of an anti-government protester, murder charges were lodged against former Prime Minister Abhisit Vejjajiva and his former deputy Suthep Thaugsuban in December 2012. They were the first officials to be charged in connection with the 2010 violence. The trials of 24 UDD protest leaders charged with terrorism also started in December 2012.

On 17 September 2012, the independent Truth for Reconciliation Commission of Thailand (TRCT) presented its final report, which blamed both sides for the 2010 violence but indicated that the security forces were responsible for the majority of deaths and injuries. The commission urged the Yingluck government to “address legal violations by all parties through the justice system, which must be fair and impartial.” At the same time, the status of investigations into alleged crimes by “Black Shirt” militants remained unclear. A number of those accused of violence against soldiers, police officers, and anti-UDD groups were released on bail with the expectation they would not be prosecuted. The UDD leadership and their supporters, including those holding positions in the

government and the parliament, dismissed the TRCT findings and asserted that there were no armed elements within the UDD during the events of 2010. [Sources: Amnesty International, *Report 2013* (London 2013), 267; Human Rights Watch, *World Report 2013* (Washington 2013), 374–375.]

On 23 April 2013, the Ministry of Culture banned *Boundary*, a Thai-made documentary, about the 1000-year-old dispute over the Cambodian-Thai border, and made by filmmaker Nontawat Numbenchapol, because it included “information on incidents that were still being deliberated by the Thai court and that had not yet been officially concluded. The documentary highlighted stories about the thousands of people that were killed and displaced during a series of clashes in April 2011 around the Preah Vihear temple in the Dânggrêk mountains. [For background, see *NCH Annual Reports 2009, 2011, 2012*] [Source: Article 19, *Artistic Censorship Report: Filmmaker Abducted, Street Artists Fined* (http://www.ifex.org/international/2013/05/14/artistic_censorship; 14 May 2013).]

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2012.

Little progress was made in addressing crimes against humanity and other human rights violations committed by Indonesian security forces and their auxiliaries from 1975 to 1999. The mandate of the Serious Crimes Investigation Team ended in December 2012, having failed to complete around 60 investigations into outstanding cases of serious human rights violations committed in 1999.

[Source: Amnesty International, *Report 2013* (London 2013), 268.]

The Timorese authorities failed to implement recommendations of the Commission for Reception, Truth and Reconciliation and of the bilateral Indonesia-Timor-Leste Commission of Truth and Friendship. The recommendations included providing reparation to victims and their families, and taking effective measures to identify victims of enforced disappearance and children separated from their families. [Source: Amnesty International, *Report 2013* (London 2013), 268.]

In February 2012, Parliament began debating two draft laws establishing a national reparations program and a “Public Memory Institute.” However, the debate was postponed for the third time since June 2010, and no date was set for its resumption.

[Source: Amnesty International, *Report 2013* (London 2013), 268.]

See also Indonesia.

TOGO

Previous *Annual Report* entries: 2002, 2008–2012.

In April 2012, the Truth, Justice and Reconciliation Commission (TJRC) issued its first report after conducting interviews with victims and alleged perpetrators of political violence between 1958 and 2005. President Faure Gnassingbé asked for forgiveness on behalf of the nation and the authorities committed to take appeasement actions and award compensation to victims. However, at the end of 2012, no concrete action had been taken.

[Source: Amnesty International, *Report 2013* (London 2013), 270.]

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2012.

The uprising of December 2010–January 2011 was accompanied by the destruction or theft of administrative documents thought to contain evidence of the corruption of the formerly presidential families Ben Ali and Trabelsi. According to Hedi Jallab, the General Director of the National Archives, much of the archives of the Agence tunisienne de communication extérieure (ACTE, the agency distributing information to foreign media) were largely destroyed shortly after the revolution. The files of certain municipalities and local police bureaus, as well as most regional branches of the Rassemblement Constitutionnel Démocratique (RCD; Constitutional Democratic Rally), Ben Ali's ruling party, also disappeared.

[Sources: Mischa Benoit-Lavelle, "Director of Tunisia's National Archives: 'We Need Action' on Transitional Justice," *Tunesialive* (9 June 2012); "Tunisie: Vol et destruction des documents administratifs" (24 January 2011; <http://www.webmanagercenter.com/management/imprim.php?id=100948&pg=1>).]

On 2 November 2011, the board of the Faculty of Letters, Arts and Humanities at the Manouba campus of the University of Tunis, voted to ban the niqab (the full-face veil) on campus. On 28 November 2011, this provoked violent protest from Salafist groups. On 29 November, faculty dean and historian Habib Kazdaghli decided to deny outsiders access to the campus. However, a group that included non-students forced their way in the next day and confronted Kazdaghli, shoving him. In protest, the faculty halted classes for three days. On 6 December 2011, protesters prevented Kazdaghli from entering his office. After another incident, the dean closed the faculty. The ruling party

Ennahdha apparently did little to prevent the disruptions or prosecute Salafist excesses, which continued for at least six months. On 6 March 2012, two female students wearing niqabs forced their way into Kazdaghli's office and disrupted his papers. He removed them from the office and brought charges against them which were never processed by the police. Two weeks later, the two students themselves pressed charges against Kazdaghli. Originally accused of assault and facing fifteen days of imprisonment, the charge was changed in October 2012 to "violence committed by a civil servant while carrying out his duties," which could result in a five-year prison sentence. When Kazdaghli appeared in court on 2 January 2013, academics and trade unions demonstrated in his support. On 2 May 2013, the court acquitted Kazdaghli of all charges, ruling that there was no proof of an assault; the students were convicted of damaging property and interfering with a public servant carrying out his duties, and given a suspended sentence.

Kazdaghli wrote a PhD thesis about the history of the Tunisian Communist Party in 1982. A professor of contemporary history and member of the Société d'histoire des juifs de Tunisie, he is one of the few Tunisian non-Jews studying the history of Tunisian Jewry. This could have been an additional reason for the Salafist campaign against him.

[Sources: Associated Press (2 May 2013); Human Rights Watch, "Tunisia: Fundamentalists Disrupting College Campuses—Protect Universities from Threats of Violence" (9 December 2011); *L'Humanité* (19 April 2013); *NRC Handelsblad* (3 May 2013); Rob Prince, "Tunisia Culture Wars: the Case of Habib Kazdaghli, Dean of the University of Tunis-Manouba" (<http://www.opendemocracy.net>; 26 July 2012); Noah Rayman, "Trial Continues for University Dean Accused of Assaulting Veiled Student" (<http://www.tunisia-live.net/2012/11/21/trial-continues-for-univ-dean-accused-of-assaulting-veiled-student>; 21 November 2012); Martina Sabra, "Islamists Target Tunisia's Universities Freedom under Threat" (<http://en.qantara.de/Freedom-under-Threat/20958c23251i1p524>; 18 April 2013); *University World News* (24 October 2012; 13 January 2013); "Verdict in Tunisia Veil Trial Postponed," *France 24* (28 March 2013).]

In the autumn of 2011, Salafists condemned Amel Grami, a professor of Arab language and intellectual history at the La Manouba campus of the University of Tunis, as a "kaafira" (infidel) for not wearing a veil when teaching and for not allowing any fully-veiled students to attend her courses. They accused her of carrying out missionary work and claimed that she was trying to convert students to Christianity or Judaism in her seminar on comparative religious studies. They also asked her students what had been discussed during the seminar.

[Source: Martina Sabra, "Islamists Target Tunisia's Universities Freedom under Threat" (<http://en.qantara.de/Freedom-under-Threat/20958c23251i1p524>; 18 April 2013).]

The Fact-Finding Commission on Abuses Committed from 17 December 2010 until the End of its

Mandate (known as the Bouderbala Commission) issued its report in May 2012. The report described the events during the uprisings which overthrew former President Zine el-Abidine Ben Ali's government in December 2010–January 2011, and listed the names of those killed and injured. It identified 132 people killed and 1,452 injured up to 14 January 2011, the day Ben Ali fled. However, it failed to identify the individuals responsible for the use of lethal force and human rights violations. Some families of people killed refused to accept compensation as they felt justice had not been done.

In July 2012, Ben Ali received a sentence of life imprisonment after the Tunis Military Tribunal convicted him in his absence over the killing and injuring of protesters in Greater Tunis. Thirty-nine former members of his security forces who were present in court were convicted and sentenced to prison terms of up to 20 years. Both cases were referred to a military appeal tribunal and had not been resolved by the end of 2012. The process of bringing former officials to justice for crimes committed during the uprisings was questionable on several grounds, notably because trials were held before military tribunals rather than the civil courts. Also, victims, their families and lawyers criticized what they saw as a failure by the prosecuting authorities to conduct thorough investigations, and complained that they were subject to intimidation by those under investigation or accused, some of whom remained in positions of authority. The lack of political will from the government to press for Ben Ali's extradition from Saudi Arabia was criticized.

[Sources: Amnesty International, *Report 2013* (London 2013), 272–273; Human Rights Watch, *World Report 2013* (Washington 2013), 618–619.]

In January 2012, the government created a Ministry for Human Rights and Transitional Justice to develop strategies for addressing past human rights violations and to guarantee the future protection of human rights. In April 2012, the Ministry of Justice established a Technical Committee composed of officials and civil society representatives to consult people throughout Tunisia on issues of truth, justice, reparation and reform. The committee prepared a draft law proposing the creation of an independent Council of Truth and Dignity to oversee the process of transitional justice, which it submitted to President Moncef Marzouki and the National Constituent Assembly (NCA) in October 2012. Following his November visit, the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence expressed concern that Tunisia's transitional justice process was not comprehensive and was failing to give equal importance to each of the four elements of transitional justice.

[Source: Amnesty International, *Report 2013* (London 2013), 272.]

TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2012.

There was no progress in uncovering the full plot behind the January 2007 murder of journalist Hrant Dink or probing state collusion, though in January 2012 an Istanbul court convicted Yasin Hayal of “directing” Ogun Samast (already convicted of the murder in a juvenile court) and others as accessories to murder. The Dink family immediately appealed these findings and called for a new investigation.

[Sources: Amnesty International, *Report 2013* (London 2013), 275–276; Human Rights Watch, *World Report 2013* (Washington 2013), 490.]

Increasing public discussion of the past, and emerging new information on past crimes, provided new momentum for criminal investigations into human rights abuses by state actors in the 1980s and 1990s. The trial of the two surviving leaders of the 12 September 1980 military coup began in April 2012, an important opportunity to secure justice for the gross human rights violations committed after the coup.

The trial of the alleged anti-AKP (the ruling Justice and Development Party) coup plotters (known as the Ergenekon gang) whose defendants includes senior retired military, police, mafia, journalists, and academics, continued after separate proceedings were combined in April 2012 into one trial. In a related coup plot trial of serving military personnel (known as the Sledgehammer case), 324 out of 365 defendants received sentences of 13 to 20 years. All defendants were appealing their sentences as of late 2012. The serious fair trial concerns in these cases and the prolonged pre-trial detention of some defendants overshadowed the important contribution of these efforts to combat impunity of the military.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 492.]

Thousands charged with alleged terrorism offenses remained in prison throughout their trials, although some well-known figures like political scientist and historian Büşra Ersanlı, publisher Ragıp Zarakolu and journalists Ahmet Şık and Nedim Şener were released, though still face terrorism charges for activities amounting to exercising their rights to non-violent expression and association. Most of those in prison were Kurdish activists and officials of the Peace and Democracy Party (BDP) standing trial for alleged links to the Union of Kurdistan Communities (KCK/TM), a body connected with the outlawed Kurdistan Workers’ Party (PKK). [For background, see *NCH Annual Report 2012*.]

[Sources: Network of Concerned Historians (<http://www.concernedhistorians.org/ca/68.pdf>); <http://www.concernedhistorians.org/ca/68f1.pdf>; <http://www.concernedhistorians.org/ca/68f2.pdf>;

<http://www.concernedhistorians.org/ca/68f3.pdf>; <http://www.concernedhistorians.org/ca/68f4.pdf>; <http://www.concernedhistorians.org/ca/68f5.pdf>; Amnesty International, *Report 2013* (London 2013), 275; Human Rights Watch, *World Report 2013* (Washington 2013), 488; International PEN, *Rapid Action Network 56/11* (23 March & 16 July 2012); International PEN Rapid Action Network, RAN 23/13 [Update 1] (12 June 2013); *Index on Censorship* (2012 no. 3), 61–62, 113; International PEN, “Turkey: PEN International To Observe KCK Trial” (2 July 2012); “Urgent Appeal: Stop Arbitrary Detentions in Turkey!” (<http://www.ipetitions.com/petition/detentionsinturkey>).]

On 3 October 2011, Ayşe Berktaş was arrested as part of a crackdown related to the Party for Peace and Democracy (BDP). Berktaş was an author and translator of historical works, a women’s rights activist and a founding member of the World Tribunal on Iraq. Police arrested her and raided her home, seizing personal papers and materials, although no arrest or search warrant had been issued. Among her works were *History and Society: New Perspectives* (2008), *The Ottoman Empire and the World Around* (with Suraiya Faroqhi; 2007); among her translations were *The Imperial Harem: Gender and Power in the Ottoman Empire, 1520–1656*, by Leslie Penn Pierce, and *The Ottoman Empire, 1700–1922*, by Donald Quataert. Over the past decade, Berktaş conducted work at the History Trust, where she was part of the Prime Minister’s Advisory Board on Human Rights; the Women’s Human Rights Trust; the Compatriots for Peace Initiative; the Truth Behind Diyarbakir Prison Research and Justice Commission, where, in 2008, she met with individual prisoners that had been detained from 1980 to 1984; and the Women for Peace Initiative. She was charged under the Anti-Terror Law with “membership of an illegal organization” for allegedly “planning to stage demonstrations aimed at destabilizing the state, plotting to encourage women to throw themselves under police vehicles so as to create a furor, and attending meetings outside Turkey on behalf of the Kurdistan Communities Union (KCK).”

[Sources: Network of Concerned Historians (<http://www.concernedhistorians.org/ca/71.pdf>); International PEN, *Caselist—January to June 2012* (London 2012), 59, 62; International PEN Writers in Prison Committee, *Half-Yearly Caselist to December 2012* (London 2013), 59; International PEN Rapid Action Network, RAN 22/13 (7 May 2013); International PEN Rapid Action Network, RAN 23/13 [Update 1] (12 June 2013); Petition (http://ifex.org/turkey/2013/05/06/free_ayse_petition/); Profile (<http://www.pen.org/defending-writers/ay%C5%9Fe-berktay>).]

Zeynep Kuray (female), a columnist for the newspaper *BirGün*, was arrested in the December 2011 round of KCK (Kurdistan Communities Union) arrests. Among the evidence delivered in her May 2012 indictment was a draft translation of a passage of French historian Jean-François Solnon’s book, *Le Turban et la Stambouline: L’Empire ottoman et l’Europe, XVI–XXe siècles, affrontement et fascination réciproques* (2009), by her stepfather Ali Berktaş, which documents the anti-

Turkish/Ottoman sentiment in Europe between the 16th and 20th centuries. The passage of 11 pages came from a chapter titled, “Are they any better than dogs or are they good people?” and included disparaging quotations about Turks from Erasmus and Martin Luther.

[Source: International PEN Writers in Prison Committee, *Half-Yearly Caselist to December 2012* (London 2013), 58–59.]

On 8 March 2012, anthropologist and writer Muge Tuzcuoglu (female), was arrested as part of the KCK (Kurdistan Communities Union) investigation in Diyarbakır but released pending trial in September 2012. The next hearing of her trial was set for 24 December 2012. Tuzcuoglu claimed that the charges related to a seminar on the history of civilization that she gave at a BDP (Party for Peace and Democracy) Politics Academy conference.

[Source: International PEN Writers in Prison Committee, *Half-Yearly Caselist to December 2012* (London 2013), 61.]

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012.

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2012.

The Ugandan armed rebel group, the Lord's Resistance Army (LRA), continued to kill and abduct people across Central African Republic, southern Sudan, and northern Democratic Republic of Congo though at a reduced scale from previous years. In May 2012, Caesar Acellam Otto, a senior LRA commander, was captured by government forces. The same month, the Minister of Internal Affairs removed a provision in the Amnesty Act 2010 which had granted amnesty to LRA fighters. The law had previously shielded perpetrators of international crimes from prosecution and denied justice to victims. It was unclear whether Otto and others subsequently captured would be effectively prosecuted by the International Crimes Division of the High Court. The International Criminal Court's arrest warrants issued in 2005 remained in force for LRA leader Joseph Kony and three LRA commanders. The men were still at large at the end of 2012.

The War Crimes Division of the High Court did not begin its first trial of the only defendant in custody, former LRA fighter Thomas Kwoyelo, who was charged with willful killing, taking hostages, and extensive destruction of property. Kwoyelo had previously applied for amnesty. In January 2012, the High Court ordered the prosecutors to grant amnesty and release him, but the state appealed and the case was, as of late 2012, pending before the Supreme Court. The parliament permitted key provisions of the amnesty law to lapse (see above), meaning that for the first time since 2000, LRA fighters who ended up in custody could face criminal trial.

[Sources Amnesty International, *Report 2013* (London 2013), 279–280; Human Rights Watch, *World Report 2013* (Washington 2013), 183.]

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011.

In July 2010, the Cabinet of Ministers appointed Valeriy Soldatenko, an ideologue of the Communist Party of Ukraine, as the new director of the Ukrainian Institute of National Memory. In December 2010 a presidential decree reorganized the institute, significantly reducing its capacity and power. In February 2011, Soldatenko and his two deputy heads were dismissed. The State Archive Service was headed by another communist, Olha Hinzburh, who had declared that restoring historical memory “may harm descendants.” The State Archive of the Security Service of Ukraine (SBU) remained under control of the Security Service and its former policy of openness and declassification of

documents of Soviet security bodies about the *Holodomor*, the Stalinist repressions, the mid-twentieth century Organization of Ukrainian Nationalists and the nationalist Ukrainian Insurgent Army (UPA) was reversed. In 2012, the Verkhovna Rada (parliament) passed amendments to the law on the national archives that opened the possibility of destroying archival documents that had lost their cultural value, that had duplicate copies or that were irreparably damaged. It also permitted limiting access to documents containing “confidential information” for 75 years after the time of their creation. [Sources: *Kyiv Post* (24 February 2011); Inna Zavhorodnya & Vladyslav Hrynevych, “Erasing Ukraine’s Memories,” *Transitions Online* (17 July 2012).]

UNITED ARAB EMIRATES

Previous *Annual Report* entries: —.

In February 2013, Khaled Fahmy, professor and chair of the history department at the American University in Cairo, was scheduled to speak in Dubai at the inaugural launch event for *Al Fanar*, an editorially independent publication covering higher education in the Arab region. Although Fahmy was a member of the advisory board of *Al Fanar*, he refused to attend the launch after Kristian Coates Ulrichsen, a research fellow at the London School of Economics, was barred from entering the United Arab Emirates and sent back to London. Ulrichsen had planned to give a critical presentation at the American University in Sharjah about human rights violations in Bahrain. When, however, the government warned that no such discussion on the situation in Bahrain would be allowed from within another Gulf Cooperation Council state, the co-organizing London School of Economics canceled the event, entitled “The New Middle East: Transition in the Arab World.” Fahmy himself had planned to speak about the absence of the concept of liberal education and the lack of academic freedom at Arab universities. He also refused to attend a conference later at the New York University Abu Dhabi campus.

[Sources: Khaled Fahmy, “Why I Didn’t Go to Dubai,” *Al Fanar* (<http://www.al-fanar.org/2013/02/why-i-didnt-go-to-dubai>; 25 February 2013); Sarah Lynch, “Dwindling Academic Freedom in the Emirates,” *Al Fanar* (<http://www.al-fanar.org/2013/03/dwindling-academic-freedom-in-the-emirates>; 3 March 2013).

See also Egypt.

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2012.

In [June] 2009, four veterans of the Kenyan Mau Mau movement wanted to sue the British government in High Court (London) for compensation for torture, murder, sexual assault and other alleged abuses inflicted upon them by the British colonial administration while they were detained in special camps during the “Emergency” of 1952–1960. The government initially argued that according to the laws of state succession, the post-independence Kenyan state inherited the liabilities of the British colonial state and that, therefore, Kenya not, not the United Kingdom, was responsible for the atrocities committed against the Mau Mau. Allegations that the British abused suspected Mau Mau fighters had been uttered since the Kenyan Mwai Kibaki government lifted a 30-year ban on Mau Mau membership in 2003. On 21 July 2011, the High Court decided to allow the three plaintiffs (the fourth died in the meantime) to sue the Foreign Office. The case opened the way for other Kenyans to seek redress.

During the proceedings, on 17 July 2012, the British government officially acknowledged that colonial forces in Kenya tortured and abused detainees during the Mau Mau rebellion but it also argued that the actions occurred too long ago and that the availability of witnesses and documents was problematic. On 5 October 2012, the High Court decided that the complainants could proceed with their legal claims. They wanted an official apology and damages to set up a Mau Mau welfare fund. The government appealed against the decision but in April 2013 it adjourned the appeal. In May 2013 it negotiated payments to thousands of Kenyans in what would be the first compensation settlement resulting from official crimes committed under imperial rule. On 6 June 2013, Foreign Secretary William Hague said in the House of Commons that Britain was to pay out £19.9 million in costs and compensation to more than 5,000 elderly Kenyans who suffered torture and abuse during the uprising. Britain would also support the construction of a memorial in Nairobi to the victims of torture and abuse during the colonial era.

[Sources: Amnesty International, *Report 2013* (London 2013), 285; *BBC News* (21 July 2011; 18 April & 17 July & 5 October 2012); Huw Bennet, “Kenyan Mau Mau: Official Policy Was To Cover Up Brutal Mistreatment,” *Guardian* (5 May 2013); Ian Cobain & Jessica Hatcher, “Kenyan Mau Mau Victims in Talks with UK Government over Legal Settlement,” *Guardian* (5 May 2013); Afua Hirsch, “UK ‘Using Obscure Legal Principle’ to Dismiss Torture Claims in Colonial Kenya,” *Guardian* (25 January 2010); *Keesings Historisch Archief* (2012), 574; Ben McIntyre, “50 Years Later: Britain’s Kenya Cover-Up Revealed,” *Times* (5 April 2011); Peter Mwaura, “Kenya: If Mau Mau Veterans Lose Compensation Case in London Court, Let the People Pay,” *The Nation* (<http://allafrica.com/stories/201106060803.htm>; 3 June 2011); *NRC Handelsblad* (7 June 2013), 14;

“UK To Compensate Kenya's Mau Mau Torture Victims, *Guardian* (6 June 2013).]

In January 2011, during the above High Court case, the government was forced to admit that thousands of files (covering the period 1930s–1970s) had been massively and systematically selected and destroyed or secretly sent to the United Kingdom from many of its colonies (Aden, Anguilla, Bahamas, Basutoland [Lesotho], Bechuanaland [Botswana], British Indian Ocean Territories, Brunei, Cyprus, Kenya, Malaya, Sarawak and the Seychelles), prior to their independence [See also *NCH Annual Report 2012*]. British colonial officials selected the “migrated files” (files for secret “migration” back to the United Kingdom), eventually using criteria set out in a 1961 memo by Secretary of State for the Colonies Iain Macleod (containing instructions to classify papers embarrassing for the British authorities according to unofficial classification categories, including removal, destruction and transfer to the United Kingdom). The aim was to deliberately remove incriminating evidence.

In April 2011, a vast cache of documents was discovered (200 boxes of some 18,000 files containing official records from 37 former colonies and protectorates. The cache was discovered by a number of historians, including David Anderson, professor of African politics at Oxford University, and Huw Bennet, a lecturer at Aberystwyth University, who were involved as experts in the court case of the Mau Mau veterans. Many of the boxes (containing more than 1500 files and filling 110 feet of shelving) of the cache were related to Kenya—30 of which were reportedly relevant to the above High Court case. Former Mau Mau detainees and their families had been told that the official and legal records had been lost or destroyed; historians had never been granted access to them.

On 18 April 2012, the Foreign and Commonwealth Office (FCO) began releasing the first (1,200 records) of six tranches of the “migrated” files, coming from 12 former colonial territories; they covered such controversial episodes as the Mau Mau uprising in Kenya (1952–1956), the evacuation of the Chagos Islands, and the Malayan Emergency (the 1948–1960 conflict with communist insurgents). However, many important files (particularly related to periods of emergency) were still missing. The migrated files contained nothing from some colonies, like British Guiana (although in the latter there had been intense British and American military and security intervention from 1953 to 1964).

In April 2013, it emerged that the Foreign Office held back significant numbers of documents (including files containing minutes of cabinet meetings in colonial Kenya in 1963; files about the 1946 bombing of the British military headquarters in Jerusalem; and files containing telegrams sent by British diplomats from Mauritius in 1968, which could include information on the British decision to expel about 1,500 Chagos islanders a few years later, having agreed to lease Diego Garcia to the United States for use as a military base). Section 3.4 of the 1958 Public Records Act permitted government departments to withhold from public view any historic document “required for

administrative purposes” or that “ought to be retained for any other special reason.”

[Sources: *BBC News* (21 July 2011; 18 April 2012); Ian Cobain & Jessica Hatcher, “Kenyan Mau Mau Victims in Talks with UK Government over Legal Settlement,” *Guardian* (5 May 2013); Caroline Elkins, “The Colonial Papers: FCO Transparency Is a Carefully Cultivated Myth,” *Guardian* (18 April 2012); *Guardian* (30 November 2012; 26 April 2013); Ben McIntyre, “50 Years Later: Britain’s Kenya Cover-Up Revealed,” *Times* (5 April 2011); Peter Mwaura, “Kenya: If Mau Mau Veterans Lose Compensation Case in London Court, Let the People Pay,” *The Nation* (<http://allafrica.com/stories/201106060803.htm>; 3 June 2011); *Times* (5 April 2011).]

In 2011, Benny Morris (1948–), history professor at Ben-Gurion University of the Negev, was assaulted on a street by a group of Muslims before a conference at the London School of Economics. When Morris finished his lecture on Israel’s war of 1948, he was escorted through the back exit for safety reasons. At Cambridge University, his class was canceled after intimidation by Islamist groups. [Source: Giulio Meotti, “Western Universities Becoming Frightening Bastions of Anti-Israel, Anti-Jewish Hostility” (Ynetnews; 5 June 2012).]

In November 2011, Niall Ferguson, historian at Harvard University, threatened to sue Indian writer Pankaj Mishra for defamation because in a review of his book *Civilization: The West and the Rest* for the *London Review of Books*, the latter reportedly called Ferguson a racist. Mishra had criticized Ferguson for his views on imperial history and associated him to American racial theorist Theodore Lothrop Stoddard (author of *The Rising Tide of Color against White World-Supremacy*).

[Sources: “British Historian Threatens Defamation Suit,” *Chronicle of Higher Education* (<http://chronicle.com/blogs/pageview/british-historian-threatens-defamation-suit/29793>; 30 November 2011); *Guardian* (26 November & 4 December 2011).]

In late August 2012, after Channel 4 screened *Islam: The Untold Story*, presented by writer and historian Tim Holland, 550 complaints were received of viewers who claimed that the program distorted the history of Islam. Holland had said that there was little written contemporary evidence about the life of the Prophet Muhammad and claimed that the Quran made little or no reference to the holy city of Mecca.

[Source: *Daily Mail* (2 September 2012).]

Northern Ireland

In October 2012, an inquiry (established by the Northern Ireland Executive) into institutional child abuse during the period 1922–1995, commenced its work. In November 2012, Her Majesty’s Inspectorate of Constabulary began a review of the work of the Historical Enquiries Team (HET),

which was established to re-examine all deaths attributed to the conflict in Northern Ireland. The review would focus on whether HET investigations into cases involving the army were compliant with human rights and policing standards.

In December 2012, the Police Service of Northern Ireland confirmed that a criminal investigation into the killing of 13 civil rights marchers by British soldiers on Sunday 30 January 1972 (“Bloody Sunday”), would begin in 2013.

[Source: Amnesty International, *Report 2013* (London 2013), 286.]

On 6 July 2012, a United States appeals court ruled that Ed Moloney and Anthony McIntyre had no standing to prevent the interviews stored at Boston College to be disclosed and that the tapes with Dolours Price’s secret testimony could be handed over to the Police Service of Northern Ireland (PSNI) as part of its investigations into the 1972 Jean McConville murder [For background, see *NCH Annual Report 2012*]. The ruling led to the issue being discussed in the Dáil Éireann (the lower house, but principal chamber, of the Oireachtas [Irish parliament]). Irish Minister of State for Foreign Affairs Joe Costello said the affair could damage the peace process. As a result of the United States justice department’s pursuit of the Price interviews, police officers, soldiers and spies who fought the Irish Revolutionary Army (IRA) withdrew from a proposed parallel project. In October 2012, the court temporarily blocked the interviews from being turned over. On 13 April 2013, the American Supreme Court confirmed the ruling of the court of appeals to turn over the records to the American government.

[Sources: American Sociological Association, “Subjects from the Subpoena of Confidential Belfast Project Research Data” (21 February 2012); Fin Dwyer, “Who Owns History? The Boston College Subpoenas” (<http://bostoncollegesubpoena.wordpress.com>; 27 July 2012); *The Epoch Times* (15 April 2013); *Index on Censorship* (2012 no. 2), 144; (2012 no. 3), 83–88; 113; *Irishcentral.com* (16 April 2013); Henry McDonald, “US Court Says IRA Member’s Secret Testimony Can Be Handed Over to Police,” *Guardian* (8 July 2012); PA, “Old Bailey Bomber Price Found Dead,” *Irish Times* (24 January 2013); “Updates on the Threat to Oral History Archives” (<http://bostoncollegesubpoena.wordpress.com>; 2012).

See also India, Iraq, Ireland, United Arab Emirates.

UNITED STATES

Previous *Annual Report* entries: 1995–2012.

The absence of accountability for crimes under international law committed under the administration of President George W. Bush (2001–2009) in relation to the Central Intelligence Agency’s program of secret detention was further entrenched.

[Source: Amnesty International, *Report 2013* (London 2013), 288.]

In May 2012, Tennessee enacted legislation “to protect the academic freedom of teachers in public schools,” meaning that individual teachers had to be able to discuss creationism as against evolutionism. Analyst Heather Weaver called the law a “cover to teachers who want to undercut scientifically accurate lessons about evolution by injecting veiled creationist doctrine into science classes.”

[Source: *Index on Censorship* (2012 no. 3), 98–102, 113.]

On 10 May 2012, a District Court judge accepted that volume 5 of the five-volume Top Secret *Official History of the Bay of Pigs Invasion*, a Central Intelligence Agency (CIA) work, was a “draft” that never was officially approved for inclusion in the official history, and therefore that it was exempt from declassification under the “deliberative process privilege” (FOIA exemption 5). In August 2012, the National Coalition for History and twelve other history and archival organizations requested a Federal appeals court to revise the ruling. They noted the precedential impact of the case and the chilling effect of the court decision on access to historical materials at other federal agencies. In December 2012, the court rejected a CIA motion “for summary affirmance” and affirmed that the case merited its full consideration. [For background, see *NCH Annual Reports 2011, 2012*.]

[Sources: “National Coalition for History Asks Federal Court to Review FOIA Decision” (<http://historycoalition.org/2012/08/30/national-coalition-for-history-asks-federal-court-to-review-foia-decision>; 30 August 2012); National Security Archive, *Update* (14 April & 1 August & 15 August 2011, 17 April & 10 May & 7 December 2012).]

In September 2012, it became known that the Roosevelt government covered up testimony by American prisoners of war (held in Nazi camps) supporting the claim of Soviet responsibility for the 1940 Katyn massacre; successive American governments remained silent about the massacre in order not to add to the tensions with the Soviets during the Cold War. [For background, see *NCH Annual Reports 2005, 2009–2012*.]

[Source: Vanessa Gera & Randy Herschaft (Associated Press), “Newly Declassified Memos Show US

Hushed up Soviet Massacre” (<http://newsmilitary.com/pages/6721822-newly-declassified-memos-show-us-hushed-up-soviet-massacre>).

In January 2013, Pentagon censors decided that 198 of the 433 passages of Anthony Shaffer’s book *Operation Dark Heart* (an insider’s memoir by a lieutenant colonel about his life as an intelligence officer in Afghanistan) could be printed without damaging national security. [For background, see *NCH Annual Report 2011*.]

[Source: *New York Times* (25 January 2013).]

See also Afghanistan, Bangladesh, Bolivia, India, Indonesia, Iran, Iraq, Japan, Kenya, Korea (North), Marshall Islands, United Arab Emirates, United Kingdom, Yemen.

URUGUAY

Previous *Annual Report* entries: 2001–2012.

Steps were taken to end impunity for crimes committed during military rule (1973–1985), including efforts to establish the identity of victims of enforced disappearance. In March 2012, President José Alberto Mujica Cordano publicly recognized state responsibility for the enforced disappearance of María Claudia García Iruretagoyena de Gelman and the abduction of her baby daughter, María Macarena Gelman García, in 1976. Public recognition was one of the measures called for in a 2011 ruling on the case by the Inter-American Court of Human Rights.

[Source: Amnesty International, *Report 2013* (London 2013), 291.]

UZBEKISTAN

Previous *Annual Report* entries: 2005–2012.

The government continued to refuse an independent investigation into the 2005 massacre of hundreds of citizens in Andijan, who had gathered to protest socio-economic problems and civil and political grievances in the country in connection with the government’s prosecution of local business leaders on charges of terrorism. The Uzbek government’s persistent refusal to allow an independent international investigation denied justice to victims and failed to bring to account those responsible. Authorities continued to persecute anyone suspected of having participated in, or witnessed, the

atrocities and to intimidate family members of Andijan massacre survivors who sought refuge abroad.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 506, 509.]

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011.

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012.

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2012.

Police in An Giang prevented members of the unregistered Pure Hoa Hao Buddhist Association from gathering to commemorate key events, including the anniversary of the disappearance of the group's founder Huynh Phu So.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 386.]

In April 2012, the government revealed a draft Decree on Management, Provision and Use of Internet Services and Information on the Network. As drafted, the decree will outlaw posting internet content that opposes the Vietnam government, national security, public order, customs and traditions, national unity, offends the reputation of an individual or group, or transgresses a number of other ill-defined areas of concern.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 383.]

WESTERN SAHARA

See Morocco/Western Sahara.

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010.

The fragile transition government that succeeded President Ali Abdullah Saleh in 2012 following mass protests faced multiple challenges in ending human rights violations. Fighting linked to the political upheaval decreased, but sectarian clashes continued in the north, and government forces fought with the Yemen branch of al Qaeda in the south. Saleh left office in February 2012, under an exit accord brokered by the Gulf Cooperation Council (GCC) and backed in most aspects by the United Nations (UN) Security Council, the United States, and European Union member states.

On 21 January 2012, the government enacted an immunity law, Law No.1 of 2012, in accordance with the power-transfer agreement. The law granted Saleh and all those who were employed by his government immunity from criminal prosecution for “politically motivated acts” carried out in the course of their duties during Saleh’s 33-year rule (1978–2012). Consequently, it prevented many victims of arbitrary detention, torture, extrajudicial execution, enforced disappearance and other violations carried out under Saleh’s long rule from obtaining justice, truth and reparation. As such, the immunity law breached Yemen’s international legal obligations to investigate and prosecute crimes under international law and other human rights violations.

Under a UN-facilitated “Implementing Mechanism” that served as a transition blueprint, the government was to bring security forces—including those run by Saleh’s relatives—under civilian command, pass a transitional justice law, draft a new constitution, reform the electoral and judicial systems, and hold general elections in 2014. It was also to convene a national dialogue conference to address grievances by groups including northern Huthi rebels and the Southern Movement (a coalition of groups seeking greater autonomy or secession for the former South Yemen). Transition measures were resisted by loyalists of Saleh, who remained in Yemen as head of the General People’s Congress. In July and August 2012, pro-Saleh troops and tribesmen stormed the Interior and Defense ministries, prompting gunfights that killed 21 people.

On 22 September 2012, President Abd Rabbu Mansour Hadi authorized the creation of an independent commission to investigate violations during the 2011 uprising, and recommend accountability for perpetrators and redress for victims, but it had not commenced at the end of 2012. A draft Transitional Justice and National Reconciliation Law was under discussion. However, the draft emphasized forgiveness as an element of reconciliation and did not provide justice for victims of past human rights violations.

In September 2012, a trial began for 78 defendants in the deadliest attack on protesters of the uprising, in which pro-government gunmen killed 45 and wounded 200 on 18 March 2011. Political interference and failure to investigate evidence that implicated government officials marred the

prosecution's case. Most key defendants remained fugitives.

[Sources: Amnesty International, *Report 2013* (London 2013), 298; Human Rights Watch, *World Report 2013* (Washington 2013), 629–630.]

ZAMBIA

Previous *Annual Report* entry: 2009.

See Kenya.

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2012.

Human rights developments in 2012 were dominated by the drafting of a new constitution and the implementation of the Global Political Agreement (GPA), signed in 2008, which created the power-sharing coalition between the former ruling party, the Zimbabwe African National Union-Patriotic Front and the opposition party Movement for Democratic Change following the 2008 elections. There was little progress in implementing key aspects of the GPA, notably ensuring accountability for past human rights abuses.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 185.]

See also South Africa.

INTRODUCTION

The eighteenth *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists and archaeologists around the globe, as reported by various human rights organizations and other sources. It covers events and developments of 2011 and 2012. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

Please cite as:

Network of Concerned Historians, *Annual Report 2012* (<http://www.concernedhistorians.org>).

The complete set of *Annual Reports* (1995–2012) was compiled by Antoon De Baets. Please send any comments to: <antoondebaets@concernedhistorians.org>.

AFGHANISTAN

Last *Annual Report* entry: 2011.

In 2012, the new series of official obligatory high school history textbooks, in preparation since 2002 and funded by the United States Commander's Emergency Response Program (the United States military's foreign aid arm), did not cover post-1973 history, thus stopping their coverage with the ouster of King Mohammad Zahir Shah in 1973 by Mohammed Daoud Khan and omitting the following period of political instability, including the Soviet occupation (1979–1989), the *mujaheddin* (Muslims who struggle in the path of God) and the civil war (1989–1996), the Taliban (1996–2001), and the United States military presence (2001–2012). In order to promote a single national identity, the depoliticization and deethnification textbooks were deemed necessary. In the post-1979 period, the USSR distributed books emphasizing communism and Marxism. In the late 1980s, the United States financed textbooks supporting the struggle of the *mujaheddin*. During the Taliban's reign, conservative Islamic texts were imported from Pakistan. In western Afghanistan, Iranian textbooks openly praising Iran-backed militant groups such as Hizbollah and Hamas were for years distributed in public schools. The depoliticized approach was chosen as there was no agreement of how Afghanistan descended into civil war. Even mention of such key figures as the Northern Alliance commander Ahmad Shah Massoud or the Taliban's Mohammad Omar was controversial. Despite broad consensus about the approach, Mir Ahmad Kamawal, history professor at Kabul University, criticized the omissions.

[Source: Kevin Sieff, "Afghanistan; a new approach to teaching history: Leave out the wars," *Washington Post* (5 February 2012).]

See also Libya.

ALBANIA

Last *Annual Report* entry: 1996.

After the collapse of communism, former communist ruler Enver Hoxha (1908–1985) was written out of history. In February 1991, students and academics at Tirana University demanded and obtained the removal of his name from courses of study. His body was removed from a national memorial and reburied in a public cemetery. Napalm was used to wipe his name from a mountain side where it had been written in stone. A new law passed on 14 July 2011 approved a plan to tear down a pyramid-

shaped landmark built on Tirana's main thoroughfare as a museum for Hoxha to open the way for a new parliament, to be built in honor of the 100th anniversary of Albania's independence in 1912 after 500 years of Ottoman domination.

[Sources: *BBC News* (19 November 2004); Derek Jones, ed., *Censorship: A World Encyclopedia* (London/Chicago 2001), 28; *Keesings historisch archief* (2011), 344; Benet Koleka, "Albania To Raze Hoxha's Pyramid for New Parliament" (Albanian.com; 14 July 2011).]

See also Macedonia, Serbia / Kosovo.

ALGERIA

Last *Annual Report* entry: 2011.

The authorities again took no steps to investigate the thousands of enforced disappearances and other serious abuses that took place during the internal conflict (1992–2000) or to ensure that perpetrators were held accountable. They continued to implement the Charter for Peace and National Reconciliation (Law 06-01), which gave impunity to the security forces, criminalized public criticism of their conduct and granted amnesties to members of armed groups responsible for gross human rights abuses. Families of people who disappeared faced pressure to accept generic certificates, which stated that their relatives were dead but did not specify the date or cause of death, as a precondition for claiming compensation. The security forces dispersed demonstrations organized by families of the disappeared.

[Sources: Amnesty International, *Report 2012* (London 2012), 60, 61–62; Human Rights Watch, *World Report 2012* (Washington 2012), 532–533.]

See also France, Morocco / Western Sahara

ANGOLA

Last *Annual Report* entry: 2009.

ARGENTINA

Last *Annual Report* entry: 2011.

In February 2011, Felipe Noble Herrera and Marcela Noble Herrera, who were adopted children of one of the richest women in Argentina, lost their legal challenge to the DNA laws, which forced them to give DNA samples in an attempt to establish their true parentage. In May 2010, following the pair's refusal to provide samples, their house was raided, they were stripsearched and samples from clothing and toothbrushes were taken. A 2009 law gave the courts power to forcibly obtain DNA if someone refused to submit to a blood test. The law's origin dated back to the 1970s and 1980s when left-wing activists were kidnapped, tortured and imprisoned by the military dictatorship. Many of those detained were young couples with either newborns or mothers expecting a child; babies were taken away and given to military or police officials to bring up as their own. The government that followed the military dictatorship set up a National Bank of Genetic Data, where grandparents and relatives of the missing children contributed DNA samples for identification purposes. Although campaigners attempted to identify the children of the disappeared, not all of them wanted to know about their biological parents.

[Source: *Index on Censorship* (2011, no. 2), 140.]

In April 2011, former Brigade General Reynaldo Bignone and politician and former police officer Luis Abelardo Patti were sentenced to life imprisonment for several cases of murder, abduction and torture in the town of Escobar during the 1970s. In October 2011, former navy captain Alfredo Astiz and 15 others were given prison sentences of between 18 years and life for their role in 86 crimes against humanity committed at a secret detention center in the Buenos Aires naval school (Escuela Superior de Mecánica de la Armada, ESMA). Under military rule, hundreds of people had been held in the ESMA after being abducted; some were killed under torture while others were flung to their deaths from airplanes. Among those killed were human rights activists Azucena Villaflor, María Bianco and Esther Careaga, cofounders of the Mothers of the Plaza de Mayo.

[Source: Amnesty International, *Report 2012* (London 2012), 12, 65.]

In August 2011, Osvaldo Bayer (1927–), a left-wing historian and film director, film codirector Mariano Aiello and historian Felipe Pigna were sued for defamation by José Alfredo Martínez de Hoz, who accused them of falsifying history and damaging his “family's honor” and demanded a ban on the film *Awka Liwen* (Rebelde Amanecer; Rebel Awakening; September 2010) and heavy fines. In this film, Bayer, Aiello and Pigna analyzed the 1879 Campaña del Desierto (Desert Campaign) of Julio Argentino Roca, a military campaign against the indigenous peoples of Argentina (Mapuche and

Tehuelce), during which part of the pampa and Patagonia was conquered. The film asserted that, in the preparation of the campaign, José Toribio Martínez de Hoz ([1823]–71) (José Alfredo Martínez de Hoz's great-great-grandfather), who had founded and presided the Sociedad Rural Argentina (Argentinian Rural Society) in 1866–70, had called for military intervention against the indigenous peoples, with the aim of evicting them and establishing latifundia with cattle instead.

[Sources: Rodrigo Alonso, "Osvaldo Bayer recibió el apoyo de centenares de santafesinos" (http://www.amsafelacapital.org.ar/Noticia_completa.php?ID=900); Amsafe [2011]); Osvaldo Bayer, "Los Martínez de Hoz al ataque," *Página 12* (3 September 2011).]

Several important human rights cases from Argentina's last military dictatorship (1976–1983) were reopened in 2003 after Congress annulled the 1986 "Full Stop" law, which had stopped prosecution of such cases, and the 1987 "Due Obedience" law, which granted immunity in such cases to all members of the military except those in positions of command. Starting in 2005, federal judges struck down pardons that then-President Carlos Menem issued between 1989 and 1990 to former officials convicted of or facing trial for human rights violations. As of October 2011, according to the Center for Legal and Social Studies (CELS), 379 cases involving killings, "disappearances," and torture were under judicial investigation or being tried in court. Of 1,774 alleged perpetrators, 749 were facing charges for these crimes, and 210 had been convicted. Trials have been subject to delays at the appellate level. As of late 2011, the Supreme Court had confirmed final sentences in only four of the cases reactivated after the annulment of the amnesty laws. In March 2011 the First Federal Oral Court sentenced an army general to life imprisonment and three agents to prison terms between 20 and 25 years for the murder, torture and illegal arrest of detainees held in the 1970s in a secret detention center in Buenos Aires, known as Automotores Orletti. It was the first conviction in Argentina of participants in Plan Condor, a scheme by which the military rulers of the region coordinated the abduction, interrogation and "disappearance" of political opponents. More than 30 Uruguayans abducted in Argentina in 1976 were held at Automotores Orletti, before some were transferred back to Uruguay. Others "disappeared."

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 206–207.]

As of late 2011, no one had been convicted for the 1994 bombing of the Jewish Argentine Mutual Association in Buenos Aires in which 85 died and over 300 were injured. Criminal investigations and prosecutions were hindered by judicial corruption and political cover-ups in Argentina, and by the failure of Iran (suspected of ordering the attack), to cooperate with the Argentine justice system. An Argentine federal court issued an international warrant for the arrest of former Iranian President Ali Akbar Hashemi-Rafsanjani and six Iranian officials in 2006, but demands for their extradition fell on deaf ears. President Cristina Fernández de Kirchner repeatedly called for justice in annual speeches at

the United Nations (UN) since taking office in 2007, as did her husband, former President Néstor Kirchner (died 2010). In September 2011 she told the UN that she would accept an Iranian government proposal to open a dialogue about the case, but only if it brought concrete results.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 209.]

On 22 March 2012, the government declassified the 1983 Rattenbach report, which reviewed the mistakes made by the military junta in going to war with Britain in 1982. The report was so critical of the military leadership that the junta (particularly Brigade General Reynaldo Bignone) ordered it kept secret for fifty years. A version of the report was leaked by General Tomás Sánchez de Bustamante in 1983 to support the then still fragile civil government and to remove any blame from the army (which was positively referred to in the report). The war cost more than 900 lives.

[Sources: *Keesings historisch archief* (2012), 167; *Washington Post* (23 March 2012).]

See also Paraguay, Spain.

ARMENIA

Last *Annual Report* entry: 2010.

AUSTRALIA

Last *Annual Report* entry: 2009.

AUSTRIA

Last *Annual Report* entry: 2009.

AZERBAIJAN

Last *Annual Report* entry: 2011.

On 5 February 2011, history student Jabbar Savalan (Jabbar Savalanli) ([1991–]) was arrested when

returning home from a meeting of the opposition Azerbaijan Popular Front Party (APFP) in Sumgayit. He was interrogated for two days without access to a lawyer and reportedly slapped and threatened until he signed a confession that he used drugs—despite a blood test showing that he had not. According to Savalan, the drugs were planted on him by the police. On 4 May 2011, he was convicted of possessing illegal drugs for personal use and sentenced to 2,5 years' imprisonment. On 26 July 2011, the Sumgayit appeal court and on 29 November 2011, the Azerbaijan Supreme Court upheld this decision. The real reason was widely believed to be his peaceful anti-government activism. His activities included using the *Facebook* website to share a newspaper article criticizing President Ilham Aliyev, and calling for Egypt-inspired anti-government protests. On 26 December 2011, Savalan was released under a pardon decree issued by the president.

[Sources: Amnesty International, *The Wire* (October/November 2011), 41, no. 5, (insert); Amnesty International, "Jailed Azerbaijani Youth Activist Freed (Press release; 27 December 2011); Institute for Reporters' Freedom and Safety, *Ifex Alert* (29 December 2011).]

BAHRAIN

Last *Annual Report* entry: 2011.

In late June 2011, King Hamad bin ‘Issa Al Khalifa appointed the Bahrain Independent Commission of Inquiry (BICI), comprising five international legal and human rights experts, to investigate alleged human rights violations committed in connection with the mass pro-reform protests that had started on 14 February 2011. Most demonstrators were from the majority Shi’a community, who believed they were discriminated against by the ruling Sunni minority. BICI reported to the King on 23 November 2011. It said that it had examined more than 8,000 complaints; interviewed more than 5,000 individuals, including male and female detainees; and visited various prisons, detention centers and the Salmaniya Medical Complex in Manama. It confirmed that many detainees had been tortured by security officials who believed they could act with impunity; that police and other security forces had repeatedly used excessive force against protesters, resulting in unlawful killings; and that legal proceedings before the National Safety Court (NSC; a special military court set up under the state of emergency) had been seriously defective. Among its recommendations, the BICI called for all allegations of torture to be independently investigated, for those responsible for abuses to be held criminally liable whatever their rank, and for the release of all those imprisoned on account of their legitimate exercise of freedom of expression. The king and government undertook to implement BICI’s recommendations.

[Source: Amnesty International, *Report 2012* (London 2012), 72, 75.]

BANGLADESH

Last *Annual Report* entry: 2011.

In June 2011, the government amended the International Crimes (Tribunals) Act of 1973, established to prosecute those responsible for atrocities *during* the 1971 India-Pakistan war leading to the independence of Bangladesh, but it still fell short of international standards. The definitions of war crimes, crimes against humanity, and genocide did not conform to international standards and the government failed to amend the law to ensure due process. Defense lawyers, witnesses, and investigators said they had been threatened. Seven suspects, all coming from the two main opposition parties, were scheduled to be tried: Motiur Rahman Nizami, Ali Ahsan Muhammad Mojahid, Muhammad Kamaruzzaman, Abdul Quader Molla and Delwar Hossain Sayeedi [Delwar Hossein Sayedee] from Jamaat-e-Islami, and Salauddin Quader Chowdhury and Abdul Alim from the

Bangladesh Nationalist Party. They were indicted for war crimes but they denied the allegations and accused the government of carrying out a vendetta. All but Abdul Alim, who was released on bail, remained detained. Five of the detainees were in custody for more than 18 months without charge. In October 2011, the tribunal began proceedings in its first case, that of Delwar Hossain Sayeedi, charged for allegedly assisting the Pakistani army to commit genocide; kill, torture and rape unarmed civilians; torch houses of local Hindus; and force Hindus to convert to Islam. No one was indicted for crimes committed immediately *after* the victory of independence forces in late 1971. According to official figures, more than three million people were killed and many more were left homeless. Prime Minister Sheikh Hasina was the daughter of Sheikh Mujibur Rahman, who declared the country independent in 1971 and became its founding president after the war; he was later assassinated.

In May 2010, it was revealed that most of the official records of the 1971 war were shredded shortly after the war, probably deliberately. They included records documenting the creation of the *Mukti Bahini* (the Bangladesh freedom fighters) and the Indian army operations during the war. The Indian Army had housed and trained the *Mukti Bahini* in different camps across India; the fighters were later a part of the operations led by the eastern command.

[Sources include: Amnesty International, *Report 2012* (London 2012), 75–76; *BBC News* (20 November 2011); Human Rights Watch, *World Report 2012* (Washington 2012), 297–298; J. Joseph, “Truth Lost? Most Military Records of Bangladesh War Missing,” *Times of India* (9 May 2010); *Keesings historisch archief* (2011), 562.]

BELARUS

Last *Annual Report* entry: 2011.

BELGIUM

Last *Annual Report* entry: 2011.

In July 2008, Bart De Wever (1970–), a historian-turned-politician and chairman of the Nieuw-Vlaamse Alliantie (NV-A; New Flemish Alliance; a political party openly advocating the gradual breakup of Belgium), sued Belgian French-speaking writer Pierre Mertens (1939–), a professor of international law at the Free University of Brussels, for defamation. In October 2007, in reaction to an apology of Patrick Janssens, the Socialist mayor of Antwerp, for Antwerp’s overzealous role in the deportation of 1,2000 Jews in World War II, De Wever had called the apology “gratuitous” and

“opportunistic” and said: “Those in power at the time had to take decisions in difficult circumstances. I do not find it courageous to stigmatize them now.” De Wever later apologized to Antwerp’s Jewish leaders. In December 2007, Mertens had written in the French daily *Le Monde* and the Flemish weekly *Knack* that De Wever was a “undiluted negationist leader.” On 14 February 2012, the court dismissed the charge because the prescription term of three months had been passed.

[Sources: “Flemish Politician, Called a ‘Negationist,’ Sues Belgian Writer” (European Jewish Press; 10 July 2008); Hugo Franssen, “‘Natrappen’: het ‘softe revisionisme’ van Bart De Wever,” *De wereld morgen* (14 December 2011); *Knack* (23 & 24 May 2011; 14 February 2012); *Wikipedia* (31 January 2012); Julien Vlassenbroek, “La plainte de Bart De Wever contre Pierre Mertens a été rejetée” (RTBF; 14 February 2012).]

See also Chad.

BOLIVIA

Last *Annual Report* entry: 2011.

Those responsible for serious human rights violations, including enforced disappearance and extrajudicial executions, carried out before democracy was reestablished in 1982, continued to evade justice. By the end of 2011, the armed forces had not handed over to prosecutors information relating to past human rights violations, despite Supreme Court orders in April 2010 requiring them to declassify the information. The government did not press for the information to be disclosed.

[Sources: Amnesty International, *Report 2012* (London 2012), 82; Human Rights Watch, *World Report 2012* (Washington 2012), 211.]

In August 2011, the Supreme Court convicted seven former high-ranking military and civilian officials for their part in the events known as “Black October,” which left 67 people dead and more than 400 injured during anti-government protests in El Alto, near La Paz, in September and October 2003. This was the first time that a trial of military officials accused of human rights violations had reached a conclusion in a Bolivian civilian court. Five former military officers received prison sentences ranging from 10 to 15 years, while two former ministers were sentenced to three years’ imprisonment, later suspended. Former President Gonzalo Sánchez de Lozada and two of his ministers, who had fled to the United States soon after the violence, were facing extradition proceedings at the end of 2011. The trial, which began in May 2009, followed an impeachment procedure known as the “trial of responsibilities.”

[Sources: Amnesty International, *Report 2012* (London 2012), 12, 82; Human Rights Watch, *World Report 2012* (Washington 2012), 211.]

BOSNIA and HERZEGOVINA

Last *Annual Report* entry: 2011.

At the end of 2011, six war crimes cases concerning Bosnia and Herzegovina were pending before the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY). In addition, three cases were on appeal. Proceedings against former Bosnian leader Radovan Karadžić continued. In 2011, the ICTY examined evidence around crimes in north-west Bosnia and Herzegovina, including “Manjača” and “Trnopolje” camps and unlawful killings at the Korićanske cliffs, as well as many other crimes committed during the 1992–1995 conflict.

On 31 May 2011, Ratko Mladić, former commander of the main staff of the Army of Republika Srpska was transferred to the ICTY. An amended indictment against him, containing charges of genocide, crimes against humanity and war crimes (including the massacre of up to 8,000 Bosnian men and boys from Srebrenica in July 1995 and the siege of Sarajevo from 1992 to 1995), was filed in October 2011. Originally charged in a single indictment, both Karadžić and Mladić had been indicted for genocide, as well as extermination, murder, persecution, deportation, inhumane acts, acts of violence, terror, unlawful attack on civilians and taking of hostages amounting to crimes against humanity and war crimes. In December 2001, the ICTY agreed with the prosecution proposal to reduce the indictment against Mladić from 196 to 106 crimes, and to limit the number of municipalities concerned from 23 to 15.

[Sources: Amnesty International, *Report 2012* (London 2012), 83; Human Rights Watch, *World Report 2012* (Washington 2012), 431, 432.]

The domestic justice system continued to work on the large backlog of open war crimes cases. The implementation of the National Strategy for War Crimes Processing was delayed, primarily due to a lack of political and financial support. Progress in resolving war crimes cases was also hampered by political obstacles to improving regional cooperation, including failure to dismantle legal barriers to extradition of war crimes suspects between Bosnia and Herzegovina, Croatia, Serbia and Montenegro. A proposed bilateral agreement between Serbia and Bosnia and Herzegovina to resolve parallel investigations in war crimes cases reached a stalemate in June 2011.

Six cases relating to 10 mid- and low-level defendants transferred by the ICTY to the Bosnia and Herzegovina State Court, known as “11bis cases,” were completed. However, generally, prosecution

of crimes under international law continued before the domestic judiciary in Bosnia and Herzegovina at a slow pace. The continued practice of nonharmonized application of criminal law in war crimes cases, due to the use of the 1976 Criminal Code in cases tried in courts in the different entities, resulted in serious obstacles to the fair and efficient delivery of justice. These included: inability to charge acts as crimes against humanity; failure to prosecute command responsibility; and inequality before the law owing to the low mandatory minimum and maximum sentences for war crimes.

The War Crimes Chamber of the Bosnia and Herzegovina State Court continued to play the central role in war crimes prosecutions. However, verbal attacks on this and other judicial institutions dedicated to investigating and prosecuting war crimes, along with the denial of war crimes—including the genocide in Srebrenica in July 1995—by high-ranking politicians, undermined efforts to prosecute war crimes cases. In addition, the authorities failed to collect data on the total number of investigations and prosecutions at all levels of crimes under international law.

[Source: Amnesty International, *Report 2012* (London 2012), 83–84.]

Despite problems with budget allocations for exhumations caused by the absence of the government, exhumations continued. In January 2011, the state prosecutor's office assumed control of exhumations previously conducted by local prosecutors, which had a positive impact in expediting the recovery of the remains of missing people from mass and clandestine graves. Around 10,000 people were still unaccounted for. Unwillingness of insider witnesses to provide information on mass graves remained the biggest obstacle in the process.

In February 2011, the Central Record of Missing Persons was created as a permanent database in Bosnia and Herzegovina. It gathered around 34,000 names from various existing databases and conducted verification of those names. It was expected that the database would help the national Missing Persons Institute to strategically address the remaining cases.

Despite the accurate DNA-led identifications made by the International Commission on Missing Persons over the past years, the identification process began to slow down. The Commission reported that around 8,000 bodies had already been identified through the classical methods of identification. However, due to the existence of hundreds of secondary, tertiary and quaternary mass grave sites, the recovery of body parts of already identified and buried people could continue for years. Despite progress made in the recovery and identification of disappeared people and the prosecution of perpetrators, victims' families were still denied the rights to justice and reparation. The nonimplementation of the 2004 Law on Missing Persons led to problems for the families of the disappeared, including the lack of independent functioning of the Missing Persons Institute and the nonexistence of the Fund for Providing Assistance to the Families of Missing Persons. In addition, many judgments of the Constitutional Court of Bosnia and Herzegovina in cases involving enforced disappearances remained unimplemented.

[Source: Amnesty International, *Report 2012* (London 2012), 84-85.]

See also Croatia, Montenegro, the Netherlands, Norway, Serbia.

BRAZIL

Last *Annual Report* entry: 2011.

On 13 March 2012, federal prosecutors announced that they were charging Colonel Sebastião Curió Rodrigues de Moura with “aggravated kidnapping” for his alleged role in five enforced disappearances in Pará state in 1974. The five were members of a small guerrilla organization detained during military operations. Witnesses reportedly saw them last in military custody. Their fate remained unknown. The case was the first in which criminal charges were brought against a Brazilian official for the human rights crimes committed during the military dictatorship (1964–1985). More than 475 people were forcibly disappeared during that era, and thousands more were illegally detained or tortured. The Amnesty Law from 1979, however, had effectively barred criminal prosecutions of state agents for dictatorship-era abuses, an interpretation that the Supreme Court had reaffirmed in April 2010. In November 2010, however, the Inter-American Court of Human Rights ruled in *Gomes-Lund et alii (Guerrilha do Araguaia) versus Brazil* that this law must not prevent the investigation and prosecution of serious human rights violations committed during military rule. As a party to the *International Convention for the Protection of All Persons from Enforced Disappearance*, ratified by Brazil in November 2010, Brazil had specific obligations to ensure that, whenever an offense occurred, there was effective investigation and prosecution, and a proper remedy for the victim. Moreover, while international law forbids the retroactive application of the criminal law, this prohibition was not intended to prevent the punishment of acts that were recognized as criminal under international law at the time that they were committed. On 18 November 2011, President Dilma Rousseff ratified laws limiting to 50 years the period state secrets could be held, and creating a Truth Commission to investigate human rights violations committed between 1946 and 1988. The Commission, made up of a seven-member panel (six lawyers and a psychoanalyst) appointed by the president, would hear evidence for two years, before issuing a report. Brazil also granted over US\$1 billion in financial compensation to more than 12,000 victims of abuses committed by state agents during the military dictatorship from 1964 to 1985.

[Sources: Amnesty International, *Report 2012* (London 2012), 12, 86; Human Rights Watch, *World Report 2012* (Washington 2012), 220; Human Rights Watch, “Brazil: Human Rights Prosecution a Landmark Step: First Criminal Charges for Abuses During Military Rule” (13 March 2012).]

BULGARIA

Last *Annual Report* entry: 2009.

On 18 June 2011, an anonymous street artist transformed the Red Army soldiers on a Soviet war monument in Sofia into storybook characters (including such figures as Superman, Ronald McDonald, Santa Claus and the Joker). Underneath the memorial the artist spraypainted the caption: “In step with the times.” Russia urged Bulgaria to punish the “hooligans” behind the vandalism.

[Source: *Index on Censorship* (2011, no. 3), 172–173.]

BURKINA FASO

Last *Annual Report* entry: 2005.

BURUNDI

Last *Annual Report* entry: 2011.

A committee established to amend the 2004 Truth and Reconciliation Commission (TRC) Law presented President Pierre Nkurunziza with a draft law in October 2011. If passed by parliament, the draft law would exclude civil society and religious groups from the TRC (which still had to be established), thereby compromising its independence. It could prevent the Special Tribunal, a judicial body recommended by the United Nations in 2005 and set up to follow the TRC, from prosecuting cases independently. The draft law did not explicitly prohibit the granting of amnesties, including for genocide, war crimes and crimes against humanity. The TRC would cover grave crimes in Burundi since 1962. Bob Rugurika, chief editor of African Public Radio (RPA), was questioned by the public prosecutor’s office about programs that touched on the composition of the technical committee set up to prepare the TRC.

[Sources: Amnesty International, *Report 2012* (London 2012), 6, 92, 94; Human Rights Watch, *World Report 2012* (Washington 2012), 93, 95.]

CAMBODIA

Last *Annual Report* entry: 2011.

Flawed proceedings and allegations of government interference with the Extraordinary Chambers in the Courts of Cambodia (ECCC), the United Nations-backed Khmer Rouge tribunal, cast a shadow over its credibility. The Co-Investigating Judges announced the closure of Case 003 in April 2011, apparently without having undertaken full investigations. Case 004 remained with the Co-Investigating Judges. In October 2011, the pretrial chamber rejected an appeal by a victim to be recognized as a civil party in Cases 003 and 004. The two international judges who supported the appeal revealed that there had been several errors, including alleged manipulation of documents, which denied the rights of both victims and suspects. The international Co-Investigating Judge resigned a few days before these findings were made public, citing political interference. His replacement by Reserve Judge Laurent Kasper-Ansermet was delayed after the government failed to agree to the appointment. The trial of Nuon Chea, Ieng Sary and Khieu Samphan began in November 2011. All three, aged between 79 and 85, were alleged senior leaders during the Khmer Rouge period and defendants in Case 002. They were charged with crimes against humanity, war crimes and genocide. With ongoing concerns about the health of the accused, the Trial Chamber found defendant Ieng Thirith, aged 79, unfit to stand trial, stayed proceedings against her, and ordered her release. In December 2011, however, the Supreme Court Chamber overturned this decision and ordered her continued detention in hospital or in another appropriate facility, pending a medical examination and another fitness assessment.

On 10 August 2011, the *Voice of America* Khmer-language service (VOA) revealed confidential information about a case under investigation by the Extraordinary Chambers in the Courts of Cambodia (ECCC). In an article and a video posted on its website, VOA quoted *verbatim* an official confidential court document about Case 004—the fourth and last ECCC case—containing new allegations of mass killings by three Khmer Rouge officials between 1975 and 1979. On 31 August 2011, the ECCC Office of the Co-Investigating Judges (OCIJ) started contempt of court proceedings against VOA. Critics feared that this was a sign that the OCIJ actively sought to ensure the closure of the ECCC with the end of Case 002.

[Sources: Amnesty International, *Report 2012* (London 2012), 27, 95–96; Cambodian Center for Human Rights, *Ifex Alert* (8 September 2011); Human Rights Watch, *World Report 2012* (Washington 2012), 310; Reporters without Borders, “Court Contempt: Special Khmer Rouge Court Starts Contempt Proceedings against VOA” (1 September 2011).]

See also Thailand.

CAMEROON

Last *Annual Report* entry: 2010.

In February 2011, at least eight political activists, including former members of a students' association, were arrested by members of the Directorate of Territorial Surveillance security service in Yaoundé. They had met to organize a demonstration to commemorate victims of human rights violations during demonstrations in February 2008. The detainees were denied access to lawyers and charged with endangering the security of the state. They were provisionally released but had not been brought to trial by the end of 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 98.]

CANADA

Last *Annual Report* entry: 2009.

On 15 April 2008, the Barrick Gold Corporation, Toronto, the world's biggest gold mining company, sued the publishing house Éditions Écosociété in Montréal for defamation and demanded six million Canadian dollars in damages. In June 2008, the Banro company also sued the same publisher for five million Canadian dollars in damages in Ontario. One of Écosociété's books, *Noir Canada: Pillage, corruption et criminalité en Afrique* (2008; *Black Canada: Plundering, Bribery, and Crime in Africa*), written by Alain Deneault (1970–), a lecturer at the Université de Québec à Montréal (UQAM), Delphine Abadie, and William Sacher, discussed Barrick's responsibility in the expulsion of thousands of self-employed miners and their families from the Bulyanhulu mine in Tanzania in August 1996, in the course of which 52 miners were reportedly buried alive. In a section called "Thèse 1: Homicide et génocide involontaires" ("Thesis 1: Killings and involuntary genocide"), the authors called for an independent public inquiry into the events. Barrick emphasized that the 1996 events took place before its purchase of the property from Sutton Resources, Vancouver, in 1999. Deneault declared that the book did not hold Barrick directly responsible for the incident, but rather presented opinions, including Barrick's, on the case. In October 2011, the parties settled the case, then before the Superior Court of Québec, out of court: Écosociété stopped publishing and reprinting the book and made a payment to Barrick. The authors acknowledged that they had no evidence of involvement of Barrick in Tanzania in 1996. Previously, Barrick had apparently threatened to sue *Guardian* journalist Greg Palast with defamation if he did not apologize for his report, which was the first publication containing these allegations.

[Sources: Alain Deneault, Delphine Abadie, William Sacher, *Noir Canada: Pillage, corruption et criminalité en Afrique* (Montréal: Écosociété, 2008) 17–26; *The Gazette* (15 April 2008); *Globe and Mail* (14 April 2008); *The Militant* (23 June 2008); *Settlement of Barrick Gold Lawsuit against the Authors and the Publisher of Noir Canada* (18 October 2011).]

In October 2011, the Canadian government failed to arrest former United States President George W. Bush when he travelled to British Columbia, despite clear evidence that he was responsible for crimes under international law, including torture.

[Source: Amnesty International, *Report 2012* (London 2012), 13.]

A Truth and Reconciliation Commission, mandated to document and raise awareness of the abuses against First Nations, Metis and Inuit children, and broader harms caused by Canada's historic residential school system, held sessions throughout 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 100.]

CENTRAL AFRICAN REPUBLIC

Last *Annual Report* entry: 2011.

The trial of Jean-Pierre Bemba, former vice-president of the Democratic Republic of the Congo, continued before the International Criminal Court (ICC) in The Hague. Bemba faced two counts of crimes against humanity and three counts of war crimes, accused of leading militias in the Central African Republic in 2002 and 2003 that killed and raped civilians. No other government or armed group leaders who committed war crimes and crimes against humanity in the Central African Republic were issued with an arrest warrant by the ICC or prosecuted by the national justice system.

[Source: Amnesty International, *Report 2012* (London 2012), 101–102.]

CHAD

Last *Annual Report* entry: 2011.

Although the African Union (AU) had stated since 2006 that former Chadian President Hissène Habré should be tried in Senegal “on behalf of Africa,” this failed to take place. In June 2011, a coalition of NGOs and victims of Habré's government brought a case against Senegal before the International

Court of Justice for failing to try or extradite him. In July 2011, however, the Senegalese government announced its decision to return Habré to Chad, where he has been sentenced to death in his absence, but this was suspended after protests by United Nations (UN) bodies and human rights organizations. During the same month, the AU Commission identified Rwanda as “the country most suitable to be entrusted with the Habré trial.” This followed the meeting of the Assembly of Heads of States and Governments of the AU that urged Senegal to try Habré or extradite him to another country willing to do so. Human rights organizations, Chadian victims and their lawyers stated their preference for the trial to take place in Belgium, which had investigated the case, charged Habré with serious violations of international human rights and humanitarian law, and made an extradition request to Senegal in 2005, reiterated in November 2011. The Chadian government publicly supported this option. In November 2011, the UN Committee against Torture called on Senegal to comply with its obligation to prosecute or extradite Habré.

[Source: Amnesty International, *Report 2012* (London 2012), 5, 105, 290, 291.]

CHILE

Last *Annual Report* entry: 2011.

In early January 2011, the National Education Council decided that the dictatorship of General Augusto Pinochet should not be called a “dictatorship” but a “military regime” in primary school history textbooks. Left-wing opposition parties accused the center-right government of President Sebastián Piñera of trying to whitewash history.

[Sources: ANP, “Woord ‘dictatuur’ uit lesboek Chili gehaald” (6 January 2012; <http://www.nu.nl/buitenland/2708494/woord-dictatuur-lesboek-chili-gehaald.html>); *BBC News* (5 January 2012).

In May 2011, the remains of former President Salvador Allende (1908–1973) were exhumed as part of a new judicial investigation into his death. In July 2011, international forensic experts confirmed that his death during the 1973 military coup led by General Augusto Pinochet was not the result of third parties.

[Source: Amnesty International, *Report 2012* (London 2012), 106.]

In August 2011, the Valech II Commission issued a report confirming five additional cases of enforced disappearance, 25 political killings and 9,795 cases of torture. The commission had been established in 2010 to assess cases of enforced disappearance, political killings, political

imprisonment and torture that had not been presented to the Rettig and Valech Commissions. By the end of 2011, the total number of people officially recognized as disappeared or killed during the Pinochet dictatorship (1973–1990) stood at 3,216 and survivors of political imprisonment and/or torture at 38,254. The number of cases of human rights violations under investigation by the courts rose to its highest level yet following the submission in January 2011 by a court prosecutor of 726 new criminal complaints and more than 1,000 complaints filed over the years by relatives of those executed on political grounds. According to the Interior Ministry Human Rights Program, as of May 2011 there were 1,446 ongoing investigations. Between 2000 and the end of May 2011, 773 former members of the security forces had been charged or sentenced for human rights violations and 245 had had final sentences confirmed. However, only 66 were in prison, the rest having benefited from noncustodial sentences or sentences that were later reduced or commuted. In many cases, the Supreme Court had used its discretionary powers to reduce sentences against perpetrators in recognition of the time elapsed since the criminal act.

[Sources: Amnesty International, *Report 2012* (London 2012), 12, 106; Human Rights Watch, *World Report 2012* (Washington 2012), 226.]

On 8 June 2012, relatives of victims of Augusto Pinochet's military rule (1973–90) held a rally in Santiago, calling for the screening of a new pro-Pinochet documentary, entitled *Pinochet*, to be banned. On the day of the screening at the Caupolicán theater (10 June 2012), thousands of Pinochet supporters turned up for the screening, including right-wing politicians and former members of the Chilean military. Hundreds of demonstrators clashed with the police.

[Source: *BBC News* (8 & 11 June 2012).]

CHINA

Last *Annual Report* entry: 2011.

In June 2011, historian Xu Zerong (1954–) was released [see NCH *Annual Report 2002*].

[Source: Lik Hang Tsui (Free Speech Debate), “History Reclassified as State Secret: the Case of Xu Zerong” (<http://freespeechdebate.com/en/case/history-reclassified-as-state-secret-the-case-of-xu-zerong>; 16 March 2012)].

On 23 August 2011, Lü (Lu) Gengsong (1956–) was released from prison in Hangzhou. He refused the conditions of deprivation of political rights imposed on him. The prison administration reportedly did not return to Lü the six diaries he kept in prison and the manuscript of a book he wrote [see NCH

Annual Report 2008].

[Source: Human Rights in China, “Writer Lü Gengsong Released from Prison; Refuses Conditions of Deprivation of Political Rights” (24 August 2011).]

In August 2011, during Chinese Vice Premier Li Keqiang’s threeday visit to Hong Kong, police set up “core security areas” keeping protesters and press away from him. Police dragged away one resident wearing a t-shirt commemorating the 1989 Tiananmen massacre.

[Source: Amnesty International, *Report 2012* (London 2012), 110.]

On 15 August 2011, Chen Zhong, president of the Guangzhou-based biweekly *Nanfeng Chuang* (Window on the South), was removed from his post (though not dismissed); editor Zhao Lingmin was suspended during an internal meeting. These measures were related to Zhao’s interview with Taiwanese historian Tang Chi-hua, working at National Chengchi University, Taipei, on 25 July 2011. The *Nanfeng Chuang*’s editorial committee had taken issue with Tang’s criticism of Sun Yat-sen (1866–1925), the founding father of modern China. Tang had said that Sun had been prepared to cede Chinese territory to the Japanese in return for military support against a local warlord and that the historical narratives of the Chinese Communist Party might not be factual.

[Source: Committee To Protect Journalists, *Ifex Alert* (22 August 2011).]

In October 2011, during the commemoration of the centenary of the 1911 Revolution, books on the revolution were carefully scrutinized, apparently to block parallels between the lack of reforms during the last stage of the Qing empire and the present situation. Two new biographies of Sun Yat-sen (1866–1925), the founder of the Republic of China in 1911, were withdrawn by their publishers. On 30 September 2011, the premiere of an opera featuring Sun was canceled. Some Chinese-American historians were denied entry in the country.

[Sources: *BBC News* (10 October 2011); *NRC Handelsblad* (10 October 2011), 10–11 and (15–16 October 2011), 28.]

On and around 4 June 2012, the authorities blocked all internet access to search terms relating to the twenty-third anniversary of the Tiananmen Square massacre. The search terms “six four,” “23,” “June 4+truth,” “candle,” “commemorate,” “mourn” and the expression “never forget” were added to the list of words banned under Chinese censorship rules. Names of famous student leaders and titles of old books and plays about injustice were also banned. Users of Sina Weibo (China’s largest social network site with perhaps as many as 300 million users) were greeted by a message warning them that their search results could not be displayed “due to relevant laws, regulations and policies.” Sina Weibo also prevented users from changing display photos to block the distribution of images

commemorating the anniversary (although some images slipped through). Tens of thousands of bloggers complained that their posts were “harmonized” (a censorship-friendly word for “censored”) within minutes of being posted; the complaints themselves were also removed. A new book by the former mayor of Beijing in 1989, questioning the use of the army to stop the students, was banned. Commemorative demonstrations in Hong Kong, which were allowed, were not covered by the media in the rest of the country. In 2011, protesters had defeated censors by referring to the anniversary as “May 35” instead of “June 4,” but in 2012 even that nonexistent date was added to the list of blocked terms.

[Sources: Sophie Beach, “Google Gives Chinese Web Users Glimpse into Censorship” (5 June 2012); Human Rights Watch, “Impunity for June 1989 Massacre Impedes Needed Legal Reform” (1 June 2012); *Ifex Communiqué* (6 June 2012); *NRC Handelsblad* (4 June 2012), 9; Reporters without Borders, “Anniversary Crackdown: Beijing Authorities Step Up Censorship and Repression in June” (5 June 2012).]

Hong Kong

On 4 June 2011, police held 53 people for illegal assembly in Hong Kong after a massive candlelight vigil to mark the anniversary of the 1989 Tiananmen massacre.

[Source: Mike Clarke, “Hong Kong Journalists Say Freedom under Threat” (AFP, 2 July 2011).]

Tibet

On 16 March 2011, Phuntsok Jarutsang ([1991–2011]), a monk at Kirti monastery, Aba (Tibetan: Ngawa) prefecture, Sichuan province, set himself on fire to commemorate the March 2008 uprisings in the region. Security personnel tried to extinguish the flames but also allegedly beat Phuntsok, who died the next day, leading to protests in the following days and weeks by more than 1,000 lay Tibetans and monks. Phuntsok’s death was followed by a series of self-immolations in later months.

[Sources: Human Rights Watch, “China: End Crackdown on Tibetan Monasteries” (12 October 2011); *Keesings historisch archief* (September 2011), 430–31.]

Xinjiang

When in 2011 historian Sergey Radchenko, a lecturer in history of American-Asian relations at the University of Nottingham in Ningbo, China, attempted to order Jonathan Spence’s *The Search for Modern China*, customs officials refused to allow the book shipment into the country. They proposed to manually cut out the censored sections—including photos of the 1989 Tiananmen Square massacre and Spence’s account of the Cultural Revolution—to get the customs clearance. Key archives, especially post-1945 archives (including Chinese Communist Party archives), remained largely inaccessible, even though the Chinese archives law provided for the opening of official documents to

the public after 30 years.

[Source: *Washington Post* (31 December 2011).]

COLOMBIA

Last *Annual Report* entry: 2011.

On 22 May 2009, Miguel Ángel Beltrán Villegas (1965–), a historian, sociologist and associate professor (2005–) at the Universidad Nacional in Bogotá, was arbitrarily detained in Mexico where he did postdoctoral research at the UNAM, Mexico City, and deported to a prison in Colombia on the charge of being the member of the International Committee of the guerrilla movement FARC known as “Jaime Cienfuegos” and responsible for writing “ideological material and articles” for them. Even President Álvaro Uribe’s official website stated this. The evidence was based on supposed information from the “FARC computers” allegedly seized in the Colombian army’s raid on a FARC camp in Ecuador in 2008. Beltrán admitted that he met FARC leader Raúl Reyes (killed in March 2008) and other FARC members during peace talks hosted in Mexico and later interviewed Reyes as part of his academic research into the conflict, but denied being Cienfuegos. Beltrán’s trial began on 29 December 2009. He was charged with “rebellion” and “criminal conspiracy for terrorist purposes.” In early June 2011, the Supreme Court declared that evidence from the computers allegedly belonging to Reyes did not fulfil legal prerequisites and were therefore illegal. On 7 June 2011, Beltrán was released.

[Sources: *Colombia Reports* (8 June 2011); Education International, “Colombia: Political Prisoner Miguel Beltran Absolved of All Charges” (16 June 2011); International PEN Writers in Prison Committee, *Half-yearly Caselist to 31 December 2009* (2010) 25.]

On 28 April 2011, a judge sentenced retired General Jesus Armando Arias Cabrales to 35 years’ imprisonment for his role in the enforced disappearance of 11 people in November 1985 after the army stormed the Palace of Justice where people were being held hostage by members of the M-19 guerrilla group. The government and the military high command both made statements criticizing his conviction and that of retired Colonel Luis Alfonso Plazas Vega, sentenced in 2010 to 30 years’ imprisonment in the same case. Retired General Ivan Ramirez Quintero, who was charged with one of the disappearances, was acquitted in December 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 13, 114.]

Over the past decade the Colombian Army committed an alarming number of extrajudicial killings of

civilians. In many cases—commonly referred to as “false positives”—army personnel murdered civilians and reported them as combatants killed in action, apparently in response to pressure to boost body counts. The executions occurred throughout Colombia and involved multiple army brigades. The government did not keep statistics for cases of “false positives” as a separate category of crimes, but the Office of the United Nations High Commissioner for Human Rights in Colombia estimated that more than 3,000 people may have been victims of extrajudicial killings by state agents, and that the majority of cases were committed by the army between 2004 and 2008. There had been a dramatic reduction in cases since 2008; however, some alleged cases of extrajudicial killings attributed to state agents were reported in 2010 and 2011. Investigations into such cases advanced slowly: as of September 2011 the Human Rights Unit of the Attorney General’s Office was investigating 1,622 cases of alleged extrajudicial killings committed by state agents involving 2,788 victims, and had obtained convictions for 77 cases. In July 2011, a judge convicted former army Colonel Luis Fernando Borja Giraldo, the highest-ranking military officer to be sentenced for “false positives.” Accountability achieved to date was due to the fact that civilian prosecutors were investigating most cases. However, as of July 2011, more than 400 cases involving alleged extrajudicial killings remained in the military justice system, where there was little chance that justice would be obtained.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 231–232.]

The Justice and Peace process made little progress. Under this process, introduced in 2005, some 10 percent of the more than 30,000 paramilitaries who supposedly demobilized could qualify for reduced prison sentences in return for confessing to human rights violations. The remaining 90 percent received de facto amnesties. By the end of 2011 only 10 paramilitaries had been convicted under the process; most had appeals against their convictions pending at the end of 2011. In February 2011, the Constitutional Court ruled that Law 1424, which sought to grant de facto amnesties to tens of thousands of supposedly demobilized rank- and- file paramilitaries if they signed a so-called Agreement to Contribute to the Historic Truth and to Reparation, was constitutional.

As of late 2011, the government had backed two constitutional reform proposals that threatened to facilitate impunity for military abuses: a “justice reform” bill that would increase the likelihood that military abuse cases were handled by military courts, and a “transitional justice” bill that would allow Congress, at the president’s behest, to authorize the Attorney General’s Office to drop prosecutions for human rights violations, including those committed by members of the military.

[Sources: Amnesty International, *Report 2012* (London 2012), 113; Human Rights Watch, *World Report 2012* (Washington 2012), 232.]

See also Ecuador.

CONGO (Democratic Republic)

Last *Annual Report* entry: 2011.

There was mixed progress in the government's efforts to hold perpetrators of serious violations to account. Congo's judicial officials had some notable successes in prosecuting sexual violence and other crimes. On 25 March 2011, the High Military Court in Kinshasa began the trial of General Jérôme Kakwavu, on war crimes charges for rape and torture. Kakwavu was the first general in Congo's history to be arrested on rape charges.

The government took action in response to the 2010 human rights "mapping report" published by the United Nations Office of the High Commissioner for Human Rights (OHCHR), which documented 617 incidents of serious violations of international humanitarian law between 1993 and 2003. In August 2011, the Minister of Justice and Human Rights presented a draft law to parliament to establish a specialized mixed court with national and international judicial staff to try those responsible for genocide, crimes against humanity and war crimes. Congolese civil society groups strongly supported the draft legislation, but on 22 August 2011 the Senate rejected it and asked the government to harmonize its proposal with other draft laws to combat serious human rights violations.

Efforts to combat impunity also suffered a serious blow with the promotion and growing power of former rebel leader Bosco Ntaganda, who faced an International Criminal Court (ICC) arrest warrant but remained in charge of military operations in eastern Congo. At the ICC three former Congolese armed group leaders were tried for war crimes and crimes against humanity.

[Sources: Amnesty International, *Report 2012* (London 2012), 128; Human Rights Watch, *World Report 2012* (Washington 2012), 108–109.]

On 14 March 2012, the International Criminal Court (ICC) found guilty Thomas Lubanga, charged with war crimes consisting of recruiting and using children aged under 15 for the Union des Patriotes Congolais armed group in Ituri. His sentence was expected in June 2012; the ICC prosecutor demanded a sentence of thirty years. The Lubanga trial would be the first to be concluded by the ICC, which was established a decade ago, in July 2002.

[Sources include: Amnesty International, *Report 2012* (London 2012), 129.]

See also Central Africa Republic, Congo (Republic), Germany, Rwanda.

CONGO (Republic)

Last *Annual Report* entry: 2011.

A delegation of the United Nations (UN) Working Group on Enforced or Involuntary Disappearances visited Congo from 24 September to 3 October 2011 to gather information on efforts to investigate and prevent enforced disappearances. Discussions focused on the 1999 disappearance of some 350 refugees returning from the Democratic Republic Congo, and the 2005 trial of 16 security and government officials which failed to establish individual criminal responsibility. The UN Working Group on Enforced or Involuntary Disappearances made several recommendations to the government, including enactment of a law criminalizing enforced disappearances.

[Source: Amnesty International, *Report 2012* (London 2012), 116.]

COSTA RICA

Last *Annual Report* entry: 2010.

CROATIA

Last *Annual Report* entry: 2011.

Five cases related to crimes under international law committed on Croatian territory during the 1991–1995 war were pending before the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague. In April 2011, the ICTY convicted two generals, Ante Gotovina and Mladen Markač, for crimes against humanity and war crimes. They were found guilty of having participated in a joint criminal enterprise during and after “Operation Storm” between August and November 1995, with the aim of permanently removing the ethnic Serb population from the Krajina region of Croatia. Gotovina held the rank of Colonel-General in the Croatian Army and was the Commander of the Split Military District at the time. Markač held the position of Assistant Minister of Interior in charge of special police matters. They were convicted of persecution, deportation, plunder, wanton destruction, murder, inhumane acts and cruel treatment of the civilian Serb population. They were sentenced to 24 and 18 years’ imprisonment respectively. The convictions of the generals led to days of protests by veterans’ groups and others opposed to the ruling, and condemnation from political leaders in Croatia, including Prime Minister Jadranka Kosor and President Ivo Josipovic. The Prime Minister stated repeatedly that

the Croatian government found it unacceptable, and that the Croatian nation should be proud of all people who took part in the operation and contributed to the Croatian victory. In May 2011, both generals appealed against the judgment. In July 2011, Goran Hadžić was arrested in Serbia on charges of crimes against humanity and war crimes in eastern Slavonia in Croatia. He was transferred to the ICTY where he awaited trial at the end of 2011. Hadžić had been President of the self-declared Serb-controlled Republic of Serbian Krajina. He was charged with ordering the killing of hundreds and the deportation of thousands of Croats and other non-Serbs between 1991 and 1993. In August 2011, he pled not guilty to 14 counts of war crimes and crimes against humanity.

The trial of Vojislav Šešelj, who was accused of crimes in Bosnia and Herzegovina, Croatia and the Vojvodina province of Serbia, continued. He was indicted for crimes against humanity, including persecution on political, racial or religious grounds, deportation and inhumane acts. He was also accused of war crimes, including murder, torture, cruel treatment, wanton destruction of villages, or devastation not justified by military necessity, destruction or wilful damage done to religious or educational institutions and plunder of public or private property. In October 2011, the Trial Chamber found him guilty of contempt for publishing confidential information on protected witnesses and sentenced him to 18 months' imprisonment for this additional charge.

[Sources: Amnesty International, *Report 2012* (London 2012), 38, 120–121; Human Rights Watch, *World Report 2012* (Washington 2012), 436–437.]

In 2011, the number of war crimes trials conducted *in absentia* increased in Croatia, particularly in cases in which the defendant was a Serb. An ongoing plan by the Chief State Attorney's Office to revise past convictions rendered *in absentia* failed to address the continuing problem of conducting trials *in absentia*. In the first eight months of 2011, 20 of the 33 active war crimes trials took place at least partially *in absentia*, and of the 20 newly-indicted individuals in 2011, 10 were indicted *in absentia*, primarily Serbs. Suspects continued to face trial in regular district courts rather than the four courts specially designated for war crimes trials.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 436–437.]

See also Norway, Serbia.

CUBA

Last *Annual Report* entry: 2011.

In February 2011, the authorities detained more than 100 people in a single day and placed over 50

people under house arrest in a pre-emptive strike designed to stop activists marking the death of activist Orlando Zapata Tamayo, who died in 2010 following a prolonged hunger strike while in detention. Reina Luisa Tamayo, Orlando Zapata's mother; her husband, José Ortiz; and Daniel Mesa, a human rights activist, were arrested on 22 February 2011 by about 15 state security agents as they left their home in Banes, Holguín province. The arrests were intended to prevent them from undertaking any activities in memory of Orlando Zapata on the first anniversary of his death on 23 February 2011. All three were released 12 hours later. In June 2011, Reina Luisa Tamayo went into exile in the United States with her family.

[Source: Amnesty International, *Report 2012* (London 2012), 122.]

In January 2011, the United States (US) government announced minor changes to the embargo against Cuba, allowing greater travel to Cuba for educational, cultural, religious and journalistic activities. In October 2011, for the 20th consecutive year, the United Nations (UN) General Assembly adopted a resolution calling on the US to lift its economic and trade embargo against Cuba, in place since 1961. UN agencies working in Cuba, such as the WHO, UNICEF and UNFPA, continued to report the negative effects of the US embargo on the health of the population, particularly members of marginalized groups. Access to specific commodities, equipment, medicines and laboratory materials remained scarce as a result of restrictions imposed on the importation of items manufactured by US companies and their subsidiaries or produced under US patents.

[Source: Amnesty International, *Report 2012* (London 2012), 123.]

See also United States of America.

CYPRUS

Last *Annual Report* entry: 2011.

CZECH REPUBLIC

Last *Annual Report* entry: 2000.

DENMARK

Last *Annual Report* entry: 2007.

DJIBOUTI

Last *Annual Report* entry: 2008.

ECUADOR

Last *Annual Report* entry: 2011.

In June 2010, a truth commission created by the administration of President Rafael Correa published a report documenting 68 extrajudicial executions and 17 enforced disappearances between 1984 and 2008, and named 458 alleged perpetrators of abuses. According to the commission, few of those responsible for the abuses had been held accountable, due to statutes of limitations, jurisdictional disputes and procedural delays. In October 2010, the attorney general appointed a team of prosecutors to reopen investigations into cases reported by the commission. As of September 2011 the prosecutors were reported to have renewed investigations into several key cases, but no suspects had been charged. In October 2011, the Attorney General announced that he was replacing the team of prosecutors investigating the enforced disappearance of Colombian teenage brothers Carlos Santiago and Pedro Andres Restrepo in 1988 because of lack of progress.

[Sources: Amnesty International, *Report 2012* (London 2012), 134; Human Rights Watch, *World Report 2012* (Washington 2012), 242–243.]

On 21 January 2012, in a public Saturday talk in the weekly series called “the enlace” (the bond), President Rafael Correa discussed the forthcoming celebrations of the hundredth anniversary of the death of General Eloy Alfaro on 28 January (1842–1912). Correa’s government, calling itself “alfarista,” was strongly inspired by Alfaro, a former liberal president (1895–1901, 1906–1911) who fought conservative Catholicism and was a proponent of secularism. In 1911 Alfaro had been deposed and upon return from exile, imprisoned; he was executed on 28 January 1912 in Quito in unclear circumstances, after which his corpse was burned. His remains were secretly buried. Correa declared that it was not “the people [of Quito] which assassinated Alfaro,” but “the dominant oligarchy, the corrupt press, the fundamentalist sectors of the church, and ‘these’ politicians.” Historians, including Enrique Ayala Mora, protested against this interpretation and accused Correa of trying to change the death certificate (dated 11 March 1912), which mentioned that “the people” killed Alfaro. On several occasions, including on 28 January 2012, Correa alluded to his version of Alfaro’s murderers, implying that they were also the enemies of today.

[Sources: Rafael Correa, *Enlace* (http://www.youtube.com/watch?v=jVrL-_h7uis; minutes 2:28–2:32; 21 January 2012); Rafael Correa, “Cien años de la hoguera bárbara, Parque el Ejido” (speech; Quito, 28 January 2012); Rafael Correa, “Conmemoración 100 años de la hoguera bárbara” (speech; Montecristi, 28 January 2012); Rafael Correa, “CXVII aniversario de la revolución alfarista de 1895” (speech; Montecristi, 5 June 2012); R.D. Buitrón & C. Rojas Araujo, “Interview with Enrique Ayala Mora,” *El Comercio* (22 January 2012); F. Criollo & P. Zamora, “Siete hitos fueron recorridos en el

camino a la Hoguera,” *El Comercio* (29 January 2012); “La historia juzgó el crimen de Alfaro” (Interview with Érika Silva), *El Comercio* (26 January 2012); Luc Spanhove, personal communications (June 2012); Luc Spanhove, “Eloy Alfaro (deel 3): Wie vermoordde hem?” *Esmeraldas* (June 2012), 17–20; *Wikipedia* (13 June 2012).]

See also Colombia.

EGYPT

Last *Annual Report* entry: 2011.

The authorities prosecuted some of those allegedly responsible for orchestrating the killings in January and February 2011 but otherwise failed to deliver justice to the relatives of those killed and to people injured during the “25 January Revolution.” In April 2011, the trial began of former Interior Minister Habib Ibrahim El Adly and six of his former aides on charges arising from the killings of protesters. The case was joined to that of Hosni Mubarak and his two sons and all then went on trial in August 2011, charged with premeditated and attempted murder. The trial, whose first two sessions were broadcast on national television, was continuing at the end of 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 138.]

On 17 December 2011, the Egyptian Scientific Institute, the oldest scientific institute in Egypt (founded in 1798 as the Institut d’Égypte by Napoléon Bonaparte during his Egyptian campaign and containing a historical archive), was largely destroyed by fire during clashes between soldiers and police and street protesters in Tahrir Square. Volunteers carried tens of thousands of fragments of charred books to the basement of the nearby National Archives. One of the most precious books in its collection was the original *Description d’Égypte*, a first-of-its-kind, 20-volume illustrated description of the country’s geography, landmarks, customs, and history that 150 scholars who accompanied the French expedition spent 20 years assembling. Eight of the 20 volumes were reportedly recovered.

[Source: Ursula Lindsey, “Egyptian Scholars Struggle to Protect Country’s History amid New Violence,” *Chronicle of Higher Education* (15 January 2012).]

EL SALVADOR

Last *Annual Report* entry: 2011.

The 1993 Amnesty Law remained in place, despite repeated decisions from the Inter-American Court of Human Rights ordering the state to repeal it. The Law sought to obstruct anyone, including the armed forces, from being held to account for human rights violations, including crimes against humanity, committed during the armed conflict (1980–1992). In March 2011, the case of 700 men, women and children who were tortured and killed by the armed forces over a three-day period in 1981 in El Mozote and surrounding hamlets, Morazán province, was referred to the Inter-American Court. This was one of the thousands of cases of human rights violations, including crimes against humanity committed by members of the military, where the 1993 Amnesty Law had prevented those responsible being brought to justice. In December 2011, during a ceremony to mark the anniversary of the massacres, the Minister of Foreign Affairs acknowledged state responsibility for the crimes against humanity perpetrated in El Mozote and surrounding hamlets. However, the minister gave no commitment to repealing the Amnesty Law or holding perpetrators accountable for their crimes.

In August 2011, the Supreme Court decided not to fulfil a red alert from Interpol, originating from the Spanish authorities. This demanded the arrest and extradition of nine former members of the military accused of the killing in 1989 of six Spanish Jesuit priests, their housekeeper and her daughter. The court demanded that further procedural steps be fulfilled by the Spanish authorities before they could consider the order.

[Source: Amnesty International, *Report 2012* (London 2012), 139–140.]

ERITREA

Last *Annual Report* entry: 2008.

ESTONIA

Last *Annual Report* entry: 2007.

ETHIOPIA

Last *Annual Report* entry: 2011.

FIJI

Last *Annual Report* entry: 2010.

FINLAND

Last *Annual Report* entry: 2011.

In September 2011, appeal proceedings began in the Helsinki Court of Appeal in the case of François Bazaramba, who had been convicted for crimes of genocide committed in Rwanda in 1994. Some of the hearings were conducted in Rwanda and Tanzania to facilitate the hearing of witness testimony and allow the judges to visit locations relevant to the case.

[Source: Amnesty International, *Report 2012* (London 2012), 149.]

FRANCE

Last *Annual Report* entry: 2011.

On 22 December 2011, the National Assembly (lower house of parliament) backed a proposal criminalizing the public denial, contestation and “outrageous minimization” of genocides, explicitly including the Armenian genocide of 1915. On 23 January 2012, the Senate also endorsed the bill (with 127 to 86 votes). Under the bill, those guilty could face a year in prison and a fine of 45,000 euros. Foreign Minister Alain Juppé, however, condemned it as “useless and counter-productive.” Valérie Boyer, a member of the ruling conservative Union pour un Mouvement Populaire (UMP; Union for a Popular Movement) and the author of the bill, was threatened with death by Turkish nationalists. Many thought that the bill was inspired by the fact that the votes of half a million ethnic Armenians living in France would be important support for President Nicolas Sarkozy in the presidential elections of 2012. In reaction, Turkey halted military and diplomatic relations with France and announced plans for economic sanctions. Turkish Prime Minister Recep Tayyip Erdogan declared that “approximately 15% of the population in Algeria was subjected to a massacre by the French, starting from 1945. This is genocide.” France had formally recognized the Armenian killings as genocide in 2001. A proposal similar to the bill had been backed by the National Assembly in October 2006 but it had been voted down in the senate in May 2011. The NGO Article 19 rejected genocide denial laws as unnecessary interference by the state with the right to freedom of expression, in

violation of international standards. It also said that “it is undesirable for States to interfere with the right to know and the search for historical truth, especially when those events took place in another country.” On 28 February 2012, the Constitutional Council ruled that the law was incompatible with the right to free expression and therefore unconstitutional.

[Sources: Article 19, “France: Senate Must Reject Armenian Genocide Law” (19 January 2012); Article 19, “France: Genocide-Denial Law Declared Unconstitutional” (29 February 2012); *BBC News* (22 & 23 December 2011; 4 & 24 January 2012); Conseil constitutionnel, “Décision no. 2012–647 DC du 28 février 2012: Loi visant à réprimer la contestation de l’existence des génocides reconnus par la loi”; *Guardian* (18 January 2012); *NRC Handelsblad* (19 & 24 January & 1 March 2012); Reporters without Borders, “After Victory for Free Speech in France, Turkey’s Turn Next?” (26 January 2012); *Trouw* (28 December 2011).]

See also Haiti, Morocco / Western Sahara, Panama.

GEORGIA

Last *Annual Report* entry: 2011.

Over three years after the Georgian-Russian conflict over South Ossetia, Georgian authorities had yet to ensure a comprehensive investigation into, and accountability for, international human rights and humanitarian law violations by their forces. During the war, the Georgian military used indiscriminate force including firing multiple rocket launchers, an indiscriminate weapon that should not be used in civilian areas. The Office of the Prosecutor at the International Criminal Court—to which Georgia was a party—continued with its preliminary examination of the situation.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 462–463.]

GERMANY

Last *Annual Report* entry: 2011.

In 2008, Germany's coalition government reached an "informal agreement" on the transfer of the Stasi files to the national archives in 2019, thirty years after the reunification of Germany. The new head of the Stasi Archives, however, objected, wanting to keep them as a separate institution.

[Source: Human Rights Working Group of the International Council on Archives, *News of May 2012*, 7.]

In 2011, a commission of four independent historians (including Klaus-Dietmar Henke) found that in 2007 the Bundesnachrichtendienst (BND; the German foreign intelligence agency) destroyed personnel files of 250 BND employees who had been in the SS or Gestapo and some of whom had been investigated after 1945 for war crimes. The incident raised suspicion that BND employees deliberately tried to obstruct the efforts by BND head Ernst Uhrlau to investigate the BND history. The historical commission had not yet been appointed in 2007, but Uhrlau had already announced that he planned to look into the Nazi past of the BND. The commission did not allege a deliberate cover-up. Reportedly, about 10% of BND recruits during the Cold War had previously served in the SS.

[Sources: *BBC News* (30 November 2011); *Der Spiegel Online* (2 December 2011).]

In May 2011, a criminal trial against Rwandan citizens Ignace Murwanashyaka and Straton Musoni was opened before the Higher Regional Court of Stuttgart. As the former President and Vice-President of the Democratic Forces for the Liberation of Rwanda, they were accused of having

commanded 26 crimes against humanity and 39 war crimes on Congolese territory between January 2008 and November 2009 via telephone and internet. This was the first trial in Germany based on the German Code of Crimes against International Law, which came into force in 2002.

[Source: Amnesty International, *Report 2012* (London 2012), 156.]

On 3 February 2012, in a case concerning jurisdictional immunities of a state (Germany versus Italy), the International Court of Justice found, by twelve votes to three, that Italy had violated its obligation to respect the immunity which Germany enjoyed by allowing civil claims to be brought against it (that is, Germany) in Italy based on violations of international humanitarian law committed by the German Reich between 1943 and 1945. *Jurist* noted that this ruling was “effectively ending thousands of reparations claims,” all of which relied on significant archival resources as evidence.

[Sources: Human Rights Working Group of the International Council on Archives, *News of February 2012*, 3; International Court of Justice, *Judgement: Jurisdictional Immunities of the State (Germany versus Italy: Greece Intervening)* (<http://www.concernedhistorians.org/le/251.pdf>; 3 February 2012).]

See also Congo (Democratic Republic), the Netherlands.

GHANA

Last *Annual Report* entry: 2008.

GREECE

Last *Annual Report* entry: 2011.

GRENADA

Last *Annual Report* entry: 2007.

GUATEMALA

Last *Annual Report* entry: 2011.

In March 2009, President Álvaro Colom created the Military Archive Declassification Commission, tasked with sorting and declassifying military documents from 1954 to 1996. In June 2011, the government made 12,287 declassified documents publicly available. According to a commission member, 55 were kept secret on national security grounds, but they could be consulted by a court if required. There were almost no documents presented from the crucial years 1980–1985, because according to the government these files were lost.

The government also announced that all the staff of the Peace Archives would be fired in June 2011. The Peace Archives, established by the previous government as part of the national office of the Secretary of Peace, helped declassify and digitize military archives from the period of the internal armed conflict (1960–1996) and provided expert testimony in several important human rights cases. The secretary said that the digitized records might be transferred to the General Archives of Central America located in Guatemala City.

[Sources: Amnesty International, *Report 2012* (London 2012), 161; Human Rights Watch, *World Report 2012* (Washington 2012), 248–250; Human Rights Working Group of the International Council on Archives, *News of May 2012*, 7.]

In June 2011, General Héctor Mario López Fuentes, former defense minister in the de facto government of General Oscar Humberto Mejía Victores, was detained for his alleged role in massacres committed in 1982–1983. It was the first arrest of a top-ranking official for human rights violations.

In August 2011, four former members of an elite army unit were sentenced to lengthy prison terms for their role in the 1982 Dos Erres massacre of 250 men, women and children; many of the women and girls were raped. Of 626 documented massacres, the Dos Erres case was only the fourth to have led to a conviction.

Also in August 2011, four forensic experts from the Fundación de Antropología Forense de Guatemala (FAFG; Guatemalan Forensic Anthropology Foundation) received death threats after giving evidence in the 1982 Dos Erres massacre case. Four days earlier someone had slashed the tire of a pickup truck belonging to FAFG's director while he was waited in traffic in Guatemala City. As of October 2011, the attorney general's office had not identified those responsible for these threats.

In October 2011, the Constitutional Court ordered the Supreme Court to clarify its ruling that a civilian court should try those suspected of the 1992 enforced disappearance and torture of Efraín Bámaca Velásquez. They had already been tried and acquitted in a secret military trial in 1994.

Former generals Hector Lopez Fuentes, Oscar Mejía Víctores and José Mauricio Rodríguez Sánchez were charged with planning and overseeing genocide, organized sexual violence and the forced transfers of populations in 1982–1983. The three were awaiting trial at the end of 2011.

In January 2012, a Guatemalan court charged former dictator Efraín Ríos Montt with genocide for his brutal war against the country's Mayan people in the 1980s.

The discovery in July 2005 of approximately 80 million documents of the disbanded National Police, including files on Guatemalans killed or “disappeared” during the conflict, could play a key role in prosecutions for past human rights violations. Documents from the archive led to the arrest in March 2009 of two former National Police agents for their participation in the “disappearance” in 1984 of student leader and activist Edgar Fernando García. In October 2011, a court sentenced both men to 40 years in prison for the crime.

[Sources: Amnesty International, *Report 2012* (London 2012), 161; Human Rights Watch, *World Report 2012* (Washington 2012), 247, 248–251; National Security Archive, *Press Release* (19 June 2012).]

See also Spain, United States of America.

GUINEA

Last *Annual Report* entry: 2011.

There was insufficient progress in holding to account members of the security forces implicated in the 28 September 2009 massacre of some 150 people and the rape of over 100 women during the military regime of Dadis Camara. A 2009 report by the United Nations-led International Commission of Inquiry concluded that the abuses committed by security forces very likely constituted crimes against humanity. In 2010 the then-government committed to bringing the perpetrators to justice, and appointed three investigating judges to the case. As of late 2011, there was little public evidence of the investigation's progress, and no evidence of government efforts to locate the over 100 bodies believed to have been disposed of secretly by the security forces. The government's refusal for much of 2011 to provide security to the investigating judges and President Alpha Condé's appointment of two men implicated in the massacre to high-level positions within his administration called into question his commitment to ensure justice for the crimes. The International Criminal Court (ICC), which in October 2009 confirmed that the situation in Guinea was under preliminary examination, visited the country in March, April, and October 2011 to assess progress made in national investigations. The ICC expressed its willingness to take on the case should the Guinean government

fail to do so. In September 2011, the government disallowed a ceremony by human rights groups and a march by the political opposition to commemorate the 2009 massacre. Meanwhile, there had been no attempts by the authorities to investigate, much less hold accountable, members of the security forces responsible for the 2007 killing of some 130 demonstrators.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 128, 130.]

In June 2011, President Alpha Condé issued a presidential decree creating a “Reflection Commission” to promote reconciliation, and in August 2011 appointed two leading religious figures as copresidents. There was, however, inadequate consultation with civil society about the mandate, composition, or powers of the commission. While the president appeared to limit its mandate to promoting reconciliation, local human rights groups pushed for a commission that could meaningfully address impunity, including provisions to recommend individuals for prosecution. Communal violence in the southeast that left some 25 dead in May 2011, the appointment by the president of a disproportionate number of senior civil servants from his Malinke ethnic group, and rising tension between the Malinke and Peuhl communities demonstrated the urgent need for a truth and reconciliation mechanism with the capacity to make recommendations aimed at addressing the root causes of communal conflicts.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 126, 127.]

GUINEA-BISSAU

Last *Annual Report* entry: 1999.

In 2011, no one was brought to justice for the killings of politicians and high-ranking military officers in 2009 and before. In March 2011, the former Procurator General announced that investigations into the killings of President Joao Bernardo Vieira and the Chief of Staff of the Armed Forces, General Tagme Na Waie, had reached a dead end because of difficulties in gathering evidence. In May 2011, he also announced that there was no evidence of an attempted coup in June 2009 and provisionally closed the investigation. He submitted the case of two politicians killed in the alleged coup to the Military High Court, which he said had jurisdiction over it. The Military High Court refuted this and the case was passed to the Supreme Court. No decision had been made by the end of 2011 on who should deal with the case. Thousands of people, however, took to the streets to demand an end to impunity.

[Source: Amnesty International, *Report 2012* (London 2012), 163, 164.]

GUYANA

Last *Annual Report* entry: 1997.

HAITI

Last *Annual Report* entry: 2009.

On 16 January 2011, after nearly 25 years in exile in France, former President-for-Life Jean-Claude “Baby Doc” Duvalier returned to Haiti. He was quickly charged with financial and human rights crimes allegedly committed during his 15-year tenure. From 1971 to 1986, Duvalier commanded a network of security forces that committed serious human rights violations, including arbitrary detentions, torture, enforced disappearances, rape and summary executions. Thousands of Haitians were victims of extrajudicial killings or otherwise died from torture or inhuman detention conditions. Many more were forced to flee, building the modern Haitian diaspora. Duvalier’s prosecution faced many obstacles, including the fragility of the justice system. Lack of political will from the international community to support the prosecution left the government without the adequate resources or technical assistance needed for a robust judicial process. Victims and their families felt intimidated by Duvalier’s lawyers and supporters, who interrupted victims’ audiences before the investigative judge, yelled at victims in public markets, and otherwise created an environment that discouraged witnesses and victims from coming forward. The investigation into crimes against humanity committed under his government progressed slowly. The investigating judge submitted his findings to the Office of the Prosecutor of Port-au-Prince in July 2011. However, by the end of 2011, a decision from the Prosecutor’s Office on next steps remained pending. On 30 January 2012, a judge ruled that a statute of limitations could be invoked to prevent Duvalier from going to trial for murder, assassination, torture and extreme corruption under his rule, but not for misappropriation of public funds.

Many of Haiti’s public records were destroyed in the 2010 earthquake. Nevertheless, archives of Amnesty International in London, collected over the decades, would support the complaints relating to crimes against humanity filed in January 2011 against Duvalier by his victims and their families.

[Sources: Amnesty International, *Report 2012* (London 2012), 13, 166, 167; Gerardo Ducos, “Amnesty Archives Support Case Against Haiti’s Former Dictator,” *Wire* (October/November 2011), 3; Human Rights Watch, *World Report 2012* (Washington 2012), 256–258; Human Rights Watch, “Haiti: Duvalier Ruling Disappoints Justice” (31 January 2012).]

HONDURAS

Last *Annual Report* entry: 2011.

Following the June 2009 military coup, the disproportionate use of force led to several deaths, scores

of injuries and thousands of arbitrary detentions. In April 2011, the Porfirio Lobo government established a Truth and Reconciliation Commission (TRC) to analyze the events leading up to and during the coup. In its report issued in July 2011, the TRC acknowledged that the events of 2009 did constitute a coup d'état and that multiple human rights violations occurred, including acts of excessive use of force by the military and police. By the end of 2011, no one had been brought to justice or held to account for these human rights violations. The commissioners documented the cases of 20 people, 12 of whom they concluded had been killed due to excessive police or army force, and eight of whom had died in selective killings by government agents. The TRC also reported that police and army officials were responsible for "systematic obstruction" of investigations into these abuses, including altering crime scenes and official documents and helping suspects escape.

[Sources: Amnesty International, *Report 2012* (London 2012), 168; Human Rights Watch, *World Report 2012* (Washington 2012), 259–260.]

HUNGARY

Last *Annual Report* entry: 2011.

On 20 May 2011, the executive director (2009–11) of the Holokauszt Emlékközpont (Holocaust Memorial Center), László Harsányi, was dismissed by the museum's new government-appointed board of curators headed by György Haraszti, a historian teaching at the Jewish Theological Seminary in Budapest. The board temporarily appointed historian Szabolcs Szita to take over his duties. The dismissal was preceded by a controversy over the center's permanent exhibition (mounted in 2006), which the government believed gave a distorted picture of Hungary's ties with Nazi Germany. At its core was a picture of Admiral Miklós Horthy (1868–1957), who led Hungary from 1920 to 1944 and who entered into an alliance with the Nazis in exchange for the restoration of territories (including southern Slovakia and northern Transylvania) lost under the 1920 Trianon Treaty. Undersecretary András Levente Gál of the Ministry of Justice said that picture unjustifiably linked Hungary's re-appropriation of territory with the deportation of Jews to Nazi concentration and death camps (some 560,000 Hungarian Jews perished in the Holocaust), shown in nearby pictures, and had asked the Interior Ministry from which the center depended that the exhibit be reassessed—something which Harsányi had refused. Historians accused the government of censorship.

[Sources: AFP, "Hungary Sacks Holocaust Museum Chief" (21 May 2011); *Historisch nieuwsblad* (July-August 2011), 29; "Hungary's Nazi Past in Spotlight as Kepiro Goes on Trial," *The New Age* (5 May 2011); "Rewriting History: The Fate of the Holocaust Memorial Center," *Hungarian Spectrum* (23 May 2011).]

INDIA

Last *Annual Report* entry: 2011.

On 25 February 2008, Akhil Bharatiya Vidyarthi Parishad activists, led by Vikas Dahiya, vandalized the office of S. Z. H. Jafri, head of the history department at Delhi University, and allegedly manhandled him, in protest against the history syllabus. They claimed that the essay “Three Hundred Ramayanas: Five Examples and Three Thoughts on Translation,” a classic essay on the Ramayanas by the late linguist A.K. Ramanujan (–1993; an authority on pre-modern literature and culture who had taught at Chicago University), be removed from the reading list of the B.A. History honors course on ancient Indian culture (of which it had been part since 2006). The essay attracted the ire of the activists because it maintained that 300 versions of the epic existed, that the epic had had many different interpretations and variations, and that it contained supposedly “objectionable” references to Hindu gods. Student activists called it a perversion of tradition, especially the inclusion of early versions of the tale with numerous sexual references. The history department staff refused to comply. A writ petition was consequently filed in the High Court on the grounds that the essay hurt religious sentiments. The matter was then taken up by the Supreme Court, which directed the university to seek the opinion of experts and place it before the Academic Council. The names of the expert team were kept confidential. Three of the four historian-members stated that the essay ought to be read by students but the fourth expressed the opinion that second-year students may find it difficult. None of the experts found anything offensive. On 9 October 2011, the Vice Chancellor and the Academic Council overruled the majority opinion of this committee. The Academic Council declared that the essay was an inappropriate subject of history, given its religious theme. Only nine of the 120 council members dissented. In mid-October, students and teachers at Delhi University went on marches to protest against the removal. Publisher Oxford University Press informed the history department that there had been not a sufficient number of back orders since 2008 to justify a normal reprint of the book *The Collected Essays of A.K. Ramanujan*, edited by Vinay Dharwadker; it denied acting under pressure from right-wing protesters when reaching this decision. On 9 December 2011, however, it announced that it would reprint *The Collected Essays*, along with *Many Ramayanas: The Diversity of a Narrative Tradition in South Asia*, in which Ramanujan’s essay also appeared, and *Questioning Ramayanas: A South Asian Tradition*, both edited by Paula Richman.

[Sources: *BBC News* (18 October 2011); *Chronicle of Higher Education* (9 December 2011); Free Speech Debate, “Non-State Censorship in Modern-Day India” (<http://freespeechdebate.com/en/media/nonstate-censorship-in-modern-day-india>; 16 March 2012); “Historian’s Office in India Vandalized by Activists,” *The Hindu* (26 February 2008); *IOC*, 4/08: 167–68; Petition (<http://www.petitiononline.com/ramanuj/petition.html>); A. Maurya, personal communication (21 October 2011); *Reuters* (1

November 2011); Hasan Suroor, “Ramanujan Essay Row: OUP Denies ‘Censorship’,” *The Hindu* (30 November 2011); Nandini Thilak, “Removal of Ramanujan Essay Sends out Wrong Message,” *Indian Express* (4 November 2011); S.N. Vijetha, “Historians Protest as Delhi University Purges Ramayana Essay from Syllabus,” *The Hindu* (15 October 2011); S.N. Vijetha, “Ramayana Row: DU Council Ignored Opinion of Three Experts,” *The Hindu* (19 October 2011).]

On 11 May 2012, Union Human Resource Development minister Kapil Sibal asked the National Council for Educational Research and Training (NCERT) to withdraw the political science textbook for class XI, *Indian Constitution at Work* (2006)—produced within the National Curriculum Framework 2005 (a major attempt to reverse the much criticized National Curriculum Framework 2000)—after an uproar in both houses of parliament. Several members of parliament found that a cartoon in the textbook, made in 1949 by cartoonist Shankar, was denigrating and demanded its immediate withdrawal. It showed Jawaharlal Nehru with a whip chasing *dalit* leader Bharat Radna Ambedkar (1891–1956) sitting on a snail named “constitution,” an allusion to the slow speed with which the constitution was being drafted. The entire series to which the textbook belonged was effectively withdrawn from distribution. Sociologists Yogendra Yadav and Suhas Palshikar, head of the political science department at the University of Pune, resigned from their posts as chief advisers of the NCERT textbook committee. On 12 May 2012, Palshikar’s university office was ransacked. The Republican Panthers Party of India (affiliated to the Republican Party of India led by Ramdas Athawale) claimed responsibility for the attack. On 14 May 2012, members of parliament from various political parties demanded that cartoons be banned from textbooks altogether. Sibal welcomed the resignation of Yadav and Palshikar, apologized for the textbooks and declared: “We believe textbooks are not the place where these issues [cartoons] should be influencing impressionable minds. That is our position...I found many of the cartoons in textbooks offensive.” An inquiry committee set up by the government to look into the textbook use of cartoons would submit its report on 15 June 2012. The government would also conduct an inquiry into the role of those who sanctioned the inclusion of the “offending” material in the textbooks. Meanwhile, over 150 cartoons had been listed as offensive.

[Sources: “1949 to 2006, How Time Warps Sense of Humour” (<http://www.dnaindia.com>; 12 May 2012); *The Hindu* (12 & 14 & 16 & 23 & 29 May 2012); *Hindustan Times* (19 May 2012); *Times of India* (15 May 2012); “In Defence of Critical Pedagogy” (Petition to Kapil Sibal; goo.gl/TXe2q; 18 May 2012); Sanne van der Kaaij, personal communication (May–June 2012).]

Perpetrators of past enforced disappearances, extrajudicial executions and other human rights violations in Punjab (in 1984 and 1994), Assam (in 1998 and 2001), Nagaland and Manipur continued to evade justice.

[Source: Amnesty International, *Report 2012* (London 2012).]

Kashmir

Impunity prevailed for human rights violations in Kashmir, including unlawful killings, torture and the disappearance of thousands of people during the armed conflict (1989–present). In September 2011, a police investigation by the Jammu and Kashmir State Human Rights Commission (SHRC) found 2,730 bodies dumped into unmarked graves at 38 sites in north Kashmir. At least 574 were identified as the bodies of local Kashmiris. The SHRC asked the state authorities to use DNA profiling and other forensic techniques to identify the remaining bodies. The government had previously said that the graves held unidentified militants, most of them Pakistanis whose bodies had been handed over to village authorities for burial. Many Kashmiris believed that some graves contained the bodies of victims of enforced disappearances. The government of Jammu and Kashmir promised an investigation, but the identification and prosecution of perpetrators would require the cooperation of army and federal paramilitary forces. In the past, these forces resisted fair investigations and prosecutions, claiming immunity under the Armed Forces Special Powers Act and section 197 of the Criminal Procedure Code.

[Sources: Amnesty International, *Report 2012* (London 2012), 26, 173; Human Rights Watch, *World Report 2012* (Washington 2012), 329.]

Gujarat

Almost a decade after the 2002 riots which killed about 2,000 Muslims in Gujarat, the first convictions were announced. In March 2011, a Gujarat special court sentenced 11 people to death and 20 others to life for an arson attack on the Sabarmati express train which killed 59 Hindu pilgrims and triggered the riots. In November 2011, a Gujarat special court sentenced 31 of the 73 accused of the Sardarpura massacre—which killed 33 Muslims—to life imprisonment. This was the first of 10 major cases being monitored directly by India's Supreme Court. Those working to ensure justice for the victims of past violations in Gujarat continued to face harassment. In January, Teesta Setalvad of the Center for Justice and Peace and a team of lawyers defending the rights of victims and their families were harassed by Gujarat police, who charged them with concocting evidence about a mass grave of victims.

[Source: Amnesty International, *Report 2012* (London 2012), 173–174.]

See also Bangladesh.

INDONESIA

Last *Annual Report* entry: 2011.

In January 2011, the *Opera Tan Malaka*, made by composer Tony Prabowo and poet Goenawan Mohamad was banned from East Javan local television stations in Kediri (the town where Tan Malaka [?1894–1949] was probably shot), Surabaya, Batu, Malang, and Sumenep after visits from the police, intelligence officers or the military, apparently because the opera was considered to hold a leftist message amenable to disturb security and order in the community. The two-hour opera contained a scene in which communist symbols (the red flag with hammer and sickle), banned since 1965, were shown. The national station *Metro TV* canceled the program on the day it was scheduled. The opera had been performed in Jakarta in October 2010.

[Sources: *Jakarta Post* (25 October 2010, 11 January 2011); *Historisch nieuwsblad* (June 2011), 27; *Opera Tan Malaka Banned* (<http://www.engagemedia.org>; 28 January 2011).]

In June 2011, President Susilo Bambang Yudhoyono appointed his brother-in-law Lieutenant-General Pramono Edhie Wibowo as the new army chief. Pramono commanded a Kopassus team (Army Special Force Command) that was deployed to East Timor in 1999. During that time, in the run up to a referendum on independence, pro-Indonesia militias or security forces killed more than 1,000 civilians.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 335.]

On 19 October 2011, a peaceful pro-independence celebration attended by at least 1,000 Papuans was held in Jayapura the capital of Papua province; five leaders of the celebration were charged with treason and sentenced to three years' imprisonment for raising the outlawed separatist flag and declaring the region's independence.

[Sources: Amnesty International, *The Wire* (October/November 2011), 41, no. 5 (insert); *Ifex Alert* (21 March 2012); *Keesings historisch archief* (2012), 178.]

The Attorney General's office failed to act on cases of serious human rights violations submitted by the National Human Rights Commission (Komnas HAM). These included crimes against humanity committed by members of the security forces. A Memorandum of Understanding between Komnas HAM and the Timor-Leste Provedor (Ombudsman for Human Rights and Justice) which called for, among other things, information on people who disappeared in 1999 in Timor-Leste, lapsed in January 2011 and was renewed in November 2011. No progress was reported. The government had yet to implement the 2009 recommendations of parliament to investigate and prosecute those

responsible for the abduction and enforced disappearance of 13 political activists in 1997–1998.

[Source: Amnesty International, *Report 2012* (London 2012), 176–177, 335.]

See also Timor-Leste.

IRAN

Last *Annual Report* entry: 2011.

In Khuzestan, dozens of members of the Ahwazi Arab minority were said to have been killed before and during demonstrations in April 2011 to commemorate protests in 2005.

[Source: Amnesty International, *Report 2012* (London 2012), 178.]

See also Argentina, Morocco / Western Sahara.

IRAQ

Last *Annual Report* entry: 2011.

The Supreme Iraqi Criminal Tribunal (SICT) continued to try former senior Ba'ath and army officials associated with Saddam Hussain's rule (1979–2033) who were accused of war crimes, crimes against humanity and other offenses. The court, whose independence and impartiality had been undermined by political interference, imposed several death sentences. On 21 April 2011, Hadi Hassuni, 'Abd Hassan al-Majid and Farouq Hijazi, all former senior intelligence officers, were sentenced to death for the murder of Taleb al-Suhail, an opposition leader, in 1994 in Lebanon. The court's Appellate Chamber upheld the sentences, but at the end of 2011 they were still awaiting ratification by the Presidency. On 6 June 2012, 'Aziz Saleh al-Numan, a former senior Ba'ath party official, was sentenced to death after he was found guilty of crimes against humanity in connection with the suppression of the 1991 Shi'a uprising in southern Iraq.

[Source: Amnesty International, *Report 2012* (London 2012), 183.]

See also United Kingdom.

IRELAND

Last *Annual Report* entry: 2004.

ISRAEL

Last *Annual Report* entry: 2011.

In January 2011, Israel's Turkel Commission concluded that Israeli forces had not violated international humanitarian law when they attacked a Gaza-bound aid flotilla in May 2010 and killed nine Turkish nationals, but failed to account for the nine deaths.

The authorities again took no steps to conduct credible, independent investigations into alleged war crimes and possible crimes against humanity committed by Israeli forces during Operation "Cast Lead" in 2008–2009, in which hundreds of Palestinian civilians were killed, although a few military police investigations into specific incidents continued.

[Source: Amnesty International, *Report 2012* (London 2012), 186, 188.]

In March 2011, the Knesset passed the so-called "Nakba Law," under which public funding would be denied to institutions that marked Nakba Day, debased "the honor of the flag or the state emblem" or expressed views rejecting Israel's existence as "Jewish and democratic."

[Sources: Amnesty International, *Report 2012* (London 2012), 189; Human Rights Watch, *World Report 2012* (Washington 2012), 575.]

On 15 May 2011, according to the United Nations, seven Palestinian refugees were killed and 111 people were injured when Israeli troops fired on Palestinian refugees and others who had gathered at the Lebanese border to commemorate Nakba Day, some of whom attempted to cross into Israel.

As Palestinians in the West Bank and Arab Israelis inside the Green Line planned to commemorate Nakba Day, the ultrarightist student group Im Tirtzu launched a campaign accompanied by a 70-page booklet written by film director Erez Tadmor and describing the Nakba as "a lie" and a catastrophe for which the Arabs themselves were responsible by refusing to accept the 1947 United Nations partition plan. On 15 May 2011, dozens of Im Tirtzu activists gathered outside the offices of UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East) in Jerusalem. Because of its attacks of democratic criticism, Im Tirtzu was described as a McCarthyite movement. It called itself after Theodor Herzl's phrase "Im tirtzu, ain zo agada" (If you will it, it is no dream).

[Sources: Amnesty International, *Report 2012* (London 2012), 212; *Haaretz* (2 July 2010); *Jerusalem*

Post (13 May 2011); *Wikipedia* (15 June 2011).]

In July 2011, senior archaeologists criticized a proposal by Culture and Sports Minister Limor Livnat to amend the Antiquities Authority Law, ostensibly in order to change the make-up of the Israel Antiquities Authority's board of directors. They maintained that it was a move to prevent the appointment of Yoram Tsafir, one of Israel's foremost archaeologists and a member of the Israel Academy of Sciences and Humanities, as board director. Tsafir was considered a leftist for having spoken out against the involvement of Elad, an organization identified with the political right, in excavations of the City of David in Jerusalem. The senior archaeologists also criticized the recent appointment of three archaeologists in the Archaeological Council (a body advising the board director and the minister) because all three were known for their work in excavations funded by Elad in East Jerusalem.

[Source: *Haaretz* (11 July 2011).]

In December 2011, the security department of Tel Aviv University (TAU) wrote to lecturers in the history, philosophy and literature departments requesting details about students who carried out protest activities on campus. A YouTube video clip was attached to the letter, showing students urging their friends to join the social protest they were planning at TAU. Students and lecturers accused TAU of resorting to "secret police" methods and oppressing student debate groups on campus.

[Source: *Haaretz* (22 December 2011).]

On 5 June 2012, Knesset legal adviser Eyal Yinon prevented thirty Knesset members, including Alex Miller, the head of the Knesset's Education Committee, from introducing a motion that would make holding Nakba Day events at universities illegal or a criminal offense. Yinon called the motion unconstitutional and undemocratic. He also rejected another motion put forward by Knesset member Ahmad Tibi to block funding for public institutions if they denied Nakba Day as a "real historical event." The motions came after Nakba Day events at Tel Aviv University on 14 May 2012, in which hundreds of students marked the Nakba. The university's decision to allow the ceremony had caused an uproar on campus and in the Knesset.

[Source: *Times of Israel* (17 June 2012).]

See also Palestinian Authority, United States of America.

ITALY

Last *Annual Report* entry: 2010.

In April 2011, Gabriella Carlucci, member of parliament for the Popolo della libertà (PdL; The People of Freedom, Silvio Berlusconi's center-right political party), proposed to establish a parliamentary commission of inquiry to evaluate the impartiality of textbooks, especially history textbooks. She declared that "communist textbooks threw mud at Berlusconi." The draft law was widely criticized and not accepted.

[Source: "Communist Textbooks Throw Mud on Berlusconi" (<http://www.allvoices.com/contributed-news/8771908-communist-textbooks-throw-mud-on-berlusconi>); 13 April 2011].

See also Germany.

IVORY COAST (Côte d'Ivoire)

Last *Annual Report* entry: 2011.

The capture of President (and historian) Laurent Gbagbo and his wife Simone in April 2011 began a wave of arrests against the former regime's military and political leaders. As of late 2011, military and civilian prosecutors had brought charges against at least 118 of these officials, including Gbagbo. The civilian prosecutor primarily limited the charges to economic crimes and crimes against the state—including charges against Gbagbo—whereas the military prosecutor included charges for murder, rape, and other violent crimes. In stark contrast, as of late 2011, not a single member of the forces loyal to President Alassane Ouattara had been charged for crimes committed during the postelection crisis.

In October 2011, the pretrial chamber of the International Criminal Court (ICC) authorized an investigation into crimes against humanity and war crimes perpetrated by both sides in Ivory Coast, limited to the postelectoral crisis since 28 November 2010. The temporal restriction drew criticism from many, including a coalition of Ivorian civil society organizations that stressed the importance of investigations going back to 2002, given the gravity, scale, and complete impunity for these crimes. In October 2011, the pretrial chamber authorized the prosecutor's investigation into the postelection crimes and requested that he provide further information on crimes committed between 2002 and 2010 to determine possible expansion of the investigation. In response, the prosecutor detailed specific incidents that may also amount to crimes falling under ICC jurisdiction, including the use of

child soldiers. Although not a state party to the Rome Statute, the Ivorian government under Gbagbo had accepted ICC jurisdiction in April 2003. In October 2011, during a visit to Ivory Coast, the ICC prosecutor stated that between three and six people carrying the greatest responsibility for crimes under international law committed in Ivory Coast would be investigated. In November 2011, former President (and historian) Laurent Gbagbo was transferred to the ICC in The Hague, Netherlands, following the issuing of an arrest warrant. To preserve its credibility, the ICC had to ensure that crimes committed by pro-Ouattara forces were also investigated and individuals prosecuted.

In September 2011, a national Truth, Reconciliation and Dialogue Commission (DTRC) was officially inaugurated by Ouattara but had not begun its work by the end of 2011. Former Prime Minister Charles Konan Banny became the DTRC president. The DTRC's potential efficacy was undermined by inadequate consultation with the Ivorian civil society, lack of independence from the presidency, an unclear relationship with prosecution efforts, and ill-defined powers. The president also established a national commission of inquiry to provide conclusions on how and why massive human rights violations occurred. The commission, which began its work on 13 September 2011 and had a six-month mandate that could be extended for another six months, was tasked with identifying individuals who should be subject to criminal prosecution. However, the nomination of a commissioner perceived to be close to the president, as well as the process that created the commission, raised concerns about its independence from the presidency and commitment to faithfully and impartially investigate abuses perpetrated by both sides.

[Sources: Amnesty International, *Report 2012* (London 2012), 3, 117, 118; Human Rights Watch, *World Report 2012* (Washington 2012), 98–101.]

JAPAN

Last *Annual Report* entry: 2011.

On 30 March 2011, the Japanese government announced newly approved textbooks for middle school students. The textbooks emphasized Japan's claim of sovereignty over the Dokdo islets. This created a stir in Korea.

[Source: Sun So-young, "A Way Forward for Korea-Japan Relations" (Korea Joongang Daily, 10 June 2011).]

On 30 August 2011, the Constitutional Court of South Korea ruled it unconstitutional for the South Korean government to make no tangible effort to settle disputes with Japan over reparations for survivors of Japan's military sexual slavery system. Japan continued to refuse to compensate Korean women mobilized as sex slaves before and during World War II. The Constitutional Court noted that South Korea violated the basic rights of the former "comfort women" with its inaction. In October 2011, the South Korean government raised the issue of Japan's military sexual slavery system at the United Nations, saying that "this systematic rape and sexual slavery constitute[d] war crimes and also, under defined circumstances, crimes against humanity." The Japanese government responded that all issues had been settled under treaties. On 14 December 2011, activists and survivors in Seoul, South Korea, demonstrated for the 1,000th time in front of the Japanese embassy, in a weekly protest that began in 1992.

[Source: Amnesty International, *Report 2012* (London 2012), 195–196.]

See also Korea.

JORDAN

Last *Annual Report* entry: 2004.

KAZAKHSTAN

Last *Annual Report* entry: 2007.

On 16 December 2011, in the worst confrontation in recent history, celebrations of the 20th anniversary of Kazakhstan's independence in the south-western oil city of Zhanaozen were marred by violent clashes between protesters and police. At least 15 people were killed and more than 100 seriously injured. Officials reported 42 buildings burned down or destroyed, including the town hall. President Nursultan Nazarbaev imposed a 20-day state of emergency in Zhanaozen, sent in military reinforcements and set up a special commission to investigate the violence. All communications with the town were temporarily cut off. Nazarbaev, who visited the city on 22 December 2011, blamed the violence on "young hooligans" who had taken advantage of the dissatisfaction and anger of the striking workers to destroy and loot public and private property. He said that security forces had acted strictly within the law. However, the Prosecutor General's Office opened a criminal investigation into the use of force by security forces after video footage of the events was released. It also invited the United Nations to join an impartial investigation into the violence.

[Source: Amnesty International, *Report 2012* (London 2012), 199.]

KENYA

Last *Annual Report* entry: 2011.

Although the government stated several times that investigations were continuing into crimes and human rights violations, including possible crimes against humanity, allegedly committed during the postelection violence of 2007–2008, steps were not taken to bring perpetrators to justice. The Committee on the Elimination of Discrimination against Women (CEDAW), in its Concluding Observations issued in April 2011, expressed concern that perpetrators of sexual and gender-based violence, including rape and gang rapes committed during the postelection violence, remained unpunished.

On 8 March 2011, the International Criminal Court (ICC) summonsed six Kenyan citizens believed to be responsible for crimes against humanity committed during the postelection violence. In April 2011, the six men appeared before the ICC in two separate cases. Confirmation hearings were conducted by the pretrial chamber in September and October 2011 to determine whether there was evidence to refer the cases to full trial. The ICC decision was pending at the end of 2011. In April 2011, the government had requested that the cases be declared inadmissible before the ICC, because

amendments to Kenyan law, including the adoption of a new constitution and the enactment of the International Crimes Act, meant that “national courts were now capable of trying crimes from the postelection violence, including the ICC cases.” The ICC pretrial chamber rejected the application, maintaining that it had no evidence of ongoing investigation and prosecution of the six suspects, and that a promise to carry these out could not be used to pre-empt ICC jurisdiction over the cases. In March 2011, the government unsuccessfully sought a consideration by the United Nations Security Council for a deferral of the ICC cases. The government did not act on a parliamentary motion passed in December 2010 that urged it to start Kenya’s withdrawal from the Rome Statute and to repeal the International Crimes Act which incorporated the statute into Kenyan law.

[Sources: Amnesty International, *Report 2012* (London 2012), 201–202; Human Rights Watch, *World Report 2012* (Washington 2012), 134–135.]

The Truth, Justice and Reconciliation Commission (TJRC) conducted country-wide public hearings where individuals testified about alleged human rights violations, the impact of grand corruption, land injustices and other human rights violations committed in Kenya from 1963 to 2008. The TJRC planned to conclude these hearings by the end of January 2012, and conduct thematic hearings during February and March 2011. The final report documenting its findings and recommendations was planned for May 2012. TJRC work was hampered by insufficient funding. A tribunal appointed to investigate allegations into the credibility of the TJRC Chair had not started its work by the end of 2011; this was due to a pending court case filed by the Chair to stop the tribunal from investigating his alleged complicity in committing past human rights violations that were the subject of the TJRC’s mandate. The Chair remained suspended throughout 2011.

[Sources: Amnesty International, *Report 2012* (London 2012), 202; Human Rights Watch, *World Report 2012* (Washington 2012), 135–136.]

See also United Kingdom.

KOREA, NORTH

Last *Annual Report* entry: 2011.

See Japan.

KOREA, SOUTH

Last *Annual Report* entry: 2010.

During Japan's colonization of the Korean peninsula (1910–45), 1205 volumes of documents, including the royal records of Korea's Joseon Dynasty (1392–1897), were taken to Japan. In 2012 the records would be returned.

[Human Rights Working Group of the International Council on Archives, *News of June 2011*, 4.]

The ruling Saenuri Party withdrew its selection of Lee Young-jo, former head of the Truth and Reconciliation Commission (KTRC), as a candidate for the National Assembly elections in April 2012 amid growing criticism of his alleged "distortion of modern Korean history." Lee had labeled the Gwangju Democratization Movement on 18 May 1980 as the "Gwangju Rebellion" and the Jeju Uprising of 3 April 1948 (which resulted in the deaths of some 30,000 to 60,000 people in factional fighting) as the "Jeju Revolt." Experts said that these two civic movements were not acts of illegitimate violence but selfdefense after the repression of a peaceful protest against martial law in the former case and civil war in the latter. Lee refused to apologize for his remarks. Former KTRC employees sued Lee for abusing his authority because he had suspended the distribution of the English version of *Historical Background of Korea's Past Settlement*, written by historian Ahn Byung-ook (head of the KTRC before Lee). They claimed that, as head of the KTRC, Lee had banned the book because it maintained that the Korean Army, the police and right-wing organizations were responsible for the deaths of innocent civilians.

[Source: *Korea Times* (14 March 2012).]

See also Japan.

KOSOVO

See Serbia / Kosovo.

KUWAIT

Last *Annual Report* entry: 2005.

KYRGYZSTAN

Last *Annual Report* entry: 2011.

Investigators and prosecutors failed to investigate and prosecute the vast majority of crimes against ethnic Uzbeks committed during and since the June 2010 violence, including crimes against humanity committed in Osh. In at least 200 documented cases of murders committed during the violence, either no criminal investigation was opened or the proceedings were suspended. However, many relatives were reluctant to follow up on the murders for fear of reprisals.

[Source: Amnesty International, *Report 2012* (London 2012), 38, 211.]

LATVIA

Last *Annual Report* entry: 2008.

LEBANON

Last *Annual Report* entry: 2011.

In March 2011, as part of the United Nations Human Rights Council's Universal Periodic Review process, the government pledged to establish a national commission to investigate the fate of the thousands of Lebanese and other nationals who "disappeared" during and after the Lebanese civil war (1975–1990) and to ratify the 2006 International Convention for the Protection of all Persons from Enforced Disappearances. However, the government took no steps to fulfill these pledges. An official joint Syrian-Lebanese committee established in May 2005 to investigate cases of Lebanese who "disappeared" at the hands of Syrian security forces had not published any findings as of late 2011.

[Sources: Amnesty International, *Report 2012* (London 2012), 214; Human Rights Watch, *World Report 2012* (Washington 2012), 592–593.]

The Special Tribunal for Lebanon, established by the United Nations Security Council to try those accused of assassinating former Prime Minister Rafic Hariri in 2005 and related crimes, issued its first indictments in June 2011 against four members of Hizbullah. The four were not arrested, and the pretrial chamber was seeking to initiate *in absentia* proceedings. The government's ongoing support for the tribunal was in doubt as leading parliamentary blocs, including Hizbollah and the Free Patriotic Movement, criticized the tribunal.

[Sources: Amnesty International, *Report 2012* (London 2012), 212–213; Human Rights Watch, *World Report 2012* (Washington 2012), 593.]

See also Iraq, Israel.

LIBERIA

Last *Annual Report* entry: 2011.

No progress was made in bringing to justice people responsible for serious human rights violations

and abuses during the years of armed conflict and violence (1979–2003). The recommendation of the Truth and Reconciliation Commission (TRC) that a criminal tribunal be established to prosecute people identified as responsible for crimes under international law was not implemented, nor were most TRC recommendations on legal and other institutional reforms, accountability, and reparations. [Sources include: Amnesty International, *Report 2012* (London 2012), 215.]

See also Sierra Leone.

LIBYA

Last *Annual Report* entry: 2011.

Before its downfall in October 2011, Colonel al-Gaddafi's government took no steps to investigate past gross human rights violations or bring to justice those responsible. The National Transitional Council (NTC), that took over power, vowed to do so, but struggled to secure key evidence, such as archived material and government records, some of which had been burned and looted. In June 2011, the International Criminal Court (ICC) issued arrest warrants against al-Gaddafi, his son Saif al-Islam al-Gaddafi and security chief Abdallah al-Senussi for alleged crimes against humanity, including murder and persecution. Saif al-Islam was captured in November 2011. Despite statements by the NTC that it would seek to prosecute him before Libyan courts, by the end of 2011 no application had been made to the ICC challenging its jurisdiction.

[Source: Amnesty International, *Report 2012* (London 2012), 221.]

In [August] 2011, Human Rights Watch (HRW) discovered tens of thousands of archived documents containing evidence of crimes committed during Colonel Muammar Gaddafi's rule (1969–2011). The documents were found in the office of Musa Kusa, Gaddafi's former intelligence chief. In collaboration with the National Transitional Council (NTC), HRW attempted to secure the building and to keep the documents safe so they could be used as evidence in court. Among the files were documents confirming that both the United States Central Intelligence Agency and the United Kingdom's MI6 sent terrorism suspects to Libya for detention—despite Libya's notorious record for torturing prisoners.

[Source: Human Rights Watch, "Secret Intelligence Documents Discovered in Libya: Files Show Intimate Relationship between CIA, MI6, and Libya" (8 September 2011).]

On 24 February 2012, an Islamist armed group smashed the graves of British and Italian soldiers

killed during World War II in Benghazi Military Cemetery in protest against the burning of the Koran by United States soldiers in Afghanistan. During World War II, British and Commonwealth troops fought heavy battles against German and Italian forces in Lybia.

[Source: C. Lowe, “British and Italian War Graves Desecrated in Libya in anti-Christian Outburst,” *Reuters* (4 March 2012).]

In early May 2012, the National Transitional Council adopted a broad new law that banned criticism of the 2011 revolution and the distribution of false news or “propaganda” that endangered the state, including glorification of deposed leader Gaddafi and his regime. The law included sanctions up to life imprisonment. International human rights groups demanded to repeal the law.

[Source: *Ifex Communiqué* (9 May 2012).]

LITHUANIA

Last *Annual Report* entry: 2009.

MACEDONIA

Last *Annual Report* entry: 2011.

In July 2011, parliament adopted a new interpretation of the 2002 Amnesty Law, which had granted amnesty to those involved in the 2001 armed conflict except in cases taken under the jurisdiction of the International Criminal Tribunal for the former Yugoslavia (ICTY). This interpretation stated that four war crimes cases returned in 2008 from the ICTY to Macedonia could only be prosecuted by the ICTY and not by domestic courts—in violation of Macedonia’s international obligations. As a result, Skopje Criminal Court dismissed the “Mavrovo” road workers case at the request of the Public Prosecutor in September 2011. In 2001 the road workers were allegedly abducted, ill-treated, sexually abused and threatened with death before release by the ethnic Albanian National Liberation Army (NLA). The court granted the victims leave to claim compensation in civil proceedings. The remaining cases were annulled by the end of October 2011. The “NLA Leadership” case included charges against Ali Ahmeti, leader of the ethnic Albanian Democratic Union for Integration (DUI), then leader of the NLA. Another case, “Neprosteno,” alleged the abduction of 12 ethnic Macedonians and one Bulgarian by the NLA. Impunity continued for the enforced disappearance in 2001 of six ethnic Albanians by the Macedonian authorities.

[Source: Amnesty International, *Report 2012* (London 2012), 38, 222.]

MALAYSIA

Last *Annual Report* entry: 2011.

See United Kingdom.

MALAWI

Last *Annual Report* entry: 2011.

In October 2011, the government faced widespread international criticism and condemnation by local and international civil society groups when it invited and hosted Sudanese President Omar al-Bashir at the Common Market for Eastern and Southern Africa (COMESA) summit in Lilongwe. Despite being a state party to the International Criminal Court (ICC), Malawi did not arrest al-Bashir—who

was wanted by the court on charges of genocide, crimes against humanity, and war crimes—upon his arrival in the country. Three ICC member states—Djibouti, Chad, and Malawi—welcomed al-Bashir to their territories, flouting their obligation to arrest him. China also welcomed him. The European Union, United States, United Kingdom, Germany, and France criticized the visits and urged Sudan and other states to cooperate with the court, including in the surrender of ICC suspects. Malaysia cancelled an anticipated visit by al-Bashir after public outcry.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 142, 184.]

MALDIVES

Last *Annual Report* entry: 2010.

MALI

Last *Annual Report* entry: 2011.

MALTA

Last *Annual Report* entry: —.

In February 1994, the English-language *Sunday Times of Malta* published a letter of journalist John Anthony Mizzi (1925–) to the editor in which he commented on the authorities' plans to build a yacht marina in the inner part of St. Paul's bay. The article discussed the history behind the project in passing, saying that when Sir Paul Boffa (1890–1962) was prime minister of Malta (1947–1950), permission was given to build on the bay "because Dr Boffa wanted to build there." The son and heir of Boffa sued Mizzi for defamation; he argued that the statement attributed false intentions to his father. The case went up all the way to Strasbourg, where the European Court of Human Rights ruled in November 2011 that Mizzi's right to freedom of expression was violated. It found that Mizzi's statement was not necessarily done with malicious intent, that it was a detail in an article which dealt with an entirely different subject, that Boffa was a public figure who had to tolerate broader limits of acceptable criticism and that the fact that he had died more than three decades before the article had been published made the possible damage to his reputation less serious.

[Source: European Court of Human Rights, *John Anthony Mizzi versus Malta: Judgment*

(<http://www.concernedhistorians.org/le/241.pdf>; 22 November 2011).]

MAURITANIA

Last *Annual Report* entry: 2011.

MAURITIUS

Last *Annual Report* entry: —.

In December 2011, the Ministry of Tertiary Education announced that it might cancel courses in anthropology, history, international affairs and political science at the University of Mauritius, because they did not offer students job opportunities at the end of their studies. Vijaya Teelock, an historian and vice-president of the Truth and Justice Commission (TJC) criticized the plan, saying that the TJC had recently submitted a document in which it recommended compensation for slaves' descendants and emphasized the importance of the teaching of the history of Mauritius.

[Source: G. Gouges, "Mauritius: State Might Cancel 'Useless' Courses," *University World News* (18 December 2011).]

MEXICO

Last *Annual Report* entry: 2011.

There was no action to ensure justice for the victims of gross human rights violations committed during Mexico's "dirty war" (1964–1982). Legal action against those responsible for grave human rights violations during the 1960s, 1970s and 1980s remained stalled.

[Source: Amnesty International, *Report 2012* (London 2012), 13, 234.]

See also Colombia.

MOLDOVA

Last *Annual Report* entry: 2010.

MONGOLIA

Last *Annual Report* entry: 2007.

MONTENEGRO

Last *Annual Report* entry: 2011.

Verdicts in war crimes cases were inconsistent with international human rights and humanitarian law. Senior officials were rarely indicted. In April 2011, the retrial began of six former Yugoslav People's Army reservists, convicted in 2010 of war crimes against prisoners of war in Morinj camp in 1991–1992. This followed an appeal by the prosecution, which argued that the court had failed to consider the charges of war crimes against civilians detained in Morinj who had also been subject to torture and inhumane treatment.

In June 2011, appeals were lodged against the acquittal in March 2011 of nine former police officers and government officials who allegedly participated in the enforced disappearance of 79 Bosniak refugees in May–June 1992. They were acquitted of war crimes on the basis of the Podgorica Superior Court's flawed interpretation of international humanitarian law. Also in June 2011, the December 2010 verdict acquitting seven army and police reservists of crimes against humanity in their systematic ill-treatment of Bosniak civilians in Bukovica in 1992–1993 was overturned on appeal.

[Source: Amnesty International, *Report 2012* (London 2012), 241.]

MOROCCO / WESTERN SAHARA

Last *Annual Report* entry: 2011.

The authorities failed to implement key recommendations made by the Equity and Reconciliation Commission in its November 2005 report. Victims continued to be denied effective access to justice

for gross violations of human rights committed between Morocco's independence in 1956 and the death of King Hassan II in 1999.

[Source: Amnesty International, *Report 2012* (London 2012), 244.]

The Polisario Front took no measures to end impunity for those accused of committing human rights abuses in the 1970s and 1980s at the Tindouf camps controlled by the Polisario Front in Algeria's Mhiriz region.

[Source: Amnesty International, *Report 2012* (London 2012), 244.]

On 2 February 2012, the authorities confiscated an issue of the French magazine *Le Nouvel observateur* after it had published a French-Iranian article on *Persepolis*, a French animated film about the suffering of an Iranian family following the Iranian revolution in 1979 and the main character's subsequent exile to France. It included the picture of a scene showing a representation of God. On 3 April 2012, the director of the Tunisian satellite TV Nesma, Nébil Karoui, was fined in Tunis on public order and public morality grounds for showing the film dubbed into Arabic. It contained a scene showing a representation of God, which was seen as blasphemous in Sunni Islam.

[Sources: Arabic Network for Human Rights Information, *Ifex Alert* (2 February 2012); *NRC Handelsblad* (4 May 2012) 13.]

MYANMAR (BURMA)

Last *Annual Report* entry: 2011.

In February 2012, writer Aung Kyaw San, imprisoned during two years for doing volunteer work helping search for and burying corpses in the aftermath of Cyclone Nargis, was released. While in prison, he translated books by Burmese historian Than Tun (1923–2005) and he planned to publish the books, along with some books by dissident writer Ludu Daw Amar (1915–2008).

[Source: Mizzima News, *Ifex Alert* (2 February 2012).]

Government officials and military personnel who committed human rights violations, including some on a widespread or systematic basis, remained free from prosecution. Article 445 of the 2008 constitution codified total impunity for past violations. In September 2011, President Thein Sein appointed a National Human Rights Commission whose mandate included receiving and investigating human rights complaints, but the justice system continued to demonstrate a lack of impartiality and independence from the government. In January 2011, the government stated that there was “no

widespread occurrence of human rights violations with impunity” in Myanmar.

[Source: Amnesty International, *Report 2012* (London 2012), 248.]

NAMIBIA

Last *Annual Report* entry: 2011.

NEPAL

Last *Annual Report* entry: 2011.

Nepal continued to backtrack on commitments to hold perpetrators of human rights abuses accountable before the law. Political parties in government actively subverted justice by demanding the withdrawal of criminal charges in hundreds of cases, including for serious human rights violations committed during the armed conflict (1996–2006). The United Nations Mission in Nepal, tasked with monitoring the 2006 Comprehensive Peace Agreement (CPA), ended operations in January 2011, but key elements of the CPA remained unfulfilled. Elected Prime Minister in February 2011, Jhala Nath Khanal resigned on 14 August 2011 after failing to make progress on the peace process, including seeing through the drafting of a new constitution. Baburam Bhattarai, vice chairperson of the Unified Communist Party of Nepal (Maoist) succeeded him, ultimately overseeing the extension of the mandate of the Constituent Assembly to 27 May 2012, and pledging to oversee completion of the new constitution.

Article 5 of Nepal's CPA provided for the creation of a Truth and Reconciliation Commission to investigate alleged human rights violations and crimes against humanity committed during the armed conflict. However, drafting of a bill to create the commission had yet to be completed. The government continued to make interim payments to families of "conflict victims," but failed to fulfil victims' rights to truth and justice. The government had yet to set up a commission to investigate thousands of enforced disappearances by parties to the conflict, despite promising to do so by September 2011.

[Sources: Amnesty International, *Report 2012* (London 2012), 250; Human Rights Watch, *World Report 2012* (Washington 2012), 347–348.]

NETHERLANDS

Last *Annual Report* entry: 2011.

From 2009, political activist Roel van Duijn (1943–), former founder of the anarchist movement

Provo in Amsterdam (1965–1967) and of the protest movement Kabouters (1969–74; Dwarfs), and member of several peace movements and left-wing and green political parties, tried to get access to the files that for decades the secret service Algemene Inlichtingen- en Veiligheidsdienst (BVD/AIVD) had kept on him, in order to write his memoirs. The AIVD granted access to the files encompassing the years 1962–1982 but rejected the request for later files on grounds of “source protection.” Van Duijn sued the AIVD to get an apology for what he considered a privacy invasion and to gain access to the files. On 16 February 2011, the judge ruled that source protection was not a valid reason for nondisclosure of police and public prosecutor files and that, in addition, there was no legal ground to deny Van Duijn access to files in which he was mentioned as an organizer. The judge, however, ordered the AIVD only to reconsider Van Duijn’s request to see the files. On 7 March 2011, Van Duijn appealed to the Council of State. On 21 December 2011, the Council of State ruled that the Interior Ministry had to give access to Van Duijn to the pre-1982 files but not to later files because access to later files could obstruct the work of the AIVD. In 2012 Van Duijn’s autobiography was eventually published as *Diepvriesfiguur; autobiografie van PD106043 in samenwerking met de AIVD* (Deepfreeze figure: autobiography of PD106043 in collaboration with the AIVD; Amsterdam).

[Sources: Rechtbank ’s-Gravenhage, *Roel van Duijn versus Minister van Binnenlandse Zaken en Koninkrijksrelaties* (<http://www.concernedhistorians.org/le/214.pdf>; 2011); *Keesings historisch archief* (2012), 24; *NRC Handelsblad* (11–12 June 2011), 43; *Volkskrant* (16 February 2011); *De Pers* (7 March 2011).]

In July 2011, the appeals court in The Hague ruled that the government had been responsible for the deaths of three Bosnian Muslims during the 1995 Srebrenica genocide in Bosnia and Herzegovina. The court ruled that Dutch troops had forced the three to leave a “safe area,” effectively handing them over to Bosnian Serb forces, who in July 1995 went on to kill some 8,000 Bosnian Muslim men and boys.

[Source: Amnesty International, *Report 2012* (London 2012), 252.]

When on 29 February 2012, British historian Tom Holland (1968–), author of the book *In The Shadow Of The Sword: The Battle for Global Empire and the End of the Ancient World* (2012), gave a lecture about the seventh-century origins of Islam and the Quran, in the Cultural Center De Balie in Amsterdam, extra security measures were deemed necessary (In December 2011 a meeting in De Balie had been disrupted by Muslim extremists).

[Source: *Wordt wervolgd* (April 2012), 19.]

On 1 May 2012, the court in Haarlem ruled that Minister of Security and Justice Ivo Opstelten had acted responsibly in not disclosing to historian Jan de Roos (1) most of the criminal records (dating

from 1947–1948) of convicted Dutch-German SS member and war criminal Klaas Carel Faber (1922–2012), (2) all of the (recent) correspondence with Germany about the case, (3) all of the letters and emails from citizens to the minister about the case, and (4) the ministry’s internal memos about the case. The reasons given were the following: (1) an exemption from the Wet Openbaarheid Bestuur (Freedom of Information Act) for criminal personal data, (2) the possibility of harming relations with Germany, (3) privacy, and (4) personal policy views of politicians. The court also ruled that (1) the names of witnesses and victims named in the judgments of the criminal cases and (3) the anonymized responses of the minister could be disclosed. De Roos wrote a biography about Faber who had been sentenced to death (later commuted to life imprisonment) but who in 1952 had escaped to Germany. [Source: Rechtbank Haarlem, Jan de Roos *versus* Minister of Security and Justice: Judgment (<http://www.concernedhistorians.org/le/256.pdf>; 2012).]

NEW ZEALAND

Last *Annual Report* entry: 2007.

NICARAGUA

Last *Annual Report* entry: 1998.

See United States of America.

NIGER

Last *Annual Report* entry: 2009.

NIGERIA

Last *Annual Report* entry: 2011.

The authorities still had not prosecuted members of the police and military for the unlawful killing of more than 130 people during the November 2008 sectarian violence in Plateau State, the soldiers who

massacred more than 200 people in Benue State in 2001, or the members of the military involved in the complete destruction of the town of Odi, Bayelsa State, in 1999.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 146.]

NORWAY

Last *Annual Report* entry: 2009.

In April 2011, the Supreme Court confirmed the verdict against Mirsad Repak, a naturalized Norwegian citizen who served in the Croatian Defense Forces and who had been found guilty of “deprivation of liberty” during the war in Bosnia and Herzegovina (1992–1995). In its decision, the Supreme Court increased his sentence to eight years’ imprisonment due to the extremely serious nature of the crime.

In May 2011, a 45-year-old Rwandan national was arrested and charged with participation in the genocide in Rwanda in April 1994. The National Criminal Investigation Service, KRIPOS, had been investigating the case since 2008, following an international arrest order issued by the Rwandan authorities. He remained in custody at the end of 2011. A decision on whether to prosecute him in Norway was expected in 2012. On 24 November 2011, the Supreme Court ruled that a 58-year-old Rwandan national could be extradited from Norway to Rwanda to face charges of participation in the genocide there in 1994.

[Source: Amnesty International, *Report 2012* (London 2012), 260.]

OMAN

Last *Annual Report* entry: 2010.

PAKISTAN

Last *Annual Report* entry: 2011.

A study from 2011 pointed out that the role of religious minorities (Hindus, Buddhists, Sikhs, Christians) was ignored in the history curriculum. Many teachers saw non-Muslims as “enemies of Islam.” Some historical figures, such as Bhagat Singh, a Sikh who fought against colonial rulers, were omitted, as were significant contributions of some minority groups. The textbooks that were reviewed in the study frequently omitted references to the Hindu and Buddhist dynasties that once presided over modern-day Pakistan or in cases when they did refer to them, tended to focus on the negative aspects of non-Muslim societies or overemphasize the conditions that led to their downfall. A 2006 curricular guidelines reform in the public schools had not yet been implemented at the textbook level. The existing textbooks were reprinted with only minor adjustments.

[Sources: United States Commission on International Religious Freedom (Azhar Hussain & Ahmad Salim, with Arif Naveed), *Connecting the Dots: Education and Religious Discrimination in Pakistan: A Study of Public Schools and Madrassas* (Washington 2011), 13, 15, 26, 29, 47, 119; *Washington Post* (9 November 2011).]

See also Bangladesh, India.

PALESTINIAN AUTHORITY

Last *Annual Report* entry: 2010.

The Hamas authorities failed to investigate alleged war crimes and possible crimes against humanity committed by Hamas’s military wing and other Palestinian armed groups in Gaza during Operation “Cast Lead.” (*See* Israel).

[Source: Amnesty International, *Report 2012* (London 2012), 267.]

See also Israel.

PANAMA

Last *Annual Report* entry: 2008.

When General Manuel Noriega, Panama's military dictator from 1983 to 1989, was ousted during an American invasion called *Operation Just Cause*, 15,000 boxes of documents from Noriega's offices and the Panamanian Defense Forces (including letters, bank account statements, secret police files and intelligence reports) were seized and transferred to the United States as evidence for Noriega's drug-trafficking trial or for showing connections between Noriega and the Central Intelligence Agency. After Noriega's trial in 1992 (during which scant use was made of the documents), the documents were forgotten. When Noriega was about to go back to Panama in 2011, there were calls to return the archives.

In December 2011, France effectively extradited Noriega who was serving a prison sentence for money laundering. In 2010, Noriega had finished serving a 20-year sentence for drug trafficking, money laundering and racketeering in the United States. During this time, Panamanian courts had tried and convicted him in his absence for the killing of political opponents, including Major Moises Giroldi Vera, the leader of a failed coup attempt in October 1989, and Hugo Spadafora, former Deputy Minister for Health in 1985, as well as for other offenses including unlawful detention. He was also due to stand trial for the enforced disappearance and execution in 1970 of Heliodoro Portugal, a trade union activist. Noriega's role in many other human rights violations committed both during and before his rule had yet to be investigated.

[Sources: Amnesty International, *Report 2012* (London 2012), 13, 268; D. Cox, "The Noriega File," *Los Angeles Times* (5 October 2011).]

PARAGUAY

Last *Annual Report* entry: 2010.

In July 2011, Norberto Atilio Bianco, an army doctor at the Campo de Mayo clandestine detention center in Argentina in the 1970s, was extradited from Paraguay for a second time to face charges of appropriating babies born to women who had been victims of unlawful detention and enforced disappearance. In September 2011, the authorities reported that the remains found in a grave excavated in a police station in Asunción might be those of victims of human rights violations under the military government of General Alfredo Stroessner (1954–1989). The report of the Truth and Justice Commission published in August 2008 stated that at least 59 people had been executed and another 336 detainees were the victim of enforced disappearance during the period of military rule.

[Source: Amnesty International, *Report 2012* (London 2012), 270.]

PERU

Last *Annual Report* entry: 2011.

The Truth and Reconciliation Commission had estimated that almost 70,000 people died or were subject to enforced disappearances during the country's internal armed conflict (1980–2000). Many were victims of atrocities committed by the Shining Path and other insurgent groups, as well as human rights violations by state agents. Efforts to prosecute those responsible for these abuses had mixed results. In August 2011, the Constitutional Tribunal rejected former President Alberto Fujimori's appeal requesting annulment of the verdict of a Supreme Court panel that had unanimously confirmed his 25-year prison sentence for killings and "disappearances" in 1991 and 1992. In July 2011, amid rumors that Fujimori might have cancer, politicians linked to President Alan García's political party and presidential candidate Keiko Fujimori advocated that he receive a "humanitarian pardon," but he continued to serve his sentence. Progress in other cases was slow. According to the Institute for Legal Defense (IDL), a human rights organization that monitored trials, by December 2010 the National Criminal Court—which was given jurisdiction in many human rights cases in 2004—had handed down only 20 sentences, of which 85 percent were acquittals. The only sentence of note by another court was the conviction of 19 former military personnel for kidnapping and killing 35 victims in three different incidents during Fujimori's government. A major obstacle was the military's failure to cooperate by identifying officers present at army bases during the conflict. The low conviction rate also reflected the National Criminal Court's insistence that there be direct and documentary proof of the responsibility of superior officers, and its unwillingness to credit the testimony of victims' relatives. Senior officials of García's administration, including the minister of defense and the vice-president, frequently criticized human rights trials. In August 2010, García had signed a decree that would have halted prosecutions in many cases by applying a statute of limitations. He later withdrew it after intense domestic and international criticism. Officials of the new government of Ollanta Humala (a former army colonel), elected in June 2011, also opposed human rights trials, including the Minister of Defense, retired General Daniel Mora, who said in a September 2011 radio interview: "I think that we should arrive at a full-stop solution and reconciliation of the country."

In June 2011, the executive promulgated a decree establishing the amount of reparations to be granted to individual victims of the armed conflict registered on the official Victims' Registry and stating that the process of determining the beneficiaries would close at the end of 2011. Organizations representing the victims rejected the ruling on various grounds.

[Source: Amnesty International, *Report 2012* (London 2012), 271; Human Rights Watch, *World Report 2012* (Washington 2012), 273–274.]

PHILIPPINES

Last *Annual Report* entry: 2011.

Hundreds of cases of enforced disappearance remained unresolved. According to figures released in August 2011 by Families of Victims of Involuntary Disappearance, the average number of enforced disappearances per year had barely changed since the overthrow of Ferdinand Marcos in 1986. There were 875 documented cases during his 21-year rule, compared with 945 in the 25 years since. In July 2011, the Senate passed a landmark bill to criminalize enforced disappearances. The bill, first filed in 1995, remained pending in the House of Representatives.

[Source: Amnesty International, *Report 2012* (London 2012), 272–273.]

POLAND

Last *Annual Report* entry: 2011.

See Russia.

QATAR

Last *Annual Report* entry: 2010.

ROMANIA

Last *Annual Report* entry: 2008.

RUSSIA

Last *Annual Report* entry: 2011.

On 3 May 2011, the European Court of Human Rights ruled that the right to fair trial of Igor Sutyagin [see *NCH Annual Report 2010*] had been violated on account of the length of his detention pending investigation and trial and on account of the length of the criminal proceedings. In addition, it held that the trial court had not been independent and impartial.

[Sources: European Court of Human Rights, *Sutyagin versus Russia* <http://www.concernedhistorians.org/le/210.pdf>; *Index on Censorship* (2011, no. 4), 178; *Keesings historisch archief* (2011), 261.]

On 14 June 2011, in a trial that began in September 2010, Oleg Orlov [see *NCH Annual Report 2010*], chairman of the *Memorial* Human Rights Center was acquitted. The court decision was appealed a week later and appeal hearings started in October 2011, but libel was decriminalized later in 2011 and the charges were dropped. On 14 July 2011, *Memorial*, the International Federation of Human Rights, and *Novaya Gazeta* published a report on shortcomings in the official investigation of human rights activist and historian Natalia Estemirova's murder [see *NCH Annual Report 2011*]. These shortcomings included a failure to interview key witnesses, a failure to thoroughly analyze DNA material collected from Estemirova's body, and a failure to place at-risk witnesses under protection. Following its publication, the Head of the Investigation Committee promised that all possible leads in her murder would be explored, but he had not disclosed any new information by the end of 2011.

[Sources: Amnesty International, *Report 2012* (London 2012), 281; Human Rights Watch, *Ifex Alert* (17 June 2011); Human Rights Watch, *World Report 2012* (Washington 2012), 479–480; Human Rights Watch, "Russia: Fully Investigate Estemirova's Murder" (14 July 2011); International PEN, *Half-Yearly Caselist to 30 June 2011* (London 2011), 65.]

In September 2011, the closed trial of Mikhail Suprun, a professor of history and head of the history department at Pomorsky State University, Arkhangelsk, and police Colonel Aleksandr Dudarev (=Dudaryev), head of the archives of the Arkhangelsk Regional Ministry of Internal Affairs, before a first-instance court in Arkhangelsk [see *NCH Annual Report 2011*] began. On 8 December 2011,

Suprun was found guilty but not punished because of statutes of limitations. Dudarev received a suspended sentence. The Suprun case had chilling effects: a regional archivist in the Altai region declared that he would be cautious in offering declassified records to researchers and a historian in the Komi region said that his plan to publish a list of political prisoners of the local concentration camp was in jeopardy because his access to the personal data of these prisoners was severely limited. The motives for the Suprun case remained unclear although official unwillingness to study the Stalinist repression and fear that memory books such as the one Suprun was working on could elicit compensation claims were mentioned.

[Sources: Inna Kremen, “Memory still under Investigation” (<http://www.svobodainfo.org>; 21 October 2011); Inna Kremen, “The Suprun Case—Or the Case of Russian Archives?” (<http://www.svobodainfo.org>; 31 October 2011); “Russian Historian On Trial For Violating Privacy Laws” (Radio Free Europe / Radio Liberty; 18 October 2011); Johannes Vosswinkel, “Es bleibt Familiengeheimnis,” *Die Zeit* (2 February 2012).]

In early April 2012, school notebooks featuring a portrait of the Soviet dictator Joseph Stalin sparked controversy after going on sale as part of the series “Famous Russians.”

[Source: *BBC News* (4 April 2012).]

On 12 June 2012, thousands of Russian antigovernment protesters took part in a major rally (dubbed “The March of the Millions”) in Moscow calling for President Vladimir Putin’s resignation and for new elections to be held. Police searched the home of several opposition leaders on the eve of the rally, which triggered a wave of protest from Russian bloggers, who compared the actions to those of Stalin’s secret police in the 1930s. “Hello 1937” was the top Russian-language Twitter trend on 11 June, although few suggested that the searches resulted in anything resembling Stalin’s purges of 1937–1938.

[Sources: *BBC News* (11 June 2012); *Ifex Communiqué* (13 June 2012).]

In 2007 and 2009, fifteen Polish nationals—relatives of twelve victims of the 1940 Katyń war massacre—complained to the European Court of Human Rights that Russia’s investigation into the massacre and into the circumstances surrounding the deaths of the 1940 victims between 1990 and 2004 had been ineffective; that they themselves had not been recognized as victims by Russian courts and had not had access to any information about it; that their requests for rehabilitation of the 1940 victims had been rejected; and that the Russian authorities had displayed a dismissive attitude to all their requests. The court held that Russia had failed to cooperate with it by refusing to provide a copy of its (classified) decision to discontinue the investigation in 2004. It further found that it could not examine the adequacy of the Russian investigation because it was unable to establish a genuine

connection between the deaths of the victims in 1940 and the ratification, 58 years later, of the European Convention of Human Rights by Russia. It recalled, however, the duty of states to investigate effectively unlawful or suspicious deaths, in particular when forming part of war crimes which international customary law already prohibited in 1940. The court finally found that ten of the applicants (one widow and nine children) had been the closest relatives of the 1940 victims and could therefore claim to be victims themselves of a violation of article 3 of the convention (prohibition of inhuman treatment). The court found that they had suffered a double trauma: losing their relatives in the war and not being allowed to learn the truth about their death for more than fifty years because of the distortion of historical facts by the Soviet and Polish communist authorities. In addition, they had not been given access to the investigation records not had they otherwise been officially informed. As for the five remaining applicants, the court thought they had never had personal contact with their missing fathers or other relatives, as a result of which the anguish they had experienced could not be examined under article 3. The court was struck by Russia's reluctance to recognize the Katyń massacre. The approach chosen by the Russian military courts to maintain, to the applicants' face and contrary to the established historic facts, that their relatives had somehow vanished in the Soviet camps, demonstrated a callous disregard for the applicants' concerns and deliberate obfuscation of the circumstances of the Katyń massacre. Furthermore, the Russian prosecutors had consistently rejected the applicants' requests for rehabilitation of their relatives, claiming that it was not possible to determine the specific legal basis for the repression against the Polish prisoners as the relevant files had disappeared. The court found that a denial of the reality of the mass murder, reinforced by the implied suggestion that the Polish prisoners might have been duly sentenced to death, demonstrated an attitude lacking in humanity. Furthermore, Russia had not made any serious attempts to account for the circumstances of their deaths and the location of their graves. The court also decided that the finding of a violation of article 3 constituted sufficient just satisfaction for the applicants.

[Source: European Court of Human Rights, *Janowiec and Others versus Russia: Judgment* (<http://www.concernedhistorians.org/le/259.pdf>; 2102).]

See also Bulgaria, Georgia.

RWANDA

Last *Annual Report* entry: 2011.

Community-based *gacaca* courts, which had tried more than 1.2 million genocide-related cases since 2005, had almost completed their work by the end of 2011. They left behind a mixed legacy, with a

number of positive achievements—including the swift work of the courts, the extensive participation of the local population, and the revelation of information about events during 1994— alongside violations of the right to a fair trial, intimidation of witnesses, corruption of judges and other parties, and political interference. As *gacaca* prepared to close, the government was considering how to handle applications for reviewing *gacaca* courts' decisions. A new law determining how further allegations of involvement in the 1994 genocide would be investigated and prosecuted before ordinary courts was yet to be brought to parliament.

Numerous judgments were handed down by the International Criminal Tribunal for Rwanda (ICTR) during 2011, although nine indictees remained at large. The ICTR was due to close in 2012. In December 2011, the ICTR Appeals Chamber upheld the decision to transfer the case of Jean Uwinkindi to Rwanda. The ruling cited Rwanda's expressed intention to introduce legislation that would allow foreign judges to sit on transferred cases. It would be the first genocide case to be transferred or extradited to Rwanda.

Judicial proceedings against genocide suspects took place in Finland, Germany and Spain. The extradition requested by France and Spain of Kayumba Nyamwasa, a Rwandese national allegedly responsible for crimes against humanity committed in Rwanda, was still pending in South Africa, where he was granted asylum in 2010. Rwanda's request for extradition was turned down by the South African authorities. The European Court of Human Rights ruled in October 2011 that Sylvère Ahorugeze could be extradited from Sweden to Rwanda. Sweden had previously released Ahorugeze due to the length of his pretrial detention. Failure to impose effective safeguards for his appearance at trial meant that the rights to justice of Rwandan genocide victims could not be guaranteed. Norway ruled to extradite Charles Bandora. The case was subject to an appeal.

There were no investigations or prosecutions for allegations of war crimes and crimes against humanity committed by the Rwandan Patriotic Army in 1994 in Rwanda, and gross human rights violations by Rwandan armed forces in the Democratic Republic of the Congo, as documented in the United Nations mapping report.

[Sources: Amnesty International, *Report 2012* (London 2012), 285, 286; Human Rights Watch, *World Report 2012* (Washington 2012), 150, 154–155.]

See also Chad, Congo (Democratic Republic), Finland, Germany, Norway.

SAUDI ARABIA

Last *Annual Report* entry: 2011.

SENEGAL

Last *Annual Report* entry: 2009.

See Chad.

SERBIA / KOSOVO

Last *Annual Report* entry: 2011.

On 26 May 2011, former Bosnian Serb General Ratko Mladić, wanted among other things for the 1995 genocide of 8,000 men and boys in Srebrenica, was arrested in Vojvodina. On 20 July 2011, Croatian Serb Goran Hadžić, the last remaining suspect wanted by the International Criminal Tribunal for the former Yugoslavia (ICTY), was also detained in Serbia. In his visit to Serbia in September 2011, ICTY Chief Prosecutor Serge Brammertz commended the Serbian government for arresting Mladić and Hadžić, but also stressed the importance of Serbia's technical cooperation with the ICTY regarding ongoing trials. Additionally, he underlined the importance of regional cooperation in prosecuting war criminals. In October 2011, the European Commission (EC) recommended that Serbia be granted European Union (EU) candidate status. In December 2011, the European Council deferred their decision on Serbia's candidacy to February 2012, conditional on Serbia reaching an agreement on cooperation with Kosovo.

In August 2011, the partial retrial at the International Criminal Tribunal for the former Yugoslavia (ICTY) of Ramush Haradinaj, former Kosovo prime minister, and Idriz Balaj and Lahi Brahimaj, Kosovo Liberation Army (KLA) commanders, began on charges related to wartime prisoner abuse at a KLA detention facility. The retrial was ordered because of the threat that witness intimidation had posed to the trial's integrity, but once again, a key prosecution witness refused to testify.

Proceedings continued at Belgrade Special War Crimes Chamber in relation to war crimes in Bosnia and Herzegovina, Croatia and Kosovo (1991–1995). No progress was made in the identification of further grave sites in Serbia. In March 2011, the United Nations Human Rights Committee urged the authorities to “urgently take action to establish the exact circumstances, which

led to the burial of hundreds of people in Batajnica region [in 1999],” to ensure that all those responsible were prosecuted, and that relatives received adequate compensation.

[Sources: Amnesty International, *Report 2012* (London 2012), 31, 291–292; Human Rights Watch, *World Report 2012* (Washington 2012), 488.]

Kosovo

The Rule of Law and Police Mission in Kosovo (EULEX) established a Brussels-based Task Force, headed by the former Head of the United Nations Interim Administration Mission in Kosovo (UNMIK)’s Department of Justice. It aimed to investigate allegations in a report by Dick Marty adopted by the Parliamentary Assembly of the Council of Europe in January 2011, including that in 1999, Prime Minister Hashim Thaci and other members of the Kosovo Liberation Army (KLA) had been responsible for the abduction, torture, ill-treatment and murder of Serb and Albanian civilians transferred to prison camps in Albania, some of whom were killed and their organs removed for trafficking. Some 1,799 missing people were still unaccounted for in November 2011. EULEX war crimes police investigated enforced disappearances, but lacked resources to effectively address the backlog of outstanding cases.

The Law on Missing Persons, promulgated in August 2011, applied to all persons reported missing up to December 2000, including Serbs and Roma abducted after the war. The law provided for the right of relatives to know the fate of their family members and for a database of missing persons. The Law on the Status and Rights of the Heroes, Invalids, Veterans and Members of the KLA, Families of Civilian Victims of War, adopted in December 2011, discriminated against the relatives of missing civilians, who received less than half the monthly compensation payable to the relatives of military victims.

[Sources: Amnesty International, *Report 2012* (London 2012), 293–294; Human Rights Watch, *World Report 2012* (Washington 2012), 495–496.]

See also Bosnia and Herzegovina, Croatia.

SIERRA LEONE

Last *Annual Report* entry: 2011.

On 26 April 2012, former President of Liberia Charles Taylor was convicted on all counts of an eleven-count indictment which alleged that he was responsible for crimes committed by rebel forces during Sierra Leone’s civil war (1991–2002). In May 2012, he was sentenced to 50 years’

imprisonment. The Special Court for Sierra Leone (SCSL) found unanimously that Taylor aided and abetted rebels of the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC) in the commission of war crimes and crimes against humanity in Sierra Leone. The prosecutor had not alleged that Taylor had committed these crimes in person, but that he participated from Liberia in the commission of crimes by AFRC and RUF rebels and was individually responsible for them. The Chamber found that he had aided and abetted the rebels by providing them with arms and ammunition, military personnel, operational support and moral support, making him individually responsible for their crimes. He was not charged with crimes committed in Liberia, as the competence of the SCSL was limited to crimes committed in Sierra Leone.

The SCSL was the first “hybrid” tribunal, created by an agreement between the United Nations (UN) and the government of Sierra Leone. It was also the first modern court to have its seat in the country where the crimes took place and the first court to convict former rebel and militia leaders for the use of child soldiers, for forced marriage as a crime against humanity, and for attacks directed at UN peacekeepers.

[Sources: Amnesty International, *Report 2012* (London 2012), 215, 295; National Security Archive, *Press Release* (26 April 2012); Special Court for Special Court for Sierra Leone (Outreach and Public Affairs Office), *Press Release* (26 April 2012).]

See also Liberia.

SINGAPORE

Last *Annual Report* entry: 2011.

SLOVAKIA

Last *Annual Report* entry: 2011.

SLOVENIA

Last *Annual Report* entry: 2011.

Despite some positive measures, the authorities failed to guarantee the rights of former permanent

residents of Slovenia originating from other former Yugoslav republics (known as the “erased”), whose legal status was unlawfully revoked in 1992. Some of them were also forcibly removed from the country. In March 2011, the parliament adopted a law which allowed for restoration of permanent residency status to the majority of the “erased.” The introduction of the law was an important first step toward full restoration of their rights. However, it failed to provide them with reparation for the human rights violations they suffered. The authorities also failed to present further plans for full restoration of the rights of the “erased,” and a large number of people were excluded from provisions of the law. In July 2010 the European Court of Human Rights had ruled that the “erasure” of applicants’ identity had violated their rights to remedy, to family and to private life.

[Source: Amnesty International, *Report 2012* (London 2012), 301.]

SOMALIA

Last *Annual Report* entry: 2006.

The United Nations (UN) independent expert on Somalia and some other key international actors recognized that accountability for past abuses in Somalia was crucial to establishing a meaningful and inclusive peace process, but they had not prioritized this issue. Such accountability efforts should include documenting abuses since the end of the Siad Barre regime in 1991 and, ultimately, a UN commission of inquiry into war crimes committed since then.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 163–164.]

See also Uganda.

SOUTH AFRICA

Last *Annual Report* entry: 2010.

On 12 September 2011, the High Court in Johannesburg convicted the Youth League President of the African National Congress (ANC), Julius Malema. The lobby group AfriForum had sued him claiming his singing of the revolutionary song “Dubula iBhunu” (Zulu for “Shoot the Boer”) at political rallies constituted hate speech against the Afrikaners. Malema filed an appeal at the Supreme Court of Appeal. Meanwhile, he was expelled from the ANC in February 2012. Boer, an Afrikaans word for farmer, denoted the group of descendants of the Dutch-speaking settlers in South Africa.

[Sources: *Ifex Alert* (13 April 2010); *Keesings historisch archief* (2012), 189–190.]

See also Sudan.

SPAIN

Last *Annual Report* entry: 2011.

On 13 April 2010, relatives of two victims of enforced disappearance under the Franco regime launched a complaint in Argentina based on universal jurisdiction. A federal judge in Argentina asked the Spanish government whether the authorities were actively investigating the allegations of “physical elimination and the ‘legalized’ disappearance of children with loss of identity,” conducted between 1936 and 1977. In June 2011, the government replied to the Argentine judiciary that such investigations were indeed being conducted in Spain. The case was pending at the end of 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 313.]

Investigations into 13 cases of alleged crimes under international law committed outside Spain against Spanish citizens, or based on the principle of universal jurisdiction, were pending before the National High Court. However, progress in the investigation was very slow and faced major challenges such as lack of cooperation by other states. In July 2011, Central Investigating Court No. 1 included charges of gender-based crimes in the investigations into the crimes of genocide, terrorism and torture which were perpetrated in Guatemala during the internal conflict (1960–1996).

[Source: Amnesty International, *Report 2012* (London 2012), 313.]

On 20 September 2011, a judge of the First Recourse Tribunal in Madrid rejected a lawsuit brought forward by Juan Cotarelo García for allegedly defamatory statements expressed by deceased journalist Pablo Lizcano (1951–2009). In *La generación del 56: La Universidad contra Franco* (The 1956 Generation: the University against Franco; Leer/Documentos publishing house; first edition 1981; second edition 2006), a book about the student riots against Franco’s regime in Madrid in February 1956, Lizcano had quoted press reports from the 1950s stating that Cotarelo’s mother (–2002) had an affair with a police chief during the Franco dictatorship. Cotarelo filed the lawsuit in February 2008, two years after *Leer Magazine* published a second edition identical to the original one. Invoking the 1966 Press Law still in force, Cotarelo demanded that the book be recalled and the sentence be published in four newspapers. In addition, he asked damages from Lizcano’s widow, Rosa Montero, and from the publishing house Leer/Documentos (the publishing arm of *Leer*

Magazine). In his decision, Judge Fontán Silva rejected the lawsuit because the statute of limitations had expired 27 years after the first original edition was published. In addition, Cotarelo had not taken advantage of Lizcano's offer to correct any possible mistakes before the second edition was released. Cotarelo would appeal the decision.

[Sources: *Wikipedia* (11 October 2011); World Press Freedom Committee, *Ifex Alert* (30 September 2011).]

Beginning in January 2012, judge Baltasar Garzón (1955–) went to trial at the Supreme Court in three distinct cases, including one in which two pro-Franco organizations accused him of criminal malfeasance (*prevaricación*) when ordering the investigation into the crimes of the Franco era. On 27 February 2012, the Supreme Court ruled (six to one) that, although Garzón had no authority to open the Franco era case, he had not abused his power. It recognized the legitimacy of the demands by relatives of the victims but argued that they should be addressed to historians, not judges. It also said that the 1977 Amnesty Law was still valid. In one of the other cases, Garzón was dismissed from office for eleven years for abuse of power; the third case was annulled.

[Sources: Amnesty International, *Report 2012* (London 2012), 313; *BBC News* (17 January 2012); Human Rights Watch, "Spain: Garzón Trial Threatens Human Rights" (13 January 2012); International Center for Transitional Justice, "Spain Declares Itself Powerless" (9 March 2012); *Keesings historisch archief* (2012), 116–117; *NRC Handelsblad* (27 February 2012) 4.]

See also El Salvador.

SRI LANKA

Last *Annual Report* entry: 2011.

The aftermath of the quarter century-long civil war (1983–2009), which ended in May 2009 with the defeat of the separatist Liberation Tigers of Tamil Eelam (LTTE), continued to dominate events in 2011. No progress was made toward justice for the extensive violations of the laws of war committed by both sides, including the government's indiscriminate shelling of civilians and the LTTE's use of thousands of civilians as "human shields" in the final months of the conflict. In April 2011, United Nations (UN) Secretary-General Ban Ki-moon released a report by the Panel of Experts on Accountability in Sri Lanka. It concluded that both government forces and the LTTE had conducted military operations "with flagrant disregard for the protection, rights, welfare and lives of civilians and failed to respect the norms of international law." The panel recommended the establishment of an

international investigative mechanism. The European Parliament adopted a resolution in May 2011 urging Sri Lanka to immediately investigate the allegations. Even India, which had largely stayed silent on alleged abuses in Sri Lanka, added to the pressure when it called for investigations. Also in May 2011, the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions called on the government to investigate “textbook examples of extrajudicial executions,” following a review of evidence related to government execution of prisoners. In September 2011, Ban Ki-moon submitted the panel report to the Human Rights Council (HRC) and, acting on one of the report’s recommendations, announced that the UN would undertake a separate inquiry into its own actions in Sri Lanka during the final months of the war. The HRC failed to act and did not yet take steps toward establishing an international accountability mechanism, the main recommendation in the report. Sri Lankan officials responded by vilifying the report and the panel members. The government failed to conduct credible investigations into alleged war crimes by security forces, dismissing the overwhelming body of evidence as LTTE propaganda. The government’s Lessons Learnt and Reconciliation Commission (LLRC), characterized as a national accountability mechanism, was deeply flawed, did not meet international standards for such commissions and failed to systematically inquire into alleged abuses. The government repeatedly extended the deadline for the LLRC. The LLRC mandate focused on the breakdown of the 2002 ceasefire between the government and the LTTE, and did not explicitly require it to investigate alleged war crimes during the conflict. It heard testimony but undertook no investigations into such allegations. The LLRC’s final report, made public on 16 December 2011, acknowledged serious human rights problems in Sri Lanka, but fell short of fully addressing allegations of war crimes and crimes against humanity committed during the final phases of the conflict. The report failed to properly investigate the role of government forces in the attacks on thousands of civilians during the final stages of the conflict. The government stated that the report would be made public but did not indicate when it would do so. The government did not act on the LLRC’s preliminary recommendations. In August 2011, the defense ministry issued a report, conceding for the first time that government forces caused civilian deaths in the final months of the conflict, but taking no responsibility for laws of war violations and concluding peremptorily without further investigation that the deaths were the unfortunate collateral damage of war.

In November 2011, former Army Commander Sarath Fonseka was sentenced to three years’ imprisonment for “inciting communal hatred.” He had alleged that the defense minister had ordered the killing of surrendering LTTE cadres at the end of the war.

[Sources: Amnesty International, *Report 2012* (London 2012), 26–27, 315–316; Human Rights Watch, *World Report 2012* (Washington 2012), 388–389, 392–393.]

Enforced disappearances continued to be reported, and thousands of cases from earlier years remained unresolved. The government failed to ratify the 2006 International Convention against Enforced

Disappearance. In January 2011, witnesses appeared before the Lessons Learnt and Reconciliation Commission (LLRC) in Mannar and Madhu, trying to find loved ones seen surrendering to the army in May 2009. On 30 June 2011, hundreds of demonstrators in the capital Colombo demanded to know the fate and whereabouts of missing family members they believed were abducted by government squads. Similarly, over 1,300 people approached newly opened Terrorist Investigation Department information centers in June, seeking information on missing relatives believed to be in government custody; few found answers. The Sri Lankan Police Department reported in July that 1,700 people had been abducted since 2009, most of them for ransom.

[Source: Amnesty International, *Report 2012* (London 2012), 314–315.]

SUDAN

Last *Annual Report* entry: 2011.

The government remained uncooperative with the International Criminal Court (ICC) regarding arrest warrants issued against President Omar al-Bashir in 2009 and 2010, as well as against Ahmed Haroun, governor of Southern Kordofan, and Ali Mohammed Ali Abdelrahman (known as Ali Kushayb), a former Janjaweed militia leader, in 2007. A further arrest warrant was requested on 2 December 2011 by the ICC chief prosecutor for Minister of Defense Abdelrahim Mohamed Hussein. In January 2011, the African Union (AU) reaffirmed its decision not to cooperate with the ICC in the arrest of al-Bashir, but it did not obtain sufficient support for its call that the United Nations (UN) Security Council defer the case for 12 months by invoking Article 16 of the Rome Statute. In July 2011, the AU reiterated its support for countries that had not arrested al-Bashir. In December, the ICC pretrial chamber referred the fact that Malawi and Chad did not arrest President al-Bashir to the UN Security Council and the Assembly of States Parties to the Rome Statute. Despite the appointment of several special prosecutors for Darfur, Sudan did little to promote accountability and made none of the justice reforms recommended by the AU High-level Panel on Darfur, headed by former South Africa President Thabo Mbeki, in its 2009 report.

[Sources: Amnesty International, *Report 2012* (London 2012), 4, 317; Human Rights Watch, *World Report 2012* (Washington 2012), 184.]

See also Malawi.

SURINAME

Last *Annual Report* entry: 2010.

On 25 February 2011, the twenty-first anniversary of the so-called sergeant's coup of 25 February 1980, President Desi Bouterse (who was the coup leader in 1980) announced that 25 February would become a "day of liberation and renovation" in order to prevent historical falsification. Those involved in the coup received a decoration. The opposition said that the military committed several crimes and that a "day of national mourning and reflection" would be preferable.

[Sources: *Keesings historisch archief* (2011), 220.]

On 28 July 2011, President Desi Bouterse was infuriated because the education ministry had published a new history textbook *Wij en ons verleden* (We and our past) for the sixth grade of primary school which contained a photograph taken shortly after the 1982 December Murders, in which a Dutch demonstrator during a protest rally held up a sign calling Bouterse a murderer. Bouterse was also enraged for the negative way in which his 1980 coup was portrayed; he called it a falsification of history. Historian Maurits Hassankhan commented on the affair that there was no conclusive evidence yet that Bouterse had given the order to arrest and kill the fifteen victims of the December Murders, as the textbook seemed to suggest. The previous government, led by Ronald Venetiaan of the New Front, had commissioned a new version of the textbook series that had been used for years. After it lost the elections in 2010, the successor government, led by Bouterse of the National Democratic Party (NDP), accused it of deliberate falsification of history. Minister of education officials said that the photo slipped through the control by the ministry and the permanent parliamentary committee on education (on which two NDP members sat). Minister of Education Raymond Sapoen ordered the confiscation of the 20,000 copies of the textbook which were already printed and promised to publish the textbook with the contentious passages revised before the start of the new school year. Bouterse, however, demanded the dismissal of ministry of education director Robert Soentik, held responsible for printing the textbook. Soentik took absent leave from the ministry.

[Sources: "Politiek bemoeide zich al eerder met geschiedschrijving" (Radio Nederland Wereldomroep Suriname; 3 August 2011); "Bouterse boos over foto schoolboek" (<http://nos.nl>; 28 July 2011); "Bouterse eist ontslag om geschiedenisboek," *Het Parool* (28 July 2011); S. Hira, "Wij en ons verleden," *StarNieuws* (<http://www.starnieuws.com/index.php/welcome/index/nieuwsitem/6794>; 15 August 2011); *Keesings historisch archief* (2012), 123.]

SWAZILAND

Last *Annual Report* entry: 2011.

SWEDEN

Last *Annual Report* entry: 1998.

SWITZERLAND

Last *Annual Report* entry: 2009.

SYRIA

Last *Annual Report* entry: 2011.

On 2 October 2011, late in the evening, Mohammad al-Omar, a history professor at Aleppo University, was shot on his way to the university along with Saria Hassoun, the son of Grand Mufti Ahmed Hassoun, in an ambush by what was variously called “an armed terrorist group” and “unknown assailants” while driving to the university on the highway between Aleppo and Idlib (near Ebla University). The deaths came amid signs of growing violence during the uprising which had started in March 2011.

[Sources: *BBC News* (3 October 2011); *Day Press* (3 October 2011); *Global Times* (3 October 2011); Syrian Arab News Agency (3 October 2011).]

The authorities did not take any steps to investigate and hold accountable those responsible for gross violations committed in previous years, including thousands of enforced disappearances and killings of prisoners at Saydnaya Military Prison in July 2008.

[Source: Amnesty International, *Report 2012* (London 2012), 328.]

See also Lebanon.

TAIWAN

Last *Annual Report* entry: 2010.

In a letter published in the Chinese-language *United Daily News* on 21 February 2012, former Premier Hau Pei-tsun questioned whether the number of those killed during the 228 Incident (the rebellion of 28 February 1947 against the rule of Nationalist Chinese Governor-General Chen Yi, which was crushed by Nationalist forces; between 18,000 and 28,000 people were estimated to have been killed in the incident) reached over 10,000,” a figure given in a local textbook. This sparked outrage among the descendants of the victims. On 28 February 2012, over 1,000 citizens, civic group members and families of 228 Incident victims demonstrated to call greater attention to the government crackdown that occurred 65 years ago. The protesters also called on the Kuomintang to provide documents about the 228 Incident in the Party History Institute of the Academia Historica to further research into the issue. Since the 1990s, the various Kuomintang administrations had initiated measures to compensate the victims and their families and set up monuments to commemorate the incident.

[Source: “Civic Groups, 228 Victim Families Take to Streets” (Focus Taiwan News Channel; <http://focustaiwan.tw>; 28 February 2012).]

See also China.

TANZANIA

Last *Annual Report* entry: 2010.

See Canada, Finland.

THAILAND

Last *Annual Report* entry: 2011.

Although Thailand and Cambodia normalized their relations in August 2010, in February and April 2011, new skirmishes took place in the temple of Preah Vihear area, and also near the ancient temples Ta Krabey and Ta Moan. The temple of Preah Vihear site, constructed between the ninth and eleventh centuries and dedicated to Hindu deity Shiva, had been a royal Khmer site linked to Angkor Vat. On

18 July 2011, the International Court of Justice ordered both countries to withdraw their military personnel from the temple zone, but this was only partially adhered to.

[Sources: International Court of Justice, *Case Concerning the Temple of Preah Vihear (Merits; Cambodia versus Thailand—Judgment of 15 June 1952* (<http://www.concernedhistorians.org/le/193.pdf>; 1962); International Court of Justice, *Request for Interpretation of 1962 Judgment / Request for the Indication of Provisional Measures* (<http://www.concernedhistorians.org/le/240.pdf>; 2011); *Keesings historisch archief* (2009) 651–652; (2011) 36, 321–322; *NRC Handelsblad* (7 February 2011) 7.]

At least 90 people died and more than 2,000 were injured during violent political confrontations from March to May 2010. The loss of life resulted from the unnecessary use of lethal force by Thai security forces, attacks by armed elements operating in tandem with the supporters of the United Front for Democracy against Dictatorship (UDD), known as the “Red Shirts,” and incitement to violence by some UDD leaders. In January 2011, the Justice Ministry’s Department of Special Investigation (DSI) announced the results of preliminary investigations into the violence. The DSI implicated soldiers in 13 deaths, and armed UUD elements in another 12 deaths. But lack of police cooperation stalled efforts to initiate postmortem inquests and prosecutions. Prime Minister Yingluck Shinawatra (younger sister of exiled former Prime Minister Thaksin Shinawatra) vowed to end these delays after appointing General Prieupan Damapong, Thaksin’s brother-in-law, as national police chief in September 2011. The status of investigations into alleged crimes by UDD armed “Black Shirt” militants remained unclear, with the Yingluck government denying the group’s existence. A number of those accused of deadly attacks against soldiers, police officers, and anti-UDD groups were released on bail. The election of 12 senior UDD leaders as ruling Pheu Thai Party members of parliament raised serious concerns that they would be able to use their political influence and parliamentary immunity to evade accountability for their role in the 2010 violence.

Yingluck promised full support for the work of the Truth for Reconciliation Commission of Thailand (TRCT), established by the government of Abhisit Vejjajiva, to look into the political violence, but had yet to grant the TRCT subpoena power, rendering it unable to obtain complete information about security force deployment plans and operations, autopsy reports, witness testimony, photos, and military and police video footage. Nevertheless, the TRCT released its first two reports with recommendations. It found that the Abhisit government had pressured law enforcement officials to charge hundreds of ordinary UDD protesters with serious criminal offenses and hold them in pretrial detention for months without the possibility of bail. In September 2011, the government announced that it would review the charges against those protesters and ensure that they were treated in accordance with due process and human rights guarantees. The TRCT also recommended that a special mechanism be established to provide fair compensation and other remedies to all victims of

abuse and political violence.

Progress in investigating criminal offenses committed by members of the People's Alliance for Democracy (PAD), known as the "Yellow Shirts," during protests in 2008 had also been slow. Additionally, the police officers and politicians believed responsible for the excessive use of force against PAD protesters rallying in front of the parliament on 7 October 2008, continued to enjoy impunity.

[Sources: Amnesty International, *Report 2012* (London 2012), 332; Human Rights Watch, *World Report 2012* (Washington 2012), 394–396.]

On 26 May 2011, Joe Gordon (Thai name: Lerpong Wichaikhammat or Wichaikhampart) ([1956–]), of dual Thai and American nationality, was arrested by the Department of Special Investigation and accused of translating parts of Paul Handley's *The King Never Smiles* (New Haven: Yale University Press, 2006; an unauthorized biography of King Bhumibol Adulyadej), posting a link on a blog to them and writing articles that defamed the royal family. He committed the alleged offense while in the United States. He was denied bail eight times. On 18 August 2011, he was charged with *lèse majesté*, inciting unrest and disobedience of the law in public, and disseminating computer data which threatened national security. Initially denying all charges, on 10 October 2011, he pleaded guilty. On 8 December 2011, Gordon was sentenced to five (later reduced by half) years' imprisonment.

[Sources: Amnesty International, *Report 2012* (London 2012), 333; *Bangkok Post* (20 August & 2 September 2011); *BBC News* (1 June & 10 October 2011); *BBC News* (8 December 2011); "Joe Gordon Denied Bail in Lèse Majesté Case" (Political Prisoners in Thailand; 14 June 2011); "Update: Joe Gordon Charged with Lèse Majesté and U.S. Expresses Concern" (Political Prisoners in Thailand; 19 August 2011); N. Purnell, "Charge Against Professor Raises Questions About Academic Freedom in Thailand," *Chronicle of Higher Education* (1 June 2011).]

TIMOR-LESTE

Last *Annual Report* entry: 2011.

In February 2011, the United Nations (UN) Security Council extended the mandate of the UN Integrated Mission in Timor-Leste by another year. That same month, the UN Working Group on Enforced or Involuntary Disappearances visited Timor-Leste. Timor-Leste agreed to consider calls from five states to implement recommendations made by the Commission for Reception, Truth and

Reconciliation (CAVR). Impunity for human rights violations persisted despite ongoing investigations by the Serious Crimes Investigation Team. Victims, their families and Timorese NGOs continued to call for justice for human rights violations committed by Indonesian security forces between 1975 and 1999. Nevertheless, the government continued to promote reconciliation with Indonesia at the expense of justice. The majority of those accused of human rights violations were believed to be at large in Indonesia.

A debate on two draft laws establishing a National Reparations Program and an “Institute for Memory,” mandated to implement recommendations of the CAVR and the joint Indonesia-Timor-Leste Commission of Truth and Friendship (CTF), had yet to take place by the end of 2011 after parliament postponed it in February 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 335.]

See also Indonesia.

TOGO

Last *Annual Report* entry: 2011.

The Truth, Justice and Reconciliation Commission (TJRC), set up to shed light on human rights violations committed between 1958 and 2005, held hearings from September to November 2011. A total of 508 people were heard, selected from some 20,000 statements received. The initial hearings, in the capital Lomé and other towns, dealt primarily with the 1991 attack on the Primature (Prime Minister’s office) and some of the human rights violations committed during the 2005 presidential elections. One of the sessions in September 2011 was disrupted by the security forces in a clear attempt to intimidate TJRC members and witnesses.

[Source: Amnesty International, *Report 2012* (London 2012), 336–337.]

TUNISIA

Last *Annual Report* entry: 2011.

On 29 June 2011, historian and human-rights activist Mohamed Talbi (1921–) was declared an apostate and threatened with death by Salafists extremists who accused him of having insulted Aisha, the second wife of the Prophet Mohammed, during a debate on private radio FM Shems. Talbi

challenged the interpretation of his words by the Islamists. In June, Talbi had been appointed Chairman of the Academic Council of the Academy of Sciences, Humanities and Arts (Beyt al-Hikma) for the academic year 2011.

[Sources: *NRC Handelsblad* (17 October 2011), 11; R. Raza, “Tunisian Scholar Calls for Cancellation of Sharia Law” (AFP; 5 July 2011).]

The first interim government established a national commission to investigate abuses committed during the protests, which made public its preliminary conclusions on the abuses committed between 17 December 2010 and the end of January 2011. The commission identified 240 civilians killed during the uprising in towns and cities around Tunisia, most of them by police gunfire. In addition, it found that 1,464 were injured in the month-long protests, and scores of inmates perished in prison mutinies and fires between 13 and 16 January 2011. On 24 October 2011, the government promulgated a decree-law on the reparation for the victims of the uprising that provided for a monthly allocation and free access to public medical care and free public transport for them and their families.

On 14 September 2011, the office of the military prosecutor announced the filing of charges against former President Zine el-Abidine Ben Ali, the two ministers of interior who held office at the time of the uprising, and 40 other high officers within the state security apparatus for committing intentional homicide during the uprising. In the first of several trials initiated, the former president, his wife Leila Trabelsi, members of their families, and close allies of the couple were convicted of embezzlement and sentenced *in absentia* to 35 years’ imprisonment. While the interim authorities improved the military justice system, most importantly by adding the possibility of appellate review, they were slow to put in place long-needed reforms of the judiciary, which played a repressive role under Ben Ali.

The interior ministry set out a “road map” for reform of the police, but this included no provision for investigating and ensuring accountability for past violations of human rights by the police and the disbanded Department of State Security (DSS). It was unclear whether any vetting system was established to prevent former DSS or other security or police officials responsible for past human rights violations being appointed to or remaining in positions in which they could commit further abuses. No steps were taken to ensure accountability for the gross human rights violations committed during President Ben Ali’s 23 years in power. Families of victims complained that they were denied justice and that police, DSS and other officials responsible for previous human rights violations remained in their positions or had been transferred to new ones and even promoted. From May 2011, all cases relating to human rights violations committed during the uprising were referred to military courts.

[Sources: Amnesty International, *Report 2012* (London 2012), 339, 340; Human Rights Watch, *World Report 2012* (Washington 2012), 633–634.]

The uprising of December 2010–January 2011 was accompanied by the destruction or theft of administrative documents thought to contain evidence of the corruption of the formerly presidential families Ben Ali and Trabelsi.

[Source: “Tunisie: Vol et destruction des documents administratifs” (24 January 2011; <http://www.webmanagercenter.com/management/imprim.php?id=100948&pg=1>).]

See also Morocco / Western Sahara

TURKEY

Last *Annual Report* entry: 2011.

In March 2009, Çiğdem Atakuman, editor of the popular science magazine *Bilim ve Teknik* (Science and Technology), was dismissed after he had planned to publish a cover story, which celebrated the 200th anniversary of Charles Darwin’s birth. The story was replaced by a feature on global warming. The cancelation was part of a series of conflicts between scientists and Islamic creationists in Turkey. Many of these conflicts were initiated by Adnan Oktar, who argued that evolution discredited Islam. Scientists also claimed that the creationist organization BAV intimidated critics of creationism.

[Source: *Index on Censorship* (2011, no. 4), 178.]

In January 2011, on the evening of the opening reception of the film *Hur Adam: Bediuzzaman Said Nursi* (The Free Man: Bediuzzaman Said Nursi), a group of twenty people, supporters of the ultra-Ataturkist National Party (Ulusal Parti), protested in front of the theater. They denounced the film, about the Muslim Kurdish scholar and political leader Said Nursi (1868–1960), who openly criticized the abolition of the caliphate and the exclusively Turkish character of the state, as “slander” of Atatürk. They also accused the director of producing propaganda for the Nurcu movement, the religious order which was inspired by Nursi’s publication the *Risale-i Nur* (Path of divine light) and led by Fethullah Gulen. Even before the launching of the film, in late December 2010, the chief state prosecutor in Ankara had filed a lawsuit against the production team “for insulting the spiritual personality of Atatürk and for inciting hatred and crime; for slander, terrorist propaganda and activities aiming at destroying the Turkish Republic.”

[Sources: Vangelis Kechriotis, “From Oblivion to Obsession: The Uses of History in Recent Public Debates in Turkey,” *Historein*, no. 11 (2011), 99–101; Delphine Strauss, “Sultan’s Love Life Opens Moral Rift,” *Financial Times* (15–16 January 2011), 2.]

In March 2011, former police officer Ayhan Çarkın spoke publicly for the first time and later testified before a prosecutor about his involvement in a special operations unit committing political assassinations of named Kurds and leftists in the 1990s. Çarkın alleged that the unit acted under government orders and with its collusion. In June 2011, he was remanded to prison pending trial after claiming involvement in four killings; the prosecutor's investigation continued as of late 2011. In September Mehmet Ağar—a former police chief, interior minister, and parliamentarian implicated in Çarkın's testimony—received a five-year prison sentence for forming an armed criminal gang involving state actors and mafia. Proceedings against Ağar began with the evidence of state-mafia activities, which were revealed after a 1996 traffic accident near Susurluk, western Turkey. Until 2007 Ağar was protected from prosecution by parliamentary immunity. He appealed the conviction and remained at liberty. Trials continued of alleged anti-AKP [the ruling Justice and Development Party] coup plotters, made up of senior retired military, police, mafia, journalists, and academics, and known as the “Ergenekon” gang. One of the most important advances in 2011 was circumstantial evidence pointing to Ergenekon gang involvement in the 2007 murder of three Christians in Malatya.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 506–508.]

In June 2011, Colonel Ali Öz and seven other military personnel were convicted of negligence for their failure to relay information regarding the plot to kill journalist and human rights defender Hrant Dink, which could have prevented his murder in 2007. On 25 July 2011, a juvenile court in Istanbul convicted Ogün Samast (1990–) and sentenced him to 22 years and 10 months' imprisonment for the “premeditated murder” of Dink. On 17 January 2012, a court sentenced Yasin Hayal to life imprisonment but acquitted 19 others (including ultranationalist militants and police and military officers) of a charge of being part of a terrorist group that instigated the murder.

[Sources: Amnesty International, *Report 2012* (London 2012), 343; *BBC News* (17 January 2012); Human Rights Watch, *World Report 2012* (Washington 2012), 508; Human Rights Watch, *World Report 2012* (Washington 2012), 508; *Index on Censorship* (2012, no. 1), 129, 138; PEN, *Half-Yearly Caselist to 30 June 2011* (London 2011), 69; International PEN Writers in Prison Committee, *Rapid Action Network 41/11* (1 August 2011).]

On 23 November 2011, Prime Minister, Tayyip Erdogan apologized on behalf of the state for the first time for the killing of nearly 14,000 people in a campaign to crush a Kurdish rebellion in the southeastern region of Dersim (now Tunceli). The Dersim uprising, which took place between 1936 and 1938, was among the bloodiest domestic struggles of the early Turkish Republic.

[Sources: *BBC News* (23 November 2011); Institute for Historical Justice and Reconciliation, *Bulletin* (May 2012), 12; *NRC Handelsblad* (24 November 2011), 11, (25 November 2011), 11;]

On 25 October 2011, the European Court of Human Rights confirmed in the Taner Akçam case [see NCH *Annual Report 2008* and NCH *Annual Report 2011*] that there was a considerable risk of prosecution faced by persons who expressed “unfavorable” opinions on the Armenian genocide and indicated that the threat hanging over Akçam was real. It reiterated what it had said in the Hrant Dink case: that the Turkish Court of Cassation sanctioned any opinion criticizing the official thesis on the Armenian issue. In particular, criticism of denial by State institutions of genocide claims in relation to the events of 1915 was interpreted as denigration or insulting “Turkishness” or the “Turkish nation.” Affirming the Armenian issue as “genocide” was considered by some (especially extremist or ultranationalist groups) as a denigration of “Turkishness.” The measures adopted to provide safeguards against arbitrary or unjustified prosecutions under Article 301 had not been sufficient. Article 301 did not meet the “quality of law” required by the court’s settled case-law, since its unacceptably broad terms resulted in a lack of foreseeability as to its effects. In view of that lack of foreseeability, the court concluded that the interference with Akçam’s freedom of expression had not been “prescribed by law,” in violation of Article 10 of the Convention.

[Sources: European Court of Human Rights, *Taner Akçam versus Turkey: Judgment* (<http://www.concernedhistorians.org/le/231.pdf>; Strasbourg 2011); European Court of Human Rights, *Dink versus Turkey: Judgment* (<http://www.concernedhistorians.org/le/171.pdf>; Strasbourg 2010).]

On 12 March 2012, reporter Nedim Şener [see NCH *Annual Report 2011*] was released pending his trial. On 16 March 2012, a message was posted on the social networking site Twitter about an alleged plot by the ultranationalist network Ergenekon to murder Şener and another investigative journalist, Ahmet Sik (1970–).

[Sources: Amnesty International, *Report 2012* (London 2012), 342; Human Rights Watch, *World Report 2012* (Washington 2012), 504; International PEN, “Day of the Imprisoned Writer (15 November 2011); Reporters without Borders, “Two Investigative Journalists Threatened on Twitter” (19 March 2012).]

On 28 October 2011, Büşra Ersanlı, a constitutional law expert, political scientist and historian at the political science department of Marmara University, Istanbul, publisher Ragip Zarakolu and dozens of others were arrested. The police spent hours searching her home. She was to attend a conference on “Controversial Issues in the History of the Turkish Republic” at Istanbul Bilgi University on 29 October 2011. The arrest was part of a larger crackdown initiated in 2009 against Kurdish political parties and called “Operation against the Union of Kurdistan Communities” (Koma Civaken Kurdistan; KCK). The KCK was seen as the (illegal) political wing of the outlawed armed Kurdistan Workers Party (PKK), which was listed as a terrorist organization by Turkey. Among the organizations the authorities alleged to be linked to the KCK was the pro-Kurdish legal Peace and

Democracy Party (Barış ve Demokrasi Partisi; BDP), although the BDP itself denied any such links (and thirty BDP representatives took their seats in the Turkish parliament on 1 October 2011). At the time of her arrest, Ersanlı worked with the BDP's Constitutional Commission and she lectured to activists and officials of the BDP's Politics Academy. On 1 November 2011, Ersanlı was formally charged under the Anti-terror Law (a law criticized for its overbroad definition of terrorism). The author of the books "Peace and History" and "Political Power and History," Ersanlı wrote extensively on the history of Turkish historical writing since the foundation of the Turkish Republic. While she and Zarakolu were interrogated in the courthouse, hundreds of people, including many of Ersanlı's students, protested the wave of police custody. She was the victim of a slander campaign in some media circles. On 19 March 2012, the prosecutor charged Ersanlı with "leading an illegal organization" and demanded between 15 and 22.5 years for Ersanlı. According to the indictment, Ersanlı was in charge of all BDP-affiliated political academies across Turkey. In 1972, Ersanlı, then a student member in a nonviolent Maoist organization, had already been imprisoned by the junta for distributing leaflets opposing the military coup. After two and a half years, she had been released in 1974 after a general amnesty. Her old trials were reportedly used as a justification for her new trials. [Sources: Amnesty International, *Report 2012* (London 2012), 342; Bianet, "Prosecutor Demanded Arrest of Ersanlı and Zarakolu" (1 November 2011); Groupe international de travail 'Liberté de recherche et d'enseignement en Turquie,' "Une Situation critique pour la liberté de recherche et d'enseignement" (21 November 2011); Human Rights Watch, "Turkey: Arrests Expose Flawed Justice System: Academic, Publisher Held in Crackdown on Pro-Kurdish Party" (1 November 2011); *Ifex Communiqué* (2 November 2011); Human Rights Watch, *World Report 2012* (Washington 2012), 504; Antonis Liakos, Personal communication (29 October 2011); International PEN, *Rapid Action Network 56/11* (31 October & 1 & 9 November 2011, 23 March 2012); International PEN, "For the Sake of Freedom of Expression in Turkey, IPA and PEN International Demand Immediate Release of Publisher Ragıp Zarakolu" (Geneva / London, 15 November 2011); International PEN, "Letter from Turkish author Ipek Çalışlar" (5 April 2012); "Publisher Zarakolu among 15 Released Pending Trial in KCK Case," *Today's Zaman* (10 April 2012); "Urgent Appeal: Stop Arbitrary Detentions in Turkey!" (<http://www.ipetitions.com/petition/detentionsinturkey>); Vercihan Ziflioğlu, "Turkish Intellectuals Protest Arrest of Publisher," *Hürriyet: Daily News & Economic Review* (3 November 2011).]

See also France, Israel.

TURKMENISTAN

Last *Annual Report* entry: 2011.

Five years after the death of dictator Saparmurad Niyazov (1940–2006), President Gurbanguly Berdymukhamedov, his relatives and associates enjoyed unlimited power and total control over all aspects of public life in Turkmenistan. In 2010 and 2011 newspapers and other publications began to bestow on Berdymukhamedov the honorific title *arkadag* (patron), symbolizing the strengthening of his cult of personality. The only political party in Turkmenistan was the Democratic Party of Turkmenistan, led by Berdymukhamedov. The president did not fulfill his pledge to ensure adoption of a new law on political parties. In June 2011 Berdymukhamedov invited exiled political opposition leaders to return to Turkmenistan to run in the presidential election and promised to guarantee their safety. It was not clear whether this pledge would be honored, since key exiled leaders were convicted *in absentia* in closed trials years ago on embezzlement and treason charges.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 510.]

The authorities continued to withhold information about the whereabouts of dozens of people arrested and convicted in connection with the alleged 2002 assassination attempt on former President Saparmurad Niyazov.

[Source: Amnesty International, *Report 2012* (London 2012), 346.]

UGANDA

Last *Annual Report* entry: 2011.

International Criminal Court arrest warrants issued in 2005 remained in force for Joseph Kony, the leader of the insurgent Lord's Resistance Army (LRA), and three LRA commanders. The men were still at large. The new International Crimes Division of the High Court (ICD), created following failed peace talks with the LRA in 2008, brought Uganda's first domestic war crimes prosecution. In July 2011, former LRA commander Thomas Kwoyelo faced 12 counts of grave breaches of the Geneva Conventions and 53 counts of penal code violations—including murder, kidnapping, and aggravated robbery, destruction of property and other offenses committed as part of attacks that he had allegedly commanded during the conflict in northern Uganda. He denied the charges and applied to the Constitutional Court for an amnesty under the Amnesty Act of 2000. In September 2011, the court ruled that the Amnesty Act was constitutional and that Kwoyelo was entitled to an amnesty, consistent with those granted to thousands of other fighters who had later renounced conflict. The government appealed against the decision to the Supreme Court. The appeal hearing was pending at the end of 2011. However, the government did not repeal legal provisions which provided for amnesties for crimes under international law.

[Sources: Amnesty International, *Report 2012* (London 2012), 347–348; Human Rights Watch, *World Report 2012* (Washington 2012), 194.]

UKRAINE

Last *Annual Report* entry: 2011.

UNITED KINGDOM

Last *Annual Report* entry: 2011.

In January 2011, the government was forced to admit that thousands of files (covering the period between the 1930s and the 1970s) had been massively and systematically selected and destroyed or secretly sent to the United Kingdom from many of its colonies (Aden, Anguilla, Bahamas, Basutoland [Lesotho], Bechuanaland [Botswana], British Indian Ocean Territories, Brunei, Cyprus, Kenya, Malaya, Sarawak and the Seychelles), prior to their independence. British colonial officials selected

the “migrated files” (files sent for secret “migration” back to the United Kingdom), eventually using criteria set out in a 1961 memo by Secretary of State for the Colonies Iain Macleod (containing instructions to classify papers embarrassing for the British authorities according to unofficial classification categories, including removal, destruction and transfer to the United Kingdom). The aim was to deliberately remove incriminating evidence. In April 2011, a vast cache of documents was discovered (2000 boxes of more than 10,300 files containing official records from 37 former colonies, of which approximately 300 boxes containing more than 1500 files and filling 110 feet of shelving were related to Kenya) about efforts to put down the Mau Mau rebellion (1952–1956). Former Mau Mau detainees and their families had been told that the official and legal records had been lost or destroyed; historians were never granted access to them. On 18 April 2012, the Foreign and Commonwealth Office (FCO) began releasing the first (1,200 records) of six tranches of the “migrated” files, coming from 12 former colonial territories; they covered such controversial episodes as the Mau Mau uprising in Kenya (1952–1956), the evacuation of the Chagos Islands and the Malayan Emergency (the 1948–1960 conflict with communist insurgents). However, many important files (particularly related to periods of emergency) were still missing. The migrated files contained nothing from some colonies, like British Guiana (although in the latter there had been intense British and American military and security intervention from 1953 to 1964).

[Sources: *BBC News* (21 July 2011; 18 April 2012); Caroline Elkins, “The Colonial Papers: FCO Transparency Is a Carefully Cultivated Myth,” *Guardian* (18 April 2012); Ben McIntyre, “50 Years Later: Britain’s Kenya Cover-Up Revealed,” *Times* (5 April 2011).]

On 22 November 2011, the court of appeal ruled that the Iraq Historical Allegations Team, established to investigate allegations of torture and other ill-treatment of Iraqi citizens by United Kingdom armed forces in Iraq, was not sufficiently independent to satisfy its investigatory obligation under the European Convention on Human Rights.

[Source: Amnesty International, *Report 2012* (London 2012), 354.]

Northern Ireland

In early June 2011, attorneys for Boston College submitted a motion to a federal judge in the United States to quash subpoenas made in early May 2011 by the British government (on behalf of the Police Service of Northern Ireland, PSNI, after a Historical Enquiries Team [HET] had reviewed cases). The British government investigated violent crimes, including murder charges, committed during the decades-long Troubles (1969–1998) in Northern Ireland, in particular the disappearance of at least nine people during the early 1970s who were thought to have informed for British authorities about the activities of republicans who were working to end British rule. Among them was Jean McConville, a widowed mother of ten suspected to be an informer who disappeared in Belfast in 1972

and whose remains were found in 2003. The British authorities sought access to parts of an oral history archive—known as the Belfast Project, stored by the Centre for Irish Programs at Boston College, and believed to contain some 30 oral histories from terrorists on both sides of the conflict—containing interviews with republican and loyalist paramilitaries in Northern Ireland about their experiences during the Troubles. The interviews were held on condition of confidentiality until after the interviewees' deaths. In particular, they sought information collected from two former Provisional Irish Republican Army members, Brendan Hughes (died 2008) and Dolours Price, both of whom had admitted carrying out bombings in England and Northern Ireland. In the interviews, they had accused Gerry Adams, the president of republican political party Sinn Fein, of running a secret cell within the Irish Republican Army (IRA) that carried out the kidnappings and disappearances; this was denied by Adams. The college turned over the Hughes interviews but not those with Price. It was feared that Price and one interviewer, Anthony McIntyre (a former IRA member who had been imprisoned in the North and who had a doctorate in history), were at particular risk for having violated the IRA's rule against talking about IRA activities. Previously, McIntyre had received death threats after a book based on the Hughes interview—*Voices from the Grave* by Ed Moloney, director of the project—was published in 2010. The attorneys said that by breaching the confidence pledge, potential interviewees in future oral history projects might decline to participate in such projects. However, on 2 July 2011, the United States Justice Department declared that researchers conducting oral history had no right to expect courts to respect confidentiality pledges made to interview subjects and that academic freedom was not a defense to protect the confidentiality of such documents. On 27 December 2011, district court judge William Young ordered that Boston College gave the interviews with Price (consisting of tapes, transcripts and DVDs) to United States prosecutors. The college complied under protest from Moloney and McIntyre. On 29 December 2011, lawyers representing Moloney and McIntyre filed an appeal in the United States district court saying Young's order violated academic freedom and endangered their lives. They also called to return or wipe the remaining tapes and close down the archive. They received a temporary postponement of the order.

[Sources: Liam Clarke, "Wipe Terror Tapes and Close Boston College Archive, Its Authors Urge," *Belfast Telegraph* (4 January 2012); Kevin Cullen, "US College Requests Quashing of Oral History Subpoenas," *Irish Times* (11 June 2011); Kevin Cullen, "US College Agrees to Give Interviews with Dolours Price to Prosecutors," *Irish Times* (30 December 2011); Scott Jaschik, "Oral History, Unprotected," *Inside HigherEd* (5 July 2011); Aaron Mackey, "College: Academics also Deserve Protection from Subpoenas," (The Reporters Committee for Freedom of the Press, 10 June 2011); John Neuenschwander, *A Guide to Oral History and the Law* (Oxford 2009), 19–29, 105–111; *New York Times* (13 May 2011).]

The Police Ombudsman was severely criticized over his lack of independence during investigations

into historical cases of police misconduct in unlawful killings. He announced that he would step down from his post in early 2012.

In September 2012, the Northern Ireland Executive announced proposals for the establishment of an inquiry to investigate historical institutional child abuse. There could, however, be a delay in providing the inquiry with a statutory basis, which might initially leave it without the necessary powers to compel the attendance of witnesses and the production of documents.

[Source: Amnesty International, *Report 2012* (London 2012), 355.]

See also Argentina, Libya.

UNITED STATES

Last *Annual Report* entry: 2011.

On 14 April 2011, the National Security Archive (NSA) filed a Freedom of Information Act lawsuit to compel the Central Intelligence Agency (CIA) to release its internal 1200-page five-volume Top Secret *Official History of the Bay of Pigs Invasion*. Based on a review of hundreds of CIA documents and on dozens of interviews with key operatives and officials involved in this 1961 operation, it was written by CIA Chief Historian Jack Pfeiffer (–1997) between 1974 and 1984. In 1987, then retired, Pfeiffer himself filed an unsuccessful FOIA lawsuit seeking the release of volume 5 (“CIA’s Internal Investigations of the Bay of Pigs Operations”); this was a rebuttal to the CIA’s Inspector General’s report (declassified itself in 1998), done in the immediate aftermath of the invasion, which held CIA officials accountable for many of the mistakes made during the failed invasion. Volume 3 (“Evolution of CIA’s Anti-Castro Policies, 1951–January 1961”) was released under the Kennedy Assassination Record Act in 1998. In 2005, the NSA had already unsuccessfully requested the disclosure of the study. In July 2011, the CIA released four volumes of its *Official History*. However, it still refused to release volume 5, which it called a “predecisional” document, for national security considerations. According to the CIA, disclosure would “have a chilling effect on internal agency deliberations and confuse the public with inaccurate historical information.” Revelations from the reports included new information on the CIA’s collaboration with the Mafia to assassinate Cuban Prime Minister Fidel Castro as part of the invasion plan, American politician Richard Nixon’s role in the preparations of the invasion, Nicaraguan President Anastasio Somoza’s cooperation, and the use of American pilots in the attack on Cuba. On 10 May 2012, a District Court judge accepted that Volume 5 was a “draft” that never was officially approved for inclusion in the official history, and therefore that it was exempt from declassification under the “deliberative process privilege.”

[Source: National Security Archive, *Update* (14 April & 1 August & 15 August 2011, 17 April & 10 May 2012).]

On 29 April 2011, a bookstore at the Mormon-affiliated Brigham Young University removed a painting by conservative Christian artist Jon McNaughton. The piece, “One nation under God,” depicted Jesus holding the United States constitution, surrounded by American historical figures. A university spokeswoman said the decision was business-related. McNaughton then decided to remove all of his artwork from the bookstore.

[Source: *Index on Censorship* (2011, no. 3), 177.]

In early May 2011, Maine’s Republican Governor Paul LePage ordered the removal of a large mural hanging in the state’s labor department after complaints that it was “propaganda” and “one-sided.” The mural, by artist Judy Taylor, depicted scenes from the history of labor, including figures of “Rosie the Riveter” (an American icon for women’s work in factories during World War II), child laborers, and a 1937 shoe mill strike. In June 2011, preparations for a trial over the mural’s confiscation started.

[Source: *Index on Censorship* (2011, no. 3), 177.]

On 29 July 2011, federal judge Royce Lamberth granted a request by Stanley Kutler, professor emeritus of history and law, University of Wisconsin, to release the 297-page transcript of the secret grand jury testimony given by former President Richard Nixon (1913–1994) over the Watergate scandal in June 1975. The transcript would not be unsealed until the government had had a chance to appeal. The judge ruled that the historical interest in the transcript far outweighed the need to keep the records secret. Nixon resigned in August 1974 amid the fallout after a break-in at the Democratic National Committee headquarters at the Watergate complex in Washington. Kutler, who wrote several books about Nixon and Watergate, had previously successfully sued to force the release of audio recordings that Nixon had secretly made in the Oval Office.

[Source: *BBC News* (29 July 2011).]

In August 2011, a commission established by President Barack Obama to investigate American involvement in the deliberate infection of Guatemalans with sexually transmitted diseases reported its interim findings. The case concerned 5,500 Guatemalans who were the subject of “medical research” that took place with United States collaboration between 1946 and 1948: 1,300 were deliberately exposed to sexually transmitted diseases such as syphilis, gonorrhoea or chancroid.

[Source: *Guardian* (31 August 2011).]

In September 2011, the new history textbooks were introduced in the schools of Texas [see NCH *Annual Report 2011* and NCH *Annual Report 2010*]. They reportedly contained the following omissions: the founding father Thomas Jefferson; the government's use of propaganda during World War I; the twentieth-century labor movement and socialist presidential candidate Eugene Debs; Japanese internment camps during World War II; and the impact of McCarthyism. The new curriculum also replaced the term "American imperialism" with "American expansionism" and "democratic society" with "constitutional republic"; and included inaccurately that the findings of the House Un-American Activities Committee during the "Red Scare" of the 1950s were validated. It also emphasized the contributions made by the Moral Majority.

[Sources: M. Tuma, "Controversial SBOE History Standards Hit Texas Classrooms" *American Independent* (6 September 2011).]

In October 2011, Julio Pino, an associate professor of history at Kent State University, posed a question to Ishmael Khaldi, formerly the deputy consul general at the Israeli consulate in San Francisco, during the question period after a lecture by the latter. Pino then shouted "death to Israel" and left the auditorium. A controversy erupted about how appropriate the expression of this view was, with Kent State University condemning Pino, and Cary Nelson, national president of the American Association of University Professors, defending him.

[Source: Scott Jaschik, "Debate over a Professor Who Shouted Anti-Israel statement," *Inside HigherEd* (31 October 2011).]

On 10 January 2012, the school board of the Tucson Unified School District, Arizona, by a 4 to 1 vote, ordered to suspend the Mexican American Studies program (started in 1997) and to remove some books used in it, including *500 Years of Chicano History in Pictures*, edited by Elizabeth Martinez, *Chicano! The History of the Mexican Civil Rights Movement*, by Arturo Rosales, *Rethinking Columbus: The Next 500 Years*, edited by Bill Bigelow and Bob Peterson, and *Occupied America: A History of Chicanos* (first edition 1972; seventh edition, 2011), by Rodolfo Acuña. John Huppenthal, Arizona State Superintendent of Public Instruction, said the books were banned and the program suspended because they "contained content promoting resentment toward a race or class of people" and because the "materials repeatedly referenced white people as being 'oppressors'" in violation of a controversial Arizona law from 2010 (popularly referred to as the Ethnic Studies Law) and that therefore he had asked the board to take measures. School districts that did not comply with the law could have ten percent of their state funds withheld each month. The move was widely protested, including through means of a petition gathering over 15,000 signatures. On 4 April 2012, the contract of Sean Arce, the program's director, was not renewed. Acuña, an immigrant-rights activist and often called "the father of Chicano studies," reportedly received several death threats. The

campaign against the Mexican American Studies program had been launched in 2007 by Huppenthal's predecessor Tom Horne in an open letter attacking some of the books. In 2010, Horne became attorney general of Arizona. In an interview in late March 2012, Huppenthal announced that he would also attempt to suspend Mexican American studies in Arizona universities.

[Sources: Jan Blaauw, personal communications (March & April 2012); "Censorship Battle Flares Up in Tucson School District," *Publishers' Weekly* (30 January 2012); Tom Horne (Superintendent of Public Instruction, Department of Education, State of Arizona), "Open Letter to the Citizens of Tucson" (11 June 2007); "Joint Statement in Opposition To Book Censorship in the Tucson Unified School District" (30 January 2012); Alyssa Lee, "Arizona Official Considers Extending Ethnic Studies Law to Universities," *Arizona State University* (5 April 2012); National Coalition Against Censorship, "Censorship, Arizona Style" (17 January 2012, updated 10 February 2012); <http://vimeo.com/26961450> (interview with Rodolfo Acuña).]

There was no accountability for human rights violations committed under the administration of President George W. Bush as part of the Central Intelligence Agency (CIA)'s program of secret detention and rendition (transfer of individuals from the custody of one state to another by means that bypass judicial and administrative due process). On 16 May 2011, the United States (US) Supreme Court refused to hear the *Mohamed versus Jeppesen* rendition case, leaving in place a 2010 lower court ruling dismissing a lawsuit brought by five men who claimed they were subjected to enforced disappearance and torture at the hands of US personnel and agents of other governments as part of the US secret detention and rendition program. In November 2011, the men took their case to the Inter-American Commission on Human Rights. On 30 June 2011, the US attorney general announced that the "preliminary review" conducted into interrogations in the CIA program was at an end. He said that he had accepted the prosecutor's recommendation that there should be a "full criminal investigation" in relation to two deaths in custody, but further investigation in other cases was not warranted. In an opinion issued in October 2011, a federal judge refused to hold the CIA in contempt of court for destroying videotapes of interrogations of detainees held in the secret detention program. The tapes—which included recordings of the use of "enhanced interrogation techniques," including "waterboarding"—had been destroyed in 2005, more than a year *after* the court had ordered the government to produce or identify materials relating to the treatment of detainees.

[Source: Amnesty International, *Report 2012* (London 2012), 357–358.]

On 5 June 2012, the court of appeals of New York ruled that the names of informants who were promised confidentiality by the government in exchange for the names of other members of the Communist Party during the New York City Board of Education's "Anticommunist Investigations" more than half a century ago would remain secret. The court also held, however, that historian Lisa

Harbatkin, who filed suit against the New York Department of Records and Information Services, was entitled to everything in interview transcripts except material that would identify these informants. According to the court, the records generated by the investigation included about 1,100 interviews with teachers and other employees, all of whom were promised confidentiality. Harbatkin's parents had been targets of the Anticommunist Investigations and her mother was among those interviewed by the city officials. Initially, Harbatkin was granted access to unredacted files as long as she agreed not to publish names but she rejected the offer and filed a lawsuit against the department. Harbatkin eventually brought the case to the New York court of appeals, which limited redaction to only informants who were promised confidentiality. The court found that "a right of privacy exists in the affairs of the dead" and "We do not say that disclosure will be completely harmless to those named in the documents, if they are still alive, or to members of their families who care about their memories. But the diminished claims of privacy must be weighed against the claims of history."

[Sources: Court of Appeals of New York, *Harbatkin versus New York City Department of Records and Information Services* (<http://www.concernedhistorians.org/le/257.pdf>; 2012); Reporters Committee for Freedom of the Press (Emily Miller), "New York High Court Issues Mixed Ruling Over Access to Names of Informants in Decades-Old Communist Probe" (6 June 2012).]

See also Canada, Cuba, Libya, Panama, Thailand, United Kingdom.

URUGUAY

Last *Annual Report* entry: 2011.

In February 2011, the Inter-American Court of Human Rights ordered Uruguay to remove the obstacles blocking investigations and prosecutions for human rights violations committed during the years of civilian and military rule (1973–1985). The court held Uruguay responsible for the enforced disappearance in 1976 of Maria Claudia García Iruretagoyena de Gelman, and for abducting her baby daughter Maria Macarena Gelman García. It ordered the state to pursue investigations to clarify Maria Claudia García's whereabouts and bring those responsible to justice. In October 2011, a court ruled that five former military officers, already serving prison sentences, had to be prosecuted for the aggravated murder of Maria Claudia García. In May 2011, the Supreme Court concluded that two former military officers could not be charged with enforced disappearance because the crime was not incorporated into domestic law until 2006 and could not be applied retroactively. Instead, they were convicted of aggravated murder in connection with the deaths of 28 people and sentenced to 25 years' imprisonment. There were concerns that this ruling could mean that grave human rights violations

would be subject to a statute of limitations. This led Congress to pass a landmark law in October 2011 that in practice annulled the effects of the 1986 Law on the Expiration of Punitive Claims of the State (Expiry Law) and repealed statutes of limitations that would have prevented victims from filing criminal complaints. In June 2011, President José Alberto Mujica Cordano issued a decree revoking the decisions of former presidents about which cases of alleged human rights violations could be investigated. These decisions had been made using powers granted under the Expiry Law which protected police and military personnel from prosecution for human rights violations. The June 2011 decree raised hopes that some 80 cases could be reopened. In October 2011, legal complaints were presented on behalf of more than 150 torture survivors.

[Source: Amnesty International, *Report 2012* (London 2012), 360–361.]

See also Argentina.

UZBEKISTAN

Last *Annual Report* entry: 2011.

In 2011, the government continued to refuse an independent investigation into the 2005 massacre of hundreds of citizens in Andijan [Andizhan], denying justice to victims and failing to bring to account those responsible. Authorities continued to persecute anyone suspected of having participated in, or witnessed, the atrocities. The Uzbek government also continued to intimidate families of Andijan survivors who had sought refuge abroad. Police subjected them to constant surveillance, called them for questioning, and threatened them with criminal charges or home confiscation.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 524.]

See also Kyrgyzstan.

VATICAN

Last *Annual Report* entry: 2011.

VENEZUELA

Last *Annual Report* entry: 2010.

In 2008, President Hugo Chávez declared that Simón Bolívar (1783–1830), the leader who liberated Venezuela, Colombia, Ecuador, Peru and Bolivia from Spanish rule in the 1810s and 1820s, was assassinated (by arsenic poisoning) by foreign enemies instead of having died of tuberculosis. He established a commission that would investigate Bolívar's death. Venezuelan historians had rejected the president's hypothesis as fantasy [see NCH *Annual Report 2009*]. On 16 July 2010, Bolívar's remains were exhumed. On 25 July 2011, the government declared that the commission could not confirm the murder thesis.

[Sources: AP, "Venezuela: Bolívar Death Mystery" (25 July 2011); Maite Rico, "La reinención de la agonía y muerte de Bolívar," *El País* (21 December 2008); Simon Romero, "Building a New History by Exhuming Bolívar," *New York Times* (3 August 2010).]

VIETNAM

Last *Annual Report* entry: 2011.

Among the four taboo subjects in the "conduct of publishing activities" listed in Article 10 of the 2004 Publishing Law was the following: "Distortion of historical facts; opposing the achievements of the revolution; offending citizens, great persons and heroes; slandering or harming the reputation of bodies and organizations or offending the honour and dignity of individuals." In 2011, the International Publishers Association also included among the taboo subjects: history, Hồ Chí Minh, and traditional habits and customs.

[Source: International Publishers Association, *Freedom to Publish in Vietnam: Between Kafka and the Thang Bom Logic* (Geneva 2012), 11.]

WESTERN SAHARA

See Morocco/Western Sahara.

YEMEN

Last *Annual Report* entry: 2010.

ZAMBIA

Last *Annual Report* entry: 2009.

ZIMBABWE

Last *Annual Report* entry: 2011.

On 14 April 2011, Moses Mzila, Minister of National Healing and Reconciliation and a member of the Movement for Democratic Change (MDC), was arrested for allegedly failing to notify the police about a meeting held the day before in Lupane, Matabeleland North. On the same day, a Roman Catholic priest, Father Marko Mabutho Mnkandla, was arrested for holding mass in memory of the victims and survivors of the *Gukurahundi*, the atrocities committed by state security forces in Matabeleland in the 1980s.

[Source: Amnesty International, *Report 2012* (London 2012), 372.]

INTRODUCTION

The seventeenth *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists, and archaeologists around the globe, as reported by various human rights organizations and other sources. It covers events and developments of 2010 and 2011. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

The complete set of *Annual Reports* (1995–2011) was compiled by Antoon De Baets. Please send any comments to: <antoondebaets@concernedhistorians.org>.

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AFGHANISTAN

Last *Annual Report* entry: 2010.

In early 2010, the National Stability and Reconciliation bill was officially promulgated, granting immunity from criminal prosecution to people who committed serious human rights violations and war crimes over the past thirty years. In March 2007, a coalition of powerful warlords in parliament pushed through the amnesty law to prevent prosecution of individuals responsible for large-scale human rights abuses in the preceding decades. It was not publicized and promulgated until early 2010. It was revived in 2010 to facilitate amnesties for reconciliation and reintegration of the Taliban and the Islamist political party Hezb-i Islami Gulbuddin. In the absence of a practical justice system to address the lack of accountability by the warring parties, the government was urged to ask the International Criminal Court to investigate allegations of war crimes and crimes against humanity committed by all parties to the conflict.

[Sources: Amnesty International, *Report 2011* (London 2011), 55, 57; Human Rights Watch, *World Report 2011* (Washington 2011), 280.]

See also United States.

ALBANIA

Last *Annual Report* entry: 1996.

See Macedonia, Serbia / Kosovo.

ALGERIA

Last *Annual Report* entry: 2010.

The government maintained the state of emergency in force since 1992. No steps were taken to investigate the thousands of enforced disappearances and other serious abuses that took place during the internal conflict of 1992–2000, in which over 100,000 Algerians died. The authorities continued to implement the Charter for Peace and National Reconciliation (Law 06–01), which gave impunity

to the security forces, criminalized public criticism of their conduct and amnestied members of armed groups responsible for gross human rights abuses. In October 2010, a senior official claimed that 7,500 “repented terrorists” had been granted amnesties since 2005. He also said that 6,240 families of people who had disappeared had accepted financial compensation, and that only twelve families “manipulated by NGOs and foreign bodies” were refusing compensation. Under Law 06–01, relatives can seek compensation if they obtain a death certificate from the authorities for the person who disappeared. A 2000 decree banning demonstrations in Algiers remained in effect in 2010. Despite the ban, families of the disappeared continued to hold protests in several cities, including Algiers, Constantine and Jijel. SOS Disparu(e)s—an organization comprised of relatives of persons forcibly disappeared—held small vigils in front of the Algiers headquarters of the state human rights commission for most Wednesdays since 1998, in spite of occasional police harassment. In August 2010, police dispersed the gathering and briefly arrested the protesters. During the same month, the head of the National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH) declared that demands by families for truth and justice were unrealistic due to the absence of testimonies and the impossibility of identifying perpetrators. In July 2010, the United Nations Human Rights Committee said that the authorities should investigate the disappearance of Douia Benaziza, who was arrested by security forces in June 1996, and provide her family with an adequate remedy. The Committee found that the authorities had breached her right to liberty and security of person, and her right not to be tortured or ill-treated.

[Sources: Amnesty International, *Report 2011* (London 2011), 60, 61; Human Rights Watch, *World Report 2011* (Washington 2011), 506–509.]

ANGOLA

Last *Annual Report* entry: 2009.

See Congo (Democratic Republic).

ARGENTINA

Last *Annual Report* entry: 2010.

According to official data, by the end of 2010, 110 people had been convicted for their role in human

rights violations committed under the military regimes of 1976–1983; 820 more were facing criminal charges; and 13 trials were continuing. On 20 April 2010, Reynaldo Bignone, a former military general and former *de facto* President, was found guilty of torture, murder and several kidnappings that occurred while he was commander of the Campo de Mayo detention center (1976–1978) on the outskirts of Buenos Aires. He received a 25 year prison sentence. In December 2010, Jorge Videla, *de facto* President of Argentina in 1976–1981, was found criminally responsible for the torture and deaths of over thirty prisoners in Córdoba in 1976. The court found a further 22 military and police officers guilty of these crimes. Delays in judicial proceedings, however, continued to undermine accountability. According to the Center for Legal and Social Studies (CELS), by October 2010, 253 people implicated in crimes committed during the dictatorship had died before being brought to justice. One of the main causes of delay was the failure to allocate sufficient courtrooms in Buenos Aires. There were also long delays at the appellate level: as of March 2010 the Supreme Court had confirmed final sentences in only two of the cases reactivated after the annulment of the amnesty laws.

[Sources: Amnesty International, *Report 2011* (London 2011), 14, 66; Human Rights Watch, *World Report 2011* (Washington 2011), 204–205.]

In 2010 no one was convicted for the 1994 bombing of the Jewish Argentine Mutual Association in Buenos Aires (AMIA), in which 85 people died and over 300 were injured. Criminal investigations and prosecutions were hindered by judicial corruption and political cover-ups in Argentina, and by the failure of Iran, which is suspected of ordering the attack, to cooperate with the Argentine justice system. An Argentine federal court issued an international warrant for the arrest of former Iranian president Ali Akbar Hashemi-Rafsanjani and six Iranian officials in 2006, but demands for their extradition fell on deaf ears. In a speech at the United Nations (UN) in September 2010, President Cristina Fernández de Kirchner offered Iranian President Mahmoud Ahmadinejad the possibility of holding the trials in a neutral third country. In a letter to the UN in October 2010, Iran rejected the proposal as “unsustainable.”

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 206–207.]

See also Germany, Vietnam.

ARMENIA

Last *Annual Report* entry: 2010.

See Turkey, United States.

AUSTRALIA

Last *Annual Report* entry: 2009.

See Myanmar.

AUSTRIA

Last *Annual Report* entry: 2009.

AZERBAIJAN

Last *Annual Report* entry: 2010.

On 6 July 2010, a Baku court convicted Eynulla Fatullayev (see *NCH Annual Report 2010*) of drug possession and sentenced him to 30 months' imprisonment. On 26 July 2010, an appeal was filed against the decision. In late July and August 2010, two newspapers and a television channel conducted a smear campaign against Fatullayev, calling him, inter alia, a "traitor." On 4 October 2010, an appeal to the Grand Chamber of the European Court of Human Rights (ECHR) filed by the government in July was rejected. In November 2010, the Supreme Court ruled that the country would uphold the ECHR decision of April 2010 (it had ruled that Fatullayev's rights to free expression and to a fair trial had been violated and that he should be given compensation); it lifted the charges of defamation and instigating terrorism, but not the drug possession charges. On 22 November 2010, the appeals court upheld the drug possession conviction. In January 2011, Fatullayev announced that he had appealed to the ECHR against the drugs charge. In February 2011, Fatullayev expressed fears for his safety in prison (he was kept in the same prison as some of the criminals he had written about

critically while an active journalist) and announced a hunger strike if he would not be transferred to another prison. He was put in solitary confinement. In March 2011, his life was reported in danger. In early May 2011, Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media Dunja Mijatovic met with Fatullayev in prison. On 26 May 2011, he was released due to a general amnesty for political prisoners to mark 28 May Republic Day.

[Sources: Article 19, “Azerbaijan: Eynulla Fatullayev Sentenced to 2.5 Years’ Imprisonment on New Political Charge” (7 July 2010); Article 19, “Fatullayev’s Fate Lies with the Council of Europe Committee of Ministers” (6 December 2010); European Court of Human Rights, *Eynulla Fatullayev versus Azerbaijan: Judgement* (<http://www.concernedhistorians.org/le/150.pdf>; 22 April 2010); Human Rights Watch, *Azerbaijan: Beaten, Blacklisted, and Behind Bars—The Vanishing Space for Freedom of Expression in Azerbaijan* (Washington, October 2010), 21–23, 34–35; Human Rights Watch, *World Report 2011* (Washington 2011), 398; *Ifex Communiqué* (1 June 2011); Institute for Reporters Freedom and Safety, Press releases (7 July & 27 July & 9 August & 21 October 2010; 10 & 25 January & 11 February & 27 April & 29 April 2011); *Index on Censorship*, 4/10: 213–214; *Keesings historisch archief* (2010), 657; PEN, *RAN 27/07 Updates* (5 October 2010; 10 & 22 November 2010; 27 May 2011); Reporters Without Borders, *Ifex Alert* (22 July 2010).]

BAHRAIN

Last *Annual Report* entry: 2010.

In June 2010, the authorities blocked a popular blog called Sanawat al-Jareesh, which provided an unofficial account of Bahrain's history.

[Source: S. Kelly & S. Cook, eds., *Freedom on the Net: A Global Assessment of Internet and Digital Media* (Washington: Freedom House, 2011), 51.]

In September 2010, the Department of Publications of the Ministry of Culture and Information banned a book entitled "*Unbridled Hatreds: Read in the Fate of Ancient Hatreds*" written by Nader Kadim. On 26 September 2010, a discussion seminar supposed to take place at the same time as the book launch was canceled. The book provided an overview of hatred in different historical contexts, especially focussing on defamation laws and laws criminalizing hate speech. Kadim had previously published sections of the book as newspaper articles without any objections. In 2008, his book "*Using Memory in a Society Plagued by its History*" was banned because the authorities considered it "dangerous to the principles of modern-day society."

[Source: Bahrain Center for Human Rights, *Ifex Alert* (27 October 2010).]

BANGLADESH

Last *Annual Report* entry: 2010.

In March 2010, the government set up the International Crimes Tribunal to try "those who committed crimes, assisted criminals and took part in the genocide during the Liberation War [1971]." Between August and November 2010, the Tribunal ordered the arrest of five leaders of the Jamaat-e-Islami (a religious right-wing political group alleged to have collaborated with Pakistani forces) for war crimes, including genocide. They were Motiur Rahman Nizami, Ali Ahsan Muhammad Mojahid, Muhammad Kamaruzzaman, Abdul Quader Molla and Delwar Hossain Sayeedi. Salauddin Quader Chowdhury, a leader of the opposition Bangladesh Nationalist Party (BNP) detained since mid-December 2010, was later declared a war crimes suspect. They all had been arrested initially on unrelated charges. The International Crimes (Tribunal) Act 1973 and its 2009 amendment, under which the trials were being held, lacked adequate fair trial safeguards. It denied, among other things, the right to challenge the jurisdiction of the Tribunal, the right to the possibility of bail and the right

to challenge the impartiality of the judges.

[Sources: Amnesty International, *Report 2011* (London 2011), 74–75; Human Rights Watch, *World Report 2011* (Washington 2011), 284.]

BELARUS

Last *Annual Report* entry: 2010.

In 2009, one dissertation on everyday life in Soviet Belarus between 1944 and 1953 was rejected by Yakov Treshchenok, a former history teacher of President Aleksandr Lukashenka who was very influential in the history domain, because it did not present Russia as Belarus's "birth mother." In 2010, *Sowietyzacja zachodniej Białorusi, 1944–1953* (Cracow: Arcana, 2010), a dissertation by Jan Szumski on the extension of Soviet Belarus to the west was published abroad.

[Source: Timothy Snyder, "In Darkest Belarus," *New York Review of Books* (28 October 2010).]

BELGIUM

Last *Annual Report* entry: 2010.

When on 24 June 2010 police officers raided the Roman Catholic Church and its commission to investigate and aid victims of sexual abuse by priests (established in 2000), they also raided the National Archives, where part of the commission records were held since September 2009. It was reportedly the first time in the history of the National Archives that judicial authorities seized records in their custody. The tombs of two cardinals were disturbed in a hunt for documents. The confiscation was sensitive because many of the victims who testified before the commission had done so after they had been promised confidentiality.

[Sources: Stephen Castle, "Belgian Raiders Went to National Archives," *New York Times* (30 June 2010); *Keesings historisch archief* (2010) 372.]

On 8 December 2010, the Brussels Civil Court delivered its first findings in a case brought by nine survivors of the Rwandan genocide against the Belgian state and three Belgian soldiers. The Court found that the Belgian state was responsible for ordering the prompt return of Belgian peacekeepers from Kigali in 1994, leaving behind an estimated 2,000 people in a school building that was under

Belgian control when the peacekeepers withdrew. Many of them were killed shortly after the departure of the peacekeepers. The Court also ruled that by obeying those orders the three soldiers had engaged their own responsibility.

[Source: Amnesty International, *Report 2011* (London 2011), 78.]

BOLIVIA

Last *Annual Report* entry: 2010.

In November 2008, the government requested the extradition of former president Gonzalo Sánchez de Lozada and two of his ministers to stand trial for killing at least 67 people and injuring more than 400 in anti-government protests in September and October 2003, when the army used lethal force to quell violent demonstrations in the highland city of El Alto. It did not receive a response from the United States (US) government. Sánchez de Lozada had resigned and fled to the US after the events, known in Bolivia as “Black October.” The three men, as well as other ministers who were given asylum in Peru, were declared fugitives from justice. In August 2010, the prosecutor had filed charges against three senior military officials, including a former chief commander of the armed forces, for destroying military documents, including a log believed to have recorded details of the events and the personnel who participated.

[Sources: Amnesty International, *Report 2011* (London 2011), 80; Human Rights Watch, *World Report 2011* (Washington 2011), 211–212.]

In 2010, there were continued delays in bringing to justice those responsible for human rights violations committed under past military regimes and since the return to democratic rule, and in providing reparation to victims. Prosecutors attempting to access military archives as part of their investigations into enforced disappearances in 1980–1981 faced continuing obstacles, despite two Supreme Court orders to declassify the archives in April 2010. On 31 May 2010, Defense Minister Rubén Saavedra announced that the armed forces had finally agreed to declassify the archives. In late 2010 the army continued to defy the order and did not provide information to help clarify the fate of the “disappeared.” Mendoza, whom Vice-President Alvaro García Linera publicly criticized for overstepping his mandate, was taken off the case.

[Sources: Amnesty International, *Report 2010* (London 2010) 80; *Report 2011* (London 2011) 15, 80; Reporters without Borders, *Ifex Alert* (22 February & 3 June 2010); “Gobierno boliviano hará que desclasifiquen archivos militares” (Prensa Latina <http://www.prensa-latina.cu>); Human Rights Watch,

World Report 2011 (Washington 2011), 210–211; Luis Oporto Ordoñez, “La batalla por abrir los archivos militares de la dictadura de 1980,” *La época* (4 July 2010).]

BOSNIA and HERZEGOVINA

Last *Annual Report* entry: 2010.

On 28 January 2010, the Court of Appeals in The Hague heard a civil case filed by 6,000 relatives of the victims of the 1995 genocide in Srebrenica (the “Mothers of Srebrenica”) against the Netherlands and the United Nations (UN). The applicants claimed compensation from the Dutch authorities and the UN for having failed to protect them and their families from genocide committed in Srebrenica in July 1995 by members of the Bosnian Serb Army led by General Ratko Mladić. In the first instance judgment in July 2008, the District Court in The Hague had stated that it had no jurisdiction over actions by the UN personnel. It also discharged any responsibility of the Dutch government. On 30 March 2010, the Court of Appeals in The Hague rejected the appeal in the case. The court stated that the immunity of the UN from prosecution was absolute and that it was not competent to deal with the compensation claim.

[Source: Amnesty International, *Report 2011* (London 2011), 82.]

On 11 July 2010, the remains of 775 victims of the Srebrenica massacre were buried in the Potocari area, at a ceremony marking the fifteenth anniversary of the worst atrocity in Europe since World War II. In June 2010, the International Criminal Tribunal for the former Yugoslavia (ICTY) convicted Vujadin Popovic and Ljubisa Beara, two high-ranking Bosnian Serb army officials, of genocide, murder, extermination, and persecution for their roles in the massacre at Srebrenica, sentencing them to life imprisonment. A third defendant, Drago Nikolic, was convicted of aiding and abetting genocide, murder, extermination, and persecution, and sentenced to 35 years in prison. Four others were also convicted of a range of crimes committed during and following the fall of Srebrenica and Zepa.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 410–411.]

In July 2010, just before the 15th anniversary of the genocide at Srebrenica in 1995, several high-level politicians of Republika Srpska made statements glorifying the perpetrators of the genocide in Srebrenica in July 1995 and other people accused of being responsible for it, including Radovan Karadžić. Some of them denied the fact that genocide had taken place in Srebrenica.

[Source: Amnesty International, *Report 2011* (London 2011), 38, 81.]

The Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) found that at least 5,336 individuals were killed in several executions following the fall of Srebrenica but noted that the final number of victims could be as high as 7,826. The proceedings against Radovan Karadžić continued before the Trial Chamber on various charges, including two counts related to genocide. The first referred to Srebrenica. The second related to the crimes committed between 31 March and 31 December 1992 in a number of municipalities in Bosnia-Herzegovina, including killings, torture and forcible transfer or deportation, and whose aim was the destruction of Bosnian Croats and Bosnian Muslims as ethnic or religious groups. There were also five counts of crimes against humanity, including persecution, extermination, murder and deportation of non-Serbs. The indictment also contained four charges of violations of the laws or customs of war such as hostage-taking and spreading terror among the civilian population. During the proceedings Karadžić rejected all charges, claiming that both Sarajevo and Srebrenica were legitimate military targets.

[Source: Amnesty International, *Report 2011* (London 2011), 82.]

On 26 May 2011, after almost 16 years on the run, Ratko Mladić, the former Bosnian Serb army commander was arrested. The International Criminal Tribunal for the Former Yugoslavia in The Hague (ICTY) charged him with eleven counts of genocide, crimes against humanity, and war crimes, including the 43-month siege of Sarajevo and the Srebrenica genocide in July 1995. The arrest came as European countries were considering the opening of formal membership negotiations with Serbia. The European Union had stressed that Belgrade had to cooperate fully with the ICTY before talks could start. Cooperation of the Serbian government with the ICTY also included surrendering key documents and archives for ongoing and upcoming trials. Although ICTY had to complete all of its work, including appeals, by the end of 2014, it was unlikely that Mladić's trial would be completed by that date. The ICTY delivered its first genocide conviction against General Radislav Krstić in August 2001, sentencing him to 46 years in prison. Krstić was second in command to Mladić of the Bosnian Serb troops at Srebrenica. In April 2004, the ICTY Appeals Chamber, while reducing Krstić's sentence to 35 years, confirmed that genocide had occurred in Srebrenica.

[Source: Human Rights Watch, "Bosnia: Mladić Arrest Ends Reign of Impunity; UN Security Council's Ongoing Support Essential for Yugoslav Tribunal" (26 May 2011).]

Prosecution of crimes under international law continued before the domestic judiciary in Bosnia and Herzegovina (BiH), at a slow pace. The War Crimes Chamber (WCC) of the State Court continued to play the central role in war crimes prosecutions in BiH. At the end of September 2010, 50 war crimes

trials were pending before the WCC. A further 20 cases were on trial in the Federation of BiH and 13 in the Republika Srpska. The Brcko District had 4 pending cases. Prosecution of rape and other war crimes of sexual violence continued to receive little attention. Fewer than 20 such cases had been prosecuted in total by the WCC since its creation in 2005. However, it was estimated that there was a backlog of up to 10,000 untried war crimes cases. The implementation of the State Strategy for the Work on War Crimes, which was adopted in 2008 in order to address the issue, was delayed. Witness support and protection measures in BiH remained inadequate. Despite some efforts, the authorities failed to grant access to reparation for many victims of war crimes, including survivors of sexual violence, families of those forcibly disappeared and victims of torture.

[Source: Amnesty International, *Report 2011* (London 2011), 81.]

Progress in identifying the whereabouts of victims of enforced disappearance during the 1992–1995 war was slow. Due to the inadequate response of the justice system, those responsible often enjoyed impunity. Although exhumations conducted by the Missing Persons Institute continued at various locations, the whereabouts of between 10,000 and 11,500 people remained unknown. The state authorities failed to create a database of the missing people and to open the Fund for Support to the Families of Missing Persons—both of which were envisaged by the Law on Missing Persons adopted in 2004. In June 2010, the United Nations Working Group on Enforced or Involuntary Disappearances visited BiH and urged the authorities to implement in full the 2004 law. It also noted with concern that many judgments of the Constitutional Court of BiH in cases involving enforced disappearances remained unimplemented. It recommended that the authorities establish a national program on reparations for relatives of victims of enforced disappearance, which should include measures such as compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition.

[Source: Amnesty International, *Report 2011* (London 2011), 83.]

See also Croatia, Montenegro.

BRAZIL

Last *Annual Report* entry: 2010.

Brazil continued to lag behind the rest of the region in its response to grave human rights violations committed during the military era (1964–1985). In April 2010, the Supreme Federal Tribunal upheld

the interpretation that crimes committed by members of the military—extrajudicial executions, torture and rape—were political or related to political acts and, therefore, covered by an amnesty law passed by the military regime in 1979; in so doing, it ruled against a challenge to interpretations of this Law. However, on 14 December 2010, the Inter-American Court of Human Rights ruled that Brazil was responsible for the enforced disappearance of at least 70 peasants and Araguaia Guerrilla activists in Pará state in 1970–1972. The court found that Brazil had violated the right to the truth by not adequately investigating the cases and withholding information, and that the amnesty law ran counter to its obligations under international law and could not be used to block prosecutions in cases of grave human rights violations. The court also stated that Brazil could not justify its failure to provide information simply on the grounds that there was no proof that the required information existed; it had to indicate all measures taken to confirm whether the information ever existed. The federal government in 2010 presented a bill creating a national truth commission to investigate dictatorship-era abuses, but in late 2010 its approval was still pending in congress.

[Sources: Amnesty International, *Report 2011* (London 2011), 15–16, 87; Article 19, *Ifex Alert* (21 December 2010); Human Rights Watch, *World Report 2011* (Washington 2011), 219.]

BULGARIA

Last *Annual Report* entry: 2009.

See Macedonia.

BURKINA FASO

Last *Annual Report* entry: 2005.

See Guinea.

BURUNDI

Last *Annual Report* entry: 2010.

In September 2010, President Pierra Nkurunziza committed to moving forward with the creation of a Truth and Reconciliation Commission (TRC) in his inauguration speech. In November 2010, Nkurunziza received the report on the 2009 national consultations on transitional justice (held by a committee representing the government, the United Nations, and civil society). Publishing the report was a prerequisite to establishing the TRC and a Special Tribunal. Impunity persisted for serious past abuses by the National Liberation Forces (FNL), by the National Council for Defense of Democracy-Forces for Defense of Democracy (CNDD-FDD; the ruling party) and the former Burundian army.

[Sources: Amnesty International, *Report 2011* (London 2011), 3–4, 92; Human Rights Watch, *World Report 2011* (Washington 2011), 90.]

See also Congo (Democratic Republic), Rwanda.

CAMBODIA

Last *Annual Report* entry: 2010.

In a landmark decision in July 2010, the Extraordinary Chambers in the Courts of Cambodia (ECCC), the United Nations-backed Khmer Rouge tribunal, convicted Kaing Guek Eav (known as Duch) for crimes against humanity and grave breaches of the Geneva Conventions for his role in mass executions, torture and other crimes during the Khmer Rouge period (1975–1979). Duch was the commander of security prison S-21, where at least 14,000 people were tortured and killed. He was sentenced to 35 years' imprisonment, reduced by 16 years for time served and illegal detention. Both the prosecution and defense appealed against the sentence. In September 2010, Ieng Sary, Ieng Thirith, Khieu Samphan and Nuon Chea were charged with genocide of the Cham and Vietnamese, crimes against humanity, war crimes, and other crimes. Prime Minister Hun Sen undermined progress on two additional cases covering five individuals by warning that he would not allow further prosecutions.

[Sources: Amnesty International, *Report 2011* (London 2011), 28, 92, 93; Human Rights Watch, *World Report 2011* (Washington 2011), 300.]

See also Thailand.

CAMEROON

Last *Annual Report* entry: 2010.

CANADA

Last *Annual Report* entry: 2009.

See Myanmar, United States.

CENTRAL AFRICAN REPUBLIC

Last *Annual Report* entry: 2009.

On 22 November 2010, the International Criminal Court (ICC) started the trial of Jean-Pierre Bemba, former Vice-President of the Democratic Republic Congo. In October 2010, an appeals panel at the court in The Hague had rejected an appeal from his lawyers to dismiss the case, the final obstacle to starting the trial. The ICC said that Bemba would face two counts of crimes against humanity and three counts of war crimes. He was accused of leading militias in the country in 2002–2003 that killed and raped civilians.

[Source: Amnesty International, *Report 2011* (London 2011), 3, 97, 98, 126.]

CHAD

Last *Annual Report* entry: 2010.

In 2010, the Senegalese government continued to delay judicial proceedings against former Chadian president Hissène Habré, who stands accused of crimes against humanity and torture during his 1982–1990 rule. In May 2010, the Community Court of Justice of ECOWAS declared Habré's 2009 complaint against Senegal admissible. The complaint claimed that the prosecution violated the prohibition of retroactive criminal law in the African Charter on Human and Peoples' Rights, even though the crimes alleged were all violations of international law when they were committed. In November 2010, the ECOWAS Court ruled that Senegal could only try Habré if ad hoc or special jurisdictions were put in place. In July 2010, following a joint African Union-European Union mission, a round table was announced to finalize the financial terms of Habré's trial. The round table was held in November 2010, and European and African donors agreed to contribute to financing the trial. Meanwhile, thousands of victims of torture and killings under Habré's rule never received compensation or recognition from Chad's current government, and many of Habré's henchmen still held key positions of power, including state security jobs. In December 2010, President Abdoulaye Wade declared that he was no longer interested in pursuing the investigation and prosecution of Habré.

[Sources: Amnesty International, *Report 2011* (London 2011), 3, 280–281; Human Rights Watch, *World Report 2011* (Washington 2011), 95.]

See also Sudan.

CHILE

Last *Annual Report* entry: 2010.

In January 2010, the Memory Museum was opened to the public, providing a space to acknowledge human rights violations committed in 1973–1990.

[Source: Amnesty International, *Report 2011* (London 2011), 103.]

A decree signed in January 2010 by outgoing President Michelle Bachelet established a commission to allow the cases of those who had been subjected to political imprisonment, torture or enforced disappearance in 1973–1990—and who had not yet been identified by the Rettig or Valech Commissions—to be presented. Victims and their relatives were given six months to present their cases, after which the commission would review the cases and produce a list of names of those who qualified for the same benefits as those granted under the Rettig and Valech Commissions. President Sebastián Piñera provided government support for the human rights program attached to the ministry of the interior, whose lawyers helped relatives of victims pursue their cases before the courts. As of June 2010, 292 former military personnel and civilian collaborators had been convicted on charges of enforced disappearances, extrajudicial executions, and torture (of whom 210 had the verdict confirmed on final appeal). Sixty-four were serving prison sentences; 490 more were facing charges. In July 2010, Piñera announced he would exclude prisoners convicted of human rights violations from presidential clemency measures that the Catholic Church had requested to mark the 200 anniversary of Chile's founding as a republic. However, in many cases the Supreme Court routinely used its discretionary powers to reduce sentences against human rights violators in recognition of the time elapsed since the criminal act. Often the sentence finally imposed was low enough to exempt those convicted from going to prison. This practice raised concerns about Chile's fulfilment of its obligation to hold perpetrators of disappearances accountable by imposing appropriate punishment or sanctions; less than one-third of those convicted were actually serving prison time in August 2010. Victims' groups continued to present cases for prosecution. In August 2010, 438 cases were presented by a group of ex-conscripts, accusing the army of human rights violations against army recruits in 1973–1990. In October 2010, a group representing the families of those executed on political grounds announced they had presented a total of 300 cases to the judiciary.

[Sources: Amnesty International, *Report 2011* (London 2011), 103–104; Human Rights Watch,

World Report 2011 (Washington 2011), 224–225.]

In July 2010, Manuel Contreras, former head of the infamous Chilean National Intelligence Directorate (Dirección de Inteligencia Nacional, DINA), was sentenced to 17 years' imprisonment for his part in the killing in Argentina in 1974 of General Carlos Prats, a member of cabinet in the government of President Salvador Allende (1970–1973), and his wife. The court held these were crimes against humanity, and that Chile was bound under the Geneva Conventions to judge and punish those responsible for such crimes, regardless of the self-amnesty law that Augusto Pinochet introduced in 1978.

[Sources: Amnesty International, *Report 2011* (London 2011), 15, 104; Human Rights Watch, *World Report 2011* (Washington 2011), 224–225.]

CHINA

Last *Annual Report* entry: 2010.

On 19 August 2010, Xie Chaoping ([1955–), a former journalist with the *Procuratorial Daily* (–2006) was detained by security officers of Weinan, Shaanxi, and accused of illegal publication of a book for commercial sale. In 2006, Xie had written an article about the Sanmenxia Dam, chronicling how the then Weinan government persuaded farmers to leave their homelands to allow the central government to build the dam in the 1950s. In the process, he exposed local government wrongdoing (which cheated the farmers, depriving them of land and compensation allocated to them by the central government). As the *Procuratorial Daily* censored the story, Xie resigned in protest and wrote a book about it, *The Great Migration*. He contacted four publishers of which three refused the manuscript (two cited pressure from the Weinan government, while the third requested the deletion of all names of alleged wrongdoers from the book, which Xie refused). In May 2010, *Sparkle*, a Beijing-based cultural magazine, agreed to publish the book, on the condition that Xie bear the cost (which he did) and signed a memorandum promising that the book was not intended for commercial sale. On 26–27 June 2010, more than 10,000 copies of the book were confiscated by the Weinan government's cultural department. *Sparkle* was suspended and its publisher dismissed. On 15 September 2010, the printer of the book was arrested. On 17 September 2010, Xie was released on bail for lack of evidence.

[Sources: International Federation of Journalists, “IFJ Urges Immediate Release of Illegally Detained Writer in China” (14 September 2010); International Federation of Journalists, *Ifex Alert* (21

September 2010); Reporters without Borders, “Author of Book about Sanmenxia Dam Freed on Bail” (7 & 20 September 2010).]

On 10 December 2010, Liu Xiaobo was awarded the Nobel Peace Prize. (See *NCH Annual Report 2010*; see also entry about Spengler below.)

[Sources: *Index on Censorship*, 4/10: 182–183, 221–222; *NRC Handelsblad* (9 December 2010) 3; *Wordt vervolgd* (December 2010–January 2011) 38.]

On 27 December 2010, democracy activist and lawyer Bai Dongping was arrested in Beijing for inciting subversion after he had posted a photograph online of the 1989 Tiananmen events.

[Source: *Index on Censorship*, 1/11: 111–112.]

In January 2011, the Chinese authorities censored references to the protests in Egypt as some internet users drew comparisons, including historical parallels, with China. One message on the popular Baidu.com message board asked: “Will Mubarak become Deng Xiaoping?”, a reference to the crackdown on the pro-reform protests on Tiananmen Square in 1989.

[Sources: Tania Branigan, “Chinese Authorities Restrict News of Egypt Protests,” *Guardian* (31 January 2011); *NRC Handelsblad* (1 February 2011), 5.]

On 30 March 2011, German sinologist Tilman Spengler was denied a visa when he wanted to accompany German Foreign Minister Guido Westerwelle on a trip to Beijing to open the art exhibition “Kunst der Aufklärung” (Art of the Enlightenment) on 1 April 2011. In September 2010, Spengler had given a speech in honor of Liu Xiaobo when the latter was awarded the Hermann-Kesten-Medal. Spengler was called “not a friend of the Chinese people.”

[Source: *Der Spiegel Online* (30 March 2011).]

On 8 April 2011, the Beijing Municipal Committee of the Communist Youth League banned an inter-university debate competition on the 1911 Revolution scheduled to open one day later. The debates, held annually since 2002, were to focus on “The Three Principles of the People—nationalism, democracy, and livelihood,” the guiding political philosophy for the 1911 Revolution developed by Sun Yat-sen (1866–1925), the founding father of modern China. A total of sixteen universities were to take part in the event. The central government reportedly wanted to use the centenary in October 2011 to promote patriotism, not revolution and democracy. It monitored gatherings in public areas following recent anonymous online calls urging mainlanders to stage “jasmine” rallies every Sunday—an attempt to copy recent popular uprisings in the Middle East.

[Source: *South China Morning Post* (10 April 2011).]

On 26 April 2011, scholar Mao Yushi was told that he would be beaten up because the *Caixin* magazine website had uploaded an article of his about Mao Zedong. The article mentioned that Mao Zedong was responsible for the numerous deaths during the famine (1959–1962) and the Cultural Revolution (1966–1976). The article and its supportive messages were deleted from the website soon after the threat was made.

[Source: International Federation of Journalists, *Ifex Alert*; 8 May 2011.]

The new National Museum of China was reported to minimize and underexpose certain episodes of contemporary history, such as the Great Leap Forward (1958–1960), the famine (1959–1962), the Cultural Revolution (1966–1976), the transition after Mao's death, including the crisis with the Gang of Four and Deng Xiao Ping's early years in power (1976–1980), and the Tiananmen massacre (1989).

[Source: *NRC Handelsblad* (30 May 2011), 14–15.]

Hong Kong

Foreign nationals denied entry to Hong Kong included Chen Weiming, sculptor of the Goddess of Democracy statue used in the 4 June 1989 Tiananmen vigil. On 29 and 30 May 2010, police arrested 13 activists and twice confiscated Goddess of Democracy statues displayed in Times Square. Following public criticism, the statues were returned before the Tiananmen vigil which attracted between 113,000 and 150,000 participants.

[Source: Amnesty International, *Report 2011* (London 2011), 105, 107.]

On 3 August 2010, a question-and-answer webpage on Hong Kong's Chinese-language Google website was blocked in some parts of mainland China. Visitors to the forum had searched for information on sensitive topics such as the 1989 Tiananmen massacre.

[Source: *Index on Censorship*, 1/11: 112.]

Tibet

In September 2008, popular Tibetan singer Tashi Dhondup ([1980]–) was detained for releasing “counter-revolutionary” songs, such as “The Year of 1959” (the year of the Uprising in Lhasa and the Dalai Lama's flight into exile) and “The Terror of 1958–2008.” He was beaten by police over a

seven-day period. In February 2009, he was released. After his music was banned, he went in hiding. In October 2009, he released a new album (called “Torture Without Wounds” or “Scarred Heart”), containing also lyrics about the Dalai Lama, the last five decades of Tibetan history, and about the crackdown on Tibetans after the March 2008 protests. It sold some 5,000 copies in Qinghai Province (the Amdo area) before it was banned. On 3 December 2009, he was arrested in Xining, the capital of Qinghai, for releasing these songs branded “subversive,” “reactionary” and “splittist.” On 5 January 2010, he was sentenced to fifteen months’ “re-education through labor” and sent to his home village in Qinghai.

[Sources: Free Tibet, “Current Prisoners: Tashi Dhondup” (s.d); *Index on Censorship*, 3/10: 150–155, 177.]

Xinjiang

The Urumqi riots of July 2009—the most lethal episode of ethnic unrest in recent Chinese history—continued to cast a shadow over developments in the Xinjiang Uyghur Autonomous Region. The government did not account for hundreds of persons detained after the riots, nor investigated serious allegations of torture and ill-treatment of detainees that surfaced in testimonies of refugees and relatives living outside China. The few publicized trials of suspected rioters were marred by restrictions on legal representation, overt politicization of the judiciary, failure to publish notification of the trials, and failure to hold genuinely open trials as mandated by law.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 313.]

A few days after ethnic riots erupted in Xinjiang on 5 July 2009, Tursunjan Hezim ([1973–]), a former high school history teacher and owner of the popular Uyghur-language website called *Bilik* or *Orkhun* (2006–2009), was arrested and held incommunicado. The website (named after the homeland of ethnic Uyghurs’ Turkic ancestors), which had published mostly scholarly articles about Uyghur culture and history, was closed down. Following a secret trial in a district court in Aksu (Xinjiang), Hezim was sentenced to seven years’ imprisonment on unknown charges in July 2010. The news of the sentence became known in March 2011 only. Hezim’s whereabouts were unknown. From 1991 to 1996, Hezim had studied in the history department of Xinjiang University. After graduation, he had returned to his hometown of Aksu where he taught history at an Uyghur-language high school. The school director, however, reportedly banned him from teaching history in 2006 and demoted him to school doorman. Hezim published several articles on Uyghur history and local regional history.

[Sources: “Uyghur Historian Given 7 Years,” *Radio Free Asia* (6 March 2011); Committee to Protect Journalists, *Ifex Alert* (11 March 2011).]

See also Myanmar, Spain.

COLOMBIA

Last *Annual Report* entry: 2010.

The Justice and Peace process continued to fall short of international standards on victims' rights to truth, justice and reparation, although some truths about human rights violations did emerge. Through the process, which began in 2005, around 10 per cent of the more than 30,000 paramilitaries who supposedly demobilized qualified for reduced prison sentences in return for laying down their arms, confessing to human rights abuses and returning stolen lands. The rest received *de facto* amnesties. However, in November 2010, the Constitutional Court rejected a law, passed in 2009, which would have confirmed such amnesties for 19,000 of these paramilitaries, arguing that it ran counter to the right to truth, justice and reparation. In December 2010, Congress passed a law again granting *de facto* amnesties to these paramilitaries in return for them signing an Agreement to Contribute to the Historic Truth and Reparation. In recent years, the army was blamed for an alarming number of extrajudicial killings of civilians, including extrajudicial executions known as "false positives," when army members, pressured to show results, killed civilians and reported them as combatants killed in action. The alleged executions occurred throughout Colombia and involved multiple army brigades. The problem continued despite a significant drop in false positives since 2009. The government did not keep statistics for such cases, but as of May 2010, the Attorney General's Office was investigating 1,366 cases of alleged extrajudicial killings committed by state agents involving more than 2,300 victims. There were only convictions in 63 cases. The military justice system's resistance to transferring cases to ordinary civilian courts impeded prosecution of extrajudicial killings.

[Sources: Amnesty International, *Report 2011* (London 2011), 109, Human Rights Watch, *World Report 2011* (Washington 2011), 229–230.]

In May 2010, the Supreme Court of Justice ruled that former Congressman César Pérez García should be prosecuted in connection with a 1988 massacre in Segovia by paramilitaries in which more than 40 peasant farmers were killed. The Court argued that the massacre amounted to crimes against humanity and was, therefore, not subject to the statute of limitations.

[Source: Amnesty International, *Report 2011* (London 2011), 16.]

On 8 June 2010, retired Colonel Luis Alfonso Plazas Vega was sentenced to thirty years'

imprisonment for the enforced disappearance of eleven people in November 1985, after military forces stormed the Palace of Justice where people were being held hostage by members of the M-19 guerrilla group. Plazas Vega appealed against the sentence. The presiding judge left the country after the ruling following threats.

[Source: Amnesty International, *Report 2011* (London 2011), 15, 109.]

When in the summer of 2010 historian and anthropologist Diana Marcela Gómez Correal (1978–), living in the United States, temporarily returned to Colombia to do Ph.D. fieldwork among human rights activists, she received death threats.

[Source: Diana Gómez, personal communication (August 2010).]

CONGO (Democratic Republic)

Last *Annual Report* entry: 2010.

In 2010, proceedings continued before the International Criminal Court (ICC) against Thomas Lubanga, charged with recruiting and using children under the age of fifteen for the armed group Union des Patriotes Congolais in Ituri. In July 2010, the trial nearly collapsed when the Prosecutor refused to comply with a ruling by ICC judges to disclose the identity of an intermediary to defense lawyers. In October 2010, the appeal chamber ruled that the trial could continue.

[Source: Amnesty International, *Report 2011* (London 2011), 126.]

On 1 October 2010, the Office of the United Nations High Commissioner for Human Rights published its report of a human rights mapping exercise in Congo, which documented 617 incidents of serious violations of international humanitarian law between 1993 and 2003. The report described the role of the main Congolese and foreign parties responsible—including military or armed groups from Rwanda, Uganda, Burundi, and Angola—and suggested options to pursue justice for the crimes, including the proposed establishment of a mixed chamber in Congo with Congolese and international judges. It raised hopes of justice for crimes under international and national law for thousands of victims and human rights defenders. While not binding under Congolese law, it amplified the obligation of the government to investigate the violations, bring those responsible to justice, and ensure victims received effective reparation. The Congolese government welcomed the report and said it would support the option of a mixed chamber. Criticism of the report by countries including Rwanda and Uganda, named in the report as perpetrators of human rights violations, reflected

unwillingness to hold those responsible to account.

[Sources: Amnesty International, *Report 2011* (London 2011), 3, 126, 274; Human Rights Watch, *World Report 2011* (Washington 2011), 110.]

On 17 November 2009, the president of the Democratic Forces for the Liberation of Rwanda (FDLR), Ignace Murwanashyaka, and his deputy, Straton Musoni, were arrested in Germany by the German police for war crimes and crimes against humanity committed by FDLR troops under their command in eastern Congo. Another FDLR leader, Callixte Mbarushimana, the Rwandan executive secretary of the FDLR, was arrested in France by French police in October 2010, under an arrest warrant issued by the International Criminal Court for similar crimes. France had granted him refugee status in 2003 and French prosecuting authorities had declined to open criminal investigations into earlier allegations of his involvement in the 1994 genocide. In November 2010, his surrender to the ICC was ordered by the Paris Appeal Court. In Congo itself, the government increased military prosecutions against soldiers accused of human rights violations, including crimes of sexual violence, although the majority of those prosecuted held junior ranks. In one notable exception, following pressure from the United Nations (UN) Security Council and human rights organizations, judicial authorities in Kinshasa arrested General Jerome Kakwavu in April 2010 on 110 war crimes charges for rape and torture. Kakwavu is the first general arrested on rape charges in Congo's history.

[Source: Amnesty International, *Report 2011* (London 2011), 276; Human Rights Watch, *World Report 2011* (Washington 2011), 108, 110, 154.]

See also Central African Republic, Rwanda.

CONGO (Republic)

Last *Annual Report* entry: 2008.

In November 2010, the Republic of Congo withdrew a case against France that it had lodged with the International Court of Justice (ICJ) in 2002. Congo had asked the ICJ to nullify a case against President Denis Sassou-Nguesso and other senior government officials in a French court in connection with the disappearance in 1999 of more than 350 Congolese nationals after their return from the Democratic Republic of Congo. In 2005, a Congolese court had found the Congolese government responsible for many of the disappearances but acquitted all security and government officials on trial. By the end of 2010, there had been no inquiry to establish the identities of those

who had ordered, carried out or condoned the disappearances.

[Source: Amnesty International, *Report 2011* (London 2011), 113.]

COSTA RICA

Last *Annual Report* entry: —.

See Guatemala.

CROATIA

Last *Annual Report* entry: 2010.

Progress prosecuting crimes committed during the 1991–1995 war continued to be slow. The political will to implement justice system reforms and tackle impunity, including for ethnic bias in prosecutions, was still largely missing. Allegations pointing to command responsibility for war crimes against several high-profile political and military leaders remained uninvestigated. The capacity of the justice system to prosecute war crimes remained low. On average, fewer than 18 cases were completed each year. Hundreds of cases, especially those in which the victims were Croatian Serbs and those allegedly responsible were members of the Croatian Army and police forces, remained unaddressed. The political will to implement justice system reforms and tackle impunity was largely missing. The authorities failed to provide victims of war crimes and their families with access to reparation. In June 2010, the Council of Europe Commissioner for Human Rights urged the authorities to take effective measures to ensure that war crimes cases were prosecuted in an unbiased manner, independent of the alleged perpetrator's ethnic or other background and in accordance with the general prohibition of discrimination. In November 2010, the European Commission, in its progress report on Croatia, observed that impunity for war crimes remained a problem, especially when victims were ethnic Serbs and alleged perpetrators were members of the Croatian Army. In the first nine months of 2010, the authorities issued war crimes indictments against 25 individuals, 11 of whom were Serbs. But Serbs remained the majority of defendants in domestic war crimes prosecutions. Ten trials, involving 13 Serb and 5 other defendants were completed in the same period, 16 of whom were convicted. Another 17 trials involving 29 Serbs and 14 Croats were still ongoing. *In absentia* war crimes trials remained a problem, with 23 Serbs and 7 others not present to

defend themselves.

[Sources: Amnesty International, *Report 2011* (London 2011), 37–38, 116–117; Human Rights Watch, *World Report 2011* (Washington 2011), 417.]

In 2010, Prime Minister Jadranka Kosor apologized to families and victims of the Srebrenica massacres in July 1995—while falling short of referring to them as genocide.

[Source: Amnesty International, *Report 2011* (London 2011), 37.]

In September 2010, the trial of retired Generals Ante Gotovina, Ivan Čermak and Mladen Markač at the International Criminal Tribunal for the Former Yugoslavia (ICTY) for war crimes and crimes against humanity against Serbs concluded. They were indicted on nine counts of crimes against humanity and violations of the laws or customs of war allegedly committed against the Serb population in 14 municipalities in the southern part of Croatia during “Operation Storm” in 1995. The judgment was expected to be announced in 2011. At the request of Prime Minister Jadranka Kosor, the government created a task force in October 2009 to search for documents related to the case that the ICTY prosecutor alleged were in the government’s possession. The trial concluded without these documents. Croatian investigations into war crimes committed by members of the Croatian Armed Forces increased in 2010. In September 2010, the Court of Bosnia and Herzegovina enforced a Croatian war crimes conviction and eight-year sentence against former Croatian member of parliament Branimir Glavas, following a request from the Croatian Justice Ministry. Glavas, a Bosnian citizen, fled to Bosnia in May 2009 on the same day he was convicted in the Zagreb district court. Bosnian police arrested him after the court ruling which, barring a successful appeal, would see Glavas serve his sentence in Bosnia.

[Sources: Amnesty International, *Report 2011* (London 2011), 117; Human Rights Watch, *World Report 2011* (Washington 2011), 416–417.]

See also Montenegro, Serbia.

CUBA

Last *Annual Report* entry: 2006.

From 23 to 25 February 2010, more than 100 people were arbitrarily detained across Cuba or placed under house arrest to prevent them participating in memorial services for Orlando Zapata Tamayo, a

political prisoner who died that month following an 85-day hunger strike.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 234.]

In 2010, the Damas de Blanco (Ladies in White), an unofficial group of women relatives and friends of individuals who were imprisoned during a major crackdown in March 2003 against political activists, regularly became victims of threats and intimidation by Cuban security officials and government supporters, when they organized peaceful demonstrations and marches for those imprisoned and commemorations for those who died in prison. In 2010, 53 of those arrested in March 2003 continued to be detained.

[Source: Amnesty International, *News and Updates* (18 & 23 March, 17 August 2010).]

CYPRUS

Last *Annual Report* entry: 2010.

Negotiations between Greek Cypriot and Turkish Cypriot leaders continued during 2010. In November 2010, both sides agreed to intensify their contacts. The United Nations Committee on Missing Persons in Cyprus continued its work. By the end of December 2010, it had exhumed in total the remains of 767 people.

[Source: Amnesty International, *Report 2011* (London 2011), 120.]

CZECH REPUBLIC

Last *Annual Report* entry: 2000.

DENMARK

Last *Annual Report* entry: 2007.

DJIBOUTI

Last *Annual Report* entry: 2008.

ECUADOR

Last *Annual Report* entry: 2010.

In June 2010, the Truth Commission in charge of investigating human rights violations in 1984–2008 (and created by the Rafael Correa administration) published its final report. The commission documented 118 cases, affecting 456 victims of arbitrary detention, torture, sexual violence, enforced disappearances and killings; it named 458 alleged perpetrators of abuses. According to the commission, few of those responsible for the abuses had been held accountable due to statutes of limitations, jurisdictional disputes, and procedural delays. In October 2010, a team of prosecutors appointed by the attorney general to investigate cases reported by the commission began re-interviewing suspects and witnesses. A draft law guaranteeing the right to reparation to victims of these violations was under discussion at the end of 2010.

[Sources: Amnesty International, *Report 2011* (London 2011), 130; Human Rights Watch, *World Report 2011* (Washington 2011), 239.]

EGYPT

Last *Annual Report* entry: 2010.

On 13 May 2010, submitted to the Islamic Studies Institute two copies of his book *Witness to the Muslim Brotherhood*, which described the history of the Brotherhood movement and its relationship with Egypt's successive presidents. In September 2010, the institute refused to approve the book at the instigation of the State Security Investigations (SSI), which alleged that it would confuse citizens.

[Source: Arabic Network for Human Rights Information, *Ifex Alert* (1 October 2010).]

On 28 January 2011, about ten looters broke into the Egyptian Museum in Cairo—housing the world's greatest collection of Pharaonic treasures, including the King Tutankhamen collection—smashing several statues and damaging two mummies. Thirteen display cases were shattered and several broken statues and porcelain figures lay on the floor. Eighteen objects were stolen, including eleven wooden *shabti* statuettes from Yuya, a statue of Nefertiti, a gilded wooden statue of Pharaoh Tutankhamun ([1341] BCE–[1323] BCE) carried by a goddess and one of his father Pharaoh Achnaton (?–1336/1334 BCE). The latter was found back in February 2011. There were also reports of looted archaeological sites across the country, including at Luxor, Sakkara, and Dakhla.

[Sources: *NRC Handelsblad* (1 February 2011), 4; (8 February 2011), 6; (14 February 2011), 6; (18 February 2011), 6; 18; Reuters (28 & 29 January 2011); *Wall Street Journal* (1 February 2011).]

On the evening of 5 March 2011, protesters stormed the headquarters of the State Security Investigations (SSI) in Cairo in an effort to stop the destruction of files ordered by SSI head, General Hassan Abd al-Rahman. Secret prisons, torture rooms and graveyards, files of political dissidents, lists of informants (some famous) were all captured on camera and uploaded onto the YouTube and Facebook websites. Released files exposed the repression by the Hosni Mubarak regime, including unlawful detentions, kidnappings and disappearances, systematic torture and rape, and inhuman prison conditions (formerly known as “red lines” or taboos).

[Source: Omar Ashour, “History’s Lessons: Dismantling Egypt’s Security Agency,” *BBC News* (9 March 2011).]

See also China, Libya.

EL SALVADOR

Last *Annual Report* entry: 2010.

In January 2010, President Carlos Funes signed into law an Executive Decree creating a new National Search Commission for Disappeared Children to look for children who were forcibly disappeared during the armed conflict (1980–1992). The Decree was a response to a 2005 Inter-American Court of Human Rights’ order in the case of the Serrano Cruz sisters. The two girls were last seen in 1982, aged seven and three, when they were captured by the military. By the end of 2010, however, the new commission was still not operational and the whereabouts of hundreds of disappeared children remained unknown. The 1993 amnesty law, which obstructs efforts to bring to justice those responsible for human rights violations during the internal armed conflict, remained in place, despite public commitments by the government to take steps toward its repeal.

[Source: Amnesty International, *Report 2011* (London 2011), 16, 135.]

ERITREA

Last *Annual Report* entry: 2008.

ESTONIA

Last *Annual Report* entry: 2007.

ETHIOPIA

Last *Annual Report* entry: 2010.

On 4 March 2010, Voice of America reported that its Amharic-language broadcasts were being jammed. On 19 March 2010, the Prime Minister declared that the radio station had been broadcasting “destabilizing propaganda” and compared it to Radio Mille Collines, a Rwandan radio station that incited ethnic hatred before and during the 1994 Rwandan genocide.

[Source: Amnesty International, *Report 2011* (London 2011), 141.]

FIJI

Last *Annual Report* entry: 2010.

FINLAND

Last *Annual Report* entry: —.

In June 2010, François Bazaramba, a Rwandan national residing in Finland, was sentenced to life imprisonment by the District Court of Itä-Uusimaa for committing genocide in Rwanda in 1994. During the proceedings, allegations were made that several witness testimonies had been obtained directly as a result of torture by the Rwandan authorities. The court determined that, to ensure a fair trial, it would disregard the testimony of two witnesses, after finding that it was likely that their evidence had been obtained through torture or other ill-treatment. The judgment was appealed and proceedings were ongoing at the end of 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 144.]

FRANCE

Last *Annual Report* entry: 2009.

On 5 March 2009, Karoline Postel-Vinay, specialist of Japan and senior research fellow at the Fondation nationale des sciences politiques Center for International Studies and Research, Paris, was summoned to court at the request of the “Fondation Franco-Japonaise dite Sasakawa” (FFJDS; French Sasakawa Foundation, established 1990). FFJDS sued her for libel because it alleged that five statements contained in an email with the subject line “Sasakawa, a war criminal to celebrate 150 years of Franco-Japanese Diplomacy?” and an attached memorandum entitled “Memorandum—Ryōichi Sasakawa (1899–1995), the Sasakawa Empire and the Sasakawa Foundation,” sent on 16 December 2008 to scholars, various public figures and institutions, as well as to French and foreign media organizations, constituted acts of malicious defamation. In December 2008, Postel-Vinay had joined some sixty other colleagues in signing a petition addressed to the Foreign Minister, Bernard Kouchner, asking him to withdraw his support from an event celebrating the 150th anniversary of Franco-Japanese diplomatic relations that was mainly financed by FFJDS. According to the

petitioners, several historical works mentioned that Sasakawa had been a figure of Japanese fascism who in 1945 was arrested and charged with crimes against peace as a class A war criminal by the Supreme Commander for the Allied Powers; he was not tried by the International Military Tribunal for the Far East although the charges were never dropped. As a result, the foreign ministry withdrew from the event. On 22 September 2010, Postel-Vinay was acquitted after examination of her good faith according to four criteria: proof that her purpose was legitimate, that it was devoid of personal animosity, that she had made a serious investigation and that she had adopted a cautious manner of expression.

[Sources: Paris District Court, *Fondation Franco-Japonaise dite Sasakawa versus Karoline Postel-Vinay: Judgment* (22 September 2010; <http://www.concernedhistorians.org/le/184.pdf>); Karoline Postel-Vinay & Mark Selden, "History on Trial: French Nippon Foundation Sues Scholar for Libel to Protect the Honor of Sasakawa Ryōichi," *The Asia-Pacific Journal* (26 April 2010); "Pour la liberté de la recherche: Les chercheurs et enseignants-chercheurs titulaires et associés de Sciences Po expriment leur solidarité avec leur collègue Karoline Postel-Vinay" (Paris [2010]).]

In [July] 2010, Jewish history teacher ([1952–]) was suspended for four months for breaching the principles of secularism and neutrality after the education ministry concluded in a report that she was teaching "too much" about the Holocaust and spending too much time organizing trips for her students at a Nancy lyceum to Nazi death camps in Poland and the Czech Republic.

[Sources: *Haaretz* (1 September 2010); *Libération* (1 September 2010).]

See also Congo (Democratic Republic), Rwanda.

GEORGIA

Last *Annual Report* entry: 2010.

In 2010, none of the sides to the conflict of August 2008 between Russia and Georgia conducted comprehensive investigations, in spite of a report by an international fact-finding mission commissioned by the European Union (EU) in 2009 which confirmed that violations of international human rights and humanitarian law had been committed by Georgian, Russian and South Ossetian forces. In September 2010, the Council of Europe Human Rights Commissioner reported “serious shortcomings” by all sides in the process of clarifying the fate of people missing since the war; he called for the release of the remaining people detained in Tskhinvali, South Ossetia, during and after the conflict in South Ossetia as their health was reportedly deteriorating. The EU Monitoring Mission, the only international monitor with a conflict-related mandate, was denied access to Abkhazia and South Ossetia by the *de facto* authorities. The Office of the Prosecutor at the International Criminal Court—to which Georgia is a party—continued with its preliminary examination of the situation and sent delegations to Russia in March 2010 and to Georgia in June 2010 to obtain additional information on domestic proceedings. Some 20,000 ethnic Georgians from South Ossetia remain displaced.

[Sources: Amnesty International, *Report 2011* (London 2011), 38, 148–149; Human Rights Watch, *World Report 2011* (Washington 2011), 439–440.]

See also Russia.

GERMANY

Last *Annual Report* entry: 2010.

In early September 2010, the Bundesnachrichtendienst (BND; the German foreign intelligence agency overseen by Chancellor Angela Merkel’s office) handed over 2,400 of some estimated 3,400 pages on top Nazi Adolf Eichmann (1906–62; one of the main organizers of the Holocaust), with much of the information blacked out, but Gabriele Weber, a German freelance reporter based in Argentina, sued the BND for the second time (see *NCH Annual Report 2010*) for greater access. Critics said that important reasons for the obstruction were fear for disclosure of names of former West German politicians with a Nazi past and fear for disclosure of hitherto unknown levels of

collusion between the West German government and former Nazis who after the war fled overseas to escape prosecution and often lived comfortably in exile in Argentina and other South American countries. Pressure on the BND to release its old files on Nazi fugitives had increased after the Central Intelligence Agency declassified many documents relating to Nazi war crimes in 2005 and 2006. The curators of the Topography of Terror Documentation Center in Berlin, Lisa Hauff and Ulrich Baumann, did not gain access to the files to prepare their exhibition about Eichmann (April–September 2011). In January 2011, however, a BND document obtained by the German mass-circulation daily *Bild*, showed that the BND knew Eichmann's location as early as 1952 (eight years before his capture in Buenos Aires by Israeli agents in 1960; Eichmann was put on trial in Israel, found guilty of crimes against humanity, and hanged in 1962). In August 2010, Weber was sent back to Buenos Aires after arriving in Washington to do research at the National Archives. A new application for a special journalism visa was rejected in January 2011; Weber's appeal was rejected on 18 March 2011.

[Sources: "Fight over Eichmann Files Back to German court" (Associated Press; 7 September 2010); *Keesings Historisch Archief* (2010), 552–553; *Spiegel Online* (11 March 2010; 3 May 2010; 10 January 2011).]

In May 2011, Silvana Koch-Mehrin (1971–), politician of the Free Democrat Party and vice-president of the European Parliament (EP), was accused of having plagiarized substantial parts of her 1998 doctoral thesis about economic history written at the University of Heidelberg and entitled "Historical Currency Union" (about the currency union between France, Belgium, Italy, Switzerland and Greece in the late nineteenth century). The Heidelberg public prosecutor's office announced that she had no legal action to fear because prosecution of copyright infringement was limited to five years. However, the university intended to investigate the matter. Koch-Mehrin resigned as EP vice-president.

[Sources: Michael Gardner, "Top Euro Politician Accused of Plagiarism," *University World News* (8 May 2011); *NRC Handelsblad* (12 May 2011).]

See also China, Congo (Democratic Republic), Indonesia, Iran, Turkey, United States.

GHANA

Last *Annual Report* entry: 2008.

GREECE

Last *Annual Report* entry: 2010.

Excessive use of force against peaceful protesters was reported during the commemorative demonstration of the second anniversary of the death of 15-year-old Alexandros Gregoropoulos on 6 December 2008. According to reports, some riot police officers beat and injured a photojournalist and a photographer covering the events.

[Source: Amnesty International, *Report 2011* (London 2011), 38, 148–149.]

See also Macedonia.

GRENADA

Last *Annual Report* entry: 2007.

GUATEMALA

Last *Annual Report* entry: 2010.

Guatemala continued to suffer the effects of the 36-year civil war (1960–1996). In 1999, a United Nations-sponsored Commission on Historical Clarification (CEH) had estimated that as many as 200,000 people had been killed during the conflict. The CEH attributed 93 per cent of the human rights abuses it documented to state security forces and concluded that the military had carried out “acts of genocide.” Very few of those responsible for the grave human rights violations during the civil war have been held accountable. Of the 626 massacres documented by the commission, only three cases were successfully prosecuted in Guatemalan courts. Guatemala’s first conviction for the crime of enforced disappearance occurred in August 2009, when an ex-paramilitary leader was sentenced to 150 years’ imprisonment for his role in “disappearing” individuals between 1982 and 1984. The verdict was made possible by a landmark ruling by the Constitutional Court in July 2009, which established that enforced disappearance was a continuing crime not subject to a statute of limitations so long as the fate of the victims was still unknown. The July 2005 discovery of approximately 80 million documents of the disbanded National Police, including files on

Guatemalans who were killed or “disappeared” during the conflict, could play a key role in prosecuting past human rights abuses. Documents in the archive led to the March 2009 arrest of two former National Police agents for their alleged participation in the 1984 “disappearance” of student leader and activist Edgar Fernando García. In September 2008, Congress passed the Law of Access to Public Information, which ordered that “in no circumstances can information related to investigations of violations of fundamental human rights or crimes against humanity” be classified as confidential or reserved. In March 2009 President Álvaro Colom created the Military Archive Declassification Commission, tasked with sorting and declassifying military documents from 1954–1996. The case against former President General Efraín Ríos Montt and other military and police leaders of the early 1980s for grave human rights violations remained stalled, however, because the Ministry of Defense failed to hand over documents, despite being ordered to do so by a court.

[Sources: Amnesty International, *Report 2011* (London 2011), 155, 156; Human Rights Watch, *World Report 2011* (Washington 2011), 244–245.]

In September 2007 the United Nations (UN) secretary-general had appointed Carlos Castresana, a Spanish former prosecutor and judge, to lead the newly-founded Comisión internacional contra la impunidad en Guatemala (CICIG; International Commission against Impunity in Guatemala). The commission’s mandate allowed it to work with the Attorney General’s Office, the police, and other government agencies to investigate, prosecute, and dismantle the criminal organizations operating in Guatemala. As of September 2010, the commission undertook 56 investigations and participated in 11 prosecutions. CICIG helped to improve the witness protection program and purge 1,700 officers from the National Civilian Police. Originally set to expire in 2009, its mandate was extended by Congress for another two years until the end of 2011. However, on 7 June 2010, Castresana abruptly resigned, citing lack of cooperation from several high ranking government officials, including the then-attorney general, whom he alleged had links to organized crime. Three days later, the Constitutional Court annulled the selection process and an interim attorney general was appointed, pending a new selection process. The UN appointed Francisco Dall’Anese—Costa Rica’s former attorney general—as CICIG’s new head. The UN High Commissioner for Human Rights had maintained an office in Guatemala since 2005. In June 2010 James Anaya, UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, visited Guatemala to investigate alleged human rights violations affecting the country’s indigenous people. He concluded that the right to previous consultation, according to which indigenous people were entitled to be consulted before any commercial enterprise occurred in their territory, was not being adequately protected.

[Sources: Amnesty International, *Report 2011* (London 2011), 155; Human Rights Watch, *World*

Report 2011 (Washington 2011), 246–247.]

GUINEA

Last *Annual Report* entry: 2010.

In December 2008, Captain Moussa Dadis Camara took power in a coup after the death of Lansana Conté, Guinea's authoritarian president for 24 years. Throughout 2009 the military violently suppressed the opposition, culminating in a large-scale massacre of some 150 demonstrators on 28 September 2009 in the capital, Conakry. In December 2009, Camara was removed following an assassination attempt against him, and his deputy, the more moderate General Sékouba Konaté, took over, committing to move the country toward democratic elections. In January 2010, Camara formally handed over power to Konaté, under considerable pressure from international actors, by way of an agreement signed in the Burkinabé capital Ouagadougou, which called for the formation of a transitional government of national unity; an ad hoc parliamentary body comprised of members of civil society, political parties, the security forces, and religious bodies; and democratic elections within six months. Despite the many problems, both domestic and international election observers concluded that the elections were generally free and fair.

In December 2009, the International Commission of Inquiry led by the United Nations delivered its report, but it had not been officially made public by the end of 2010. It confirmed the killing of at least 156 people and the rape of over 100, and concluding that the crimes perpetrated in Conakry on 28 September 2009, rose to the level of crimes against humanity. The inquiry identified several military officers, including Camara, as bearing direct individual criminal responsibility for the crimes. This contradicted the government's National Commission of Inquiry, which in its report in February 2010, which absolved Camara, laid blame solely on his then-aide de camp Lieutenant Abubakar "Toumba" Diakité and the soldiers he commanded, and set the number of dead at 63. The commission acknowledged that demonstrators had faced violent repression by members of the security forces, but blamed the "excited crowd" as well as the lack of equipment and co-ordination of security forces. It accused civil society organizations of spreading "far-fetched figures regarding the number of deaths, rapes and disappearances." Regarding sexual violence, the report noted that no female victim of rape came to testify before the commission, and that it therefore relied only on medical records. The commission named Diakité, the man who allegedly attempted to kill Camara, and his unit of "red berets," as responsible for the violence. It called for them to be tried before Guinean courts. It recommended a general amnesty for misconduct by leaders of the former

opposition, now in government. It stated that political leaders, in refusing to cancel the demonstration after it had been forbidden by the authorities, shared some responsibility for the events. It also stated that demonstrators committed acts of robbery, looting, and destruction of public and private property.

In October 2009, the International Criminal Court (ICC) confirmed that Guinea was under preliminary examination and visited the country in February, May, and November 2010 to assess progress made in national investigations. In February 2010, the ICC Deputy Prosecutor said that those bearing responsibility for the crimes should not go unpunished and that the violators should be tried either by the Guinean authorities or by the ICC. She added that crimes against humanity were committed on 28 September 2009 and in its aftermath and that the ICC should continue with its preliminary investigation. The Guinean authorities took no steps to suspend or prosecute violators of human rights.

[Sources: Amnesty International, *Report 2011* (London 2011), 156–157; Human Rights Watch, *World Report 2011* (Washington 2011), 127–128, 130, 132.]

In 2011, the under-exposed atrocities committed since independence (1958–2011), notably during the reign of Ahmed Sékou Touré (1958–84), were called “Guinea’s memory problem” and served as a motive to call for a truth-telling mechanism. Members of the Guinean Camp Boiro Victims’ Association noted that there was no monument to the victims, no official recognition, and no report.

[Source: Human Rights Watch, *“We Have Lived in Darkness”: A Human Rights Agenda for Guinea’s New Government* (Washington 2011), 31–33.]

GUINEA-BISSAU

Last *Annual Report* entry: 1999.

GUYANA

Last *Annual Report* entry: 1997.

HAITI

Last *Annual Report* entry: 2009.

HONDURAS

Last *Annual Report* entry: 2010.

In January 2010, seven months after a military coup ousted democratically elected President Manuel Zelaya, President Porfirio Lobo took office. The Lobo administration created a truth commission to look into the events surrounding Zelaya's ouster. But Honduras was failing to hold accountable those responsible for the widespread human rights violations committed by the *de facto* government of Roberto Micheletti installed after the coup (June 2009–January 2010). Following the military coup in June 2009, the *de facto* government suspended key civil liberties, including freedoms of the press and assembly. In the ensuing days the military occupied opposition media outlets, temporarily shutting down their transmissions. Police and military personnel responded to generally peaceful demonstrations with excessive force. This pattern of the disproportionate use of force led to several deaths, scores of injuries, and thousands of arbitrary detentions. In 2010, the human rights unit in the Attorney General's Office was investigating approximately 200 cases of alleged abuses committed by security officials since the coup, many of which involved multiple victims. In late 2010, it had filed charges in twenty cases. In eight, the defendants were acquitted, leaving many acts committed by security forces after the coup unaccounted for. Most of the others remained pending before the courts, some of them stalled because the defendants were at large. The human rights unit's progress on these cases was hindered by its limited resources and by the government's failure to allocate funds to the existing witness protection program. The unit had to rely on an investigative police force institutionally tied to the Ministry of Security, an arrangement that could affect the impartiality and thoroughness of the investigations. Security forces obstructed investigations of abuses committed after the coup. Under the *de facto* government, military and police personnel had systematically refused to cooperate with investigators. They had failed to turn over firearms for ballistics tests, to respond to information requests to identify officers accused of committing abuses, and to grant access to military installations. The situation improved somewhat under Lobo, but the prior lack of cooperation had a lasting impact on the investigations. In October 2010, the Honduran Congress approved an increased budget for the unit only for 2011. In November 2010, the International Criminal Court Chief Prosecutor announced that preliminary investigations would be opened into

reports of widespread and systematic human rights violations under the *de facto* government.

[Sources: Amnesty International, *Report 2011* (London 2011), 163; Human Rights Watch, *World Report 2011* (Washington 2011), 252–253.]

HUNGARY

Last *Annual Report* entry: 2010.

In December 2010, Bence Rétvári, the parliamentary secretary at the Ministry of Public Administration and Justice, made an announcement regarding the files of the Hungarian secret police, interior ministry and state security of the Communist era (1948–1989), currently available to professional researchers at the Historical Archives of Hungarian State Security, Budapest, and regarding a separate collection of unreleased data on over 50,000 communist state security officers, encrypted on magnetic tape. He reportedly declared “A constitutional state cannot preserve personal information collected through unconstitutional means, because these are the immoral documents of an immoral regime.” A new law, to be introduced by November 2011, would allow citizens who were spied on by the secret police and government officials to remove and destroy the original documents of which they had been the subject. As copies would not be kept of these original documents, researchers and future generations would no longer have access to tens of thousands of files. The law would replace a 2003 law allowing access to and copying of documents for the persons observed.

[Sources: Christopher Adam, “Hungary Erases the Past and Whitewashes the Future,” *National Post* (Toronto; 13 January 2011); <http://www.ipetitions.com/petition/hungarianarchives>; Jan Petter Myklebust, “Hungary: Historians Resist Return of Spy Files” (University World News; 27 February 2011).]

INDIA

Last *Annual Report* entry: 2010.

On 9 July 2010, the Supreme Court refused the plea of Maharashtra government to ban *Shivaji: Hindu King in Islamic India* (Oxford 2003), a book about Maratha King Shivaji (1627–1980) by American scholar James Laine, professor of religious studies at Macalester College, St. Paul, Minnesota, for allegedly promoting social enmity, thereby upholding a 2007 decision of the Bombay High Court. (See NCH *Annual Report 2004*.)

[Source: *Times of India* (9 July 2010).]

The government had yet to prosecute those responsible for the mass killings of Sikhs that followed the 1984 assassination of Prime Minister Indira Gandhi by her Sikh bodyguards (itself following mob attacks on Sikh separatists at the Golden Temple in Amritsar organized with the complicity of senior members of Gandhi's then-ruling Congress party, leaving an estimated 3,000 Sikhs killed). In September 2010, the Supreme Court directed the trial of Congress Party leader Sajjan Kumar to proceed. In April 2010, the case against another former Congress Party leader, Jagdish Tytler, was closed by a Delhi court. Both men were accused of inciting their supporters to commit the 1984 mass killings of Sikhs. In January 2011, two new mass graves related to the massacre were discovered in northern Haryana state. The Haryana state government established a judicial commission to look into the graves, but successive government-appointed commissions had failed to ensure the prosecution of those responsible for instigating the 1984 riots.

[Sources: Amnesty International, *Report 2011* (London 2011), 168; Human Rights Watch, *World Report 2011* (Washington 2011), 317; Human Rights Watch, "India: Bring Charges for Newly Discovered Massacre of Sikhs" (25 April 2011).]

On 30 September 2010, the Allahabad High Court ruled in a majority verdict that the disputed holy site of Ayodhya should be split between Hindus and Muslims. It said that the site was Rama's birthplace, that the Archaeological Survey of India had proved that the site had contained a massive Hindu religious structure, and that the mosque which stood on the place until December 1992, was constructed by Babur (1483–1531) against the tenets of Islam and therefore could not have the character of a mosque. The judges gave control of the main disputed section, where the mosque was torn down in 1992, to Hindus. Both parties planned to appeal the verdict. (See previous NCH *Annual Reports*.)

[Sources: *BBC News* (30 September 2010); *NRC Handelsblad* (30 September 2010: 6; 1 October

2010: 8).]

Gujarat

Cases against some of those responsible for the 2002 attacks against Muslim minorities in Gujarat, in which about 2,000 people were killed, made little progress. Proceedings were marred by the authorities' openly hostile attitude toward witnesses, the investigating agencies' refusal to examine crucial evidence including official telephone records, and the destruction of evidence linking key political leaders to the violence.

[Source: Amnesty International, *Report 2011* (London 2011), 168.]

On 30 March 2011, the government of Gujarat banned *Great Soul: Mahatma Gandhi and His Struggle with India* (New York 2010), a biography by Pulitzer-winning author Joseph Lelyveld ([1937]–), a former journalist for the *New York Times*. The announcement was made by Chief Minister Narendra Modi in the Assembly; the opposition Congress supported the decision. Gandhi was born in Gujarat. The book—which contained critical passages about Gandhi's racial bias toward Black Africans (during his time in South Africa), his sexual life (including a homo-erotic relationship), his political opinions (including about topics such as Muslims, untouchability, and Nazism), his social opinions (including about birth control) and his occasional interpersonal cruelty—was deemed defamatory. Modi said that it should be banned across India; he demanded a public apology from Lelyveld. The Law Ministry had reportedly been asked to suggest amendment to the Prevention of Insults to National Honour Act (1971), so as to make actions or gestures showing disrespect to Gandhi an offence. Union Law Minister Veerappa Moily declared: "We can't allow anybody to draw adverse inferences about historical figures and denigrate them. Otherwise history will not forgive us. That is why the need is being felt to amend the Act." In 2009, the Supreme Court had turned down a plea to make it mandatory for people to show respect to Gandhi.

[Sources: *Hindustan Times* (1 April 2011); *Indian Express* (31 March 2011); Andrew Roberts, "Among the Hagiographers," *Wall Street Journal* (26 March 2011); *Times of India* (30 March 2011).]

Kashmir

Impunity for past violations in Kashmir, including the disappearance of thousands of people since 1989 during the armed conflict, continued. Official inquiries into some of the violations made slow or little progress. Between June and September 2010, the police and security forces fired at protesters during pro-Independence protests demanding accountability for past violations in the Kashmir valley.

More than 100 people, mostly youths, were killed and 800 others, including media workers, were injured. An inquiry, instituted by the state authorities and covering only 17 of the 100 deaths, made little progress.

[Source: Amnesty International, *Report 2011* (London 2011), 169.]

In late October 2010, the Delhi home of Booker Prize-winning author Arundhati Roy (1961–) was surrounded by around 150 members of the Bharatiya Janata Party's (BJP) women's faction. The protestors demanded that Roy leave India or withdraw her statement done on a 24 October 2010 seminar in Delhi named *Azadi: The Only Way* ("azadi" means freedom). Roy had said: "Kashmir has never been an integral part of India. It is a historical fact." On 27 November 2010, a New Delhi court ordered to investigate accusations of separatism and anti-Indian statements.

[Sources: Article 19, *Artist Alert* (October 2010); *NRC Handelsblad* (29 October 2010).]

In 2011, a report suggested that the state systematically discouraged historical research at Kashmiri universities about the decades of insurgency in Kashmir (1989–), in which some 43,000 people lost their lives. Critics said that the government called such research "anti-national" as it had been embarrassed by university research papers, which had blamed the Indian army for gross human rights violations in Kashmir.

[Source: Haroon Mirani, "India: Academic Dissent Stifled in Kashmir," *University World News* (1 May 2011).]

Orissa

In a positive development, a legislator from the ultra-nationalist Bharatiya Janata Party was convicted in June 2010 for his role in violence against Christians in Orissa in 2008 that left at least 40 people dead and thousands displaced when a Hindu mob attacked Christians. In August 2010, 16 others were sentenced to three years in prison for their role in the violence.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 317.]

Punjab / Assam

Perpetrators of enforced disappearances, extrajudicial executions and other human rights violations in Punjab in 1984–1994, and Assam in 1998–2001, continued to evade justice.

[Source: Amnesty International, *Report 2011* (London 2011), 168.]

INDONESIA

Last *Annual Report* entry: 2010.

Indonesia still did not credibly investigate most allegations of serious human rights abuse by security forces. Despite parliament's recommendation in September 2009, President Susilo Bambang Yudhoyono failed in 2010 to authorize an ad hoc court to investigate the 1997–1998 enforced disappearances of student activists. In January 2010, he even appointed Major General Sjafrie Sjamsoeddin, implicated in the 1997–1998 student disappearances and in serious human rights abuses in East Timor, to the position of deputy defense minister. Of 18 Kopassus (Indonesian Special Forces) personnel convicted of human rights abuse since 1999, at least 11 continue to serve in the military.

Impunity for past gross human rights violations in Aceh, Papua, Timor-Leste and elsewhere continued. The government continued to promote reconciliation with Timor-Leste at the expense of justice for crimes during the Indonesian occupation of East Timor (1975–1999). Most past human rights violations against human rights defenders, including torture, murder and enforced disappearances, remained unsolved and those responsible were not brought to justice. In 2009, Parliament recommended that an ad hoc human rights court be created to try those responsible for enforced disappearances in 1997–1998. However, the government had not acted on the recommendations by the end of 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 171.]

Yusuf Sapakoly, 52, died of kidney failure in a hospital in Ambon, Maluku province, after being refused access to adequate medical assistance by prison authorities. The father of four was arrested in 2007 for assisting a group of peaceful political activists who unfurled the “Benang Raja” flag, a symbol of South Maluku independence, in front of President Yudhoyono. In July 2010, prisoner of conscience Yusak Pakage, sentenced to ten years' imprisonment, was released following a Presidential Decree. However, Filep Karma who was arrested at the same time and sentenced to fifteen years' imprisonment, remained in prison. The two men were convicted in 2005 for raising the “Morning Star” flag.

[Source: Amnesty International, *Report 2011* (London 2011), 170–171.]

From 18 until 21 January 2011, the Cultural Center Goethe Institut organized a conference about the aborted “Communist” coup of 1965 in Indonesia. It requested police protection against radical

groups, including the Islam Defenders Front (FPI), after rumors that FPI members would mob the Goethe Institut building and after dozens of people who called themselves members of the Youth Islamic Movement (GPI) staged a rally in front of the building, calling for the conference to be called off. Protesters carried banner denouncing the defunct Indonesian Communist Party.

[Source: *Jakarta Post* (19 January 2011).]

In August 2010, Indonesian police arrested 21 individuals for planning to float pro-independence flags attached to balloons during a visit to the Moluccas by President Susilo Bambang Yudhoyono. Police subjected them to severe beatings.

[Sources: AI, “Indonesia: Case sheet: The Jayapura Flag-raisers” (February 2005); Human Rights Watch, *Ifex Alert* (19 November 2009); Human Rights Watch, “Hellman/Hammett Grants Honor 42 Writers for Courage Facing Political Persecution” (4 August 2010); Human Rights Watch, *World Report 2011* (Washington 2011), 321.]

On 6 August 2010, the Jakarta State Administrative Court upheld the ban, agreeing with LSF that *Balibo* could “reopen old wounds” and that LSF had fulfilled required administrative procedures to ban it.

[Sources: Human Rights Watch, *Ifex Alert* (7 December 2009); Human Rights Watch, *World Report 1998* (Washington 1997) 314; International Federation of Journalists, *Ifex Alert* (10 August 2010); *Ifex Communiqué* (6 & 14 February 2007); “Indonesia: Historical Books and Films Banned” (<http://www.freewordonline.com>; 2010); International Federation of Journalists, *Ifex Alert* (10 March 2010); *Index on Censorship*, 6/00: 173; 2/07: 194; 4/09: 147.]

On 13 October 2010, the Constitutional Court ruled that the 1963 law which allowed the Attorney General to ban books was unconstitutional. All requests to ban books had to be approved by a court.

[Sources: Article 19, “Indonesia: Constitutional Court Reverses Book Ban Ruling” (14 October 2010); Irwin Firdaus, “Indonesia Revokes Book-Ban Law from Suharto Days” (Associated Press, 14 October 2010).]

See also Timor-Leste.

IRAN

Last *Annual Report* entry: 2010.

On 7 May 2009, Fatemeh Masjedi, a historian holding a MA in history from the University of Illinois and with a job offer for a PhD in history at the Free University Berlin, and Maryam Bidgoli were arrested. Both women—members of the One Million Signatures Campaign (also known as the Campaign for Equality), a grassroots movement launched in 2006—had peacefully collected signatures for a petition demanding an end to discrimination against women in Iran. After two weeks in detention they were released, pending further investigation. On 29 August 2010, a Revolutionary Court in Qom sentenced them to one year's imprisonment for "spreading propaganda against the system," reduced to six months by the provincial appeal court. On 29 December 2010, they were summoned to report within three days to begin serving the sentence. However, they remained free pending further legal challenges against their convictions and sentences. Among the reasons for the sentence was the fact that the two women had "signed a letter complaining about the situation of human rights in Iran, and stating that Iran's candidacy for a seat on the Commission on the Status of Women had no merit and that the presence of Iran on this Commission would be a threat to world peace and security." The verdict also referred to an interview given by Bidgoli to the opposition website Jaras, and a statement signed by 600 members of the women's movement on the occasion of 12 June (the anniversary of a demonstration against legal discrimination against women).

[Amnesty International, *Urgent Action* (<http://www.concernedhistorians.org/CA/63.pdf>; 7 January 2011); Ulrike Freitag, personal communication (10 January 2011).]

In December 2009, after years under house arrest and government monitoring, Grand Ayatollah Hossein-Ali Montazeri died. Security forces arrested scores of mourners who attended his funeral.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 524.]

In 2010, the government initiated an aggressive campaign to "islamicize" universities, in part by forcibly retiring professors in the social sciences. The government relied on plainclothes security forces and the *Basij*, a state-sponsored paramilitary force, to target Shi'a clerics critical of the government.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 524.]

In [late February 2011], the University Security Unit of Payame Noor University in Mashhad requested the faculty of arts not to assign courses at the beginning of the new term to history lecturer

Seyed Hossein Javdani. Javdani declared that this *de facto* dismissal, of which he had not been directly informed, was connected to articles he wrote and published on various websites before and after the June 2009 presidential elections (mostly about the Green movement that staged protests after these elections) and had nothing to do with his lectureship since he never mentioned national politics in his classes. He also stated that his membership of the Central Council of Khorasan's Tahkim-e Vahdat Alumni Association (Advar) branch was not related to his lectureship. Javdani had been threatened with dismissal in the middle of last term as well. Following his dismissal, he tried to fight the decision but he was ignored by the University Security Unit, which reportedly experienced external pressure from the Intelligence Ministry. Javdani started working in different places on a project basis. As a graduate student, Javdani had been banned for his student activities at Tehran University. At the time, he had been Secretary of Tehran University's Islamic Association of Democracy-Seeking Students.

[Sources: International Campaign for Human Rights in Iran, "Faculty Member Dismissed for Publishing Articles" (7 March 2011); NEAR, "Iranian University Lecturer Banned from Teaching after Publishing Critical Articles" (<http://www.concernedhistorians.org/ca/65.pdf>; 16 March 2011).]

See also Argentina.

IRAQ

Last *Annual Report* entry: 2010.

United States (US) forces in Iraq committed serious human rights violations, including killings of civilians. Thousands of classified files were published by Wikileaks. These showed, among other things, that US troops manning security roadblocks had shot dead many Iraqi civilians in previous years and that, contrary to their denials, the US military authorities had sought to keep a count of the number of Iraqi civilians killed in the conflict in Iraq. Revised estimates put the total number of civilian casualties in the conflict in Iraq in 2004–2009 at 66,081.

[Source: Amnesty International, *Report 2011* (London 2011), 178.]

The Supreme Iraqi Criminal Tribunal (SICT) continued to try former senior members of the Ba'ath party as well as military and other officials in the government of Saddam Hussain, toppled in 2003, who were accused of war crimes, crimes against humanity and other grave offences. Trials failed to meet international fair trial standards; the SICT lacked independence and was said by lawyers and

judges to be influenced by political interference. In October 2010, two former government ministers—74-year-old Tareq ‘Aziz, the former Foreign Affairs Minister; and Sa’doun Shakir, former Interior Minister—as well as ‘Abed Hamoud, Saddam Hussain’s private secretary, were sentenced to death by the SICT after being convicted of participating in the elimination of Shi’a religious parties.

[Source: Amnesty International, *Report 2011* (London 2011), 178.]

See also Syria, United Kingdom, United States.

IRELAND

Last *Annual Report* entry: 2004.

ISRAEL

Last *Annual Report* entry: 2010.

In May 2010, Miriam Eliav-Feldon, a professor of history at Tel Aviv University organized a faculty petition drawing more than 150 signatures to protest a speech given by Harvard University law professor Alan Dershowitz, in which he had publicly denounced the academics at the university who supported an academic boycott of Israel. Eliav-Feldon reportedly received insulting e-mails from university donors for organizing the petition. Two reports by right-leaning think-tanks had reportedly accused some professors of undermining traditional Israeli historical narratives about the conflict with the Palestinians and of intimidating students who did not accept that interpretation of events.

[Source: *Chronicle of Higher Education* (21 August & 4 November 2010).]

On 1 October 2010, the principal of Shaar Hanegev high school, southern Israel, was summoned for a hearing by the education ministry for using an unapproved history textbook that gave the Israeli narrative of Israel’s 1948 founding next to the Palestinian narrative of *nakba*, with blank space in the middle for students to insert their own thoughts. The ministry reportedly instructed the school to withdraw the book as it had been rejected by the ministry in 2005.

[Sources: *Irish Times* (1 October 2010); *Chronicle of Higher Education* (4 November 2010).]

According to a detailed report on impunity published by the Israeli human rights organization

B'Tselem in October 2010, the Israeli military killed 1,510 Palestinians in 2006–2009, (excluding those killed during Operation “Cast Lead”—see below). Of these, 617, including 104 children aged under 18, were not taking part in any hostilities when they were killed. B'Tselem called for an investigation into 288 of the killings committed in 148 incidents, most in the Gaza Strip; investigations were opened in only 22 incidents, most in the West Bank. B'Tselem reported that only four investigations were opened within a month of the incident. In two investigations, the case was closed without any prosecution of the soldiers involved.

[Source: Amnesty International, *Report 2011* (London 2011), 183.]

Although some Israeli military investigations into specific incidents were ongoing, the Israeli authorities still failed to conduct independent investigations into alleged war crimes and other serious violations of international law by Israeli forces during Operation “Cast Lead” that conform with international standards. The United Nations (UN)-mandated Fact-Finding Mission on the conflict (the Goldstone report) found in 2009 that Israeli forces and Palestinian armed groups had both committed war crimes and possibly crimes against humanity. By the end of 2010, only three Israeli soldiers had been convicted in connection with Operation “Cast Lead.” Two of them were found guilty of “unauthorized conduct” for ordering a nine-year-old Palestinian boy, Majed R., to act as a “human shield” by opening bags they believed were booby-trapped. In November 2010, they were demoted and given suspended three-month prison sentences. In January 2010, Israel paid US \$10.5 million compensation to the UN for UN buildings damaged during Operation “Cast Lead.” However, no compensation was paid to or on behalf of any of the victims of the attacks. The UN said the payment concluded the financial issues relating to the Operation, even though the Goldstone report had specifically recommended that the UN seek compensation not only for UN personnel and civilians killed or injured in attacks on UN premises, but also for civilian victims of other attacks during the Operation.

[Source: Amnesty International, *Report 2011* (London 2011), 183–184.]

See also Germany, Lebanon, United States.

ITALY

Last *Annual Report* entry: 2010.

IVORY COAST (Côte d'Ivoire)

Last *Annual Report* entry: 2010.

The United Nations (UN) Security Council still did not make public the findings of the UN Commission of Inquiry into serious violations of human rights and international humanitarian law since September 2002, delivered to the UN secretary-general in November 2004. In 2003 the Ivorian government accepted the jurisdiction of the International Criminal Court (ICC) over serious crimes committed in violation of international law. However, it repeatedly failed to facilitate ICC initiatives to assess national efforts on accountability for such crimes, including to determine whether the ICC should open an investigation there.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 101.]

In 2011, historian Laurent Gbagbo, who had become president of Ivory Coast after controversial elections in October 2000, was deposed amid violent conflict after he had refused to accept that he had lost the presidential elections in late 2010. In February 1982, Gbagbo (1945–), a history lecturer, director at the Institut d'histoire, d'art et d'archéologie africaines, National University of Abidjan (1981–1982), and student-union and teacher-union activist since 1969, had circulated a suppressed speech on democracy and the advantages of a multiparty system that he had intended to deliver. The cancelation of the lecture entitled “Youth and Democracy on the Ivory Coast” sparked off student unrest in February and led to several retaliatory measures by the government against universities and secondary schools. Gbagbo went into self-imposed exile in France for more than six years. In September 1988, he returned and in December 1988, he was summoned to a meeting and reprimanded by President Félix Houphouët-Boigny for unspecified subversive activities. In November 1989, the socialist opposition party Front populaire ivoirien (Ivorian Popular Front) that he had cofounded in 1982, was legalized and challenged Houphouët-Boigny in the October 1990 elections, the first since independence in 1960. In February 1992, he and his wife were arrested with other opposition party leaders because they were held responsible for the riots that had followed anti-government student demonstrations earlier that month. These had been organized because Houphouët-Boigny had refused to accept the findings of a commission of inquiry into a military raid on Yopougon University campus in May 1991. In March 1992, Gbagbo was sentenced to two years' imprisonment for “acts of violence and destruction of public property” despite his parliamentary immunity. In protest, all other opposition members of Parliament resigned. In July 1992, Gbagbo was released after the National Assembly had adopted an amnesty law.

[Sources: Amnesty International, *Report 1993* (London 1993) 104–105; *Index on Censorship*, 3/82: 45; 5/92: 35; 6/92: 35; 9/92: 43; Derek Jones, ed., *Censorship: A World Encyclopedia* (London/Chicago: Fitzroy Dearborn, 2001) 587; *Keesing's Record of World Events* (CD-rom version); Robert Mundt, *Historical Dictionary of the Ivory Coast* (Metuchen: Scarecrow Press, 1987) 72; *NRC Handelsblad* (6 April 2011), 11.]

JAPAN

Last *Annual Report* entry: 2010.

In May 2010, the United Nations (UN) High Commissioner for Human Rights visited Japan and called on the government, inter alia, to resolve the “comfort women” issue. During the same month, the UN Special Rapporteur on Violence against Women noted that survivors of sexual crimes “do not want to receive economic compensation without an official apology and official recognition of State responsibility.” She considered the “comfort women” reparation movement one of the most organized and well documented. Councils in 21 Japanese cities or towns adopted resolutions advocating apology and compensation for survivors of the “comfort women” system.

[Source: Amnesty International, *Report 2011* (London 2011), 189.]

See also France.

JORDAN

Last *Annual Report* entry: 2004.

KAZAKHSTAN

Last *Annual Report* entry: 2007.

KENYA

Last *Annual Report* entry: 2010.

There were two achievements in the efforts against impunity during 2010. In a landmark ruling on 4 February 2010, the African Commission on Human and Peoples' Rights condemned Kenya's government for expelling the Endorois people from their traditional land for tourism. It ruled that the eviction—with minimal compensation—violated the rights of the Endorois as an indigenous people to property, health, culture, religion, and natural resources. It ordered Kenya to compensate and restore them to their historic land. It was the first international tribunal ruling to find a violation of the right to development. In another unprecedented judgment, Kenya's constitutional court awarded US\$500,000 compensation to 21 political prisoners who were tortured during the government of former president Daniel arap Moi (1978–2002). The court had previously ruled that this case could not be heard.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 136.]

In March 2010, the International Criminal Court (ICC) decided to investigate crimes against humanity allegedly committed during the post-election violence of 2007–2008. In December 2010, the ICC Prosecutor requested the ICC to issue summonses against six individuals for crimes against humanity alleged to have been committed during the post-election violence. The same month, the parliament passed a motion calling for the executive arm of government to initiate Kenya's withdrawal from the Rome Statute establishing the ICC and for the repeal of the International Crimes Act which incorporates the statute into Kenyan law. The government's formal reaction to the motion was pending at the end of 2010.

While the ICC investigated a limited number of cases, Kenya did not credibly and effectively investigate and prosecute other perpetrators of the post-election violence. Witness protection emerged as a key challenge to investigations. Threats against individuals who witnessed post-election violence, including some who testified before the Commission to Investigate the Post-Election Violence, increased after the prosecutor announced that he would seek to open a Kenya investigation. In May 2010, the president signed into law amendments to the Witness Protection Act, a key step in

reforming Kenya's witness protection system. The amendments created a new witness protection agency with increased independence, but resources and time were needed to implement changes.

[Sources: Amnesty International, *Report 2011* (London 2011), 3, 194–195; Human Rights Watch, *World Report 2011* (Washington 2011), 133–134, 140.]

The Truth, Justice and Reconciliation Commission (TJRC) established in the wake of the post-election violence of 2007–2008 started its operations. By the end of 2010, the TJRC was engaged in a country-wide process of taking statements from possible witnesses. However, its work was constrained by questions over the credibility of the chairperson and lack of funding. In April 2010, the Commission vice-chair resigned, citing allegations that the chairperson had been involved in human rights violations and other issues that might be the subject of the TJRC inquiry. Following a petition in April 2010 by eight of the nine TJRC Commissioners, the Chief Justice appointed a tribunal in October 2010 to investigate the issue. In November 2010, the TJRC chair stepped aside pending the tribunal's report, which was due within six months.

[Source: Amnesty International, *Report 2011* (London 2011), 195.]

Although Kenya was obliged to arrest and surrender to the ICC anyone named in an arrest warrant, in August during celebrations to mark the new constitution the government hosted Sudanese President Omar Al Bashir, against whom the ICC issued arrest warrants for genocide, crimes against humanity, and war crimes in March 2009 and July 2010. Kenya cited a July 2009 decision by the African Union not to cooperate with the ICC in arresting al-Bashir to justify its failure to do so during his visit.

[Sources: Amnesty International, *Report 2011* (London 2011), 195; Human Rights Watch, *World Report 2011* (Washington 2011), 133–134, 140.]

See also Sudan.

KOREA, NORTH

Last *Annual Report* entry: 2010.

In February 1997, Hwang Jang-yop (1923–2010), a former Chairman of the Supreme People's Assembly (1972–1983), went into exile in South Korea. He had been largely responsible for crafting the official *Juche* ideology (*chu-cheism*; the spirit of national sovereignty). In this context, he helped delete references to Joseph Stalin from the speeches of former President Kim Il-sung (1912–1994) in

the 1940s and early 1950s and he supervised the rewriting of the history of the Korean Workers' Party (KWP, the Communist Party) to aggrandize Kim's founding and leading role of the KWP. Hwang had also been the teacher of Kim Jong-il (the son of Kim Il-Sung and the Supreme Leader of North Korea since 1994) at Kim Il-sung University. In 1960, when Kim Jong-il began his graduate course at this university, a number of historiographical articles praising the *juche* ideology were published under his name. They were described as heavily distorted versions of Korean history.

[Sources: Leonid Petrov, "North Korean Historiography in Crisis (1956–1967)," in Young-A Cho, ed., *Korean Studies at the Dawn of the Millennium: Proceedings of the Second Biannual Conference, Korean Studies Association of Australia* (Melbourne 2002), 382; *Wikipedia* (2 May 2011).]

KOREA, SOUTH

Last *Annual Report* entry: 2010.

KOSOVO

See Serbia / Kosovo.

KUWAIT

Last *Annual Report* entry: 2005.

KYRGYZSTAN

Last *Annual Report* entry: 2010.

Baktybek "Bakyt" Beshimov was a history and political science professor at Kyrgyz State University who became President of Osh State University (1994–) until his dismissal and house arrest, a member of parliament as the leader of the sole opposition party (1998–2000, 2005–2009), and a former ambassador to India, Sri Lanka, Bangladesh, and Nepal (2000–2005). After [2007], he came under constant surveillance by state security officers and received repeated threats to his life from

government agents. The threats intensified in 2009 after Beshimov took President Kurmanbek Bakiyev to court for violating the Constitution's prohibition against partisan lobbying, after he led parliamentary investigations into charges of corruption against the government, and after he transpired to be the sole member of parliament to vote against the government's decision to evict the United States Air Base from Kyrgyzstan. In April 2009, he reportedly received public threats from the head of the State National Security Committee at a parliamentary session. He evaded two assassination attempts (poisoning and a staged car crash on a mountain road). In the autumn of 2009, he went into exile in the United States, where he worked on the history of the Ferghana valley as a visiting fellow at Harvard University's Davis Center for Russian and Eurasian Studies and at the Center for International Studies at the Massachusetts Institute of Technology. In May 2010, following a coup, he was offered his country's ambassadorship to Washington, but he turned it down.

[Sources: Scholar Rescue Fund, "Summer Featured Scholar 2010" (New York 2010); Corydon Ireland, "The Man from Kyrgyzstan," *Harvard Gazette* (3 March 2011).]

Four days of violence in June 2010 between ethnic Kyrgyz and ethnic Uzbeks left hundreds dead and forced hundreds of thousands to flee their homes. Serious human rights violations marred the efforts to restore order to the region, including widespread reports of the use of excessive force by security forces, arbitrary detentions, and torture and other ill-treatment during transfer and in custody. Attempts to establish the truth about what happened were undermined by apparent ethnic bias. At least 271 people were remanded in custody charged with participation in the violence, the majority ethnic Uzbeks. There were concerns over ethnic bias in the attitudes of the authorities following the events. The Jalal-Abad prosecutor's office stated that 88 people faced charges in relation to the violence, and that 26 were ethnic Kyrgyz. By 10 November 2010, official figures revealed that 271 individuals had been arrested in relation to the violence. Human rights defenders and lawyers maintained that the majority of those arrested were ethnic Uzbeks.

[Source: Amnesty International, *Report 2011* (London 2011), 201, 203–204.]

LATVIA

Last *Annual Report* entry: 2008.

LEBANON

Last *Annual Report* entry: 2010.

Few or no steps have been taken by any Lebanese government to investigate the thousands of disappearances, abductions, killings and other abuses that were committed during the fifteen-year civil war (1975–1990), nor even to adequately protect mass graves, despite the pleas of the now ageing relatives of the thousands of missing people. Despite a 2009 pledge to work to uncover the fate of the “disappeared” and to ratify the 2006 International Convention for the Protection of all Persons from Enforced Disappearances, the government took no steps on these issues in 2010. An official joint Syrian-Lebanese committee established in May 2005 to investigate cases of Lebanese who “disappeared” at the hands of Syrian security forces did not published any findings in 2010. Each day a solemn group of people gathered in a Beirut park clutching precious but yellowing photographs of their long-lost loved ones, to ask what became of them and where their remains lie. The Council of Ministers provided a short document about mass graves to a court that was hearing a lawsuit filed by two NGOs. The NGOs were working on behalf of people whose relatives had disappeared or been abducted, and who hoped to protect and identify the bodies buried in three mass graves cited in an official 2000 report. In March 2010, senior government leaders boycotted the Arab Summit held in Libya in protest at Libyan leader Mu’ammar al-Gaddafi’s alleged involvement in the abduction and enforced disappearance of senior Shi’a Imam, Musa al-Sadr, and two companions in 1978.

[Sources: Amnesty International, *Report 2011* (London 2011), 48, 205, 207; Human Rights Watch, *World Report 2011* (Washington 2011), 556, 560–561.]

Tension increased within the fragile unity government and in the country amid reports that several members of Hizbullah—Lebanon’s most powerful political force and a partner in the coalition government—were to be indicted by the Special Tribunal for Lebanon (STL), set up under United Nations auspices in connection with the 2005 assassination of former Prime Minister Rafik Hariri. Hizbullah called for a boycott of the STL and accused it of being an “Israeli project” and of failing to investigate earlier allegations that had led to four former Lebanese security and intelligence heads

being detained without charge for nearly four years. In September 2010, Prime Minister Saad Hariri said that it had been a mistake to accuse the Syrian government of responsibility for his father's assassination.

[Sources: Amnesty International, *Report 2011* (London 2011), 48, 205; Human Rights Watch, *World Report 2011* (Washington 2011), 561.]

See also Libya, Syria.

LIBERIA

Last *Annual Report* entry: 2010.

The government made no progress in ensuring the prosecution of those responsible for war crimes committed during the armed conflict (1979–2003), and made little effort to implement the recommendations of the Truth and Reconciliation Commission (TRC). The TRC, mandated to investigate human rights violations committed in the conflict, presented its final report to the government in December 2009, and concluded its four-year mandate in June 2010. Its key recommendations included dispensing reparations; establishing a criminal tribunal to prosecute the most notorious perpetrators; barring from public office scores of former supporters of the warring factions, including current President Ellen Johnson-Sirleaf; and instituting an informal village-based reconciliation mechanism. Implementing the recommendations was slowed by disagreement about which branch of power should take the lead, as well as by legitimate questions about the constitutionality of some recommendations. The poor quality of sections of the report, notably the lack of solid factual evidence about those recommended for prosecution and bans from public office, further undermined its findings. During 2010, the president asked the justice ministry, the Law Reform Commission, and the National Bar Association to study the legal and constitutional implications of the recommendations. However, the slow pace of this consultation process raised questions about the president's will to move things forward. Some former warlords named in the TRC report maintained seats in the Senate and other positions of power. The trial of former Liberian President Charles Taylor continued at the Special Court for Sierra Leone in The Hague. He was facing charges of war crimes, but only for his alleged involvement in the war in Sierra Leone. He was not charged with crimes under international law committed in Liberia.

[Sources: Amnesty International, *Report 2011* (London 2011), 3, 208; Human Rights Watch, *World Report 2011* (Washington 2011), 142, 145–146.]

Serious abuses and some deaths resulting from harmful traditional practices continued to occur in 2010, in part because of distrust of the judicial system and the absence of law enforcement and judicial authorities. These included ritual killings, including one case in which alleged perpetrators were local government officials; killings of alleged witches; and “trials by ordeal” in which suspects of crimes were forced to swallow the poisonous sap of a tree or endure burning, their guilt or innocence being determined by whether they survive. The government condemned these practices and on several occasions the police and judiciary took action against alleged perpetrators.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 144.]

See also Sierra Leone.

LIBYA

Last *Annual Report* entry: 2010.

The Amazigh (Berbers), the main cultural and linguistic minority, faced discrimination and harassment by security officials. Libyan authorities did not allow schools to teach, or media to use, the Amazigh language. Libyan law also banned use of non-Arab Amazigh names on all official documentation. In January 2010, Colonel Muammar al-Gaddafi criticized Amazigh New Year celebrations as un-Islamic and not recognized by the state, saying they disrupted national unity; an Amazigh organization reported that at least two people had been arrested in connection with trying to organize celebrations. The Amazigh website *Libya Imal* was among those blocked by authorities during the same month. In August 2010, Internal Security officers arrested Amazigh activist Ali Abu al-Seoud and detained him incommunicado for eight days in connection with his online writing on Amazigh rights. They released him without charge.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011) 566.]

The authorities did not make public any account of the June 1996 Abu Salim prison massacre in which 1,200 prisoners were killed, nor did they hold anyone responsible. On 6 September 2009, the acting secretary of defense established a seven-judge investigation panel, headed by a former military tribunal judge, to conduct an investigation. The panel’s final report was due in March 2010, but it remained unpublished in late 2010. Libyan authorities offered compensation of 200,000 dinars (US\$162,000) to families who agreed to relinquish all legal claims, but most of the victims’ families in Benghazi, Libya’s second-largest city, refused to accept compensation on those terms and

continued to call for criminal accountability. In June 2010, families reported that local authorities and security officials were pressuring them to relinquish their compensation claims. In October 2010, the Organizing Committee of the Families of Victims of Abu Salim in Benghazi suspended their weekly public protests after security officials undertook to address their health, housing and socioeconomic concerns.

[Sources: Amnesty International, *Report 2011* (London 2011), 211–212; Human Rights Watch, *World Report 2011* (Washington 2011), 562, 564.]

There were still dozens of unresolved disappearance cases, including those of Libyan opposition members Jaballa Hamed Matar and Izzat al-Megaryef, whom Egyptian security had arrested in 1990 in Cairo. Their families later learned that Egypt had handed them over to Libyan security officials, who detained them in Abu Salim prison. Prominent Lebanese Shi'a cleric Imam Musa al-Sadr disappeared in Libya 32 years ago; his fate remains unknown.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 564.]

See also Lebanon.

LITHUANIA

Last *Annual Report* entry: 2009.

MACEDONIA

Last *Annual Report* entry: 2010.

The dispute with Greece over the name “Macedonia” continued to dominate international relations and domestic politics. In November 2010, the European Commission criticized Macedonia’s uneven progress toward European Union accession, highlighting concerns about independence of the judiciary and media freedom, but recommended that accession talks should be opened, pending resolution of the country’s name. Divisions arose over government expenditure on monuments to Macedonia’s history and over war crimes proceedings in the wake of the 2001 armed conflict. Ethnic Albanian political parties argued for some cases to be dropped under the 2002 Amnesty Law, which granted amnesty to those involved in the 2001 conflict, except in cases taken under the jurisdiction of the International Criminal Tribunal for the former Yugoslavia (ICTY). As the cases were investigated but not prosecuted by ICTY, they argued that the Amnesty Law should apply. Impunity continued for the enforced disappearance in 2001 of six ethnic Albanians and the abduction of 13 ethnic Macedonians and one Bulgarian.

[Source: Amnesty International, *Report 2011* (London 2011), 214–215.]

MALAYSIA

Last *Annual Report* entry: 2010.

On 1 August 2010, police dispersed eight candlelight vigils commemorating the fiftieth anniversary of the Internal Security Act (ISA), detaining more than thirty people. The ISA permitted indefinite detention without charge or trial of any person deemed by officials to be a threat to national security.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 333.]

MALAWI

Last *Annual Report* entry: —.

On 28 October 2010, the National Archives issued a letter with an immediate suspension of the weekly tabloid *Weekend Times* (launched in 2009) on charges of failing to register the paper.

According to the 1958 Printed Publications Act, all newspapers were required to be registered and to deposit a copy of each of their publications with the National Archives. Under this law, the National Archives could close publications for an indeterminate period without appeal. The paper's ban came three months after President Bingu wa Mutharika threatened to shut down newspapers that he accused of lying. At the time, two papers had cited a regional agency's report forecasting food shortages in Malawi.

[Source: Committee to Protect Journalists, "Malawi Government Bans Weekly Tabloid" (1 November 2010).]

On 14 May 2011, photojournalist Jacob Nankhonya of Blantyre Newspapers was stopped from taking pictures at a memorial service for the late former President Hastings Kamuzu Banda (1896/1906–1997) at Kamuzu's mausoleum at the Heroes' acre in the capital Lilongwe. Possibly, the reason was that Jim Jumani Johansen, who claimed to be Banda's biological son, passed through the spot the photojournalist had focused on with his camera.

[Source: Media Institute of Southern Africa, *Ifex Alert* (19 May 2011).]

MALDIVES

Last *Annual Report* entry: 2010.

MALI

Last *Annual Report* entry: —.

See Mauritania.

MAURITANIA

Last *Annual Report* entry: 2009.

In July 2010, Mohamed Lemine Ag Maleck, a Malian history student, was arrested in Oualata, 1,200 km south of the capital Nouakchott. He was held for more than twenty days at the police station

before being charged with giving information to a foreign power. The accusation was based on his possession of a GPS device and a camera, equipment he was using to take photos and design itineraries for a tourism agency.

[Source: Amnesty International, *Report 2011* (London 2011), 223.]

Although slavery was abolished in 1981 and has been a criminal offence since 2007, the practice persisted. There have been no judicial proceedings against slave owners. Two families were freed from slavery during 2010 with the help of two human rights organizations, SOS Esclaves and L'Initiative pour la résurgence du mouvement abolitionniste en Mauritanie (IRA, Initiative for the Resurgence of the Abolitionist Movement in Mauritania). Eight anti-slavery activists were arrested and detained in December 2010 in Nouakchott after raising the case of two young girls who they believed were held in slavery.

[Source: Amnesty International, *Report 2011* (London 2011), 223–224.]

MEXICO

Last *Annual Report* entry: 2010.

There were no advances in ending impunity for past human rights violations committed during Mexico's "dirty war" (1964–1982).

[Source: Amnesty International, *Report 2011* (London 2011), 224.]

MOLDOVA

Last *Annual Report* entry: 2010.

MONGOLIA

Last *Annual Report* entry: 2007.

MONTENEGRO

Last *Annual Report* entry: 2009.

While war crimes prosecutions against low-ranking military personnel or police officials continued, senior officials were rarely indicted. Under an extradition agreement signed with Serbia in October 2010, eleven people wanted in Montenegro were arrested in Serbia including five men suspected of committing war crimes in Dubrovnik, Croatia. Proceedings continued against nine former police officers and officials, five in their absence, for the enforced disappearance in 1992 of Bosniak refugees, who were handed over to the *de facto* Bosnian Serb authorities. In November 2010, the authorities granted former President Momir Bulatović permission to divulge state secrets when he appeared as a witness in this case.

[Source: Amnesty International, *Report 2011* (London 2011), 230.]

MOROCCO / WESTERN SAHARA

Last *Annual Report* entry: 2010.

The long-running truth and reconciliation process launched in 2004 by the Equity and Reconciliation Commission (ERC) continued its slow progress. From the outset, the process explicitly omitted any consideration of justice as a means to remedy the enforced disappearances and other gross human rights violations committed by government forces between 1956 and 1999 and, in practice, it largely failed even to provide the truth about what happened to those who disappeared or suffered other grave abuses. The authorities showed little sign of implementing the far-reaching legal and institutional reforms that had been due to flow from the process, to hold the security forces accountable under the law and eradicate the use of secret detention and torture. In January 2010, the Advisory Council for Human Rights, mandated to follow up on the ERC recommendations, published a report, covering the period since the ERC ended its work in 2005. It failed to provide a comprehensive list of those who had disappeared or any detailed findings on individual cases or whether they had been referred for further investigation. The overdue list of 938 victims of enforced disappearance and other human rights violations was published on 14 December 2010 as an annex to the initial report. Little and vague information, if any, was added on individual cases. Six pending cases were listed and referred for further investigation. Victims and survivors continued to have no effective access to justice, and none of those who perpetrated the gross violations were investigated

or brought to account. By the end of 2010, the authorities had still not taken any concrete measures to implement recommendations for judicial and institutional reform made by the ERC, including reform of the judiciary and security forces. The European Union provided twenty million euros to assist the government to introduce legal reforms and eight million euros toward preserving the memory and archives of the gross human rights violations in 1956–1999. In September 2010, the government declared that it would convert some former secret prisons into memorials for the “preservation and rehabilitation of memory.” No steps were known to have been taken by the Polisario Front to address the impunity of those accused of committing human rights abuses in the camps in the 1970s and 1980s.

[Sources: Amnesty International, *Report 2011* (London 2011), 48, 232, 234; Human Rights Watch, *World Report 2011* (Washington 2011), 570.]

MYANMAR (BURMA)

Last *Annual Report* entry: 2009.

On 21 February 2009, history teacher Ma Khin Khin Leh (?1966–) was released. In July 1999, she had been detained with eighteen others in Pegu, on suspicion that they were planning a pro-democracy march scheduled for 19 July (Martyrs’ Day, commemorating the 1947 assassination of General Aung San [1915–47], independence leader and father of opposition leader Daw Aung San Suu Kyi). The military intelligence service arrested her and her three-year old daughter after officials from the State Peace and Development Council (military junta) attempted to detain her husband, Kyaw Wunna, a political activist and one of the march organizers, but could not locate him. The child was released after five days’ detention. In December 1999, a Special Court sentenced Ma Khin Khin Leh to life imprisonment. In January 2000, she was transferred to an unknown location. After her release in 2009, she was harassed and in the summer of 2010 she fled to Thailand where she lived as an illegal refugee.

[Sources: <http://www.concernedhistorians.org/ca/18.pdf>; Amnesty International, *Myanmar: Prisoners of Political Repression* (London 2001), 14; Amnesty International, *Report 2003* (London 2003), 181; Amnesty International, “Political Prisoners Set Free in Myanmar” (24 February 2009); Amnesty International, *Amnesty in actie* (February 2011), 11; American Association for the Advancement of Science, Human Rights Action Network, *BU0009.Daw* (5 December 2000).]

In his report to the United Nations (UN) Human Rights Council in March 2010, Tomás Ojea

Quintana, the Special Rapporteur for the Situation of Human Rights in Myanmar, outlined a “pattern of gross and systematic violation of human rights which has been in place for many years.” He concluded that “UN institutions may consider the possibility to establish a commission of inquiry (CoI) with a specific fact finding mandate to address the question of international crimes.” In late 2010, more than thirteen countries publically supported the formation of a CoI, including the United States, the United Kingdom and several other European countries, Australia, and Canada. UN Secretary-General Ban Ki-moon did not publically comment on Quintana’s call. During a general debate at the UN Human Rights Council in Geneva on 17 September 2010, Burmese ambassador U Wunna Maung Lwin denied that the situation in Burma warranted an inquiry, saying there were “no crimes against humanity in Myanmar...(w)ith regard to the issue of impunity, any member of the military who breached national law was subject to legal punishments...there was no need to conduct investigations in Myanmar since there were no human rights violations there.” Quintana’s report to the UN General Assembly in October 2010 elaborated on the possible parameters of a CoI, possible areas of investigation, and time frames. In late October 2010, United States Secretary of State Hillary Clinton said she wanted to “underscore the American commitment to seek accountability for the human rights violations that have occurred in Burma by working to establish an international Commission of Inquiry.” China actively tried to block the proposal. The European Union, which drafted the annual Burma resolution, did not pursue calls for the CoI to be included in the resolution in the UN General Assembly.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 292–293.]

On 27 July 2010, the army arrested Buddhist monk and Rakhine historian Ashion Pyinya Sara (= U Pyinya Sara), leading abbot of the Buddha Vihara Mahamuni orphanage in Sittwe. When the orphanage was raided, antiques from the library (ancient coins, Buddha statues, palm-leaf inscriptions) were seized. The charges against U Pyinya Sara—inter alia, abuse of Buddhist religious principles (by living with a woman), misappropriation of funds donated by foreign countries, and disruption of the stability of the state—were widely believed to have been fabricated to hide the real motive, namely the monk’s critical political attitude. On 2 August 2010, he was reportedly tortured during interrogation. He went a on hunger strike. At the trial, the government’s main witness—the woman who had supposedly lived with the monk—retracted her earlier accusation. In September 2010, he was sentenced to eight years and three months’ imprisonment on charges including handling obscene materials, insulting religion, criminal breach of trust and possession of foreign currency. U Pyinya Sara was a well-known Arakanese historian specialized in the history of the ancient kingdom of Arakan and Arakanese literature, an activity seen as behavior against solidarity of the union.

[Sources: Altsean Burma (Alternative Asean Network on Burma, Bangkok), *The SPDC’s Crimes*

Continue: A UN Commission of Inquiry Is still Needed To Protect Burma's People (BN 2010/1073; 28 September 2010); Amnesty International, *Report 2011* (London 2011), 236–237; Burma News International (2 September 2010); Narinjara News (11 & 24 September 2010); “Prominent Historian Monk U Pyinya Sara Arrested in Sittwe” (Democracy for Burma; 30 July 2010).]

See also Spain.

NAMIBIA

Last *Annual Report* entry: 2009.

The Caprivi high treason trial, the biggest and longest criminal trial in Namibia's history, entered its eleventh year. The accused were charged with involvement in attacks carried out in the Caprivi Strip in 1999 by the Caprivi Liberation Army. At the start of the trial in October 2003, there were 132 people on trial. By the end of 2010, 21 of them had died in custody.

[Source: Amnesty International, *Report 2011* (London 2011), 239.]

NEPAL

Last *Annual Report* entry: 2010.

The government and political parties still failed to show the will to establish accountability for human rights violations committed during the war (1996–2006). No one from the security forces or among the Maoists has been held criminally responsible for abuses committed during the conflict. In many cases, those accused of violations actively received protection from the security forces or political parties. In October 2010, the Nepal Army extended the tenure of Colonel Raju Basnet by two years, though he was at the Maharajgunj army barracks in 2003 and 2004 when various cases of torture, arbitrary detention, and enforced disappearance took place. The National Human Rights Commission (NHRC) and the United Nations (UN) Office of the High Commissioner for Human Rights repeatedly requested that the government start proceedings against Basnet. The Unified Communist Party of Nepal (Maoist) (UCPN-M) leadership likewise failed to cooperate with investigations into alleged crimes committed by Maoists during and after the conflict. Although the Comprehensive Peace Agreement did not provide a broad amnesty for serious crimes, the government continued to discuss the withdrawal of cases deemed “political,” including cases of murder. In April 2010, the long-delayed draft bills to establish a Truth and Reconciliation Commission and a Disappearances Commission were tabled in parliament but awaited debate by the Statute Committee. The drafts had notable shortcomings, including the proposed commission's lack of independence from political influence and a proposal to grant it the power to recommend amnesty for perpetrators of serious human rights violations. A draft bill criminalizing enforced disappearances and establishing a Commission of Inquiry was pending. It incorporated proposed amendments to address some of the serious shortcomings of previous drafts. The amendments included defining enforced disappearances

in certain circumstances as a crime against humanity and ensuring that punishments were proportionate to the extreme seriousness of the offence. However, families of the disappeared were dissatisfied with the draft and claimed that it was prepared without adequate consultation.

[Sources: Amnesty International, *Report 2011* (London 2011), 239, 240; Human Rights Watch, *World Report 2011* (Washington 2011), 337–338.]

NETHERLANDS

Last *Annual Report* entry: 2010.

On 1 December 2009, Robert and Eleonora van Maasdijk—the children of Gerrie van Maasdijk (1906–1997), general secretary of the royal court until his dismissal by Prince Bernhard (1948–July 1950), and Queen Juliana’s chamberlain afterward (July 1950–1956)—sued historian Cees Fasseur (1938–) for posthumous defamation of their father and for invasion of their privacy because in his book *Juliana en Bernhard: Het verhaal van een huwelijk 1936–1956* (2008; *Juliana and Bernhard: The Story of a Marriage, 1936–1956*) he had called van Maasdijk “a troublemaker,” “a Trojan horse at the court,” and “a splitter of the royal marriage.” On 19 February 1950, Van Maasdijk had written a letter to Prince Bernhard about the latter’s “dubious contacts” (persons involved in illegal arms trade and coup plans against Indonesian President Sukarno in 1950). Van Maasdijk’s diaries also contained entries on these events. The Van Maasdijk children had given Fasseur access to Van Maasdijk’s archives during his research. Fasseur had doubted Van Maasdijk’s story, suggesting that his dismissal by Bernhard was the reason for his confessions. On 23 March 2011, the judge ruled that Fasseur had not acted irresponsibly, that judgments about important persons in his book belonged to his task as a historian, that these judgments were based on much literature and several original sources, and that the Van Maasdijk children had no right to consult Fasseur’s manuscript before publication.

[Sources: Rechtbank Amsterdam, *Van Maasdijk versus Cees Fasseur & Arbeiderspers, Archipel, Balans, Subpoena* (14 June 2010; <http://www.concernedhistorians.org/le/182.pdf>) and *Judgment* (23 March 2011; <http://www.concernedhistorians.org/le/200.pdf>).]

In 2010, historian Jolanda Withuis did not receive permission to access the Royal House Archive for her biography about Queen Juliana.

[Source: *Historisch nieuwsblad* (14 December 2010).]

In June 2010, the Ministry of Justice threatened to sue the National Library of the Netherlands for incitement to hatred and discrimination if it made available online Dutch-language Nazi publications dating from World War II in the framework of a scholarly digitization project of all Dutch-language newspapers from 1618 to 1995. Scholars protested this, arguing that a scholarly edition of these publications, much of which was already accessible through other channels, was in the public interest. On 1 September 2010, Minister of Justice Ernst Hirsch Ballin declared that the library could proceed with the project because of its scholarly nature.

[Sources: *Historisch nieuwsblad* (October 2010) 31; *NRC Handelsblad* (1 September 2010) 3; Frank van Vree, “Verboden bronnen,” *Groene Amsterdammer* (23 June 2010).]

On 26 April 2011, historian and writer Thomas von der Dunk (1961–) was to give the annual Willem Arondéus lecture, entitled “The New Taboo on the War,” organized by the province of North Holland. Under pressure from the Freedom Party (PVV), politicians from the ruling parties Christian Democratic Appeal (CDA) and People’s Party for Freedom and Democracy (VVD) canceled the lecture for being “tainted by party politics” because Von der Dunk wanted to draw parallels between tolerance of the political elite for populist parties in the 1930s and tolerance for the PVV in present time. Von der Dunk declared that the ban confirmed his taboo thesis. On 27 April 2011, the Platform Stop Racism and Exclusion organized the lecture in open air in front of the provincial house: Von der Dunk spoke to an audience of 800 (instead of the 160 guests originally invited). In May 2011, the lecture was published as a pamphlet in Amsterdam.

[Sources: *NRC Handelsblad* (22 April 2011), 2, 3, 24, (28 April 2011), 7; Thomas von der Dunk, “Het nieuwe taboe op de oorlog” (<http://opinie.volkskrant.nl>; 21 April 2011); *Wikipedia* (30 April 2011).]

See also Bosnia-Herzegovina, Sierra Leone.

NEW ZEALAND

Last *Annual Report* entry: 2007.

NICARAGUA

Last *Annual Report* entry: 1998.

NIGER

Last *Annual Report* entry: 2009.

NIGERIA

Last *Annual Report* entry: 2010.

In late 2010, none of the police officers responsible for the execution of Mohammed Yusuf, leader of the Boko Haram Islamist group, and dozens of his suspected supporters in Maiduguri in July 2009 were prosecuted. Similarly, the government did still not hold members of the police and military accountable for their unlawful 2008 killing of more than 130 people during sectarian violence in Jos, or for the 2001 massacre by the military of more than 200 people in Benue State, and the military's complete destruction of the town of Odi, Bayelsa State, in 1999. (See NCH *Annual Report 2010*.)

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 150.]

NORWAY

Last *Annual Report* entry: 2009.

OMAN

Last *Annual Report* entry: 2010.

PAKISTAN

Last *Annual Report* entry: 2010.

In 2009–2010, militant nationalist groups in Balochistan threatened teachers and school administrators in order to prevent standard school practices such as the teaching of Pakistani history. On 25 October 2010, for example, the Balochistan Liberation Front threw pamphlets into educational institutions in the province, warning teachers and staff not to sing the national anthem, or to raise the national flag, or to celebrate Pakistan Day (23 March) and Independence Day (14 August), or to teach Pakistan Studies (Pakistan history and geography). The pamphlets warned that there would be serious consequences for noncompliance. On 13 June 2009, the Baloch Liberation Army assassinated Anwar Baig, a senior teacher in Kalat (south of the provincial capital Quetta), because he had opposed recitation of the Baloch nationalist anthem in school and did not want to hoist the nationalist flag instead of the Pakistani flag.

[Source: Human Rights Watch, “*Their Future Is at Stake:*” *Attacks on Teachers and Schools in Pakistan’s Balochistan Province* (Washington 2010) 2, 33–34.]

In March 2010, a three-member Judicial Commission constituted by the Supreme Court began to review cases of enforced disappearance. Its mandate included recording evidence of released people and investigating the role of the intelligence agencies. The commission reached its conclusion on 31 December 2010 and submitted its findings and recommendations to the federal government for review. The commission’s report remained classified at the end of 2010. Hundreds of people went missing, apparently after being held by the intelligence services or the army. The majority of cases were in Balochistan. Hundreds of *habeas corpus* petitions remained pending in provincial high courts but the intelligence services refused to respond to court directions. Families of the disappeared were threatened for speaking out about their missing loved ones.

[Source: Amnesty International, *Report 2011* (London 2011), 252.]

PALESTINIAN AUTHORITY

Last *Annual Report* entry: 2010.

See Israel, United States.

PANAMA

Last *Annual Report* entry: 2008.

PARAGUAY

Last *Annual Report* entry: 2010.

PERU

Last *Annual Report* entry: 2010.

According to Peru's Truth and Reconciliation Commission, almost 70,000 people died or "disappeared" during the internal armed conflict (1980–2000). They were victims of atrocities committed by the Shining Path and the Túpac Amaru Revolutionary Movement, and of human rights violations by state agents. In August 2010, President Alan García signed into law Decree 1097 that amounted to a disguised amnesty for perpetrators of human rights violations during this conflict. Decree 1097 violated Peru's international human rights obligations by allowing a statute of limitations to be applied to crimes against humanity committed before 2003, the year Peru ratified the United Nations Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Such crimes would include atrocities committed during the first government of Alan García (1985–1990), such as the massacre of 122 prisoners at El Frontón prison in 1986. Decree 1097 also obliged judges to close judicial proceedings against military and police personnel if formal charges were not presented within the 36 month maximum allowed by law. Within days a general and several members of the Colina Group—a death squad responsible for killings and "disappearances" during the government of former President Alberto Fujimori (1990–2000)—asked a judge to close investigations against them. García initially defended the decree but changed his mind after intense international and domestic criticism. In September 2010, a series of decree laws were issued effectively rolling back advances in tackling impunity over the previous ten years. Congress voted to revoke Decree 1097 but two further decrees allowing members of the armed forces accused of human rights violations to be tried under military courts remained in place.

In December 2009, a Supreme Court panel unanimously confirmed a 25-year prison sentence for Fujimori for the extrajudicial execution of 15 people in the Barrios Altos district of Lima in

November 1991, the enforced disappearance and murder of nine students and a teacher from La Cantuta University in July 1992, and two abductions. Fujimori was the first democratically elected Latin American leader to be convicted for grave human rights violations in his own country. In January 2010, the Supreme Court upheld the sentence passed on Fujimori. Given the landmark significance of the Fujimori conviction, prosecutions in other human rights cases from the armed conflict period had disappointing results, with convictions trailing behind the number of acquittals. In June 2010, the National Human Rights Coordinator, an NGO that monitored accountability, reported that the National Criminal Court, created in 2004 to hear cases involving human rights violations and terrorism, had acquitted 65 military and police agents, convicted only 15, and dismissed 23 cases. The Peruvian military consistently failed to provide information to help prosecutors identify officers who participated in atrocities. Mainly as a result of this lack of cooperation, prosecutors and lawyers for relatives of victims had difficulty assembling evidence that meets the rigorous standards courts demand. Several former senior military officials facing charges used tactics to delay court proceedings and then filed *habeas corpus* petitions to the Constitutional Court, claiming that their right to a trial within a reasonable time had been violated. In October 2010, members of Peru's "Colina group" death squad and former high-ranking officials in Fujimori's government (1990–2000) were convicted of the killing of fifteen people and the enforced disappearance of ten others in 1991 and 1992. However, thousands of other cases remained unresolved. The Inter-American Commission on Human Rights condemned Peru's failure to implement a 2003 agreement to ensure truth, justice and reparation for over 2,000 women who were forcibly sterilized under Fujimori's government. Individual reparations, including formalizing ownership of land granted to relatives and victims, a priority agreed by the government in 2003 before the Inter-American Commission on Human Rights, remained pending at the end of 2010.

[Sources: Amnesty International, *Report 2011* (London 2011), 15, 16, 261; Human Rights Watch, *World Report 2011* (Washington 2011), 263–264.]

See also Bolivia.

PHILIPPINES

Last *Annual Report* entry: —.

In February 2010, the Commission on Human Rights of the Philippines announced that it had recorded 777 cases of extrajudicial executions and 251 cases of enforced disappearance since 2001.

In September 2010, human rights group Karapatan recorded 1,206 extrajudicial executions and 206 victims of enforced disappearance during the same period. A report published in September 2010, commissioned by the United States Agency for International Development and the NGO Asia Foundation recorded 305 cases of extrajudicial executions with 390 victims from 2001 to 2010. The same report stated that only 1 per cent of reported cases resulted in a conviction, and that members of the armed forces were implicated in 20 per cent of cases.

[Source: Amnesty International, *Report 2011* (London 2011), 262, 263.]

POLAND

Last *Annual Report* entry: 2010.

On 11 June 2010, Dariusz Ratajczak (1962–2010), a history lecturer at the University of Opole (until 1999) and Holocaust denier, was found dead in a car parked near a shopping center in Opole. The body had been in the car for nearly two weeks and was decomposed beyond recognition. Autopsy showed that it was a suicide due to alcohol abuse. One observer linked his death to an operation of the Mossad (the Israeli Institute for Intelligence and Special Operations), but this was not confirmed by others. In November 1999, he had been suspended from his position following complaints made by an official commission investigating Nazi crimes in Poland for publishing remarks challenging the Holocaust of the Jews during World War II in his March 1999 booklet *Tematy Niebezpieczne* (Dangerous Topics). In December 1999, a court in Opole had found Ratajczak guilty of breaching the Institute of National Remembrance law that outlawed the denial of crimes against humanity committed by Nazi or by communist regimes in Poland, but also said that he had caused “negligible harm to society” due to the low circulation of the self-published book (230 copies) and to the fact that in the second edition and in public appearances Ratajczak had criticized Holocaust denial. After several appeals, the verdict was upheld and the case dismissed in 2002. In April 2000, Ratajczak had been dismissed from the university for violating ethical standards and banned from teaching at other universities for three years. From then on, he had lived in increasing isolation, surviving with menial jobs.

[*BBC News* (16 & 17 November, 8 December 1999); “Holocaust Denier Death, Mossad Linked,” *Press TV* (<http://www.presstv.ir/detail/139718.html>); United States State Department, *Annual Report on International Religious Freedom 2000* (Washington 2000), 348; *Wikipedia* (28 May 2011).]

QATAR

Last *Annual Report* entry: 2010.

ROMANIA

Last *Annual Report* entry: 2008.

RUSSIA

Last *Annual Report* entry: 2010.

Until January 2010, there was no Freedom of Information Act in Russia. Journalists' and historians' requests for information to be declassified were rarely successful.

[Source: *Index on Censorship*, 1/11: 88.]

In May 2010, the court rejected the defamation case of Yevgeny Dzhugashvili, Joseph Stalin's grandson living in Georgia, against radio station *Ekho Moskvy* in defamation over the comment "Stalin signed an order that children can be shot from the age of twelve as enemies of the nation." (See *NCH Annual Report 2010*). On 26 November 2010, the *Duma* (Russian parliament) condemned Stalin by name for the massacres in Katyń (in April 1940) and other sites.

[Sources: *BBC News* (26 November 2010); *Historisch nieuwsblad* (February 2011), 25; *Keesings historisch archief* (2010), 261–262, 672; *Telegraph* (17 May 2010).]

In a televised interview in July 2010, President of Chechnya, Ramzan Kadyrov, described activists of the *Memorial* Human Rights Center as "enemies of the state, enemies of the people, enemies of the law." The Kremlin failed to react. Human rights defenders working in other regions (such as Dagestan) also faced harassment and attacks. In September 2010, the defamation trial of Kadyrov against *Memorial* (concerning Kadyrov's responsibility for the assassination of journalist and historian Natalia Estemirova in 2009) took place. (See *NCH Annual Report 2010*.) In 2010 and 2011, *Memorial* was nominated for the Nobel Peace Prize.

[Sources: Amnesty International, *Report 2011* (London 2011), 272; Committee to Protect Journalists, *Attacks on the Press in 2009* (New York 2010) 157–162, 187, 266–267; Human Rights Watch, *World Report 2011* (Washington 2011), 456–457; *NRC Handelsblad* (11 March 2011), 10.]

On 9 July 2010, the sixth anniversary of the unsolved murder of Russian-born American journalist and historian Paul Klebnikov (1963–2004), no progress in the investigation was reported. On 9 July 2004, Klebnikov had been gunned down. The alleged mastermind of the murder—Chechen separatist

leader Khozh-Akhmed Nukhayev, the subject of Klebnikov's 2003 book "Conversation With a Barbarian"—was never apprehended or prosecuted. Two alleged accomplices were acquitted in May 2006 following a flawed and closed trial. Another possible reason for the murder was Klebnikov's publication of a list of Russia's 33 billionaires. As a historian, Klebnikov was reportedly fascinated by the battles of the Russians with Napoleon and during World War II.

[Sources: Committee to Protect Journalists, *Paul Klebnikov* (9 July 2004); Committee to Protect Journalists, *Ifex Alert* (13 July 2010).]

Over two years since the Russian conflict with Georgia over South Ossetia (August 2008), Russian authorities had yet to ensure a comprehensive investigation into and accountability for international human rights and humanitarian law violations by their forces, who used cluster bombs in areas populated by civilians in Georgia, leading to civilian deaths and injuries. Russia also launched indiscriminate rocket attacks on civilian areas, causing casualties. Russian forces in Georgia failed to protect civilians in areas under their effective control while also preventing Georgian forces from policing these areas.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 460.]

In December 2010, it was reported that the case of historian Mikhail Suprun (see *NCH Annual Report 2010*) had yet to be brought to court. It also became known that the Deputy Chief Prosecutor of Arkhangelsk province, who headed the investigation committee, was the editor of a *Book of Memory* himself.

[Source: Catriona Bass, "Memory Incompatible: The Archangelsk Affair Continues," *Open Democracy* (1 December 2010).]

See also Georgia, Ukraine.

RWANDA

Last *Annual Report* entry: 2010.

In late 2009 the Senate summoned the president of the opposition political party PS-Imberakuri, Bernard Ntaganda, on accusations of "genocide ideology." In June 2010, the police arrested Ntaganda and raided his house and the party office. The charges against him included endangering national security, inciting ethnic divisions, and organizing demonstrations without authorization. In February

2011, Ntaganda was found guilty of “divisionism” (and two other offenses) and sentenced to four years’ imprisonment, two years of which were for the offense of “divisionism.” Victoire Ingabire, president of another opposition political party, FDU-Inkingi, who returned to Rwanda in January 2010 after 16 years in exile, was arrested in April 2010 on charges of “genocide ideology,” “divisionism,” and collaboration with the Democratic Forces for the Liberation of Rwanda (FDLR), an armed group active in eastern Democratic Republic of Congo and composed in part by individuals who participated in the 1994 Rwanda genocide. She had declared that during the genocide Hutu militias had systematically killed about 800,000 Tutsis and moderate Hutus, but also that Hutus were killed by Tutsis. Ingabire was released on bail with travel restrictions, but in October 2010 re-arrested following allegations of involvement in forming an armed group. In November 2010, she remained in detention awaiting trial. Peter Erlinder, an American and one of Victoire Ingabire’s defense lawyers, was arrested in May 2010 on charges of “genocide denial and minimization,” and “spreading malicious rumors that could endanger national security.” He was released on bail three weeks later. The charges against Erlinder, who is also a defense lawyer at the Tanzania-based International Criminal Tribunal for Rwanda (ICTR), related primarily to articles published in previous years in which he questioned key events surrounding the genocide. Déogratias Mushayidi, a former journalist and outspoken government opponent in exile, was arrested in Burundi in March 2010 and handed over to Rwandan authorities. In September 2010 Mushayidi was found guilty and sentenced to life imprisonment on three charges: spreading rumors inciting civil disobedience, recruiting an armed group to overthrow the government, and using forged documents. He was also charged with four other offenses, including “genocide ideology” and “divisionism,” for which he was acquitted. The authorities continued to misuse broad and ill-defined laws on “genocide ideology” and “sectarianism.” The laws prohibited hate speech, but also criminalized legitimate criticism of the government. In April 2010, however, the government announced a review of the “genocide ideology” law, and indicated that the “sectarianism” law might also be reviewed. In January 2011, the minister of justice announced again that the genocide ideology law would be reformed. (See also NCH *Annual Reports 2009, 2010*.)

[Sources: Amnesty International, “Freedom of Expression Criminalized in Rwanda,” *The Wire* (October-November 2010), 9; Amnesty International, *Report 2011* (London 2011), 5, 274, 275; Amnesty International, *Safer To Stay Silent: The Chilling Effect of Rwanda’s Laws on “Genocide Ideology” and “Sectarianism”* (London 2010), 7–17, 21, 28–29; “Genocide Memorial Row in Rwanda,” *BBC News* (18 January 2011); Human Rights Watch, *World Report 2011* (Washington 2011), 154–156; Human Rights Watch, *Justice Compromised; The Legacy of Rwanda’s Community-Based Gacaca Courts* (Washington 2011), 31–33.]

On 8 July 2010, Agnès Uwimana Nkusi, editor of the privately-owned bimonthly *Umurabyo*, and around 15 July 2010, Saidati Mukakibibi, a reporter at *Umurabyo*, were detained for a series of opinion pieces written ahead of the August 2010 presidential elections, some of which claimed that there were growing divisions within the army, and that Hutu victims of the 1994 genocide deserved justice. One column was accompanied by a photo of President Paul Kagame with a Nazi swastika superimposed in the background. In January 2011, prosecutors requested a 33-year sentence for Uwimana and 12 years for Mukakibibi. On 4 February 2011, they were sentenced to 17 and 7 years' imprisonment respectively on charges of "threatening state security, genocide ideology, divisionism and defamation" (Uwimana) and charges of "threatening state security" (Mukakibibi) for "inciting disobedience, causing divisions and denying the 1994 genocide." The World Association of Newspapers and News Publishers said that the government used the "genocide ideology" law to suppress the free expression of opinions and that charges such as defamation or insulting the president were often inflated to "genocide denial" or "inciting public disorder." In June 2010, the chairman of the Media High Council Board had already accused Uwimana of publishing "defamatory articles and falsehoods" in an article that suggested that all Rwandans were both victims and perpetrators of the 1994 genocide. In 2007–2008, Uwimana had served a one-year prison sentence on charges of ethnic divisionism and libel after she had published an opinion piece on ethnic violence in Rwanda.

[Sources: Article 19, "Government Promises To Bring Freedom of Expression Laws in Line with International Standards" (London, 27 January 2011); *Ifex Communiqué* (9 February 2011); PEN Writers in Prison Committee, *RAN 06/11* (<http://www.concernedhistorians.org/ca/64.pdf>; 14 February 2011).]

In September 2010, the deadline to complete *gacaca* trials of genocide cases was postponed indefinitely. The government developed mechanisms to handle outstanding genocide cases and to adjudicate alleged miscarriages of justice by *gacaca* jurisdictions. *Gacaca* courts prosecuted around 1.5 million cases with involvement from local communities across the country. The conduct of trials before *gacaca* courts had been mixed. Some judges delivered fair and objective judgments; others handed down heavy sentences, including life imprisonment in isolation, on the basis of very little evidence. A number of witnesses and judges proved vulnerable to corruption and outside influence, affecting the outcome of trials and undermining confidence in the courts. Some defense witnesses were afraid to testify for fear of being accused of genocide themselves, and there were numerous allegations that *gacaca* courts sacrificed the truth to satisfy political interests.

The mandate of the International Criminal Tribunal for Rwanda (ICTR) was extended until the end of 2011 for first-instance trials and to the end of 2012 for appeals. Ten suspects subject to arrest

warrants by the ICTR remained at large. In November 2010, the ICTR Prosecutor made new applications to transfer cases to Rwanda. Past applications failed after Trial Chambers decided that the accused would not receive fair trials. Judicial proceedings against suspects of the 1994 genocide took place in several European countries and the United States. Sweden consented to extradition in 2009, but the case has yet to be decided before the European Court of Human Rights. No country extradited genocide suspects to Rwanda due to fair trial concerns. (See also previous NCH *Annual Reports*.)

[Sources: Amnesty International, *Report 2011* (London 2011), 275–276; Human Rights Watch, *World Report 2011* (Washington 2011), 154, 157–158; Human Rights Watch, *Justice Compromised: The Legacy of Rwanda's Community-Based Gacaca Courts* (Washington 2011).]

In September 2010, French magistrates conducted investigations in Rwanda into the shooting down of the plane in April 1994 which killed Rwandan President Juvénal Habyarimana and sparked the genocide. It was the first time that French magistrates visited Rwanda as part of their investigations. French judges dropped international arrest warrants issued in November 2006 against nine senior Rwandan Patriotic Front members for shooting down the plane, in which French nationals were also killed, and instead placed some of these individuals under investigation.

[Source: Amnesty International, *Report 2011* (London 2011), 276.]

See also Belgium, Congo (Democratic Republic), Ethiopia, Finland, Sierra Leone.

SAUDI ARABIA

Last *Annual Report* entry: 2010.

In January 2010, Turki Haydar Muhammad al-‘Ali and five other people, mostly students, were arrested after posters of an al-Hussainiya (Shi'a religious center) were displayed on the occasion of *Ashura* (the traditional annual Shi'a mourning procession) in December 2009. They were detained without charge or trial at al-Ihsa prison and all were believed to be still held at the end of 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 278.]

SENEGAL

Last *Annual Report* entry: 2009.

See Chad.

SERBIA / KOSOVO

Last *Annual Report* entry: 2010.

In March 2010, the Serbian parliament narrowly adopted the “Srebrenica Resolution,” which condemned crimes committed against the Bosniak (Bosnian Muslim) population of Srebrenica in July 1995, and apologized to the families of the victims, but failed to refer to genocide, as required by the 2007 decision of the International Court of Justice (ICJ) in a case brought by Bosnia and Herzegovina (BiH) against Serbia. In January 2010, following Croatia’s 2008 claim against Serbia, Serbia filed a counterclaim at the ICJ, alleging that Croatia had committed genocide against Croatian Serbs.

[Source: Amnesty International, *Report 2011* (London 2011), 37–38, 281.]

In November 2010, Serbia moved closer to European Union (EU) membership when the European Commission sent the government a questionnaire to assess its readiness for EU candidate status. Progress remained conditional on Serbia’s continued co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY). In a June 2010 briefing to the United Nations Security Council, ICTY prosecutor Serge Brammertz noted Serbia’s cooperation with requests for assistance,

but indicated that efforts to arrest former Bosnian-Serb General Ratko Mladić and former Croatian Serb leader Goran Hadžić “have thus far produced few tangible results.” In September and November 2010, Brammertz reiterated his dissatisfaction with Serbia’s efforts to secure the arrests of fugitives and called on the European Union (EU) to press Serbia for cooperation. On a more positive note, Serbian authorities recovered Mladić’s wartime notebooks during a search operation in February 2010 and provided them to the ICTY, which would likely introduce them as evidence in several trials. Mladić was arrested in May 2011 (*See Bosnia-Herzegovina entry*).

[Sources: Amnesty International, *Report 2011* (London 2011), 281; Human Rights Watch, *World Report 2011* (Washington 2011), 463.]

Kosovo

In May 2010, the European Union Rule of Law and Police Mission in Kosovo (EULEX) announced that only 60 of the 900 war crimes cases inherited from the United Nations Interim Administration Mission in Kosovo (UNMIK) were under investigation. Investigations into the abduction of non-Albanians after June 1999 were transferred to the local Special Prosecutor, on the basis that EULEX did not consider them war crimes.

[Source: Amnesty International, *Report 2011* (London 2011), 283.]

In May 2010, EULEX announced that its investigation into the so-called “Yellow House” case, involving the alleged transfers by the KLA in 1999 of around 400 Serbian and other captives to detention facilities in Albania, had failed to produce evidence to substantiate allegations of organ-trading. Investigations into the case by Dick Marty, the rapporteur of the Council of Europe Parliamentary Assembly, and the Serbian war crimes prosecutor continued, but no new facts were made public. In the year prior to September 2010, EULEX completed five war crime cases, with eight more ongoing and 27 at pre-trial stages. EULEX completed eight cases related to the March 2004 riots during the same period.

A draft Law on Missing Persons failed to include provisions for reparation, including compensation, to relatives of the disappeared. According to the International Committee of the Red Cross, 1,837 persons remain missing from the 1999 conflict, the majority Kosovo Albanians. In May 2010, EULEX and the Serbian authorities jointly announced the discovery of a suspected mass grave in southern Serbia believed to contain the remains of as many as 250 Kosovo Albanians who went missing during the 1999 war. In August 2010, the Office of Missing Persons and Forensics (OMPF) was transferred from EULEX to the Kosovo Ministry of Justice. In September 2010, the OMPF and the Serbian Commission for Missing Persons visited potential mass graves at Rudnica in Serbia and

Belaćevac in Kosovo. During 2010, OMPF exhumed the bodies of 34 individuals; identified 57 mortal remains and returned 103 bodies to families for burial. Some three wrongly identified bodies were re-identified by the International Commission on Missing Persons.

[Sources: Amnesty International, *Report 2011* (London 2011), 38, 283; Human Rights Watch, *World Report 2011* (Washington 2011), 471–472.]

In July 2010, the International Court of Justice issued an advisory opinion that Kosovo's 2008 declaration of independence did not violate applicable international law. In September 2010, the United Nations General Assembly adopted a resolution on Kosovo, which envisaged the resumption of talks between Serbia and Kosovo, facilitated by the European Union (EU).

[Source: Amnesty International, *Report 2011* (London 2011), 281.]

In July 2010, closing arguments were heard at the International Criminal Tribunal for the former Yugoslavia (ICTY) against former Assistant Interior Minister Vlastimir Đorđević, indicted for crimes against humanity and war crimes in Kosovo. He was charged with crimes leading to the deportation of 800,000 Albanian civilians, the enforced disappearance of more than 800 ethnic Albanians, and leading a conspiracy to conceal their bodies by transporting them to Serbia for reburial. During the same month, the ICTY Appeals Chamber ordered the partial retrial of Ramush Haradinaj, former commander of the Kosovo Liberation Army (KLA) and later Prime Minister of Kosovo; Idriz Balaj, a former member of the KLA in command of a special unit known as the Black Eagles; and Lahi Brahimaj, who served as a deputy commander of the KLA in the Dukagjin area of Kosovo. The Appeals Chamber judgment highlighted “the gravity [that] the threat of witness intimidation posed to the trial’s integrity.” In 2008, the accused were acquitted of joint criminal enterprise in the persecution and abduction of civilians suspected of collaborating with Serbian forces in 1998. In September 2010, the ICTY denied Haradinaj’s motion for provisional release, citing the integrity of the trial. A revised indictment issued in November 2010 focused on the alleged murders of Serbs, Roma and Ashkali.

[Sources: Amnesty International, *Report 2011* (London 2011), 281; Human Rights Watch, *World Report 2011* (Washington 2011), 470–471.]

See also Bosnia-Herzegovina, Croatia, Montenegro.

SIERRA LEONE

Last *Annual Report* entry: 2010.

Sierra Leone continued to move beyond the legacy of its eleven-year civil war (1991–2002), which resulted in economic devastation, infrastructure collapse, mass displacement, and atrocities including sexual slavery, forced recruitment of child soldiers and amputations. However, crucial Truth and Reconciliation Commission (TRC) recommendations were not implemented. However, reparations programs for war victims, as recommended by the TRC, provided financial and medical assistance and skills training to some 20,000 victims with support from the United Nations (UN) Peacebuilding Fund and UN Development Fund for Women.

[Sources: Amnesty International, *Report 2011* (London 2011), 285; Human Rights Watch, *World Report 2011* (Washington 2011), 163.]

Since 2002 the Special Court for Sierra Leone (SCSL) had sentenced eight men to prison terms: Moinina Fofana; Allieu Kondewa; Issa Sesay; Morris Kallon; Augustine Gbao; Alex Brima; Ibrahim Kamara; and Santigie Kanu. All eight were transferred in October 2009 to Rwanda to serve out their sentences. Sam Hinga Norman died of natural causes in 2007 as did Foday Sankoh in 2003. Sam Bockarie was killed in Liberia in 2003 and Johnny Paul Koroma remained at large. The few trials before the SCSL contributed to partial disclosure of the truth about the serious crimes committed in Sierra Leone's armed conflict since 1996. The convictions of the Revolutionary United Front (RUF) leaders Sesay, Kallon and Gbao were the first for attacks on United Nations peacekeepers as a violation of international humanitarian law and for forced marriage as an inhumane act constituting a crime against humanity. However, fewer than a dozen of those responsible for hundreds of thousands of crimes under international law were held to account by the SCSL, and most perpetrators went unpunished. The 1999 Lomé Accord contained an amnesty provision for those responsible for crimes under international law committed in Sierra Leone. Not a bar to prosecution before the SCSL, it prevailed under Sierra Leonean law, so no investigations or trials for crimes committed in the civil war took place before national courts in Sierra Leone. Concerns also remained regarding the SCSL's inaccessibility to the public, its cost management and slowness, selective justice, inadequate legacy programs (to rebuild the local justice system and strengthen local institutions), and failure to prosecute corporate actors such as diamond dealers. During 2010, the trial of former Liberian president Charles Taylor—charged with eleven counts of war crimes and crimes against humanity for his role in supporting Sierra Leonean rebel groups during the conflict—made notable progress. The defense, which closed its case in November 2010, brought forward 21 witnesses, including Charles

Taylor himself. Earlier, 94 witnesses testified for the prosecution. Closing arguments were scheduled for February 2011 and a judgment was expected later in 2011. Taylor was the first sitting African head of state to be indicted and face trial before an international or hybrid tribunal. Due to security concerns, his trial was taking place in The Hague, Netherlands, instead of in Freetown. Meanwhile, the SCSL began closing down operations in Freetown. In May 2010, it handed over control of its detention facility to the Sierra Leone prison service. It also reached an agreement with the government on residual functions of the court, which included witness protection, supervision of sentences, the trial of the last person indicted (Koroma), and SCSL archives. As the SCSL was establishing a policy on access to its archives, concerns were raised that the policy could be overly restrictive and might not allow prosecutors to use the archives to pursue war criminals in other jurisdictions such as Liberia.

[Sources: Amnesty International, *Report 2011* (London 2011), 286–287; Human Rights Watch, *World Report 2011* (Washington 2011), 162–163.]

See also Liberia.

SINGAPORE

Last *Annual Report* entry: 2010.

In March 2010, the *International Herald Tribune* newspaper apologized and paid fines for a defamation claim in relation to an article on political dynasties which included the names of former Prime Minister Lee Kuan Yew (in office 1959–1990) and his son Prime Minister Lee Hsien Loong (in office 2004–) in a list of families occupying high positions in Asia.

[Source: Amnesty International, *Report 2011* (London 2011), 288.]

In May 2010, Vincent Cheng, held under the Internal Security Act in 1987 as the alleged leader of a Marxist conspiracy, agreed for the first time to speak publicly about his treatment in detention at a seminar, *Singapore's History: Who Writes the Script*, organized by students from the History Society of the National University of Singapore. The National Library Board, the venue's sponsor, however, rescinded the invitation and the event went ahead without Cheng's participation.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 366.]

SLOVAKIA

Last *Annual Report* entry: 2009.

Former Prime Minister Robert Fico unveiled the statue of Svätopluk at Bratislava Castle shortly before the June 2010 parliamentary elections, expressing the wish for it to become a destination for pilgrims to honor Slovak nationhood. Under the rule of Svätopluk I (830–894), King of Great Moravia (871–894), Great Moravia reached its largest territorial expansion. When the statue became the focal point for right-wing extremists, the new government and the liberal SaS (Sloboda a Solidarita; Freedom and Solidarity) political party reportedly wanted to remove the statue from the castle grounds.

[Source: *Slovak Spectator* (10 August 2010).]

SLOVENIA

Last *Annual Report* entry: 2009.

The authorities continued to fail to guarantee the rights of former permanent residents of Slovenia originating from other former Yugoslav republics (they were known as the “erased”). Their legal status had been unlawfully revoked in 1992, resulting in violations of their economic and social rights. Some of them were also forcibly removed from Slovenia. On 8 March 2010, the National Assembly passed a law which aimed at retroactively reinstating permanent residency status to the “erased.” The parliamentary and public discussion prior to the adoption of the law was marred by xenophobic statements by several parliamentarians. On 12 March 2010, right-wing parties filed a proposal with the parliament to organize a referendum on the adoption of the new law; it was rejected by the Constitutional Court in June 2010. In July 2010, the European Court of Human Rights (ECHR) ruled that the authorities had violated the right to private and family life of eight applicants whose permanent residency permit had been revoked in 1992. The ECHR also found a violation of the right to an effective remedy, as the authorities had failed to implement two separate decisions of the Constitutional Court, issued in 1999 and 2003, related to the rights of the “erased.” In August 2010, the Committee on the Elimination of Racial Discrimination (CERD) recommended, among other things, that the authorities grant full reparation, including restitution, satisfaction, compensation, rehabilitation and guarantees of non-repetition, to all people affected by the revocation of their permanent residency status.

[Source: Amnesty International, *Report 2011* (London 2011), 290–291.]

SOMALIA

Last *Annual Report* entry: 2006.

SOUTH AFRICA

Last *Annual Report* entry: 2010.

See India, Thailand.

SPAIN

Last *Annual Report* entry: 2010.

In April 2010, the Supreme Court accused investigating judge Baltasar Garzón of breaking the 1977 amnesty law. Garzón had initiated Spain's first ever investigation into crimes committed during the Civil War (1936–1939) and the Franco regime (1939–1975), involving the enforced disappearance of over 114,000 individuals in 1936–1951. Subsequently, in May 2010, the General Judicial Council suspended him from duty for the duration of his trial before the Supreme Court. (See NCH *Annual Report 2010*.)

[Sources: Amnesty International, *Report 2011* (London 2011), 301; *Keesings historisch archief*, (2011) 165–166.]

In September and November 2010, the National Criminal Court closed investigations into crimes committed in Myanmar and Tibet. The decisions were taken following the limitation of universal jurisdiction by an amendment to the Law on the Judiciary in October 2009. Since the amendment, domestic courts were no longer able to prosecute cases unless the victims were Spanish citizens, the alleged perpetrator was in Spain, or there was another “relevant connecting link” with Spain and only if there was no effective investigation or prosecution already in another country or international court.

[Source: Amnesty International, *Report 2011* (London 2011), 301.]

SRI LANKA

Last *Annual Report* entry: 2010.

In May 2009, the civil war (1983–2009) between government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) ended with the defeat of the LTTE. When in late 2009, former army commander Sarath Fonseka, then a presidential candidate, stated he was willing to testify about the conduct of the war, the defense secretary threatened to have him executed for treason. In March 2010, United Nations (UN) Secretary-General Ban Ki-moon announced plans to establish a Panel of Experts to advise him on accountability issues in Sri Lanka. President Mahinda Rajapaksa protested against the announcement and in May 2010 appointed an ad hoc Lessons Learnt and Reconciliation Commission (LLRC) to examine the failure of the 2002 ceasefire, but its terms of reference made no mention of seeking accountability for violations of human rights or humanitarian law. The authorities continued to deny access to human rights organizations and other independent observers to visit the country to conduct research. On 6 July 2010, Minister Wimal Weerawansa led a demonstration that temporarily closed down the United Nations's Colombo office in an unsuccessful bid to force Ban Ki-moon to withdraw his Panel of Experts. A United States State Department report, released on 11 August 2010, noted "the history of failings of a series of past [Commissions of Inquiry] established in Sri Lanka." These included two investigations (the "Group of Eminent Persons" and the LLRC) into laws-of-war violations during the civil war. These violations included including the government's indiscriminate shelling of civilians and the LTTE's use of thousands of civilians as human shields in the final months of the war. Sri Lanka had a long history of establishing ad hoc inquiries to deflect international criticism over its poor human rights record. Since independence in 1948, Sri Lanka had established more than ten such commissions, none of which had produced any significant results. The LLRC's mandate, which focused on the breakdown of the 2002 ceasefire between the government and the LTTE, did not explicitly require it to investigate alleged war crimes during the conflict, nor did the LLRC show any apparent interest in investigating such allegations in its hearings to date. As pressure mounted for an independent investigation into alleged laws of war violations, the government responded by threatening journalists and civil society activists, effectively curtailing public debate.

[Sources: Amnesty International, *Report 2010* (London 2010), 302; Amnesty International, *Report 2011* (London 2011), 28, 301, 302; Human Rights Watch, *World Report 2010* (Washington 2010),

347, 352–53; Human Rights Watch, *World Report 2011* (Washington 2011), 370, 372; Human Rights Watch, “Sri Lanka: US Report Shows No Progress on Accountability” (11 August 2010).]

Enforced disappearances and abductions for ransom carried out by members of the security forces were reported in many parts of the country, particularly in northern and eastern Sri Lanka and in Colombo. Hundreds of members of the Liberation Tigers of Tamil Eelam (LTTE) who reportedly disappeared after they had surrendered to the army in 2009 remained unaccounted for. Military and civilian officials rejected allegations that Sri Lankan forces had violated international humanitarian law in the final phase of the armed conflict and made repeated public statements claiming that “zero civilian casualties” had occurred. Hundreds of people seeking news of relatives who disappeared after arrest by the army attempted to testify before the Lessons Learnt and Reconciliation Commission when it held sessions in the north and east starting in August 2010. Few were able to speak to the commissioners, and there were reports that witnesses were photographed and threatened. The commission’s interim report made useful recommendations to safeguard the rights of detainees and address other public grievances, but failed to address the need for accountability. Suspected perpetrators of human rights violations continued to hold responsible positions in government. In November 2010, the government investigated claims that the LTTE killed captured soldiers as the army advanced toward Kilinochchi, but continued to reject allegations that its own forces killed civilians and captured combatants during the armed conflict.

[Source: Amnesty International, *Report 2011* (London 2011), 302, 303.]

SUDAN

Last *Annual Report* entry: 2010.

Awaif Ahmed Issag Osman ([1985–]), a Darfuri feminist and activist who had started her own community publication, *Al Raheel* (“tree” news), was arrested by the national security authorities. She had posted news on a tree trunk in the center of El Fasher, North Darfur, including articles about the conflict (2003–), violence against women, and the culture and history of Darfur.

[Source: Human Rights Watch, “Hellman/Hammett Grants Honor 42 Writers for Courage Facing Political Persecution” (4 August 2010).]

The government made little progress in implementing recommendations of the African Union (AU) High Level Panel on Darfur. The AU and other influential leaders did not press the government to do

so. In Geneva, in September 2010, the United Nations (UN) Human Rights Council renewed the mandate of the Independent Expert on Sudan, maintaining a much-needed avenue for human rights reporting, over objections from Sudan and its allies. The two major peacekeeping missions in Sudan, UNMIS (UN Mission in Sudan) and UNAMID (UN–AU Mission in Darfur), did not publicly report on their human rights concerns except through regular reports to the UN secretary-general.

On 12 July 2010, the International Criminal Court (ICC) issued an additional arrest warrant against President Al Bashir for genocide. The pre-trial chamber found there were reasonable grounds to believe that Al Bashir was responsible for three counts of genocide against the Fur, Massalit and Zaghawa ethnic communities. In July 2010, the Assembly of the African Union (AU) reaffirmed its decision not to co-operate with the ICC in relation to the arrest and surrender of Al Bashir. The Assembly asked AU member states to comply with its decision. Al Bashir visited Chad and Kenya, both states parties to the Rome Statute of the ICC, in July and August 2010. The Sudanese government did not co-operate with the ICC. The three people against whom the ICC had issued arrest warrants—Al Bashir, Ahmed Haroun (governor of South Kordofan since May 2009), and Ali Kushayb (former Janjaweed leader)—also remained free from prosecution in Sudan.

[Sources: Amnesty International, *Report 2011* (London 2011), 2, 305; Human Rights Watch, *World Report 2011* (Washington 2011), 133–134.]

On 8 February 2010, the International Criminal Court (ICC) decided not to confirm the charges against Bahar Idriss Abu Garda, leader of the United Resistance Front, a Darfur-based armed group. Garda had been summoned in relation to three war crimes in an attack on Haskanita in 2007 against peacekeepers from the African Union Mission in Sudan (AMIS). He appeared voluntarily before the ICC on 18 May 2009. The pre-trial chamber rejected the ICC Prosecutor's appeal on 23 April 2010 and again refused to confirm the charges. On 17 June 2010, Abdallah Banda Abbaker Nourein, chief commander of the Collective Leadership of the armed opposition Justice and Equality Movement (JEM), and Saleh Mohammed Jerbo Jamus, former chief of staff of the Sudan Liberation Army-Unity who then joined the JEM, appeared before the ICC. The hearing to confirm the charges against them took place on 8 December 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 305.]

See also Kenya.

SURINAME

Last *Annual Report* entry: 2010.

SWAZILAND

Last *Annual Report* entry: —.

In September 2010, the government doctored a report it had commissioned ahead of the United Nations General Assembly, by changing the report's conclusion that Swaziland was "not likely" to meet the Millennium Development Goals target of halving hunger and poverty in the country by 2015 so that it read that the country could "potentially" meet the target. An October 2010 report from the Washington-based International Food Policy Research Institute indicated that 18 per cent of Swaziland's one million people were suffering from hunger, compared to 12 per cent in 1990. In addition, 6.1 per cent of Swazi children under five were underweight, compared to 8.1 per cent in 1992, making Swaziland one of the few African countries where hunger had become more widespread during the last decades.

[Sources: *Keesings historisch archief*, (2010), 650–651; "Swazi Govt Tried to Underreport Hunger" (<http://www.afrol.com/articles/36780>; 15 October 2010).]

SWEDEN

Last *Annual Report* entry: 1998.

See Rwanda.

SWITZERLAND

Last *Annual Report* entry: 2009.

SYRIA

Last *Annual Report* entry: 2010.

In 2010, crackdowns on celebrations of the Kurdish New Year, Newruz, led to the death of at least one person, while those arrested during the festivities were tried by the military. In July 2010, a military court sentenced nine Kurds alleged to have participated in the celebrations in Raqqa to four months for “inciting sectarian strife.” Kurdish citizens who organized a one-minute commemoration ceremony for the victims of the 1988 Halabja massacre (in Iraq) were also sentenced to prison.

[Sources: Cairo Institute for Human Rights Studies, *Roots of Unrest: Human Rights in the Arab Region—Annual Report 2010* (29 March 2011), *Summary of the Report* (<http://www.cihrs.org/Images/ArticleFiles/Original/631.pdf>); Human Rights Watch, *World Report 2011* (Washington 2011), 588–589.]

In 2010, the authorities took no steps to account for thousands of people, mostly islamists, who disappeared in the late 1970s and early 1980s, and others abducted in Lebanon by Syrian forces or by pro-Syrian Lebanese and Palestinian militias, who then handed them over to Syrian forces in the years before they withdrew from Lebanon in April 2005.

[Source: Amnesty International, *Report 2011* (London 2011), 315.]

See also Lebanon.

TAIWAN

Last *Annual Report* entry: 2010.

TANZANIA

Last *Annual Report* entry: 2010.

See Rwanda.

THAILAND

Last *Annual Report* entry: 2010.

The Devil's Discus, a biography about King Ananda Mahidol (Rama VIII) (1925–46) written by South African author Rayne Kruger (1922–2002) (London: Cassell, 1964) and banned in Thailand, was republished in 2009 in Hong Kong. An underground Thai translation was published in 2010. Journalist Paul Handley's unauthorized biography of King Bhumibol Adulyadey (Rama IX), *The King Never Smiles* (New Haven: Yale University Press, 2006), was also banned in Thailand. In late May 2011, Thai-born United States citizen Joe Gordon (possibly a pseudonym) was arrested and charged with posting translations from Handley's book. The Thai government also blocked Yale's website.

[Sources: Freedom against Censorship in Thailand, "Interview with Prudence Leith, widow of Rayne Kruger" (21 January 2011); Newley Purnell, "Charge Against Professor Raises Questions about Academic Freedom in Thailand," *Chronicle of Higher Education* (1 June 2011); *Wikipedia* (3 February 2011).]

In 2010, government forces often raided Islamic schools in the south, including *tadikas* (after-school religious courses generally taking place in a mosque), to target teachers. One teacher interviewed by Human Rights Watch on 30 March 2010 said that teaching children about the Jawi language and Malay culture was seen by the military as disobedience and incitement to insurgency. He added that his school did not even have history courses. On the other hand, Muslim separatists in the three southernmost provinces attacked schools and killed teachers because in many villages schools were

seen as symbols of the government, imposing an alien language of instruction (Thai), religion (Buddhism) and history (Thai national history) as part of an assimilation policy in a previously autonomous area.

[Sources: Human Rights Watch, “*Targets of Both Sides: Violence against Students, Teachers, and Schools in Thailand’s Southern Border Provinces* (Washington 2010), 92; UNESCO, *Protecting Education from Attack: A State-of-the-Art Review* (Paris 2010) 41.]

A political crisis polarized Thai society for a fifth consecutive year, spiking sharply after former Prime Minister Thaksin Shinawatra, deposed in a 2006 coup and in self-imposed exile, was convicted in his absence by a court in Bangkok in late February 2010 on corruption charges. Mid-March through late May 2010 saw increasingly violent anti-government protests by the United Front for Democracy against Dictatorship, partly affiliated with Thaksin. The government invoked the Internal Security Act in March 2010 and the Emergency Decree in April 2010; the latter remained in place in Bangkok and three other provinces until almost the end of 2010. In the aftermath of the violence, the government established several bodies for national reform and a Truth for Reconciliation Commission.

[Source: Amnesty International, *Report 2011* (London 2011), 319.]

Although Thailand and Cambodia normalized their relations in August 2010, in February 2011, new skirmishes took place in the Temple of Preah Vihear area (See NCH *Annual Report 2009*). The temple site, constructed between the ninth and eleventh centuries and dedicated to Hindu deity Shiva, had been a royal Khmer site linked to Angkor Vat.

[Sources: *Keesings historisch archief*, (2011) 36; *NRC Handelsblad* (7 February 2011) 7.]

On 24 April 2011, Somsak Jeamteerasakul [Jeamtheerasakul] ([1958]–), a history professor at Thammasat University, revealed at a press conference that he had received phone calls in which he was threatened with *lèse majesté* charges. At a 10 December 2010 public event, Somsak had been on a public panel debating the *lèse majesté* laws and he had spoken about the reform and modernization (not the overthrow) of the monarchy, reportedly revealing some previously classified data in the process. Other sources said that Somsak had written an open letter to the King’s youngest daughter, Princess Chulabhorn, who was herself not covered by the *lèse majesté* law. More specifically, Somsak had asserted that Thai citizens were not allowed to debate freely with the princess about a comment she made about the political crisis because of the *lèse majesté* law. Somsak unexpectedly became very popular and the anti-government Red Shirts, who had never heard of him, made copies of CDs of his speeches. On 11 May 2011, Somsak turned himself in to the police to hear the official

charges filed by the Royal Thai Army, which he denied. Political scientist Giles Ji Ungpakorn, himself convicted for *lèse majesté* and exiled in the United Kingdom, said that the military wanted to create a climate of fear and to weaken the political opposition in anticipation of national elections expected in July 2011.

Somsak had been a leftist student leader during the royalist massacre of students at Thammasat University on 6 October 1976. He was arrested and later sentenced to two years' imprisonment. From the 1990s he had written a series of iconoclastic articles attacking several taboos surrounding the monarchy, questioning its democratic and politically impartial character. A number of these articles, published in newspapers and news weeklies, were expurgated.

[Sources: Patrick Jory, "Thai Historical Writing," in Axel Schneider & Daniel Woolf, eds., *The Oxford History of Historical Writing*, volume 5, *1945 to Present* (Oxford 2011), 554–555; Yojana Sharma, "Academics Unnerved over Lèse Majesté Threat," *University World News* (27 April 2011); Yojana Sharma, "Academic Charged in Political Case," *University World News* (15 May 2011); Southeast Asian Press Alliance, *Ifex Alert* (12 May 2011); Newley Purnell, "Charge against Professor Raises Questions about Academic Freedom in Thailand," *Chronicle of Higher Education* (1 June 2011); Giles Ji Ungpakorn, "Academic Freedom and Lèse Majesté," *University World News* (22 May 2011).]

See also Myanmar.

TIMOR-LESTE

Last *Annual Report* entry: 2010.

In January 2010, the Timor-Leste Office of the Ombudsman for Human Rights and Justice and the Indonesian National Human Rights Commission signed a memorandum of understanding on the implementation of recommendations of the joint Indonesia-Timor-Leste Commission of Truth and Friendship (CTF) and of the Commission for Reception, Truth and Reconciliation (CAVR). The content of the memorandum was not made public. In early July 2010, two draft laws establishing a National Reparations Program and an "Institute for Memory," mandated to implement recommendations of the CTF and CAVR, were presented for public consultation. Parliament was scheduled to debate the laws in late September 2010; however, the debate was delayed until February 2011. There was very little progress in addressing past serious human rights violations, including crimes against humanity, committed in Timor-Leste during the Indonesian occupation (1975–1999).

In March 2010, President José Ramos-Horta of Timor-Leste told the United Nations (UN) Human Rights Council that “in the efforts to bring about peace between long-standing rival communities, often we have to compromise on justice.” This statement flew in the face of recommendations from the CAVR in 2005, as well as by Timorese victims, national human rights groups and UN justice experts. Ramos-Horta rejected calls from national and international NGOs for an international tribunal for past crimes, although he said he would not oppose it should the UN Security Council decide to establish one. The Serious Crimes Investigation Team continued to investigate serious human rights violations committed in 1999.

[Source: Amnesty International, *Report 2011* (London 2011), 28, 322.]

TOGO

Last *Annual Report* entry: 2010.

In August 2010, the Truth, Justice and Reconciliation Commission (TJRC) opened regional branches throughout the country to collect testimonies. The TJRC was established in 2009 to shed light on human rights violations committed in 1958–2005. By the end of 2010, more than 5,800 people had made statements before the TJRC but most of these cases were from the 1960s to the 1980s. No victims of past human rights violations received any reparations. No progress was made in the investigation of 72 complaints lodged by victims of the political repression in 2005.

[Source: Amnesty International, *Report 2011* (London 2011), 322, 323.]

TUNISIA

Last *Annual Report* entry: 2001.

In January 2011, less than a month after Mohamed Bouazizi’s desperate act (he set himself alight after a local official in the town of Sidi Bouzid prevented him from selling vegetables from his handcart and reportedly assaulted him), the government of President Zine El ‘Abidine Ben ‘Ali collapsed. Ben ‘Ali fled the country, seeking refuge in Jeddah, Saudi Arabia. The people of Tunisia celebrated the end of years of unaccountable rule (1987–2011), setting the stage for the restoration of a participatory and rights-respecting government to be elected. The fall of Ben ‘Ali’s government reverberated throughout the region and the world. In no time the upheaval in Tunisia triggered

tremors in other countries. People took to the streets in Algeria, Bahrain, Egypt, Jordan, Libya and Yemen.

[Source: Amnesty International, *Report 2011* (London 2011), xii–xiii.]

TURKEY

Last *Annual Report* entry: 2010.

In a lecture on 7 May 2010, historian Taner Akçam (1953–) claimed that the *Ergenekon* group had prepared a hit list of five individuals, including Hrant Dink (assassinated in 2007), Nobel Prize for Literature winner Orhan Pamuk, and himself, all targeted for assassination because they spoke out on the Armenian genocide. They were reportedly condemned to death as “traitors to national security.” On 27 March 2011, a court in Sisli ordered Pamuk to pay fines to six plaintiffs in compensation for insulting their “Turkishness” after citing the number of Kurds and Armenians killed in Turkey. He had two weeks to appeal the case. The six who had launched the lawsuit included ultra-nationalist lawyer Kemal Kerincsiz (a suspect in the alleged *Ergenekon* coup plot and five others said to be relatives of soldiers killed during Turkey’s fight against “terrorism.”

(“Ergenekon” was the name of an alleged clandestine ultra-nationalist and state-sponsored terror organization with ties to the military and security forces, with the aim of overthrowing the government, and allegedly linked to several assassinations, including that of Hrant Dink; since October 2008, 273 people, including 116 military officers, were charged in the Ergenekon trial with trying to overthrow the government and to instigate armed riots).

[Sources: *Armenian Weekly* (11 May 2010; 28 March 2011); *Index on Censorship*, 4/10: 27–29, 206.]

On 20 July 2010, publisher Ragip Zarakolu and author Mehmet Güler were tried under the Anti-terror Law on charges of spreading propaganda that supported the banned Kurdish Workers’ Party (PKK) in a book by Güler entitled “The KCK File: The Global State and Kurds Without a State.” In May 2010, the book had been presented at the Diyarbakir Book Fair, in southeastern Turkey, where it was seized by police and subsequently banned. Zarakolu and Güler denied that the book promoted violence. Güler said that his book studied issues such as the closure of Kurdish political parties and the arrests of activists and members of city councils in the past year, adding that he “tried to give a short history of the Kurdish question, without being a supporter or an opponent for any side.” On 10 March 2011, Zarakolu was fined and Güler given a fifteen-month suspended prison term. In May 2009, Zarakolu and Güler had also been charged in another trial which concerned a novel by Güler

about the Kurdish question.

[Sources: *Index on Censorship*, 4/10: 39–40; PEN, *Ifex Alert* (26 July 2010; 14 March 2011).]

On 10 August 2010, upon his return in Turkey to visit his terminally ill father after having lived in exile for 19 years, German-Turkish writer Doğan Akhanlı (1957–) was charged with “violently undermining the constitutional order” and accused of involvement in a 1989 robbery and a murder. As a left-wing political activist, Akhanlı had joined the illegal Revolutionary Communist Party of Turkey (TDKP) after the 1980 military coup and become an underground fighter against the ruling junta. Arrested in 1985, he was convicted of membership in a terrorist organization and tortured in prison. After his release in 1987, he was kept under surveillance as a potential enemy of the state. In 1991, he and his family fled to Germany, where he was granted political asylum. In Cologne, he wrote a trilogy “Kayip Denizler” (The Disappearance of the Sea) about Turkish history. The first two volumes treated the 1970s and 1980s in Turkey; the prize-winning third volume, “Kiyamet Günü Yargıcları” (The Judges of the Last Judgment; translated into German as *Die Richter des jüngsten Gerichts*), described the Armenian genocide. Akhanlı was imprisoned. As the two principal prosecution witnesses withdrew their confessions saying that they were made under torture in 1992, Akhanlı was released on 6 December 2010. Many critics, including the German writer Günter Walraf, suspected that the trial was politically motivated.

[Sources: “Freedom and Justice for Doğan Akhanlı” (Online petition; 29 October 2010); Volker Hage & Daniel Steinvoth, “Thin Evidence: Trial of German-Turkish Author Slammed as ‘Revenge,’” *Spiegel Online* (12 August 2010); *NRC Handelsblad* (7 December 2010: 7; 9 December 2010: 8); *Wikipedia* (28 December 2010).]

In September 2010, folk music artist Pinar Sag faced four years’ imprisonment for allegedly praising İbrahim Kaypakkaya (1949–73)—founding member of the illegal Communist Party of Turkey–Marxist-Leninist (TKP-ML) in 1973—and for criticizing the killing of seventeen people by security forces. In a hearing on 15 September 2010, Sag said in her defence: “I advocated for peace.”

[Source: Bianet, *Ifex Alert* (23 September 2010).]

The repeal in September 2010 of a provision in the constitution granting immunity from prosecution to military and public officials for crimes committed during and after the 1980 military coup was significant, although jurists debated whether existing statutes of limitations for torture and murder would impede prosecution. Three trials of alleged anti-government coup plotters (the “Ergenekon” gang, comprising senior retired military, police, mafia, journalists, and academics—see Akçam entry above) continued. In related prosecutions, 69 naval officers faced trial for plotting a 2008 campaign

of violent attacks aimed at destabilizing the government, and 196 retired and serving military personnel were due to stand trial starting in December 2010 for a 2003 coup plot. The most significant attempt at bringing to justice state perpetrators of extrajudicial killings and “disappearances” continued with the ongoing trial in Diyarbakır of a now-retired colonel, village guards, and informers for the murder of 20 individuals between 1993 and 1995 in Cizre, Sırnak province.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 482–483.]

On 14 September 2010, the European Court of Human Rights (ECHR) unanimously ruled that Turkey had violated journalist Hrant Dink’s right to life (by failing to prevent the murder although the police and gendarmerie had been informed of the likelihood of an assassination attempt and even of the identity of the suspected instigators; and by not conducting an effective investigation into the failures which occurred in protecting Dink’s life) and to free expression (the guilty verdict having been handed down in the absence of a “pressing social need” and having made him a target for extreme nationalist groups). The ECHR concluded that the Court of Cassation had indirectly punished Dink for criticizing the official denial of the view that the 1915 events amounted to genocide. In paragraph 135 of the judgment, the ECHR reiterated that it was an integral part of freedom of expression to seek historical truth. In a defense argument submitted by Turkey to the ECHR, Dink had been compared to a Nazi leader and he had been accused of publishing “hate speech.” After the ECHR ruling, the Turkish government declared that it distanced itself from that argument and that it would not appeal the ECHR judgment. A murder trial of the alleged gunman and 19 other defendants in the Dink case had been ongoing for three years. (See previous NCH *Annual Reports*).

[Sources: European Court of Human Rights, *Dink versus Turkey* (<http://www.concernedhistorians.org/le/170.pdf>; <http://www.concernedhistorians.org/le/171.pdf>; Strasbourg; 14 September 2010); Bianet, *Ifex Alert* (30 August 2010); “Hrant Dink,” <http://www.hrantdinkodulu.org> (19 March 2011); Human Rights Watch, “Turkey: Uncover Plot Behind Journalist’s Murder” (16 September 2010); *Index on Censorship*, 4/10: 212; 1/11: 156–173.]

On 30 October 2010, after a court ruling, the video-sharing website YouTube, blocked since May 2008, was made accessible after videos criticizing Atatürk were made inaccessible in Turkey although visible in the rest of the world. Reporters without Borders said that thousands of websites remained blocked, in most cases for criticizing Atatürk or the army, for perceived attacks on the nation’s “dignity” or for referring to the Kurdish and Armenian minorities.

[Sources: Amnesty International, *Report 2011* (London 2011), 31–32; *Index on Censorship*, 1/11:

118; Reporters without Borders, *Ifex Alert* (8 June & 9 July & 4 November 2010).]

On 3 November 2010, writer Nevin Berktaş was arrested and detained because of her book “Difficult Places that Challenge the Faith: Prison Cells” (2000) describing resistance in the prison cells where she had been held for 22 years after the September 1980 military coup. The trial against her on charges of “spreading propaganda for an illegal organization” had been pending for ten years.

[Source: Bianet, *Ifex Alert* (24 November 2010)]

In January 2011, caricaturist Bahadır Baruter was reportedly threatened and insulted on the Internet after he designed a deck of cards with Ottoman sultans resembling insects.

[Source: Bianet, *Ifex Alert* (10 January 2011).]

In January 2011, the popular series *Muhteşem Yüzyıl* (The Magnificent Century), a fictional version of the life of Sultan Suleyman (1494–1566) which went on air on Show TV on 6 January 2011, sparked street protests and tens of thousands of complaints from conservatives and nationalists, including from the ruling Justice and Development party (AK), who felt its portrayal of the ruler’s drinking and womanizing insulted their ancestors. The series was also criticized by Deputy Prime Minister Bülent Arınç and members of the Prosperity Party (SP). Protests had started after promotional material had been broadcast from 11 December 2010 onward and billboards to advertise for the series were posted. Some people demanded cancellation of the series even before the first episode had been broadcast. On 5 January 2011, a group of protestors gathered in front of Show TV in Istanbul to express their disapproval. The Radio and Television Supreme Council (RTÜK; a body regulating the media) declared that it had received 74,911 complaints about the series between 11 December 2010 and 6 January 2011 and that the series did not display “the necessary sensitivity to the privacy of a historical figure” and broke a law stipulating that broadcasts “should not violate society’s national and moral values.” It warned that it could block future episodes if the producers did not make changes. Prime Minister Recep Tayyip Erdoğan said that “The privacy of historical figures is important. We are not a nation or a state without roots; we are a nation that built civilisations.” Suleyman became known in the West as the Magnificent and the Lawgiver in Turkey and ruled during the Ottoman Empire’s Golden Age.

[Sources: Bianet, “RTÜK: “Magnificent Century” Series Clashes with “Moral Values” (13 January 2011); *Historisch nieuwsblad* (March 2011), 27; Delphine Strauss, “Sultan’s Love Life Opens Moral Rift,” *Financial Times* (15–16 January 2011), 2.]

On 3 March 2011, Nedim Şener, a reporter for the daily national newspaper *Milliyet* and author of

The Dink Murder and Intelligence Lies (2009), was arrested together with numerous others for questioning “on suspicion of being members of the Ergenekon terrorist organization and of spreading hatred and enmity among the population,” a charge so vague that it potentially could cover legitimate acts of critical journalism. Another arrested person was socialist economist, writer and historian Yalçın Küçük (1938–), author of, inter alia, historical studies on the Ottoman and Republican periods and on Soviet economic development. Earlier in 2011, Şener had reportedly received death threats for his comments that suggested police accused of negligence into the inquiry into Dink’s death were also linked to *Ergenekon*. In one of the two books he wrote since his release, entitled “Red Friday, Who Broke Dink’s Pen?”, he had revealed secret documents about Dink’s murder, proving that the National Intelligence Agency MİT and the police had notice of the preceding death threats against Dink. On 6 March 2011, Şener and others were formally charged with being members of the Ergenekon organization. (See also NCH *Annual Report 2010*.)

[Sources: Bianet, “Several Journalists in Police Custody” (4 March 2011); Human Rights Watch, “Turkey: Journalists’ Arrests Chills Free Speech” (4 March 2011); *Ifex Communique* (16 June 2010); International Press Institute, *Ifex Alert* (16 June 2010); PEN, *Rapid Action Network 10/11* (4 & 7 March 2011).]

On 26 April 2011, demolition began of an unfinished 30 meter-high statue created by Turkish artist Mehmet Aksoy—called the Statue of Humanity and devoted to reconciliation with Armenia—in Kars, near the Armenian border. In January 2011, Prime Minister Recep Tayyip Erdogan had called it an affront to the nearby sixteenth-century shrine (rebuilt in 1996) of the Muslim Saint Hasan Harakani (963–1033). Kars’s large Armenian community had been annihilated in the 1915 genocide. In 2009, Turkey and Armenia had agreed to normalize relations after nearly a century of hostility and, therefore, the former mayor of Kars had commissioned the sculpture.

[Source: *BBC News* (10 January & 26 April 2011).]

See also United States.

TURKMENISTAN

Last *Annual Report* entry: 2009.

During his first two years in office (2006–2008), President Gurbanguly Berdimukhamedov began to reverse some of dictator Saparmurad Niyazov’s most ruinous social policies. But then his course

appeared to reverse. The government increasingly repressed NGOs and Turkmen activists, and prevented citizens from leaving the country. Instead of continuing needed reforms in education in 2010, the government introduced burdensome requirements for students seeking to travel abroad for university, and allowed “Ruhnama” (The Book of the Soul), Niyazov’s propaganda book, to remain a subject in university entrance exams.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 485.]

The authorities continued to withhold information about the whereabouts of dozens of people arrested and convicted in connection with the alleged assassination attempt on former President Saparmurad Niyazov in 2002. Calls on the authorities to disclose information about those who had died in custody remained unanswered.

[Source: Amnesty International, *Report 2011* (London 2011), 332.]

UGANDA

Last *Annual Report* entry: 2009.

In June 2010, the International Crimes Act, which incorporated the 1998 Rome Statute of the International Criminal Court (ICC) into domestic law, came into effect. Arrest warrants issued in 2005 by the ICC for Joseph Kony, leader of the Lord's Resistance Army (LRA), and three LRA commanders remained in force, but the men remained at large.

[Source: Amnesty International, *Report 2011* (London 2011), 332.]

See also Congo (Democratic Republic).

UKRAINE

Last *Annual Report* entry: 2010.

On 15 June 2010, a court was due to start hearing a lawsuit initiated by Volodymyr Volosyuk against President Viktor Yanukovich for declaring in the Parliamentary Assembly of the Council of Europe in Strasbourg in April 2010 that the famine that killed millions of Ukrainians in the 1930s had affected many nationalities and ethnic groups, and that therefore it was not fair to label it genocide. Volosyuk argued that Yanukovich wounded his personal honor and dignity and the memory of the millions of Ukrainians who died in the famine; he asked for an apology.

[Source: "Ukrainian Sues Yanukovich Over Famine Statement," *RFE/RL* (15 June 2010).]

In early September 2010, Minister of Education Dmytro Tabachnyk reportedly ordered to remove passages about the 2004 Orange Revolution (which, prompted by fraudulent elections, led to the defeat of Yanukovich) from the new 2010 history textbooks and replace it with summary information on the 2004–2010 period. The textbooks for the fifth class, with a print run of 506,000, received a new front cover without the background picture containing the Orange Revolution protests that was included in the 2005 edition; the 2010 edition had only Cossack leaders on the front cover. In a Russophile turn, other passages reportedly cut out included episodes when Ukrainians fought against Russia for independence. The Holodomor of 1932–1933 was no longer designated as "artificial" and directed against Ukraine.

[Source: Taras Kuzio, "Orange Revolution Erased from Ukrainian School Textbooks"]

(<http://www.jamestown.org/blog>; 7 September 2010).]

On 8 September 2010 in Kyiv, members of the Security Service of Ukraine (SBU) detained historian Ruslan Zabily (also: Zabilyi), the director of the Memorial Museum at the former prison of Lonskoho in Lviv (a museum under SBU auspices), for fourteen hours for planning to divulge state secrets. His computer was confiscated on the grounds that it allegedly contained top-secret documents. On 9 September 2010, the SBU launched a criminal case against him for alleged violation of national secrecy laws. On 13 and 14 September 2010, SBU officers in Lviv searched the museum and removed other computers to determine whether secret information was stored there. Zabily declared that his computer only contained documents concerning the guerrilla UPA (Ukrainian Resistance Army, the military wing of the Organization of Ukrainian Nationalists, OUN) and the Ukrainian independence movement in the 1940s and 1950s, all of which were documents declassified in 1991, and for some, in 2008–2009 (when former President Victor Yushchenko had decreed that secret archival documents be declassified). Volodymyr Vyatrovych, the former director of the SBU and the SBU archive, endorsed this opinion. On 15 September 2010, more than 100 leading historians from around the globe issued an open letter to SBU, protesting against Zabily's detention and calling on the government not to restrict archival access.

In October 2009, Lviv historians and others had signed an open appeal to the government and the SBU expressing their opposition to the creation of the museum under SBU auspices, inter alia because the museum would also serve as a research institution aimed at studying the history of repression against the Ukrainian and other peoples in the twentieth century.

[Sources: "Director of the National Museum-Prison "Tyurma na Lonskoho" Detained by the Security Service" (Human Rights in Ukraine; <http://khpg.org/index.php?id=1284024778>; 9 September 2010); Natalia Feduschak, "Harassment of Historian Raises Censorship Fears," *Kyiv Post* (15 September 2010); "Lviv Museum-Prison "Tyurma na Lonskoho" Must Not Be under the Auspices of the SBU" (Human Rights in Ukraine; <http://www.khpg.org/en/index.php?id=1254833201>; 6 October 2009); "SBU Claims that Historian Wanted To Pass on State secrets" (Alliance Maidan, Ukraine; <http://eng.maidanua.org/node/1143>; 9 September 2010).]

UNITED KINGDOM

Last *Annual Report* entry: 2010.

In March 2010, the Ministry of Defense announced the establishment of the Iraq Historic Allegations

Team to investigate allegations of criminal wrongdoing in relation to the abuse of Iraqi citizens by United Kingdom armed forces. Investigations began in November 2010 and were expected to take two years.

[Source: Amnesty International, *Report 2011* (London 2011), 340.]

On 15 June 2010, the Bloody Sunday Inquiry published its findings into the events of Sunday 30 January 1972, during which thirteen civil rights marchers were killed and as many others wounded by British soldiers in Derry, Northern Ireland. The inquiry concluded that none of those killed or injured that day bore any responsibility for the shootings; none of them posed a threat. It confirmed that several of the victims were shot in the back while running away. It also found that the accounts put forward by many of the soldiers were manifestly and knowingly untrue. Accordingly, the deaths and injuries caused by British soldiers that day were found to be unjustified. In response, Prime Minister David Cameron gave a public state apology for the “unjustified and unjustifiable” killing.

[Sources: Amnesty International, *Report 2011* (London 2011), 31, 340; Human Rights Watch, *World Report 2011* (Washington 2011), 436.]

In June or July 2010, Robert Service, professor of history at Oxford University, and former Cambridge fellow Rachel Polonsky threatened to sue historian Orlando Figes, history professor at Birkbeck College, London for defamation because he had posted negative pseudonymous reviews of their works on the British site of online bookseller Amazon. On 23 April 2010, Figes had already issued a statement in which he admitted responsibility for the reviews (after first denying it and threatening to sue for libel anyone who connected him with the reviews) and apologized to Service and Polonsky. After the latter threatened to go to court, Figes agreed to pay legal costs and damages and to issue a second apology to them. Polonsky declared that her book, *Molotov's Magic Lantern*, had benefited from the publicity surrounding the affair.

[Sources: *Daily Mail* (23 April 2010); *Guardian* (16 July 2010); *New York Times* (19 July 2010); “Orlando Figes,” *Wikipedia* (23 October 2010).]

In September 2010, *MI6: The History of the Secret Intelligence Service 1909–1949* was published. During research for this first official history of MI6 (2005–2010), Northern Irish author Keith Jeffery, a member of the School of History and Anthropology at Queen's University, Belfast, had “full and unrestricted” but privileged access to MI6's closed archives. MI6 officially acknowledged its existence in 1994 only; it did not release any of its departmental records to the British National Archives. Jeffery accepted some constraints, but argued that as long as deletions were restricted to “genuine matters of national security” rather than an attempt to protect the agency from

embarrassment, or to suppress failure or wrongdoing, “it ought to be a price worth paying.” A similar study for the Security Service (MI5), *The Defence of the Realm: The Authorized History of MI5*, was published by historian Christopher Andrew in 2009.

[Sources: David Jobbins, “UK: Belfast Historian Sheds Light on Secret Service,” *University World News* (26 September 2010); *NRC Handelsblad* (1 October 2010) 15.]

See also Myanmar, Thailand.

UNITED STATES

Last *Annual Report* entry: 2010.

In November 2009, the National Security Archive (NSA) submitted a Freedom of Information Act (FOIA) request to access a 600-plus-page internally-produced history of Nazi-hunting and Nazi-protecting by the United States (US) government written by staff of the Justice Department Office of Special Investigations (OSI; the unit responsible for excluding or deporting Nazi collaborators who entered the US illegally or fraudulently following World War II). The department denied the request on grounds that the history—although commissioned by former Attorney General Janet Reno in the late 1990s, completed in 2006 and never revised since then—was a “predecisional” draft and therefore withholdable under the fifth exemption to the FOIA (“inter-agency or intra-agency memorandums or letters”). In May 2010, after the NSA filed suit, the department released a heavily redacted version of the report, in which roughly a quarter of the contents were blacked-out (even the “personal opinions” of Congresswoman Liz Holtzman as she had expressed them in public as well as to the author of the history). In November 2010, former officials leaked the full, uncensored text of the report to the *New York Times*, which published it on its website and featured some of its more notable revelations in a front-page article entitled “Nazis Were Given ‘Safe Haven’ in US, Report Says.” While some of the withheld information was embarrassing, most of it was not and much of it was already in the public domain. The department continued to withhold the “official” version for a further two months, releasing it with minor deletions days before it was scheduled to justify its actions in court. In 2009, the Justice Department had been charged by President Barack Obama with the responsibility of ensuring compliance with his directive that a “presumption of openness” should govern all official disclosure decisions.

[Sources: *Index on Censorship*, 1/11: 33–34; National Security Archive, “Justice Department Censors Nazi-Hunting History” (13 November 2010).]

On 3 September 2010, Kaukab Siddique, associate professor of English and journalism at Lincoln University, Pennsylvania, called the state of Israel illegitimate at a pro-Palestinian rally in Washington. Asked about previous statements in which he had said that the Holocaust was a “hoax” intended to buttress support for Israel, Siddique replied that he was protected by academic freedom. After a controversy broke out, Siddique received threatening emails. Cary Nelson—the president of the American Association of University Professors known for his defense of the right of professors to take highly unpopular positions—declared that academic freedom protects the professor’s right to criticize the moral legitimacy of the Israeli state but that with regard to the Holocaust the question was whether the views called into question professional competence: “If he [Siddique] teaches modern literature, which includes Holocaust literature from a great many countries, then Holocaust denial could warrant a competency hearing,” Nelson commented. Siddique’s statements also prompted a letter from two Pennsylvania state senators in October 2010.

[Source: Dan Berrett, “Academic Freedom and Holocaust Denial,” *Inside Higher Ed* (26 October 2010).]

In September 2010, some conservative Texas Board of Education members asserted that the history textbooks presented a pro-Islamic and anti-Christian bias; for example, they reportedly spelled out atrocities committed by Christian crusaders while ignoring similar atrocities by Muslim fighters and reportedly called Christians “violent attackers” or “invaders” while playing down Muslim conquests in Europe as “migrations.” (See also NCH *Annual Report 2010*.)

[Source: *New York Times* (22 September 2010).]

In September 2010, the Pentagon [Department of Defense] bought up and on 20 September 2010 destroyed 10,000 copies of the book *Operation Dark Heart*. The book, an insider’s account written by Lieutenant Colonel Anthony Shaffer about life in Afghanistan, had been cleared for publication by Shaffer’s superiors at the United States army reserve command despite being critical of strategy in Afghanistan. The Pentagon justified its action because the book “contained information which could cause damage to national security.” Only a few copies survived the destruction. Shaffer agreed to a redacted version of the book, which was released days later. He declared that, although the Pentagon had promised “surgical” censorship, the book had been substantially redacted throughout its 300 pages with black marks replacing words or passages deemed unacceptable.

[Source: *Telegraph* (26 September 2010).]

In September 2010, *Our Virginia: Past and Present* (Five Ponds Press, Weston, Connecticut)—a

history textbook written by Joy Masoff and distributed for the first time to fourth-graders of the public elementary schools in the State of Virginia—claimed that thousands of African Americans fought for the South during the Civil War (1861–1865). The claim, often made by groups disputing the widely accepted conclusion that the struggle over slavery was the main cause of the Civil War (such as the Sons of Confederate Veterans), was called a misrepresentation by professional historians.

[Source: *Washington Post* (20 October 2010).]

On 8 November 2010, Waziyatawin, a historian and professor of indigenous studies at the University of Victoria, British Columbia, Canada, and an activist for land rights of the Dakota people, gave a lecture at Winona State University, Minnesota, about reclaiming Native American land rights “by any means necessary.” After a student accused her of inciting violence against white people, the Federal Bureau of Investigation (FBI), reportedly concerned about national security, called her. A spokesperson for the FBI would not confirm whether there was an active investigation.

[Source: Canadian Broadcasting Corporation, “B.C. Professor’s Lecture Prompts FBI Call” (11 January 2011).]

On 30 November 2010, the Turkish Coalition of America (TCA) sued the University of Minnesota for defamation over the website of its Center for Holocaust and Genocide Studies (CHGS) which contained a list of “unreliable websites” for research on genocide—including the TCA website—because they did not call the 1915 Armenian massacres a genocide. The CHGS removed the links to “unreliable websites”; it declared, however, that the decision to remove them was taken before it was informed of the TCA charge. On 30 March 2011, a federal judge ruled in favor of the university, arguing that the CHGS had the right to express views criticizing websites that argued against the certainty of an Armenian genocide and that the CHGS was free to indicate to students that it thought that certain websites were not proper sources for scholarly research. The ruling was unusual in that it was decided strictly on the issue of academic freedom.

[Sources: Scott Jaschik, “Suit Over ‘Unreliable Websites,’” *Inside Higher Ed* (1 December 2010); Sott Jaschik, “Unusual Ruling for Academic Freedom,” *Inside Higher Ed* (31 March 2011).]

In [November] 2010, a judge ruled that an article by David Holthouse (see *NCH Annual Report 2009*) had to feature a “retraction and apology” that contained the following passage: “We now realize that we misunderstood Professor [Gunter] Lewy’s scholarship, were wrong to assert that he was part of a network financed by the Turkish Government, and were wrong to assume that any scholar who challenges the Armenian genocide narrative necessarily has been financially compromised by the

Government of Turkey. We hereby retract the assertion that Professor Lewy was or is on the Government of Turkey's payroll."

[Source: Scott Jaschik, "Suit Over 'Unreliable Websites,'" *Inside Higher Ed* (1 December 2010).]

In 2010, there continued to be an absence of accountability and remedy for the human rights violations, including the crimes under international law of torture and enforced disappearance, committed as part of the United States (US) program of secret detention and rendition (transfer of individuals from the custody of one state to another by means that bypass judicial and administrative due process) operated under the administration of President George W. Bush (2001–2009). In his memoirs, published in November 2010, and in a pre-publication interview, Bush admitted that he had personally authorized "enhanced interrogation techniques" for use by the Central Intelligence Agency (CIA) against detainees held in secret custody. On 9 November 2010, the US Department of Justice announced, without further explanation, that no one would face criminal charges in relation to the destruction in 2005 by the CIA of videotapes made of the interrogations of two detainees—Abu Zubaydah and 'Abd al-Nashiri—held in secret custody in 2002. The 92 tapes depicted evidence of the use of "enhanced interrogation techniques" against the two detainees. The "preliminary review" ordered in August 2009 by Attorney General Eric Holder into some aspects of some interrogations of some detainees held in the secret detention program was apparently continuing at the end of 2010. On 8 September 2010, the full US Court of Appeals for the Ninth Circuit upheld the US administration's invocation of the "state secrets privilege" and agreed to dismiss a lawsuit brought by five men who claimed they were subjected to enforced disappearance, and torture or other cruel, inhuman or degrading treatment at the hands of US personnel and agents of other governments as part of the US secret detention and rendition program operated by the CIA. The six judges in the majority pointed to the possibility that "non-judicial relief" might be open to the plaintiffs, and that action to this end could be taken by the executive or Congress. There were calls for the US to investigate how much US officials knew about the torture or other ill-treatment of detainees held by the Iraqi security forces after new evidence emerged in files released by the Wikileaks organization in October 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 16, 343–344.]

In March 2011, William Cronon, Frederick Jackson Turner and Vilas research professor of history, geography and environmental studies at the University of Wisconsin and president-elect of the American Historical Association, was asked to write an article for the *New York Times* on the historical context of the effort of Scott Walker, Governor of Wisconsin, to get a state law approved to strip public-employee unions (including University of Wisconsin employees) of most bargaining rights. During his research for the article, on 14 March 2011, Cronon posted on his blog critical

observations about the network of conservatives reportedly working to undermine union rights. He pointed to the American Legislative Exchange Council, a conservative group backed by business interests that circulated draft legislation in every state capital, much of it similar to a union-busting law in Wisconsin. On 16 March 2011, the Republican Party of Wisconsin filed a freedom-of-information request (on the basis of the Wisconsin Open Records Law) with the university, demanding copies of all emails into and out of Cronon's state email account from 1 January 2011 which referenced any of the following terms: Republican, Scott Walker, recall, collective bargaining, AFSCME (American Federation of State, County and Municipal Employees), WEAC (Wisconsin Education Association Council), rally, union, Alberta Darling, Randy Hopper, Dan Kapanke, Rob Cowles, Scott Fitzgerald, Sheila Harsdorf, Luther Olsen, Glenn Grothman, Mary Lazich, Jeff Fitzgerald, Marty Beil, or Mary Bell. The purpose of the request was reportedly to see whether Cronon supported the recall of Republican state senators, which would be against university policy (he would then have violated a state law barring public employees from using state resources, such as their work e-mail accounts, for partisan political purposes). On 21 March 2011, the article in the *New York Times* appeared. The demand was called an abuse of academic freedom with a chilling effect on the university. On 27 March 2011, the American Historical Association deplored what it called an effort to intimidate Cronon. On 1 April 2011, Chancellor Caroly Martin of the University of Wisconsin at Madison partially complied with the state open records request by releasing a selection of Cronon's e-mails, excluding those e-mails involving personal communications, those about personnel matters, and those reflecting "intellectual communications among scholars." The university noted that confidentiality of scholarly discussions was vital to scholarship and to the mission of the university; that faculty members had to be afforded privacy in these exchanges in order to pursue knowledge and develop lines of argument without fear of reprisal for controversial findings and without the premature disclosure of those ideas; that the public interest in intellectual communications among scholars as reflected in Cronon's e-mails was outweighed by other public interests favoring protection of such communications; and that having every exchange of ideas subject to public exposure put academic freedom in peril and threatened the processes by which knowledge was created. The Republican Party did not plan to appeal the partial denial of its request. [Sources: William Cronon, "Wisconsin's Radical Break," *New York Times* (21 March 2011); William Cronon, "Scholar as Citizen" (blog; <http://scholarcitizen.williamcronon.net>); Doug Lederman, "Wisconsin Stands Up for Professor," *Inside Higher Ed.* (4 April 2011); Peter Schmidt, "Wisconsin GOP Seeks E-Mails of a Madison Professor Who Criticized the Governor," *Chronicle of Higher Education* (25 March 2011); "A Shabby Crusade in Wisconsin" (editorial), *New York Times* (25 March 2011).]

On 14 April 2011, the National Security Archive (NSA) filed a Freedom of Information Act (FOIA) lawsuit to compel the Central Intelligence Agency (CIA) to release its five-volume Top Secret "Official History of the Bay of Pigs Invasion". Based on a review of hundreds of CIA documents and on dozens of interviews with key operatives and officials involved in this 1961 operation, it was written by CIA historian Jack Pfeiffer (?–1997) in the 1970s. In 1987, then retired, Pfeiffer himself filed an unsuccessful FOIA lawsuit seeking the release of volume 5 ("Internal Investigation Report"). Volume 3 (Evolution of CIA's Anti-Castro Policies, 1951–January 1961) was released in 1998. In 2005, the NSA had already unsuccessfully requested the disclosure of the study.

[Source: National Security Archive, *Update* (14 April 2011).]

See also Bolivia, Colombia, Germany, India, Iran, Iraq, Israel, Kyrgyzstan, Myanmar, Philippines, Russia, Sri Lanka, Thailand.

URUGUAY

Last *Annual Report* entry: 2010.

On 2 August 2010, former Montevideo provincial congressman for the Communist Party of Uruguay (PCU), Carlos Alberto Tutzó López, sued journalist Álvaro Alfonso in defamation and demanded the confiscation of all editions of his book *Secretos del Partido Comunista* (Secrets of the Communist Party; July 2008). A book passage claimed that Tutzó, arrested in 1977 by agents of the military dictatorship (1973–1985), was a "collaborator" with his jailers.

[Source: Inter American Press Association, *Ifex Alert* (10 August 2010).]

Some positive steps were taken to break the cycle of impunity for human rights violations committed during the nearly twelve-year period of civilian and military rule (1973–1985). In October 2010, the Supreme Court of Justice ruled unanimously that the 1986 Law on the Expiration of the Punitive Claims of the State (Expiry Law) was unconstitutional in the case of former President Juan María Bordaberry (1971–1976), thus allowing his trial to continue. He was charged with ten cases of homicide. This was the Supreme Court's second landmark ruling on the Expiry Law, which prevented the prosecution of police and military officials for crimes committed under military rule. However, the ruling applied only to the case at hand and therefore did not provide for the reopening of previously archived cases. In the same month, members of Congress presented a bill that would declare three articles of the Expiry Law null and void. The Chamber of Deputies approved the bill,

but it remained pending before the Senate at the end of 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 15, 346.]

UZBEKISTAN

Last *Annual Report* entry: 2010.

On 10 February 2010, photographer and videographer Umida Ahmedova was convicted of defamation and insulting the Uzbek people for publishing a book of photographs in 2007 and producing a documentary film in 2008 that reflect everyday life and traditions in Uzbekistan, with a focus on gender inequality. She was acquitted.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 498.]

See also Kyrgyzstan.

VATICAN

Last *Annual Report* entry: 2009.

In 2008, German church historian Hubert Wolf (1959–) published *Papst und Teufel, Die Archive des Vatikan und das Dritte Reich* (translated as *Pope and Devil: The Vatican's Archives and the Third Reich* in 2010), for which he made use of these archives.

[Source: John Pollard, “Pope and Devil: the Vatican's Archives and the Third Reich,” *Times Higher Education* (19 August 2010).]

VENEZUELA

Last *Annual Report* entry: 2010.

VIETNAM

Last *Annual Report* entry: 2010.

In 2008, Thich Quang Do (1928–), a Buddhist scholar and poet, author of several novels and studies of Buddhist history, became Supreme Patriarch of the unofficial Unified Buddhist Church of Vietnam. In 2010, he remained under *de facto* house arrest (See previous NCH *Annual Reports*).

[Sources: Amnesty International, *Report 2011* (London 2011), 15, 352; Freedom House, “Thich Quang Do” (9 December 2010).]

In April 2011, Bui Chat ([1984–])—founder-director of the underground Giay Vun publishing house that had published the works of banned authors, including poets and historians, for almost a decade—received the International Publishers Association Freedom to Publish Prize. On 30 April 2011, after he returned home from Argentina where he picked up the prize, he was briefly arrested, his house was searched and his prize was confiscated. On 2 May 2011, Bui Chat was released but he remained under surveillance and subject to interrogation.

[Sources: International Publishers Association, *Ifex Alert* (28 April 2011); International Publishers Association, *Press Releases* (2 & 3 May 2011); *Ifex Communiqué* (4 May 2011); Reporters without Borders, “Independent Publisher Freed, but Questioned Again” (5 May 2011).]

WESTERN SAHARA

See Morocco/Western Sahara.

YEMEN

Last *Annual Report* entry: 2010.

ZAMBIA

Last *Annual Report* entry: 2009.

ZIMBABWE

Last *Annual Report* entry: 2010.

On 26 March 2010, armed police raided an art gallery in Bulawayo that presented pictures of victims and families from the Matabeleland massacres in the 1980s in which an estimated 20,000 people were killed by troops loyal to President Robert Mugabe. They arrested artist Owen Maseko on charges of “insulting or undermining the authority of the president,” later altered into “publication of false statements prejudicial to the state.” He spent four days in police custody before he was released on bail. In late 2010, he awaited trial.

[Sources: Human Rights Watch, *World Report 2011* (Washington 2011), 198; D. Smith, “Police Shut Art Gallery for Showing Images of Zimbabwe Political Violence,” *Guardian*, (4 April 2010).]

INTRODUCTION

The sixteenth *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists, and archaeologists around the globe, as reported by various human rights organizations and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

The complete set of *Annual Reports* (1995–2010) was compiled by Antoon De Baets. Please send any comments to: <antoondebaets@concernedhistorians.org>.

Please quote as:

Network of Concerned Historians, *Annual Report 2010* (<http://www.concernedhistorians.org>).

AFGHANISTAN

Last *Annual Report* entry: 2009.

The failure to implement the 2005 Action Plan on Peace, Justice and Reconciliation and disband illegal armed groups allowed individuals suspected of serious human rights violations to stand for and hold public office. The Afghan government and its international supporters failed to institute proper human rights protection mechanisms ahead of the August 2009 elections. The elections were marred by violence and allegations of widespread electoral fraud. Despite a public outcry, President Karzai's post re-election cabinet included several figures facing credible and public allegations of war crimes and serious human rights violations committed during Afghanistan's armed conflicts (1978–2001), as well as after the fall of the Taleban (2001–). Human rights groups continued to document war crimes.

[Sources: Amnesty International, *Report 2010* (London 2010) 55; Human Rights Watch, *World Report 2010* (Washington 2010) 271.]

On 27 October 2007, **Sayed Parwez Kambakhsh**, a student and part-time journalist in his early twenties, was detained in Mazar e-Sharif, Balkh province, northern Afghanistan, accused of writing and distributing an article that criticized the role of women in the Quran. Kambakhsh declared that he had merely downloaded the article from the Internet and sent it to friends, and that, while in detention, he had been forced to sign a confession after torture. On 22 January 2008, the court in Balkh sentenced Kambakhsh to death for blasphemy (insulting Islam and the prophet) in a trial of a few minutes. One of the pieces accepted as evidence was a book found in his bedroom, *The Story of Civilization* (title possibly *Religion in the Story of Civilization*), written by American historian Will Durant (1885–1981). In October 2008, an appeals court upheld the conviction but commuted his sentence to twenty years' imprisonment because the prime witness for the prosecution had retracted his statement. In February 2009, the Supreme Court upheld the sentence. He was reportedly under threat from his fellow prisoners. In August or September 2009, President Hamid Karzai pardoned him. Kambakhsh was granted asylum in Europe.

[Sources: *BBC News* (Online; 7 September 2009); Human Rights Watch, "Afghanistan: 20-Year Sentence for Journalist Upheld—Politicized Case Shows Grave Threat to Freedom of Expression" (Online; 10 March 2009); International PEN Writers in Prison Committee, "Sayed Parwez Kambakhsh—Afghanistan" (Online).]

See also Pakistan.

ALBANIA

Last *Annual Report* entry: 1996.

See Serbia.

ALGERIA

Last *Annual Report* entry: 2009.

In 2009, under a state of emergency imposed in 1992, and with President Abdelaziz Bouteflika winning reelection to a third term, perpetrators of atrocities during the internal conflict (1992–2000) continued to enjoy impunity. The legal framework for that impunity was the 2006 Law on Peace and National Reconciliation, which provided an amnesty to security force members for the actions they took in the name of combating terrorism, and to armed group members not implicated in the most heinous acts. The law promised compensation for families of disappeared persons but at the same time made it a crime to denigrate state institutions or security forces for the way they conducted themselves during the internal conflict.

Over 100,000 Algerians died during political internal conflict. Thousands more were abducted by security forces or armed opposition groups, and never located, dead or alive. On 19 April 2009, Bouteflika expressed his continuing commitment to the process of “national reconciliation” initiated when he first came to power in 1999. During his election campaign, he proposed the introduction of an amnesty for armed groups. In August 2009, the government promulgated Law 09–04 and issued a presidential decree to make the Algerian National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH) more transparent and independent. In March 2009, the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions had recommended not to fully accredit the CNCPPDH for failing to comply with the Paris Principles on national human rights institutions.

In 2009, the authorities took no further steps to investigate the thousands of enforced disappearances that took place during the internal conflict of 1992–2000. In September 2009, the father of Faycal Benlatreche (one of the disappeared), who had continued to campaign for truth and justice over many years and who founded the Association of the Families of the Disappeared in Constantine, died. In August 2009, a government minister reportedly said that almost 7,000 families of the disappeared had accepted financial compensation from the state, totalling 11 billion dinars

(about 14 million American dollars). CNCPPDH head Farouk Ksentini called for an official public apology to be made to the families of the disappeared but also described some of their demands for truth and justice as impossible to realize. Associations of families of the disappeared faced harassment such as registration difficulties and bans on their meetings. They condemned the continued failure of the state to provide a detailed account of the fate of their missing relatives.

[Sources: Amnesty International, *Report 2010* (London 2010) 48, 60, 61; Human Rights Watch, *World Report 2010* (Washington 2010) 480, 482.]

See also Morocco/Western Sahara.

ANGOLA

Last *Annual Report* entry: 2009.

ARGENTINA

Last *Annual Report* entry: 2009.

In 2008 and 2009, Argentina actively promoted international resolutions to curb impunity for abuses. Its efforts led to a 2008 United Nations (UN) Human Rights Council resolution recognizing the importance of the right to the truth, encouraging states to implement the recommendations of non-judicial bodies (such as truth and reconciliation commissions), and to establish specific mechanisms to complement the justice system to investigate gross human rights violations. In June 2009, the Organization of American States Permanent Council adopted a similar resolution. In March 2009, the UN Human Rights Council approved another resolution proposed by Argentina, which encouraged states to use forensic genetics to contribute to identifying remains of abuse victims, and to restore the identity of individuals who were separated from their families, including those taken away when they were children.

[Sources: Human Rights Watch, *World Report 2010* (Washington 2010) 196; United Nations Resolution of 2008 at http://www.concernedhistorians.org/content_files/file/to/163.pdf; United Nations Resolution of 2009 at http://www.concernedhistorians.org/content_files/file/to/204.pdf; Organization of American States resolution of 2009 at http://www.concernedhistorians.org/content_files/file/to/198.pdf.]

In 2009, Argentina made significant progress in prosecuting military and police personnel responsible for disappearances, killings, and torture during the last military dictatorship (1976–1983). Several important cases were reopened in 2003 after Congress annulled the 1986 “Full Stop” law, which forced a halt to the prosecution of all such cases, and the 1987 “Due Obedience” law, which granted automatic immunity in such cases to all members of the military, except those in positions of command. In June 2005, the Supreme Court declared the laws unconstitutional. In addition, since 2005 several federal judges had struck down pardons decreed by then-president Carlos Menem in 1989–1990 of former officials convicted of or facing trial for human rights violations. As of July 2009, 588 people faced charges for these crimes. Since the amnesty laws were annulled, 44 people had been convicted. Delay in judicial processes undermined accountability, however. According to the Center for Legal and Social Studies, 193 people implicated in crimes committed during the dictatorship died before being brought to justice. An important reason for the delay was that several complex cases were on the docket to be heard by the same tribunal in the city of Buenos Aires. In March 2009 some cases were redistributed to other tribunals. The security of witnesses in human rights trials was also a serious concern. According to the Prosecution Co-ordination Unit, at the end of 2009 more than 600 people were facing criminal proceedings for human rights violations, including enforced disappearances. Trials resulted in more than thirty convictions during the year.

[Sources: Amnesty International, *Report 2010* (London 2010) 65; Human Rights Watch, *World Report 2010* (Washington 2010) 192–193.]

During the military regimes of 1976–1983, the ESMA Naval Mechanics School served as a clandestine detention center, where thousands of people were forcibly disappeared, or tortured, or both. Seventeen former ESMA officers finally went on trial for human rights abuses, including torture and murder. Officer Alfredo Astiz was first prosecuted in relation to these crimes in 1985 but amnesty laws, since-repealed, halted the proceedings.

[Source: Amnesty International, *Report 2010* (London 2010) 12.]

In September 2009, President Cristina Fernández de Kirchner sent a legislative proposal to Congress to decriminalize defamation to comply with the court ruling in the case of historian Eduardo Kimel (*See NCH Annual Report 2009*). In November 2009, the proposal was approved. On 6 January 2010, Fernández decreed that the armed forces declassify all documents related to 1976–1983.

[Sources: Human Rights Watch, *World Report 2010* (Washington 2010) 193–194; *Keesings historisch archief* (2010) 150; Kimel judgment at:

http://www.concernedhistorians.org/content_files/file/1e/105.pdf.]

See also Brazil, Paraguay, Uruguay.

ARMENIA

Last *Annual Report* entry: 2006.

Turkish-born Armenian journalist **Murad Bojolyan** (1950–), a historian and oriental specialist graduated at the Department of Oriental Studies of Yerevan State University (1972) and author of a book about the Ottoman Empire (published in Russian), was charged in 1992 with spying for the Turkish National Intelligence Organization MIT and communicating to them information in exchange for payment concerning Armenia's and Nagorno Karabakh's military, economic and political affairs, particularly about the Russian troops based in Armenia (*See NCH Annual Report 2006*). The information, communicated by Bojolyan for personal gain, included, *inter alia*, data concerning border controls, military personnel, radar and military installations, and military aircraft. Retracting an earlier confession, Bojolyan argued that all the information had been collected from the mass media and was thus in the public domain. In December 2002, a court in Yerevan found Bojolyan guilty of treason and sentenced him to ten years' imprisonment with confiscation of all property. His various appeals were dismissed. In November 2009, the European Court of Human Rights did not find it unreasonable that even certain types of non-classified information, if collected by an intelligence service of a foreign state, might cause damage to national security and that the state had a legitimate interest in making the communication of such information to a foreign intelligence service a punishable act. It rejected Bojolyan's application.

[Source: European Court of Human Rights, *Final Decision as to the Admissibility of Application no. 23693/03 by Murad Bojolyan against Armenia* (Strasbourg, 3 November 2009), at: http://www.concernedhistorians.org/content_files/file/1e/149.pdf.]

See also Turkey.

AUSTRALIA

Last *Annual Report* entry: 2009.

See Fiji, Indonesia.

AUSTRIA

Last *Annual Report* entry: 2009.

AZERBAIJAN

Last *Annual Report* entry: 2009.

On 31 December 2009, journalist **Eynulla Fatullayev** (*See NCH Annual Report 2009*) was sentenced to two months (later four months) pre-trial detention on the charge of narcotics possession because some heroin had allegedly been found in his jacket. The drugs incident was widely seen as a trumped-up charge aimed at keeping Fatullayev in prison regardless of a forthcoming European Court of Human Rights (ECHR) judgment. On 18 March 2010, Fatullayev was threatened with death in an anonymous call to his father. On 22 April 2010, the ECHR ruled that Fatullayev's rights to free expression and to a fair trial had been violated and that he should be given compensation. The court, by a vote of six to one, also ordered his immediate release. It also reiterated the role that freedom of speech and the media play in a democratic society to seek out historical truth. The Azerbaijani government filed an appeal at the ECHR Grand Chamber. On 2 June 2010, Fatullayev began a hunger strike, which ended several days later after he was told that President Ilham Aliyev was informed about his situation and the ECHR judgment. On 6 July 2010, a Baku court convicted Fatullayev of drug possession and sentenced him to 2,5 years' imprisonment.

[Sources: Article 19, "Azerbaijan: European Court Orders Release of Wrongly Imprisoned Journalist Eynulla Fatullayev" (23 April 2010); Article 19, "Azerbaijan: Eynulla Fatullayev Sentenced to 2.5 Years' Imprisonment on New Political Charge" (7 July 2010); Committee To Protect Journalists, *Ifex Alert* (Online; 31 December 2009; 22 January 2010; 18 March 2010); Idem, "Petitioners Urge Azerbaijan To Free Eynulla Fatullayev" (Online; 20 January 2010); European Court of Human Rights, *Eynulla Fatullayev versus Azerbaijan: Statement of Facts* (Online

http://www.concernedhistorians.org/content_files/file/le/150.pdf; 9 September 2008); Human Rights Watch, “Azerbaijan: European Court Orders Release of Journalist” (22 April 2010); *Ifex Communiqué* (Online; 19 June 2010); Institute for Reporters Freedom and Safety, Press releases (Online; 30 December 2009, 1 January & 2 February & 1 March & 26 May & 7 July 2010); PEN, *RAN 27/07 Update # 7* (Online; 1 June 2010); Reporters Without Borders, “In Latest Provocative Move, Authorities Say Heroin Found on Imprisoned Journalist” (Online; 31 December 2009); Reporters Without Borders, *Ifex Alert* (22 July 2010).]

On 29 July 2009, a district court dropped charges against **Avaz Zeynalli**, chief editor of the newspaper *Khural*, for his translation and publication of Adolf Hitler’s *Mein Kampf*.

[Source: *Index On Censorship*, 4/09: 118.]

On 31 August 2009, the Supreme Court upheld the decision of a district court to confiscate and destroy the manuscript of a book written in prison by **Ganimat Zahid**, chief editor of the newspaper *Azadlig*, about the modern history of Azerbaijan. Zahid wrote the history book while serving a four-year prison sentence on charges of hooliganism since November 2007. The prison head confiscated the handwritten 300-page manuscript from Zahid, declared that it included statements against the Azerbaijani government, ex-president Heydar Aliyev, and incumbent president Ilham Aliyev, and destroyed it. Zahid filed a lawsuit against the prison administration and demanded that they be fined in compensation.

[Sources: Azeri Report, “Last Words of Ganimat Zahid” (Online [2008]); Institute for Reporter Freedom and Safety, *Ifex Alert* (2 September 2009); *Index On Censorship*, 4/09: 116.]

BAHRAIN

Last *Annual Report* entry: 2009.

On 9 February 2010, the Bahrain Center for Human Rights reported that the government banned books regarding the Shi'ite majority, including history books.

[Source: Bahrain Center for Human Rights, *Ifex Alert* (9 February 2010).]

In May 2010, the Ministry of Culture and Information banned and confiscated all copies of a book edition of the diary of Charles Belgrave (1894–1969), a British key adviser to Bahrain's rulers, Shaikh Hamad ibn Isa Al Khalifa and Shaikh Salman ibn Hamad Al-Khalifa, from 1926 to 1957. As Belgrave contributed to governmental reform and documented his relationship with the governor, his diary (published in full, printed for the first time, and imported from Lebanon by the Bahraini Al-Isma House) was one of the most significant sources for Bahraini history. The diary reportedly contained sections criticizing the rulers and sensitive sections about income distribution, land appropriation, sectarian discrimination, and political opposition movements. The diary's original copy was believed to be in the possession of the government, which refrained from publishing it. The diary's content, however, had later been leaked and published on several websites by anonymous institutions and individuals.

[Source: Bahrain Center for Human Rights, *Ifex Alert* (27 May 2010).]

BANGLADESH

Last *Annual Report* entry: 2009.

In 2009, the government was moving toward bringing to trial those responsible for international crimes in connection with the 1971 independence war against Pakistan. In 2009, parliament passed amendments to the International Crimes (Tribunals) Act of 1973, but the law still fell short of international standards.

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 266.]

See also India.

BELARUS

Last *Annual Report* entry: 2009.

In February 2009, a district court in Brest ordered the immediate seizure and destruction of the seventh and eighth issues of the opposition monthly historical magazine *Arche* (See NCH *Annual Report 2007*) on the grounds that their content was “extremist”.

[Sources: *Index on Censorship*, 4/09: 121; Reporters without Borders, “Judge Orders Two Issues of Cultural Magazine Seized and Destroyed” (Online; 26 February 2009).]

BELGIUM

Last *Annual Report* entry: 2008.

Goddamn Days on a Goddamn Globe (Dutch: *Godverdomse dagen op een godverdomse bol*), a sarcastic novel narrating the history of humanity and published in October 2008 by **Dimitri Verhulst** (1972–), was reportedly not available in some Flemish and Dutch bookshops because of its alleged blasphemous title and offending language.

[Source: *Keesings historisch archief* (2010) 130–31.]

Since at least August 2008 and increasingly in the run-up to the June 2010 elections, one of the electoral candidates, **Bart De Wever** (1970–), a historian-turned-politician and chairman of the separatist Nieuw-Vlaamse Alliantie (NV-A; New Flemish Alliance) which openly advocated the gradual breakup of Belgium, received several death threats by email and other channels originating from what are widely believed to be radical francophone circles. He was also falsely accused of Holocaust denial. While investigating the threats, the federal police increased protection measures for De Wever. After the elections of June 2010, the NV-A emerged as the biggest party in Dutch-speaking Flanders and the whole of Belgium.

[Sources: *De Morgen* (13 August 2008); *Nieuwsblad* (14 August 2008); A. van de Velde, “Profiles of Possible Belgian Prime Ministers” (Online, Reuters, 13 June 2010).]

See also Chad.

BOLIVIA

Last *Annual Report* entry: 2009.

In 2009, the Ministry of Defense approved a procedure allowing documentation relating to past human rights violations to be requested from the armed forces. President Evo Morales Ayma initially insisted that no files existed relating to people who were forcibly disappeared under previous governments. In February 2010, however, the army chief of staff refused access to the archives of the military dictatorships of General Hugo Banzer (1971–1978) and Colonel Luis García Meza (July 1980–1981) to a civil commission, headed by prosecutor Milton Mendoza, that wanted to investigate 156 disappearances and murders during Meza’s military dictatorship. On 19 May 2010, Minister of Justice Nilda Cope urged the army to comply with a Supreme Court order to declassify their archives about these dictatorships. On 31 May 2010, Defense Minister Rubén Saavedra announced that the armed forces had finally agreed to declassify the archives.

[Sources: Amnesty International, *Report 2010* (London 2010) 80; Reporters without Borders, *Ifex Alert* (22 February & 3 June 2010); “Gobierno boliviano hará que desclasifiquen archivos militares” (Online; Prensa Latina <http://www.prensa-latina.cu>).]

In May 2009, the trial began of 17 senior officials, including former President Gonzalo Sánchez de Lozada, in connection with the “Black October” events of October 2003 in which at least 67 people were killed and more than 400 injured in clashes between the security forces and demonstrators protesting against government proposals to sell off national gas resources. At the end of 2009, Sánchez de Lozada remained in the United States (US) awaiting the outcome of an extradition request. Several former ministers charged in the case left Bolivia during 2009, thus evading prosecution. In November 2009, a US court ruled that sufficient grounds existed to try Sánchez de Lozada and former Defense Minister Carlos Sánchez Berzaín in the US in a civil suit for damages in relation to charges of crimes against humanity and carrying out extrajudicial executions. Former Interior Minister Luis Arce Gómez was extradited from the US to Bolivia. On arrival he was given a 30-year prison sentence. He had been convicted in 1993 of enforced disappearance, torture, genocide and murder committed in 1980 and 1981.

[Source: Amnesty International, *Report 2010* (London 2010) 14, 79–80.]

In July 2009, forensic work to locate the remains of members of an armed opposition movement who had forcibly disappeared in 1970 began in Teoponte, a rural area 300 kilometers from La Paz. By the end of 2009, nine bodies had been found. The search for the remains of around fifty others believed

to have died in the area continued.

[Source: Amnesty International, *Report 2010* (London 2010) 80.]

See also Paraguay.

BOSNIA and HERZEGOVINA

Last *Annual Report* entry: 2009.

In October 2009, the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY) started the trial of Radovan Karadžić. He was charged with two counts of genocide. The first was related to crimes committed between 31 March and 31 December 1992 in a number of municipalities in Bosnia and Herzegovina (BiH), which included killings, torture, and forcible transfer or deportation which aimed at the destruction of Bosnian Croats and Bosnian Muslims as ethnic or religious groups. The second covered the killing of more than 7,000 men and boys in July 1995 in Srebrenica. There were five counts of crimes against humanity, including persecution, extermination, murder, and deportation of non-Serbs. The indictment also contained four charges of violations of the laws or customs of war such as hostage-taking and spreading terror among the civilian population. Karadžić boycotted the proceedings from the beginning by repeatedly refusing to appear in the courtroom. In November 2009, the presiding judge appointed a lawyer to represent him in his absence. The trial was adjourned until March 2010 to enable the court-appointed lawyer to prepare for the case. At the end of 2009, seven war crimes cases concerning BiH were pending before the ICTY. In addition, three cases were on appeal. In 2009, Ratko Mladić, fellow indicted architect of the Srebrenica massacre, remained at large. In September 2009, Momčilo Krajišnik, a Bosnian Serb wartime leader, began a 20-year sentence in the United Kingdom following the March 2009 ruling by the ICTY Appeals Chamber affirming his convictions for deportation, forcible transfer, and persecution.

[Sources: Amnesty International, *Report 2010* (London 2010) 81; Human Rights Watch, *World Report 2010* (Washington 2010) 386–387; Krajišnik judgment at: http://www.concernedhistorians.org/content_files/file/le/17.pdf.]

War crimes prosecutions continued before the War Crimes Chamber (WCC) of the State Court of BiH. By the end of 2009, the WCC had delivered 39 final verdicts since its creation in 2005. There were 57 cases pending at trial and appeals panel stage. Some war crimes trials of low-level

perpetrators were also held in the local courts in both of the semiautonomous entities of the country—the Federation of BiH (FBiH) and Republika Srpska (RS)—as well as in Brčko District. However, the capacity of the courts and prosecutors of FBiH and RS to prosecute war crimes cases remained inadequate. In December 2008, the authorities had adopted a State Strategy for the Work on War Crimes in an attempt to address all outstanding war crimes cases. In the absence of a centralized case file database, there had been varying estimates of between 6,000 and 16,000 war crimes case files open at different stages of prosecution registered in all jurisdictions. However, implementation of the strategy in 2009 was extremely slow and obstructed by a lack of political will. Verbal attacks on the justice system and denial of war crimes by some senior politicians in the country further undermined the efforts to prosecute. In October 2009, the BiH State Parliament rejected the extension of the mandate of international judges and prosecutors working in the WCC. On 14 December 2009, the High Representative used his special powers to overrule the State Parliament's decision and extended their mandate. Witness support and protection measures were inadequate in all courts in BiH. This meant that in some cases victims, including survivors of war crimes of sexual violence, were not able to access justice.

[Sources: Amnesty International, *Report 2010* (London 2010) 81–82; Human Rights Watch, *World Report 2010* (Washington 2010) 386–387.]

Progress in identifying the whereabouts of victims of enforced disappearance during the 1992–1995 war remained slow and was obstructed by the lack of cooperation between the authorities of FBiH and the RS. According to different estimates, the whereabouts of between 10,000 and 12,000 people remained unknown. In addition, some 3,000 bodies which had been located and exhumed were still unidentified. Exhumations conducted by the Missing Persons Institute continued at different locations. RS authorities failed to create a database of missing persons and to open the Fund for Support to the Families of Missing Persons, both of which were envisaged by the Law on Missing Persons adopted in 2004. In 2009, the Advocacy Center–TRIAL (ACT), an NGO based in Geneva, lodged five individual communications to the United Nations (UN) Human Rights Committee on behalf of the relatives of victims of enforced disappearance in BiH. The NGO alleged multiple violations of human rights due to the lack of investigation, criminal prosecution, reparations, and effective remedy following the disappearance of their relatives. ACT submitted an additional 16 complaints to the European Court of Human Rights (ECHR) on behalf of the relatives of the disappeared. In October 2009, the Union of Associations of Families of Missing and Captured Persons of RS filed 78 cases with the ECHR on behalf of the families of disappeared Serbs. The Union alleged that the authorities had failed to respond to their continuous enquiries about the whereabouts of their relatives despite previous rulings of the Human Rights Chamber of BiH which

had obliged the authorities to do so.

[Source: Amnesty International, *Report 2010* (London 2010) 82.]

In March 2010, the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, reported that the Council of Europe had coordinated the preparation of Common Guidelines which led to the drafting of new history and geography textbooks as well as teaching manuals.

[Source: T. Hammarberg, “Atrocities in the past must be recognised, documented and learned from—but not distorted or misused for political purposes” (Council of Europe; Online; 22 March 2010).]

See also Greece.

BRAZIL

Last *Annual Report* entry: 2009.

Brazil never prosecuted those responsible for atrocities committed during the period of its military dictatorship (1964–1985). In December 2009, however, President Luiz Inácio Lula da Silva announced the creation of a truth commission to investigate torture, killings, and enforced disappearances during the dictatorship, as a part of the Third National Human Rights Plan. Some non-governmental organizations and relatives of victims criticized the initial proposals as the commission’s remit did not appear to include the prosecution of past violators. The proposal was strongly criticized by the military, with the Minister of Defense attempting to further weaken it. Nevertheless, increasing challenges were made to the long-standing impunity for crimes committed during the military era. In August 2009, the Supreme Court ruled that Uruguayan Colonel Manuel Cordero Piacentini could be extradited to Argentina to face charges in connection with the enforced disappearance of Uruguayan and Argentinian citizens and torture in the context of *Operation Condor*, a joint plan by Southern Cone military governments in the 1970s and 1980s to eliminate opponents. A 1979 amnesty law has thus far been interpreted to bar prosecutions of state agents. In 2009, however, the Supreme Federal Tribunal considered a petition by the Brazilian Bar Association arguing that the amnesty law did not cover crimes such as torture when committed by state agents.

[Sources: Amnesty International, *Report 2010* (London 2010) 13, 84; Human Rights Watch, *World Report 2010* (Washington 2010) 205.]

In March 2009, the Inter-American Commission on Human Rights filed an application at the Inter-American Court of Human Rights against Brazil regarding the “Guerrilha do Araguaia” case (military operations against the Araguaia Communist guerrilla movement in 1972–1975) (*See also* NCH *Annual Report 2009*). The commission asked for the state to be held accountable for the enforced disappearance of members of the guerrilla force. It called on Brazilian officials to investigate the crimes, prosecute the perpetrators, and provide information and official documents on the disappearances, including on the fate and location of the victims.

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 206.]

See also Paraguay.

BULGARIA

Last *Annual Report* entry: 2009.

BURKINA FASO

Last *Annual Report* entry: 2005.

BURUNDI

Last *Annual Report* entry: 2009.

There was slow progress in establishing a Truth and Reconciliation Commission (TRC) and a Special Tribunal within the justice system to investigate Burundi’s violent history and to prosecute crimes of genocide, war crimes, and crimes against humanity. In July 2009, however, after months of delays, a tripartite committee including the government, the United Nations (UN), and civil society initiated national consultations on transitional justice, financed by the UN Peacebuilding Fund. The consultations sought to solicit Burundians’ opinions on aspects of the proposed TRC and a special chamber in Burundi’s judicial system. The latter, potentially composed of both Burundian and international judges, would be dedicated to prosecuting war crimes, crimes against humanity, and genocide committed during the civil war (1993–2009). No timeline was in place for the establishment

of either mechanism. Serious war crimes by the last active rebel movement National Liberation Forces (FNL), the ruling party National Council for the Defense of Democracy–Forces for the Defense of Democracy (CNDD-FDD), and the former Burundian army remained unpunished.

[Sources: Amnesty International, *Report 2010* (London 2010) 3, 91; Human Rights Watch, *World Report 2010* (Washington 2010) 85–86.]

CAMBODIA

Last *Annual Report* entry: 2009.

In March 2009, the historic first hearing of the Extraordinary Chambers in the Courts of Cambodia (ECCC, Khmer Rouge Tribunal), a hybrid tribunal presided over by both Cambodian and international judges, took place with the trial of Kaing Guek Eav (known as Duch). Duch was the commander of notorious security prison S-21. During the 72-day hearing, survivors and victims of Khmer Rouge atrocities heard for the first time evidence against “those most responsible”. Duch admitted responsibility for crimes committed at S-21, including killing about 15,000 people. The trial of four senior Khmer Rouge leaders was in preparation, and the International Co-Prosecutor submitted requests to open investigations into an additional five suspects. In July 2009, co-investigating judges decided to allow “confessions” obtained by torture as evidence in the case of Ieng Thirith. This breached the “exclusionary rule” in Article 15 of the United Nations (UN) Convention against Torture which binds the ECCC. Ongoing political interference by the government in the work of the ECCC undermined its integrity. Prime Minister Hun Sen repeatedly demanded that the court not prosecute suspects other than five currently in custody, saying that additional investigations could lead to unrest. Credible reports of widespread corruption at the ECCC were not sufficiently addressed.

[Sources: Amnesty International, *Report 2010* (London 2010) 92, 93; Human Rights Watch, *World Report 2010* (Washington 2010) 282.]

CAMEROON

Last *Annual Report* entry: —

In December 2009, Jean-Bosco Talla of *Germinal* newspaper was arrested and charged with insulting President Paul Biya. *Germinal* had published an extract from a banned book that alleged that President Biya and his predecessor, Ahmadou Ahidjo (1924–1989; President 1960–1982), had entered into a political pact sealed by a homosexual act. On 28 December 2009, the High Court found Talla guilty and sentenced him to a suspended one-year prison term and a fine. He remained in custody at the end of 2009 because he failed to pay the fine.

[Source: Amnesty International, *Report 2010* (London 2010) 95.]

CANADA

Last *Annual Report* entry: 2009.

See Rwanda.

CENTRAL AFRICAN REPUBLIC

Last *Annual Report* entry: 2009.

See Congo (Democratic Republic).

CHAD

Last *Annual Report* entry: 2009.

Throughout 2009, the Senegalese authorities asserted that the trial of Chad's former President Hissène Habré could not begin until they had received a certain amount financial assistance, which international donors considered excessive. In 2006, the African Union (AU) had called on Senegal to try Habré, who was living in exile in Senegal, for crimes against humanity and torture committed during his rule (1982–1990). In February 2009, President Abdoulaye Wade threatened to lift the judicial surveillance under which Habré had been placed and to remit him to the AU. A few days later, Belgium filed a case against Senegal before the International Court of Justice (ICJ) asking the ICJ to compel Senegal to take measures to prevent Habré from fleeing the country and to either prosecute him or extradite him to Belgium for trial. In May 2009, the ICJ rejected the Belgian request. In September 2009, Habré's complaint against Senegal started to be examined before the ECOWAS (Economic Community of West African States) Court of Justice for violations by Senegal of the African Charter on Human and Peoples' Rights, notably relating to the principle of non-retroactivity of penal legislation. The Court had not taken a decision on the issue by the end of 2009. [Source: Amnesty International, *Report 2010* (London 2010) 4, 279; Human Rights Watch, *World Report 2010* (Washington 2010) 91.]

CHILE

Last *Annual Report* entry: 2009.

In September 2009, the government announced its intention to reopen both the National Commission on Political Imprisonment and Torture and the National Commission for Truth and Reconciliation (the Valech and Rettig Commissions) in order to allow previously unregistered cases of torture and enforced disappearance to be presented. The Supreme Court announced that it would speed up the processing of cases of human rights violations committed during the military government of Augusto Pinochet (1973–1990), amid concerns that reforms to the Code of Criminal Procedure in 2010 might stall pending cases. According to official figures, between January and October 2009, 69 former security force agents had been charged, sentenced, or tried in connection with human rights violations. However, by the end of October 2009, final sentences had been handed down in only 179 out of a total of 3,186 cases. Thirty-two of those charged or convicted had been generals in the Chilean army. In September 2009, more than 165 former agents of the Dirección de Inteligencia Nacional (DINA, National Intelligence Directorate) were charged in connection with their involvement in the torture and enforced disappearance of political activists in the early years (1973–1977) of the military regime. Also in September 2009, the Supreme Court’s criminal chamber confirmed a 3,5-year sentence against two retired air force officers for the torture of seventeen people between 1973 and 1975. For the first time, the court expressly declared torture, a systematic practice during the Pinochet years, to be a crime against humanity. A majority of the five judges in the Supreme Court’s criminal chamber ruled that an amnesty decreed by the military government in 1978 was inapplicable to war crimes or crimes against humanity, and that these crimes were not subject to a statute of limitations. However, not all of the judges agreed that the amnesty was inapplicable. Given that court rulings in Chile were not binding in cases other than the one under review, and that the composition of the Supreme Court panel may change from case to case, the legal obstacles to convictions were not entirely overcome. A bill promoted by the government to amend the criminal code so that crimes against humanity were not subject to amnesties or statutes of limitation has been deadlocked in Congress since 2005. During 2008 and increasingly in 2009, the Supreme Court’s criminal chamber applied a “partial statute of limitations” (known in Chile as *media prescripción*) that allowed those convicted for human rights violations to receive a reduced sentence in recognition of the time elapsed since the criminal act (more than 30 years in some cases).

[Source: Amnesty International, *Report 2010* (London 2010) 12, 103; Human Rights Watch, *World Report 2010* (Washington 2010) 207–208.]

In December 2009, a judge ordered the arrest of six people after fresh investigations into the death in 1982 of former President Eduardo Frei Montalva revealed the cause of death was poisoning, rather than an infection as initially believed. The Supreme Court subsequently rejected legal challenges (*amparo*) by those charged. Lawyers for the Frei family argued that he was murdered because of his opposition to the government of Augusto Pinochet (1973–1990).

[Source: Amnesty International, *Report 2010* (London 2010) 103.]

On 14 January 2010, a court absolved journalist **Pascale Bonnefoy Miralles** of all charges in a pending libel case filed by Edwin Dimter Bianchi, a former army lieutenant acting on the orders of General Augusto Pinochet. In a 26 May 2006 article entitled, “Edwin Dimter, the stadium’s sadistic prince”, Bonnefoy had written that Dimter had been in the Chile Stadium during the military coup of 11 September 1973 when this location was transformed into a prison camp (later renamed Victor Jara Stadium after one of its most famous victims). The judge ruled that Bonnefoy had not intended to insult Dimter.

[Source: Reporters Without Borders, *Ifex Alert* (26 January 2010).]

See also Peru.

CHINA

Last *Annual Report* entry: 2009.

On 5 October 2008, **Yan Chongnian**, a scholar specializing in Qing history and Manchu culture (1644–1911), director of the Manchu studies department at the Beijing Academy of Social Sciences, and a popular guest on the CCTV-10 TV show *Lecture Room* (a program focusing on Chinese history and traditional culture), was attacked when he was in a bookstore in Wuxi to promote his new book, *The Kangxi Emperor* (about Qing emperor Kangxi, 1654–1722). The author was slapped in the face twice because the attacker disagreed with his historical views. Another bystander yelled at Yan: “traitor”. Yan was possibly attacked for not condemning the non-Han rulers outright and for being sensitive to qualified historical evaluations of their rule.

[Source: “Historian Slapped, Ethnic Tensions Persist in China’s Nationalist Narrative” (Online; *China Digital Times*, 9 October 2008).]

In 2009, **Zhang Huaiyang**, a cyber-dissident from Shenyang, province of Liaoning, was sentenced to

18 months' forced labor for asking on the Internet whether activists intended to gather in Tiananmen Square to mark the anniversary of the 1989 massacre. He was convicted of "inciting unrest and endangering national security". In [2009] or [2010], **Sun Fuquan**, a journalist from Shenyang, was sentenced to 21 months' forced labor for posting information about the 1989 events online. He was convicted of "inciting subversion of state authority" and "dividing the country". Reporters without Borders said that between 400 and 500 keywords linked to the events of 4 June 1989 were censored online.

[Source: Reporters without Borders, *Ifex Alert* (Online; 7 June 2010).]

On 28 March 2009, writer **Tan Zuoren** ([1954]–), chief editor of the cultural magazine *Wen Hua Ren* and founder of the environmental organization "Green Rivers", was arrested in Chengdu, Sichuan. On 17 July 2009, he was tried on charges of "incitement to subvert state power by causing damage to the image of China's government", inter alia, for his articles about the 1989 Tiananmen massacre (including an essay entitled "Witnessing the Final Beauty: An Eyewitness's Diary of the Square") uploaded in May 2007 on an United States-based website, for trying to organize a public commemoration of its twentieth anniversary, and for conducting an investigation into the death of school children in the May 2008 Sichuan earthquake. On 9 February 2010, he was sentenced to five years' imprisonment and three years' suspension of political rights.

[Sources: Amnesty International, *Report 2010* (London 2010) 105; Human Rights Watch, *World Report 2010* (Washington 2010) 286–288; PEN, *China; Writer Tan Zuoren Sentenced* (1 March 2010).]

In April 2009, the Central Propaganda Department of the State Administration of Radio, Film and Television issued detailed regulations including a ban on videos that show "distortions of Chinese culture or history". Among the confidential directives of the department circulated to Chinese news bureaus in the run-up to the celebration of the 60th anniversary of the proclamation of the People's Republic of China on 1 October 2009, and leaked by individual users of the international micro-blog site Twitter between 15 and 25 August 2009, was the following: "It is forbidden to report on the 'Journey of the Berlin Wall' activity held by the German Embassy and other activities commemorating the fall of the Berlin Wall which involve poisoning our ideological sphere and propagating Western democracy and freedom. Any related reports that are published will be immediately removed" and "As for 60th anniversary columns that take a look back in history, immediately 'fast forward,' do not allow articles that 'keep dwelling on the 60s and 70s'. Look back immediately starting from 1978, with the main subjects of development and progress."

[Sources: Amnesty International, *People's Republic of China: The Olympics*; Committee to Protect

Journalists, *Ifex Alert* (1 October 2009); Freedom House, *Ifex Alert* (3 April 2009); Xiao Qiang, “The Latest Directives from the Ministry of Truth” (*China Digital Times*, 29 August 2009).]

On 4 June 2009, according to organizers, over 150,000 people commemorated the twentieth anniversary of the Tiananmen military crackdown, but the authorities denied entry to some Chinese and foreign activists who wished to participate. During the week of 4 June 2009, more than ten pages were removed from the Hong Kong issue of *Esquire* magazine because it contained “problematic” and “provocative” content. It featured a section on the twentieth anniversary.

[Sources: Amnesty International, *Report 2010* (London 2010) 107; *Index on Censorship*, 4/09: 61, 64, 129.]

In September 2009, *Chinese Civilization Revisited*, a book by journalist **Xiao Jiansheng** (based in Hunan) questioning the official version of China’s 5,000 years of history and culture (but not touching directly the Communist decades) was banned in mainland China, but published by Hong Kong-based publisher Bao Pu (made possible because of Hong Kong’s guaranteed rights of freedom of the press and expression).

[Source: *BBC News* (28 September 2009).]

The authorities continued to tighten restrictions on freedom of expression, assembly, and association due partly to sensitivities surrounding a series of landmark anniversaries, including the 60th anniversary of the People’s Republic on 1 October 2009. The authorities tried to control the Internet by restricting news reporting and shutting down publications and Internet sites, including ones that “slandered the country’s political system”, “distorted the history of the Party”, and “incited ethnic splittism”. The government blocked access to content and recorded individuals’ activities through new filtering software such as Blue Shield. Following the publication of *Charter 08* in December 2008 (See NCH *Annual Report 2009*), a document calling for political reform and greater protection of human rights, police questioned signatories and put them under surveillance for many months. Liu Xiaobo, a prominent intellectual and signatory originally detained in December 2008, was sentenced to 11 years’ imprisonment on 25 December 2009 for “inciting subversion of state power”. His lawyers were given only twenty minutes to present their case, in a trial that lasted less than three hours.

[Source: Amnesty International, *Report 2010* (London 2010) 104.]

In May 2010, **Yuan Tengfei** ([1972–]), a middle-school history teacher at the Haidian Teachers’ Training Institute, Beijing, and member of the Chinese Communist Party (CCP), whose polemical

and uncensored classes on Chinese history—particularly on Mao Zedong and the Cultural Revolution—circulated since 2008 on videos shared by an audience of hundreds of thousands, was reportedly officially reprimanded but not arrested. Yuan had compared Mao to Hitler and Stalin, and his mausoleum to Yasukuni Shrine (where fourteen Japanese class A war criminals had been enshrined and worshiped since 1978) in Tokyo.

[Sources: T. Hao, “Mao Zedong in Video-History’s Gaze” (Online, *Open Democracy*, 12 July 2010); E. Mu, “The History Lessons of Yuan Tengfei”, *China Heritage Quarterly*, no. 22 (June 2010).]

On 1 June 2010, a cartoon alluding to 4 June 1989 was published in the newspaper *Nanfang Dushi Bao* (Southern Metropolitan Daily) and posted on its website. It showed a child drawing tanks and a figure resembling a soldier on a blackboard. It was soon withdrawn from the site, along with the comments it had prompted.

[Source: Reporters without Borders, *Ifex Alert* (Online; 7 June 2010).]

On 4 June 2010, attempts by hundreds of Chinese to mark the twenty-first anniversary of the Tiananmen Square massacre by using the location-based service FourSquare to “check in” at it and leave messages were blocked by the government.

[Source: *Guardian* (4 June 2010).]

On 20 June 2010, **Bao Pu** of the Hong Kong-based New Century Press said that he had to stop the print run of 20,000 copies of the alleged memoirs of former premier Li Peng (1928–), containing an insider account of the decision-making behind the 1989 Tiananmen Square crackdown “because of copyright problems”. Excerpts of the memoirs had been provided to the media on 4 June 2010. In his memoirs, Li allegedly claimed that armed rioters opened fire first at Chinese troops, forcing them to return fire in self-defense, and gave a precise death toll for the military action (313 dead, including 42 students and 23 soldiers).

[Source: *Guardian* (20 June 2010).]

See also Vietnam.

COLOMBIA

Last *Annual Report* entry: 2009.

On 22 May 2009, **Miguel Ángel Beltrán Villegas** (1965–), a historian, sociologist, and associate professor (2005–) at the Universidad Nacional in Bogotá, was arrested in Mexico and transferred to a Colombian prison on the charge of being a key member of the Fuerzas Armadas Revolucionarias de Colombia (FARC; Colombian Revolutionary Armed Forces) known as “Jaime Cienfuegos” and supposedly responsible for writing “ideological material and articles” that supported guerrilla groups. The Colombian government considers FARC to be an international terrorist group. Beltrán admitted that he met FARC leader Raúl Reyes (killed in March 2008) and other FARC members during peace talks hosted in Mexico and later interviewed Reyes as part of his academic research into the Colombian conflict, but denied being “Jaime Cienfuegos”. President Álvaro Uribe publicly stated, including on the Colombian Presidency’s official website, that Beltrán was the FARC member known as “Jaime Cienfuegos” and therefore a terrorist. Beltrán’s trial began on 29 December 2009, but a first hearing was postponed until 17 February 2010.

[Source: International PEN Writers in Prison Committee, *Half-yearly Caselist to 31 December 2009* (Online, 2010) 25.]

Only around 3,700 of the 31,000 paramilitaries who had allegedly demobilized since 2003 participated in the Justice and Peace process by the end of 2009. The Justice and Peace process allowed former paramilitaries to benefit from reduced sentences in return for confessions about human rights violations. Some paramilitaries confessed to human rights abuses and implicated others, including people in politics, business, and the military. However, the process still fell short of international standards on the rights of victims to truth, justice, and reparation. Some 90 per cent of those who were demobilized continued to escape effective investigation as a result of Decree 128 and Law 782, which grant de facto amnesties to those not under investigation for human rights violations. In June 2009, Congress approved a law to regularize the legal status of 19,000 supposedly demobilized paramilitaries after the Supreme Court ruled in 2008 that they could not benefit from amnesties. The law authorized the Attorney General to suspend, interrupt, or abandon investigations against them, thus enabling them to evade justice. By the end of 2009, no paramilitary had been sentenced under the Justice and Peace process. Most of the 18 paramilitary leaders extradited to the United States on drug-trafficking charges refused to co-operate with the Colombian justice system in its investigations into human rights violations. Colombian judicial officials experienced difficulties in gaining access to the few who did agree to co-operate. Some paramilitaries returned a small portion

of the 4-6 million hectares of land stolen by them, but there were concerns that some of these lands could again fall under the control of such groups or their backers. Some of the few original owners whose land was returned were threatened or killed. Victims or their families participating in the Justice and Peace process, those accompanying them, and judicial officials investigating human rights violations were threatened and killed. This dissuaded many victims from participating in the process.

[Source: Amnesty International, *Report 2010* (London 2010) 12, 110.]

See also Ecuador.

CONGO (Democratic Republic)

Last *Annual Report* entry: 2009.

Jean-Pierre Bemba Gombo, former vice-president and leader of an armed group, continued to be detained by the International Criminal Court (ICC) awaiting trial in connection with crimes allegedly committed in the Central African Republic (CAR) by his armed group in 2002 and 2003. The ICC pre-trial chamber authorized his release to await trial, provided there was a country willing to host him. This drew protests from the ICC prosecutor's office and lawyers representing victims. However, no country offered to accept him. Subsequently, the appeals chamber ordered Bemba to remain in custody pending trial, due to start in April 2010. In January 2009, the ICC trial of Thomas Lubanga Dyilo, charged with the war crimes of recruiting and using children under the age of 15 in hostilities, began. The trial had not concluded by the end of 2009. The ICC trial of Germain Katanga and Mathieu Ngudjolo Chui began in November 2009. They had been jointly charged with war crimes and crimes against humanity, including the recruitment and use of children aged under fifteen, murder, rape and sexual slavery.

[Sources: Amnesty International, *Report 2010* (London 2010) 98–99, 125; Human Rights Watch, *World Report 2010* (Washington 2010) 104–105.]

See also Rwanda.

CONGO (Republic)

Last *Annual Report* entry: 2008.

On 12 February 2009, television station Canal Bénédiction Plus was forced to stop broadcasting because it had shown footage of a national political convention set up in 1991 to make the transition to a multi-party democracy.

[Source: *Index on Censorship*, 4/09: 132.]

CROATIA

Last *Annual Report* entry: 2009.

The authorities continued to fail to investigate war crimes committed during the 1991–1995 war by members of the Croatian Army and police forces against Croatian Serbs and members of other minorities. A lack of political will to deal with those cases remained one of the main obstacles. The disproportionate number of cases against Croatian Serbs was demonstrated in a September 2009 report in the newspaper *Jutarnji List*, where the justice minister said that 2 per cent of the cases which had been prosecuted were against ethnic Croats whereas the remaining 98 per cent included cases against Croatian Serbs and other minorities. The minister's own view was that this was understandable, as he claimed that Croatian Serbs had committed more war crimes than ethnic Croats. Measures designed by the government to address impunity for war crimes remained unimplemented. Only one case was under prosecution in 2009 in one of the special war crimes chambers established at four county courts in Zagreb, Osijek, Rijeka, and Split. These had been established in 2003 in order to try war crimes cases outside the community where the crimes were committed, a move which was supposed to lessen potential pressure on witnesses and reduce ethnic bias. The HRC, the United Nations (UN) Committee on the Elimination of Racial Discrimination, and the European Commission expressed their concerns at reports of ethnic discrimination in the prosecution of war crimes cases. Serbs remained the majority of defendants in domestic war crimes prosecutions. In the first eight months of 2009, Croatian authorities issued eight new war crimes indictments against sixteen individuals, fourteen of whom were Serbs. In first eight months of 2009 twenty war crimes trials were completed in Croatia; of the 61 defendants involved in these trials, 37 were Serbs.

[Sources: Amnesty International, *Report 2010* (London 2010) 115–116; Human Rights Watch, *World*

Report 2010 (Washington 2010) 391–392.]

During 2009, the prosecution of Croatian Army Generals Ante Gotovina, Ivan Čermak and Mladen Markač at the International Criminal Tribunal for the Former Yugoslavia (ICTY) continued. The three were charged with war crimes and crimes against humanity arising from a 1995 military offensive against rebel Serbs. Both the UN Human Rights Committee (HRC) and the ICTY chief prosecutor reported that Croatia continued to fail to submit to the ICTY all outstanding military documents related to *Operation Storm*, conducted in 1995, for which they were on trial in The Hague. Croatian authorities continued to deny possessing key documents.

[Source: Amnesty International, *Report 2010* (London 2010) 115.]

In March 2009, Drago Hedl (*See NCH Annual Report 2008*), editor of the satirical weekly *Feral Tribune*, and a photographer were forcibly removed from a public press conference organized by Branimir Glavaš, a member of parliament (before his conviction in May 2009 for war crimes in his capacity as local military leader in 1991 in Osijek).

[Source: Amnesty International, *Report 2010* (London 2010) 116.]

See also Bosnia and Herzegovina, Serbia.

CUBA

Last *Annual Report* entry: 2006.

In [June] 2010, the Communist Party expelled historian and state television commentator **Esteban Morales**, [former] director of the Center on United States Studies at the University of Havana, because in April 2010 he had published an article, in which he had accused senior party officials of looting the state before it crumbled, denouncing it as “counter-revolutionary corruption and bureaucracy”. Morales also disappeared from the nightly *Mesa Redonda* (Round Table) news television program, where he was customarily invited for comments on the United States.

[Sources: P. Campos, “Esteban Morales Booted from Cuba’s Communist Party”, *Havana Times* (Online; 28 June 2010); *Guardian* (2 July 2010).]

CYPRUS

Last *Annual Report* entry: 2009.

The United Nations Committee on Missing Persons in Cyprus continued its work. Between January and September 2009, the remains of 104 individuals were exhumed from different burial sites located across Cyprus.

[Source: Amnesty International, *Report 2010* (London 2010) 119.]

CZECH REPUBLIC

Last *Annual Report* entry: 2000.

In 2009, there was some movement toward acknowledging responsibility for enforced sterilizations of Romani women carried out in the past. In November 2009, the Prime Minister expressed regret over the illegal sterilizations, and asked the Minister of Health to report on the implementation of existing regulations that prohibited them. According to the Czech NGO Group of Women Harmed by Forced Sterilization, at least 100 women may have been sterilized against their will. Although most forced sterilizations were carried out in the 1970s and 1980s, the most recent reportedly occurred in 2007. In October 2007, the Constitutional Court dismissed a claim for financial compensation from a Romani woman who had been illegally sterilized, on the grounds that her legal action was beyond the time limit for such claims. She had received an apology from a hospital in Vitkovice after the Regional Court in Ostrava decided in 2005 that the doctors acted illegally when they carried out the sterilization without her informed consent. The Minister for Human Rights subsequently announced that the state was nevertheless obliged to take a position that reflected the non-reversible impact of sterilization on women's lives.

[Source: Amnesty International, *Report 2010* (London 2010) 120.]

DENMARK

Last *Annual Report* entry: 2007.

See United States.

DJIBOUTI

Last *Annual Report* entry: 2008.

ECUADOR

Last *Annual Report* entry: 2009.

In February 2008, the Comisión de la Verdad (CV; Truth Commission), set up in May 2007 to investigate alleged human rights abuses committed over the last 27 years, particularly during the right-wing administration of former President Leon Febres Cordero (1984–1988), began receiving testimonies. In September 2008, an interim report was issued. Former President Febres Cordero died in December 2008. By the end of 2009, the CV had heard 700 testimonies relating to cases of torture, enforced disappearance, extrajudicial execution, and death in custody. On 16 December 2009, commission member Israel Batista declared that two persons who testified before the commission about the 2008 Colombian attack of FARC guerrillas on Ecuadorian territory, leaving 25 dead, were assassinated. Another witness disappeared. On 26 January 2010, the National Assembly approved a law that granted immunity to the CV members. On 7 June 2010, chairperson Elsie Monge presented the CV final report to President Rafael Correa.

[Sources: Amnesty International, *Report 2009* (London 2009) 131; Amnesty International, *Report 2010* (London 2010) 129; *El Telégrafo* (Guayaquil) (Online; 7 June 2010); G. Solano, “Ecuador To Investigate Rights Abuses” (Associated Press *Online*; May 2007); *El Mercurio* (17 December 2009); *Esmeraldas* (February 2010) 17.]

EGYPT

Last *Annual Report* entry: 2007.

In 2009, Zahi Hawass, the head of the Supreme Council of Antiquities, launched a campaign against **Ahmed Saleh**, the manager of the Mit Rahina antiquities zone. As he was a mummification specialist and had a master’s degree in Egyptian antiquities from Manchester University, England, Saleh had proposed an approach that differed from Hawass’s with respect to how to deal with certain Egyptian antiquities, especially the mummy of King Tut. Hawass reportedly launched a media campaign against Saleh and subjected him to dozens of investigations. He was deprived of promotions, could not attend international antiquities exhibitions, and suffered salary deductions. The Administrative Court reviewed Saleh’s case against the Supreme Council of Antiquities.

[Source: Arabic Network for Human Rights Information, *Ifex Alert* (6 October 2009).]

On 17 April 2010, a group of lawyers filed a motion with the Prosecutor General to confiscate the book “A Thousand and One Nights” (a collection of folk tales compiled in Arabic from the mid-8th to the mid-13th century) and imprison its publishers, claiming that the heritage script “was offensive to public decency”. The book had appeared in the *Zakhaer* (Treasures) series, issued by the general authority of cultural palaces at the Ministry of Culture. Two parts of the tale had already been published and the lawyers considered these as evidence to corroborate the complaint. The silence of the minister of culture in the case was criticized. Following the submission of the obscenity case, the interior ministry attempted to ban Sufi *dhikr* (a religious group ceremonial activity) from taking place in mosques in May 2010, claiming that such ceremonies were undermining public morality by allowing men and women to mix.

[Sources: Arabic Network for Human Rights Information, *Ifex Alert* (26 April 2010); Article 19, “Artist Alert May 2010” (Online).]

See also United Kingdom.

EL SALVADOR

Last *Annual Report* entry: 2009.

In November 2009, at a session of the Inter-American Commission on Human Rights, El Salvador accepted responsibility for the killing of Archbishop Oscar Arnulfo Romero as he said mass in a hospice in San Salvador in March 1980. The government declared its intention to fulfil the requirements of the Commission’s 2000 report which included a thorough and independent investigation into the murder, reparations, and repeal of the 1993 amnesty law.

[Source: Amnesty International, *Report 2010* (London 2010) 134.]

Throughout 2009, the 1993 amnesty law remained in place, obstructing efforts to bring to justice those responsible for past human rights violations during the internal armed conflict (1980–1992). The new government pledged to reform the Inter-Institutional Commission for the Search for Disappeared Children established to clarify the whereabouts of some of the 700 children who disappeared during the conflict. The commission had been criticized for only finding the whereabouts of some 30 of the children by the end of its mandate.

[Source: Amnesty International, *Report 2010* (London 2010) 134.]

ERITREA

Last *Annual Report* entry: 2008.

ESTONIA

Last *Annual Report* entry: 2007.

On 15 October 2009, Parliament approved the so-called “Bronze Night” package, a set of amendments to the Penal Code and two acts. The amendments expanded the definition of “an offense committed during mass disorder”. This could include non-violent acts such as the symbolic destruction of national flags or those of foreign states or international organizations.

[Source: Amnesty International, *Report 2010* (London 2010) 139.]

ETHIOPIA

Last *Annual Report* entry: 2009.

In 2009, no one was investigated or held to account for war crimes and other wide-spread violations of the laws of war during Ethiopia’s bloody military intervention in neighboring Somalia from 2006 to 2008. In August 2008, the Ethiopian government intended to launch an inquiry into allegations of serious crimes in Somali Regional State (the Ogaden), where the armed forces had been fighting a campaign against the rebel Ogaden National Liberation Front for many years. The inquiry was sponsored by the Ministry of Foreign Affairs, lacked independence, and concluded that no serious abuses had taken place.

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 120–121.]

EUROPEAN UNION

Last *Annual Report* entry: 2009.

FIJI

Last *Annual Report* entry: 2006.

On 4 November 2009, **Brij Lal**, a Fijian historian of Indian descent, professor of Pacific and Asian History at the Australian National University, and editor of the *Journal of Pacific History*, was arrested and threatened by senior military officers at an army camp in the capital Suva following interviews with overseas media he had given on the recent expulsion of Australian and New Zealand diplomats by the military government of Prime Minister Frank (Voreqe) Bainimarama. The military threatened to kill him if he remained in Fiji. Lal was spending several months in Fiji conducting research for a forthcoming book on squatter settlements. On 5 November 2009, he was expelled to Australia. A specialist in Indo-Fijian history and the history of indenture, Lal served also as the nominee of opposition leader Jai Ram Reddy on the three-member Constitutional Review Commission, whose work culminated in the adoption of the constitution in 1997–1998. Lal condemned Bainimarama's first coup d'état in 2000. Following a ruling by the Fijian Court of Appeal that his second military coup in 2006 was illegal, Bainimarama had stepped down as prime minister on 10 April 2009. President Ratu Josefa Iloilo later announced the abolishment of the constitution and reappointed Bainimarama as prime minister.

[Sources: Amnesty International, "Fiji: Downward Spiral Continues for Human Rights Following Persecution of Prominent Human Rights Lawyer" (19 January 2010); Amnesty International, *Report 2010* (London 2010) 143; "Fiji Throws Out Australian Academic" (Online; AFP; 4 November 2009); *Wikipedia* (Online; 27 September 2009).]

FINLAND

Last *Annual Report* entry: —

See Rwanda.

FRANCE

Last *Annual Report* entry: 2009.

GEORGIA

Last *Annual Report* entry: 2003.

Although a report by an international fact-finding mission commissioned by the European Union confirmed that violations of international human rights and humanitarian law had been committed by Georgian, Russian, and South Ossetian forces during the 2008 war, and called on all sides of the conflict to address the consequences of the war, no side conducted comprehensive investigations into these violations.

[Source: Amnesty International, *Report 2010* (London 2010) 37.]

In June 2010, the last statue of Stalin, located in the latter's place of birth Gori, was taken down. There were plans to replace it with a monument to the "victims of the Russian aggression" in the 2008 war (despite the fact that it was Georgia that started the war with Russia).

[Source: *New Zealand Herald* (1 July 2010).]

GERMANY

Last *Annual Report* entry: 2009.

On 24 January 2009, police confiscated copies of Nazi newspapers that were reprinted in a German history magazine by the British company Albertas. Officials announced that 280 unsold copies had been seized and that Albertas faced prosecution for "printing and circulating swastikas", a criminal offense.

[Source: *Index on Censorship*, 4/09: 142.]

On 6 August 2009, Jewish leaders in Germany backed a renewed demand by historians to publish a new edition of Adolf Hitler's *Mein Kampf*, accompanied by a critical introduction and footnotes challenging Hitler's assertions. The German state of Bavaria, the copyright holder of the book, had banned the book since 1945. (*See also* Azerbaijan).

[Source: *Index on Censorship*, 4/09: 142.]

On 27 October 2009, Bishop Richard Williamson (1940–) was fined by a Regensburg judge for Holocaust denial in a January 2009 interview with the Swedish television which had taken place in

Germany. On 16 April 2010, the sentence was confirmed. (*See Annual Report 2009* under Vatican).
[Sources: *Index on Censorship*, 4/09: 115; *Keesings historisch archief* (2009) 617, (2010) 253.]

In November 2009, two German men who had killed actor Walter Sedlmayr in 1990, had been sentenced to life imprisonment in 1993, and who were released in 2007 and 2008 after serving their sentence, sued the online encyclopaedia *Wikipedia*, claiming that mention of their names in the latter's crime summaries infringed their privacy. Whereas the German-language version of the *Wikipedia* article removed the names, other versions did not. German courts allowed a criminal's name to be withheld in news reports once they had served a prison term and a set period had expired. Jennifer Granick, a lawyer for the online civil liberties group Electronic Frontier Foundation, said that people had to be allowed to publish truthful information about historical events. Some added that attempts to remove names from the electronic record could produce the opposite result (a phenomenon known online as the "Streisand effect", after singer Barbra Streisand, whose attempts to remove pictures of her beach house from online records outraged people, who then copied the pictures and distributed them over the Internet).

[Source: C. Arthur, "Wikipedia Sued by German Killers in Privacy Claim", *Guardian* (Online: 13 November 2009).]

On 30 April 2010, the Federal Administrative Court ordered the government to release secret files kept by the Bundesnachrichtendienst (BND; German intelligence agency) on top Nazi Adolf Eichmann after World War II. The ruling came after reporter **Gabriele Weber** had sued the BND to release the 4,500 pages of files, which could fill in gaps about Eichmann's postwar life (including his escape to Argentina). The BND had argued that releasing the files could jeopardize informants and harm relations with a "foreign intelligence service" that provided some of the information. But the court ruled that while the BND could withhold some files for those reasons, it could not keep them all secret.

[Source: "German Court Orders Eichmann Files Released" (Online; Associated Press; 30 April 2010).]

On appeal, the suit between author and documentary filmmaker **Volker Kühn** and Dutch-born singer and actor Johannes Heesters (*See NCH Annual Report 2009*) was settled on 22 April 2010: Heesters gave up asking for retraction from Kühn whereas Kühn had agreed not to call Heesters a liar anymore.

[Sources: *NRC Handelsblad* (23 April 2010); "Singer Settles Suit Over Alleged Nazi-performance" (Online; Associated Press; 22 April 2010).]

See also China, Russia.

GHANA

Last *Annual Report* entry: 2008.

GREECE

Last *Annual Report* entry: 2009.

In March 2008, Foreign Minister Dora Bakoyannis said that Greece would veto Macedonia's bid to join NATO and the European Union because it objected to Macedonia taking the name of the northern Greek region Macedonia, which implied a territorial claim (an allegation denied by Macedonia). In April 2008, the Greek government was offended by posters in Skopje, which had the swastika superimposed on the Greek flag, by a magazine cover which depicted Prime Minister Kostas Karamanlis as an SS officer, and by images of Macedonian Prime Minister Nikola Gruevski laying a wreath by a flag showing a map of Greater Macedonia, which included parts of northern Greece. Bakoyannis also declared that the government in Skopje regarded the Greek province of Macedonia as occupied territory and refused to remove such claims from textbooks, speeches, maps, and national documents.

[Sources: *BBC News* (6 March & 2 April 2008); *Keesings historisch archief* (2009) 389, 437.]

On 9 June 2010, a Greek prosecutor referred to trial journalist **Tákis Michas**, author of the book "Unholy Alliance: Greece and Milosevic's Serbia" and of an 2009 article entitled "They Saw Mladić and Karadžić at a Small Church" in the newspaper *Saturday Eleftherotypia*. According to the charges, he had defamed Stavros Vitalis in these writings (which did not explicitly mention Vitalis) by falsely calling him a paramilitary who led Greek volunteers who fought in the Bosnian-Serb forces during the Bosnian war (1992–95). In this capacity, Vitalis supposedly participated in several massacres, including the Srebrenica genocide, and was never prosecuted for such acts. The presence of Greek volunteers in the Bosnian Serb army, however, seemed well-established.

[Source: Greek Helsinki Monitor, *Ifex Alert* (14 July 2010).]

GRENADA

Last *Annual Report* entry: 2007.

GUATEMALA

Last *Annual Report* entry: 2009.

Documents in the archive discovered in July 2005 (*See previous NCH Annual Reports*) led to the March 2009 arrest of two ex-agents of the National Police for their alleged participation in the 1984 disappearance of student leader Edgar Fernando García. President Álvaro Colom ordered the archives to be transferred to the institutional authority of the ministry of culture, and the process of opening the files to the public was underway. In February 2008, Colom announced that he would open the military archives spanning the civil war. In September 2008, following a Constitutional Court ruling in favor of releasing military archives, Congress passed the Law of Access to Public Information, which ordered that “in no circumstances can information related to investigations of violations of fundamental human rights or crimes against humanity” be classified as confidential or reserved. The Guatemalan military, however, only released a small portion of its archives. In February 2009, the Constitutional Court ordered the Ministry of Defense to hand over files relating to an ongoing legal case against several former high-ranking military officers accused of genocide against indigenous peoples, crimes against humanity, and war crimes during the internal armed conflict (1960–1996). Among the crimes of which they were accused was the 1982 massacre of some 250 persons in Plan de Sánchez, Baja Verapaz department. The defense ministry refused to hand over all the documents, alleging that some of them had been lost. The ministry had not raised the problem of missing documents previously, despite more than two years of legal proceedings over disclosure of the documents. By the end of 2009, the documents had not been released and legal challenges to the court’s decision continued.

[Sources: Amnesty International, *Report 2010* (London 2010) 155; Human Rights Watch, *World Report 2010* (Washington 2010) 225.]

Between 30 April and 5 May 2009, nine members of the Asociación para el Estudio y Promoción de la Seguridad en Democracia (SEDEM; Association for the Study and Promotion of Security under Democracy) and the Unidad de Protección de Defensoras y Defensores de Derechos Humanos (UDEFEQUA; Human Rights Defenders Protection Unit) received over forty SMS text messages

containing death threats. The texts focused on their work to bring to justice those responsible for the crimes committed during the internal armed conflict (1960–1996). SEDEM urged the authorities to declassify military archives that might contain evidence of some of the crimes. UDEFEGUA supported hundreds of Guatemalan activists at risk since 2000.

[Source: Amnesty International, “Guatemalan activists receive death threats by text message” (7 May 2009).]

In August 2009, the first conviction for the crime of enforced disappearance occurred, when an ex-paramilitary leader was sentenced to 150 years’ imprisonment for his role in disappearing individuals between 1982 and 1984. The verdict was made possible by a landmark ruling by the Constitutional Court in July 2009, which established the permanent character of the crime of enforced disappearance. Guatemalans seeking accountability for past abuses faced daunting obstacles. Prosecutors and investigators received grossly inadequate training and resources. The courts routinely failed to resolve judicial appeals and motions in a timely manner, allowing defense attorneys to engage in dilatory legal maneuvering. The army and other state institutions resisted cooperating with investigations into abuses committed by current or former members (*See* entry above). The police regularly failed to provide adequate protection to judges, prosecutors, and witnesses involved in politically sensitive cases.

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 224–25.]

In October 2009, the United Nations (UN) General Assembly passed a resolution supporting the UN-sponsored Comisión Internacional Contra la Impunidad en Guatemala (CICIG, International Commission against Impunity in Guatemala) and calling on the UN and the Guatemalan government to continue assisting the CICIG in its efforts to improve criminal investigations, prosecution procedures, and the implementation of public security-related legislation.

[Source: Amnesty International, *Report 2010* (London 2010) 155.]

In November 2009 the Spanish government enacted legislation to limit the application of universal jurisdiction by Spanish courts. It remained unclear what the impact of this legislation would be on the Guatemala case. On 2 December 2009, however, National Security Archive expert Kate Doyle testified before a judge in Madrid on the authenticity of 359 pages of documents concerning the 1982 counterinsurgency campaign (a scorched earth policy), of which the defense ministry had previously claimed (*See* entry above) that they could not be located. In a landmark ruling, Spain’s Constitutional Court had held in September 2005 that, in accordance with the principal of “universal jurisdiction”, cases of alleged genocide committed during Guatemala’s civil war could be prosecuted in the Spanish

courts. In July 2006, a Spanish judge had issued international arrest warrants for former military dictator General Efraín Ríos Montt and seven other Guatemalan officials on charges of terrorism, genocide, and torture. In December 2007, the Guatemalan Constitutional Court had held that the arrest and extradition requests issued by Spain were invalid.

[Sources: Amnesty International, *Report 2009* (London 2009) 159; Human Rights Watch, *World Report 2009* (2009) 182–183, *2010* (2010) 225, 227; *Keesings historisch archief* (2009) 216; National Security Archive, *Update* (2 December 2009); *NRC Handelsblad* (28–29 March 2009) 31.]

GUINEA

Last *Annual Report* entry: 2009.

A national commission of inquiry, set up in 2007 to investigate grave human rights violations in 2006–2007, did not conduct any investigations. In October 2009, the United Nations (UN) secretary-general established an International Commission of Inquiry (ICI), endorsed by the African Union and the Economic Community of West African States, to investigate the grave human rights violations, including rape, committed by the security forces on 28 September 2009 in the capital Conakry, where more than 150 people were killed when security forces violently repressed a peaceful demonstration. In December 2009, the ICI submitted its report to the UN secretary-general. The report was not officially made public. The ICI found that it was reasonable to conclude that the crimes committed on that day and in the immediate aftermath may constitute crimes against humanity. It also concluded that there were sufficient grounds to attribute criminal responsibility to some individuals, including President Dadis Camara. In October 2009, the Prosecutor of the International Criminal Court (ICC) launched a preliminary examination to determine whether the violations of 28 September 2009 fell within ICC jurisdiction. The same month, the junta set up a national commission of inquiry, which was boycotted by local civil society organizations.

[Source: Amnesty International, *Report 2010* (London 2010) xv , 157.]

GUINEA-BISSAU

Last *Annual Report* entry: 1999.

GUYANA

Last *Annual Report* entry: 1997.

HAITI

Last *Annual Report* entry: 2009.

HONDURAS

Last *Annual Report* entry: 2009.

A few weeks after the constitutional crisis and coup of 28 June 2009, during which President Manuel Zelaya was ousted from power by the military and expelled from Honduras, the Minister of Culture, Arts, and Sports **Rodolfo Pastor Fasquelle**, went into hiding. In mid-August 2009, he went into exile in the United States, where he became a visiting professor in Harvard University's history department. Pastor had studied history at Tulane University, New Orleans, and El Colegio de Mexico. On 20 August 2009, the new Minister of Culture, Arts, and Sports, Myrna Castro, dismissed historian **Darío A. Euraque**, director of the Instituto hondureño de antropología e historia (IHAH; Honduran Institute of Anthropology and History) (2006–2009). Euraque challenged the legality of the dismissal. IHAH board member and historian Freddy Flores publicly expressed his concern. Euraque was also a professor at the history department of Trinity College in Hartford, CT, United States (1990–) and author of *Reinterpreting the Banana Republic: Region and State in Honduras* (1996; translated into Spanish as *El capitalismo de San Pedro Sula y la historia política hondureña 1870–1972*). He became a visiting professor in Trinity College. (See also NCH *Annual Report 2009*). [Sources: “Los atropellos y desaciertos de la ministra de cultura de facto: el despido del Dr. Darío Euraque” (Online; voselsoberano.com; 24 August 2009); Historia a Debate (Academia Solidaria), Honduras file (February 2010); N. Rayman & E. Spitzer, “Overthrown Honduras Culture Minister, Now at Harvard, Watches Strife From Afar”, *The Crimson* (2 October 2009).]

After the military-backed coup d'état of June 2009, months of political turbulence and instability followed, which November elections failed to resolve. The Tegucigalpa-San José accord—brokered by the international community and which included a truth commission to clarify responsibilities—made no progress and the *de facto* government remained in power at the end of 2009.

[Source: Amnesty International, *Report 2010* (London 2010) 15.]

HUNGARY

Last *Annual Report* entry: 2009.

On 21 September 1998, **János Kenedi** (1947–), a historian specialized in the functioning of dictatorial secret services, asked the interior ministry for access to certain documents as he wished to publish a study on the functioning of the State Security Service in the 1960s. Upon the ministry's refusal on the grounds that the documents were classified as state secrets, in January 1999 Kenedi obtained a court order for unrestricted access after arguing that it was necessary for the purposes of his ongoing historical research. After its appeal to the Supreme Court failed, in November 1999 the ministry offered access on the condition that Kenedi signed a confidentiality undertaking. Upon his refusal, and despite repeated enforcement orders, the ministry remained reluctant to grant him unrestricted access to the documents. In August 2005, Kenedi lodged an application before the European Court of Human Rights, which in May 2009 ruled that the authorities had misused their powers by delaying Kenedi's exercise of his right to freedom of expression and therefore violated it. With the excessively long proceedings the government also violated the "reasonable-time" requirement, which was tantamount to arbitrariness.

[Source: European Court of Human Rights, *Kenedi versus Hungary* (Strasbourg 2009) at: http://www.concernedhistorians.org/content_files/file/le/143.pdf.]

In 2004, a public debate took place as to whether a statue should be raised for Pál Teleki (1879–1941), a prime minister (1920–1921, 1939–1941) who cooperated with Nazi Germany in the early stages of World War II. In this discussion, historian **László Karsai** (1950–), a specialist in the history of the extermination of Jews and Roma, said that Teleki had been one of the most reproachable figures of Hungarian history, responsible for substantial anti-Semitic legislation and for dragging Hungary into World War II. Karsai published an article on this subject in a weekly paper, criticizing the right-wing media, including publicist B.T., for embellishing Teleki's role and for having made anti-Semitic statements in this context. In 2005, B.T. sued Karsai for defamation. In 2006, the Supreme Court upheld a decision in favor of B.T. In 2009, the European Court of Human Rights ruled that Karsai's freedom of expression had been violated, in particular by ordering him to publish a rectification at his expense and to bear considerable legal costs. It said that the obligation to publish a rectification affected Karsai's professional credibility as a historian and was therefore capable of producing an intimidating effect.

[Source: European Court of Human Rights, *Karsai versus Hungary* (2009) at http://www.concernedhistorians.org/content_files/file/le/144.pdf.]

INDIA

Last *Annual Report* entry: 2009.

Perpetrators of human rights violations in Punjab between 1984 and 1994, and Assam between 1998 and 2001—including enforced disappearances and extrajudicial executions—continued to evade justice. Impunity persisted for past offenses, including enforced disappearances of thousands of people during the armed conflict in Kashmir since 1989. The International People’s Tribunal on Human Rights and Justice in Indian-administered Kashmir published a report documenting unmarked graves of more than 2,900 people who allegedly disappeared during the conflict.

[Source: Amnesty International, *Report 2010* (London 2010) 169.]

In 2009, twenty people had so far been convicted of the targeted massacre of about 3,000 Sikhs in northern India (including Delhi) after the assassination of the then Prime Minister Indira Gandhi by her Sikh bodyguards in 1984. Public pressure forced the Central Bureau of Investigation to prosecute Jagdish Tytler and Sajjan Kumar, two Congress Party leaders accused of inciting their supporters to commit the Delhi massacres, after it had initially stated that there was no evidence against them.

[Source: Amnesty International, *Report 2010* (London 2010) 168–169; Human Rights Watch, *World Report 2010* (Washington 2010) 299.]

In 2009, most of those responsible for the attacks on Muslim minorities in 2002 in Gujarat and other human rights violations, including extrajudicial executions in that state, were not brought to justice.

[Source: Amnesty International, *Report 2010* (London 2010) 169.]

In May 2009, the nationalist Hindu Janajagruti Samiti (HJS; established 2002) criticized the updated class VII textbook issued by the National Council for Educational Research and Training (NCERT) for “glorifying foreign history while not giving Indian history due significance”. Some critics also found too much information on the Mughals (1526–1858) and too little on Maratha King Shivaji (1627–1680). Two chapters termed objectionable by teachers and parents would be reviewed and possibly taken out by the Goa Board of Secondary and Higher Secondary Education (GBSHSE).

[Sources: *The Hindu* (13 July 2005); *Times of India* (17 May 2009).]

On 23 November 2009, a hitherto unpublished official report drafted by a commission of inquiry chaired by former judge Liberhan became known. It stated that the 6 December 1992 attack on and destruction of a mosque in Ayodhya (*See previous NCH Annual Reports*) was prepared by leaders of

the Hindu-nationalist organization Rashtriya Swayamsevak Sangh (RSS, National Volunteer Corps founded in 1925). The commission indicted 68 leaders of the opposition Bharatiya Janata Party and other allied Hindu nationalist organizations for the 1992 destruction. Impunity continued for those who took part in the attendant violence and the ensuing massacres in some states.

[Sources: Amnesty International, *Report 2010* (London 2010) 169; *NRC Handelsblad* (23 & 25 November 2009).]

December 2009 marked the 25th anniversary of the catastrophic leak of deadly chemicals from Union Carbide's pesticide plant in Bhopal, India—one of the world's worst industrial disasters. In December 1984, thousands died and an estimated 100,000 people were still suffering the health consequences of that leak. Despite efforts by survivors to pursue justice through courts in India and the United States, a quarter of a century after the leak, no one has ever been held to account for the leak or its aftermath. State action continued to be inadequate and compensation insufficient. The plant site remained contaminated.

[Source: Amnesty International, *Report 2010* (London 2010) xix–xx, 168.]

On 4 September 2009, the Gujarat High Court lifted the ban on a book about Ali Jinnah written by **Jaswant Singh** (*See NCH Annual Report 2009*).

[Source: *Index on Censorship*, 4/09: 146.]

In October 2009, the government reportedly ordered Working Title Films, the producers of a film based on the book *Indian Summer: The Secret History of the End of an Empire* by historian **Alex von Tunzelmann**, to rewrite certain scenes if they wished to receive permission to film in India. The film treated the relationship of love and friendship between Jawaharlal Nehru (India's first prime minister) and Edwina Mountbatten, the wife of British India's last viceroy, and would reportedly include scenes showing Nehru and Mountbatten kissing, holding hands, and using the word "love".

[Source: *Independent* (7 October 2009).]

In May 2010, it was revealed that most of the official records of the 1971 India-Pakistan war leading to the independence of Bangladesh were shredded shortly after the war, probably deliberately. They included records documenting the creation of the *Mukti Bahini* (the Bangladesh freedom fighters) and the Indian army operations during the war. The Indian Army had housed and trained the *Mukti Bahini* in different camps across India; the fighters were later a part of the operations led by the eastern command.

[Source: J. Joseph, "Truth Lost? Most Military Records of Bangladesh War Missing", *Times of India*

(Online; 9 May 2010).]

See also Myanmar.

INDONESIA

Last *Annual Report* entry: 2009.

In 2009, impunity remained the rule for members of the security forces responsible for abuses. Indonesian military officers and militia leaders were yet to be brought to justice for past atrocities committed in Timor-Leste, Papua, Aceh, the Moluccas, Kalimantan, and elsewhere. The elite Kopassus military special forces continued to engage in abuses.

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 306, 309.]

In 2009, the government continued to promote reconciliation with Timor-Leste at the expense of justice for crimes under the Indonesian occupation of East Timor (1975–1999). Over 300 individuals who were indicted by the United Nations (UN) Special Panels for Serious Crimes for crimes against humanity and other crimes remained at large and were outside the territorial jurisdiction of Timor-Leste. Most of them were believed to live in Indonesia. The government refused to facilitate the extradition of those indicted on the basis that it did not recognize the UN mandate to try Indonesian citizens in Timor-Leste.

[Source: Amnesty International, *Report 2010* (London 2010) xvi, 171–172.]

In 2009, at least 114 people were detained for peacefully expressing their views. The overwhelming majority were peaceful political activists who were sentenced to terms of imprisonment for raising prohibited pro-independence flags in Maluku or Papua. In March 2009, Buce Nahumury was sentenced to four years' imprisonment for having participated in a peaceful Cakalele dance in Ambon Maluku province in June 2007. During the dance, the “Benang Raja” flag, a symbol of the South Maluku independence movement, was unfurled in front of President Susilo Bambang Yudhoyono. All 22 other Cakalele dancers were serving prison sentences of between 7 and 20 years.

[Source: Amnesty International, *Report 2010* (London 2010) 170–171.]

In 2009, the central government made no serious efforts to establish a truth and reconciliation tribunal in Aceh to investigate crimes committed before the signing of the 2005 peace agreement,

despite the fact that under the 2006 Law on the Governing of Aceh, such a tribunal was to be operational by August 2007.

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 306, 309.]

In September 2009, the Special Committee on Disappearances 1997–1998 of the House of People’s Representatives urged the government to create an ad hoc human rights court to try those responsible for enforced disappearances. They also urged it to ratify the 2006 International Convention for the Protection of All Persons from Enforced Disappearance. However, the government had not acted on the recommendations by the end of 2009.

[Source: Amnesty International, *Report 2010* (London 2010) 172.]

In September 2009, the Australian federal police reopened a war crimes investigation into the 1975 killing of five Australia-based journalists by Indonesian forces in Timor-Leste (*See* previous NCH *Annual Reports*). The Indonesian Ministry of Foreign Affairs responded that it considered the case closed and that the investigation could have implications for bilateral relations.

On 1 December 2009, the censorship board (Lembaga Sensor Film) banned the film *Balibo*, directed by Australian Robert Connolly. On 2 December 2009, several government bodies welcomed the censorship board’s decision, saying that the film would have damaged Indonesia’s diplomatic relations and cast its military in a negative light. As a result of the ban, the Jakarta International Film Festival and others canceled their plans to screen the film, but in defiance of the ban, the Alliance of Independent Journalists held two screenings of *Balibo* in Jakarta on 3 December 2009, for what it said were educational purposes. The Alliance of Independent Journalists (AJI) filed a lawsuit against the censorship board for its decision, arguing that it violated the public’s right to information.

[Sources: Human Rights Watch, *Ifex Alert* (7 December 2009); Human Rights Watch, *World Report 2010* (Washington 2010) 314; “Indonesia: Historical Books and Films Banned” (<http://www.freewordonline.com>; 2010); International Federation of Journalists, *Ifex Alert* (10 March 2010); *Index on Censorship*, 4/09: 147.]

In December 2009, **John Roosa**’s book on the 1965 coup (*See* NCH *Annual Report 2009*) was effectively banned together with four other books. On 8 January 2010, eighty-two intellectuals, including six historians, issued a statement to protest the bans.

[Source: Southeast Asian Press Alliance/Institute for the Studies on Free Flow of Information, *Ifex Alert* (21 January 2010).]

See also Netherlands, Timor-Leste.

IRAN

Last *Annual Report* entry: 2009.

On 26 and 27 December 2009, demonstrators gathered in major cities to mark the religious festivals of *Ashura* and *Tasoa*, which coincided with mourning rituals for the highest-ranking clerical critic of the government, Grand Ayatollah Hossein Ali Montazeri. Police and *basij* paramilitary forces attacked demonstrators in Tehran and Qom, wounding many and killing at least eight. More than a thousand people were detained, including **Mahin Fahimi**, a historian and member of Mothers for Peace (a group which campaigned against possible military intervention in Iran over its nuclear program, sought solutions to the region's instability, and campaigned against political imprisonment). [Sources: Amnesty International, *Iran: Fears for Demonstrators As Authorities Warn of Zero Tolerance amid Ongoing Arrests and Trials* (Online; 9 February 2010); Human Rights Watch, *Ifex Alert* (16 February 2010).]

Ahead of expected demonstrations during the 31st anniversary of the Islamic Revolution on 12 February 2010, the government attempted to slow down the Internet and block text messaging. [Sources: Committee to Protect Journalists, *Ifex Alert* (12 February 2010); Human Rights Watch, *Ifex Alert* (16 February 2010).]

In April and May 2010, at least a dozen statues of secular figures disappeared in Tehran, including one of sociologist and historian Ali Shariati (1933–1977) (*See* previous NCH *Annual Reports*) and two of heroes from the time of the Constitutional Revolution (1905–1911). [Source: *NRC Handelsblad* (11 May 2010).]

IRAQ

Last *Annual Report* entry: 2009.

In 2009, those accused of committing crimes under Saddam Hussein continued to be brought to trial but before a seriously flawed court which handed out further death sentences. In August 2009, the Iraqi High Tribunal (IHT) sentenced former deputy prime minister Tariq Aziz and Ali Hassan al-Majid (known as “Chemical Ali”) each to seven years’ imprisonment for their roles in planning the forced displacement of Kurds from northern Iraq in the late 1980s. The conviction followed a

separate fifteen-year prison sentence that both received in March 2009 for the former government's execution of merchants accused of profiteering under sanctions in 1992. Also in March 2009, the IHT sentenced al-Majid to death for the murder of Shi'ite Muslims in 1999 (he was previously sentenced to death for his role in the 1988 Anfal campaign against the Kurds and for the suppression of a Shi'ite uprising after the 1991 Gulf War).

[Sources: Amnesty International, *Report 2010* (London 2010) 49; Human Rights Watch, *World Report 2010* (Washington 2010) 503.]

In June 2010, Khazi Mutlaq, a government official in charge of democratizing Iraq's lesson plans, noted that the 2003 overthrow of the Saddam Hussein regime by the United States-led coalition forces and its aftermath were variously called "invasion", "occupation", "liberation", and "Operation Freedom" and that therefore the government did not wish to address the subject in the history textbooks. He feared that sectarian disagreement would interfere with the official goal to "make [the] history curriculum an instrument to unify the Iraqi people". According to Mohammed Kamil, the chairman of the history department at Mustansiriya University, Baghdad, the history of the Saddam era (1979–2003) was also poorly treated in the history textbooks.

[Source: T. Arango, "In Rewriting Its History, Iraq Treads Cautiously", *New York Times* (29 June 2010).]

On 26 July 2010, two car bombs exploded near the holy Shi'ite city of Kerbala, southern Iraq, killing twenty mainly Shi'ite pilgrims who wanted to attend the Shabaniyah festival commemorating the birthday in 868 CE of Imam Muhammad al-Mahdi, the last of Twelve Imams and believed by Twelver Shi'ite Muslims to be hidden in the ninth century to save humanity.

[Source: "Two bombs kill 20 near Iraqi Shi'ite city of Kerbala" (Online; Reuters, 26 July 2010).]

See also Syria.

IRELAND

Last *Annual Report* entry: 2004.

ISRAEL

Last *Annual Report* entry: 2009.

The United Nations (UN) Human Rights Council created an independent fact-finding mission led by South African judge Richard Goldstone (previously prosecutor of the International Criminal Tribunals for Rwanda and the former Yugoslavia) to investigate alleged violations during the 22-day conflict in Gaza and southern Israel that ended in January 2009. The Goldstone report found that both Israeli forces and Hamas (and other Palestinian groups) committed war crimes and, possibly, crimes against humanity. It stated that “[t]he prolonged situation of impunity ha[d] created a justice crisis”. It recommended that if the two sides failed to carry out investigations and ensure accountability, the UN Security Council should exercise its authority and refer the situation to the International Criminal Court. In November 2009, the UN General Assembly gave Israel and the Palestinian side three months to show they were willing and able to undertake investigations that met international standards.

[Source: Amnesty International, *Report 2010* (London 2010) xiv–xv.]

On 23 July 2009, the education ministry ordered the removal of the word *nakba* from a school textbook for eight- and nine-year-old Arab children. Education minister Gideon Saar told the Knesset that “[i]n no country in the world does an educational curriculum refer to the creation of the country as a ‘catastrophe’”, but Arab member of parliament Hana Sweid accused the government of “*nakba* denial”. In 2007, a controversy had erupted when the *nakba* concept was introduced into a book for use in Arab schools only by the then education minister, Yuli Tamir, of the center-left Labour party. Arabs made up about a fifth of the Israeli population (they were descendants of those who did not leave their homes during the 1948 war) (*See also* NCH *Annual Report 2009*).

[Sources: *Guardian* (Online; 22 & 23 July 2009); *Index on Censorship*, 4/09: 152.]

On 21 February 2010, Prime Minister Benjamin Netanyahu announced that Israel had added two holy sites in the occupied West Bank to a list of national heritage sites: the Cave of the Patriarchs / Ibrahimi Mosque in Hebron (the site where the biblical patriarchs Abraham, Isaac, and Jacob were possibly buried), and Rachel’s Tomb in Bethlehem. The move heightened tensions.

[Sources: *Independent Media Review Analysis* (Online; 21 February 2010); *Jerusalem Post* (Online; 22 February 2010); *Keesings historisch archief* (2010) 221–22; *NRC Handelsblad* (22 February 2010) 5, (1 March 2010) 4.]

In May 2010, the newspaper *Ha'aretz*, its reporter Gidi Weitz, and Neta Shoshani, a student at the Bezalel Art School in Jerusalem, petitioned the Israeli High Court of Justice for access to records stored in the archives of the Israeli Defense Forces (IDF; the army) relating to the battle of Deir Yassin (a village near Jerusalem) in April 1948. Many believe that Etzel (Irgun) and Lehi (Stern Group) underground units massacred dozens of Palestinian civilians in Deir Yassin and forced the survivors to flee. In 2006, Shoshani had asked to see the material for her art school final project, but she had been granted partial access only. In the spring of 2007, she had asked to see the photographs in the collection. In September 2007, however, a committee of ministers had extended the 50-year moratorium on the disclosure of the records to 2012 with the argument that they could harm national security and foreign relations. In addition to the photos sought by Shoshani, *Ha'aretz* demanded to see reports on the conquest of Deir Yassin written by military historian Meir Pa'il, at the time an intelligence officer in the Hagana (a Jewish paramilitary organization which became the IDF after independence), and several other documents and photos.

[Source: *Jerusalem Post* (Online; 5 May 2010).]

In mid-June 2010, a controversy arose over two omissions by the education ministry in the high school history textbooks—the 1982 war between Israel and Lebanon and the Oslo Accords of 1993 which created the Palestinian National Authority—and over the question whether these omission were political.

[Source: *Haaretz* (Online; 25 June 2010).]

See also Lebanon, Palestinian Authority, Spain, United Kingdom.

ITALY

Last *Annual Report* entry: 2008.

On 3 February 2010, Luigi Marino withdrew an iPhone application (called iMussolini and launched on 21 January 2010), which allowed users to download a 25-minute collection of video and audio clips from dozens of speeches made by the former Italian dictator Benito Mussolini (1883–1945). Cinecittà Luce, the film institute holding the copyright of the pictures, declared that the application did not serve any educational purposes, and threatened to sue Marino for damages. The phenomenon was said to fit into a broader campaign to rehabilitate Mussolini's legacy since 2001.

[Sources: *BBC News* (24 July 2002; 3 February 2010); *NRC Handelsblad* (4 February 2010) 5.]

IVORY COAST (Côte d'Ivoire)

Last *Annual Report* entry: 2009.

Although they were handed to the United Nations (UN) secretary-general in November 2004, the UN Security Council still made not public in 2009 the findings of the UN Commission of Inquiry into Serious Violations of Human Rights and International Humanitarian Law in Ivory Coast since September 2002. In 2003, the Ivorian government accepted the jurisdiction of the International Criminal Court (ICC) over serious crimes. While ICC officials visited Ivory Coast in July 2009 at the invitation of civil society, as in previous years the government was not forthcoming in assisting the ICC mission.

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 96.]

JAPAN

Last *Annual Report* entry: 2009.

In July 2009, the United Nations Committee on the Elimination of Discrimination against Women reiterated its recommendation that Japan should urgently find a lasting solution for the situation of the “comfort women” – survivors of Japan’s military sexual slavery system (1931–1945), including compensation for the victims, prosecution of the perpetrators, and educating the public about these crimes. Twelve local councils adopted resolutions calling for an apology and compensation for survivors of the system.

[Source: Amnesty International, *Report 2010* (London 2010) 190.]

On 1 April 2010, the Yokohama branch of the Japan Teachers’ Union (JTU) boycotted middle school history textbooks written by the right-wing Group for Creating New History Books and adopted by the city office of education. JTU published a compilation of its own material for teachers, declaring that the textbooks (published by Jiyusha publishers) contained many inaccuracies legitimizing Japan’s past aggression in Asia. For example, they reportedly represented Japan’s colonial rule in Korea (1910–1945) as a modernization, hiding the forced nature of the annexation, and defended the inaccurate theory that Japan ruled Korea in ancient times. On 28 April 2010, the Yokohama education office notified middle schools that they were obliged to use the textbooks that it had selected.

[Source: *Dong-A Ilbo* (17 May 2010).]

JORDAN

Last *Annual Report* entry: 2004.

KAZAKHSTAN

Last *Annual Report* entry: 2007.

KENYA

Last *Annual Report* entry: 2009.

More than 1,000 people lost their lives and an estimated 300,000 were displaced from their homes in the violence that followed the December 2007 elections. The coalition government formed in February 2008 agreed to implement the recommendations of a commission established to investigate the post-election violence (known as the Waki Commission for its chairperson, Justice Philip Waki). In October 2008, the commission recommended that the government establish a national tribunal to investigate and prosecute those most responsible for the violence, or refer the crimes to the International Criminal Court (ICC). In 2009, the government did not take measures to ensure accountability for human rights violations committed during the post-election violence in 2007–2008 when more than 1,000 people were killed. In February 2009, parliament rejected a bill to establish a special tribunal to investigate and prosecute suspected perpetrators of these crimes. In July 2009, the cabinet rejected the tabling of a redrafted government version of the bill. A bill seeking to establish a special tribunal was published in August 2009 and was pending in parliament at the end of 2009. In July 2009, the government announced plans to carry out “accelerated reforms of the judiciary, the police and the investigative arms of government” to deal with human rights abuses during the post-election violence, but no timeline was given.

At the end of 2009, an application by the ICC prosecutor filed in November to the ICC pre-trial chamber to authorize an investigation into possible crimes against humanity during the post-election violence was pending. In July 2009, the government appointed commissioners to the Truth, Justice and Reconciliation Commission (TJRC), established following the post-election violence, and the President approved several amendments to the 2008 TJRC Act, including that no amnesty may be recommended by the TJRC in respect of genocide, crimes against humanity, and gross human rights violations. However, concerns remained about the failure of the TJRC law to provide for effective protection for victims and witnesses and for adequate reparations for victims.

[Source: Amnesty International, *Report 2010* (London 2010) 4, 195–197; Human Rights Watch, *World Report 2010* (Washington 2010) 128.]

KOREA, NORTH

Last *Annual Report* entry: 2009.

South Korea believed that hundreds of South Korean prisoners of war from the Korean War (1950–1953) remained in North Korea against their will.

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 329.]

See also Japan, Korea (South).

KOREA, SOUTH

Last *Annual Report* entry: 2009.

Between June and September 1950, after Kim Il-sung's Communist army invaded the south (thus starting the Korean War) in June, at least 10,000 and possible as much as 100,000 persons suspected of supporting Communism were executed by South Korean forces, the police, and anti-Communist groups in Taejon, Busan, and other places, for fear of collaboration with the North. In 2008, the Truth and Reconciliation Commission (TRC), established in December 2005, investigated the massacre, thus bringing to an end decades of official silence about the massacre; it first reported on the massacre on 26 November 2009. Most of the victims were either alleged Communists staying in prison or suspected sympathizers enrolled in an official "re-education" movement known as the Bodo League (also known as Gukmin Bodo Ryeonmaeng; National Rehabilitation and Guidance League). The TRC covered the period from 1910 until 1990 (the Korean resistance to the 1910–1945 Japanese annexation, the political oppression during 1945–1950, the Korean War (1950–1953), and the succession of military dictatorships regimes until the late 1980s.

[Sources: H. McDonald, "South Korea Owns Up to Brutal Past", *Sydney Morning Herald* (Online; 15 November 2008); *Keesings historisch archief* (2010) 237; *Wikipedia* (Online; 5 June 2010).]

See also Japan, Korea (North).

KOSOVO

See Serbia/Kosovo.

KUWAIT

Last *Annual Report* entry: 2005.

KYRGYZSTAN

Last *Annual Report* entry: —

On 13 June 2010, the regional records office of the village of Bazar-Korgon, Jalal-Abad Province, burned down during riots in the south. More than 20,000 records reportedly disappeared. Eighty per cent of Bazar-Korgon's inhabitants were ethnic Uzbeks.

[Source: "Paper office burnt down in Jalal-Abad region of Kyrgyzstan" (Online; News Agency 24.kg, 14 June 2010).]

See also Uzbekistan.

LATVIA

Last *Annual Report* entry: 2008.

LEBANON

Last *Annual Report* entry: 2009.

In Lebanon, human rights groups won a court order to disclose the findings of an earlier official investigation into enforced disappearances but the government, consisting of different factions, was apparently not willing to disclose it. In March 2009, the Special Tribunal for Lebanon was established in the Netherlands with a mandate to prosecute the perpetrators of one set of political crimes—the assassination of former Prime Minister Rafik Hariri and related attacks—but it was not complemented by measures to investigate many others. In April 2009, the tribunal ordered the release of four former heads of Lebanese intelligence and security services who had been held for almost four years in detention without charge following their arrest in 2005 on suspicion of their involvement in Hariri's assassination. The tribunal did not yet issue any indictments. A United Nations-appointed international commission continued its investigations.

[Sources: Amnesty International, *Report 2010* (London 2010) 48; Human Rights Watch, *World Report 2010* (Washington 2010) 534–535.]

In March 2009, reconstruction of the Nahr al-Bared refugee camp—destroyed in the 2007 battle between the Lebanese army and the armed Fatah al-Islam group—officially began, but in August the State Shura Council, the highest administrative court, declared a two-month suspension after a leading politician submitted a petition noting that reconstruction might damage archaeological finds uncovered under the rubble. Reconstruction resumed in October 2009.

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 532.]

More than a year after the end of the fighting that broke out in May 2008 between the Hezbollah-led opposition and pro-government groups, killing at least 71 people in two weeks, judicial authorities failed to hold accountable fighters responsible for attacks against civilians. More than three years after the end of the 2006 war between Israel and Hezbollah, neither the Israeli nor the Lebanese government had investigated the violations of the laws of war committed by the warring parties. The submunition “duds” left behind by Israel's bombing campaign continued to harm civilians. In May

2009, Israel handed to the United Nations data and maps on the cluster munitions it fired over southern Lebanon during the conflict. Lebanon signed the Convention on Cluster Munitions in December 2008.

Despite a pledge in the government's ministerial declaration of August 2008 to take steps to uncover the fate of the Lebanese and other nationals who disappeared during and after the 1975–1990 Lebanese civil war, and to ratify the 2006 International Convention for the Protection of all Persons from Enforced Disappearances, the government took no practical steps to uncover mass graves or collect information on the disappeared. The fate of Lebanese and other residents of Lebanon who disappeared at the hands of Syrian security forces remained unknown. An official joint Syrian-Lebanese committee established in May 2005 to investigate such cases had not published any findings.

[Sources: Human Rights Watch, *World Report 2010* (Washington 2010) 534; International Convention for the Protection of all Persons from Enforced Disappearances at: http://www.concernedhistorians.org/content_files/file/to/28.pdf.]

See also Bahrain.

LIBERIA

Last *Annual Report* entry: 2009.

In December 2009, the final report of the Truth and Reconciliation Commission (TRC), established to shed light on the human rights violations committed during the period 1979–2003, was released. In June 2009, the TRC had already submitted an unedited version of its report (highlighting the role played by corruption and poor management of natural resources in giving rise to the armed conflict) to the legislature and to President Ellen Johnson-Sirleaf. The final report recommended establishing an extraordinary criminal tribunal to investigate and prosecute those suspected of having committed crimes under international law as well as economic crimes. A total of 98 individuals were identified as the “most notorious perpetrators”, including Charles Taylor and seven other leaders of various armed groups. Thirty-six were identified as responsible for crimes under international law but not recommended for prosecution because they spoke truthfully and expressed remorse. Johnson-Sirleaf was included in the list of supporters of armed groups, and the TRC recommended that she be banned from running for public office for 30 years. In July 2009, Johnson-Sirleaf declared to be committed to work with all key stakeholders to implement the TRC recommendations, but the legislature's formal

debate of the report was postponed until early 2010. Efforts at justice were further complicated by problems with the quality of the TRC report, weaknesses within the judicial system, the potential for the legislature to block accountability efforts, and the existence of a 2003 act that granted immunity for war crimes committed from 1989 through 2003.

[Sources: Amnesty International, *Report 2010* (London 2010) 3, 207, 208; Human Rights Watch, *World Report 2010* (Washington 2010) 139–140.]

See also Sierra Leone.

LIBYA

Last *Annual Report* entry: 2009.

Throughout 2009, relatives of the 1,200 prisoners believed to have been killed at Abu Salim Prison on 29 June 1996 held peaceful protests in Benghazi, Ajdebia, and other cities to demand truth, justice, and reparation. On 26 March 2009, three members of the Organizing Committee of Families of Victims of Abu Salim were arrested. Fouad Ben Oumran, Hassan El-Madani and Fathi Tourbil were at the forefront of the demonstrations by families of victims. On 28 March 2009, they and two others arrested were released days later without being formally charged. In September 2009, the authorities appointed a judge to head an investigation into the incident, but neither his mandate nor other details of the investigation were disclosed. The authorities informed some families that prisoners had been killed, and in some cases issued death certificates, but many families rejected the offer of financial compensation as it was conditional on their not seeking judicial redress. The authorities did not make public any account of the events or held anyone responsible. In October 2009, they announced plans to demolish Abu Salim Prison, prompting an outcry by some families of victims who feared the destruction of evidence.

[Sources: Amnesty International, *Report 2010* (London 2010) 49, 209, 211; Human Rights Watch, *World Report 2010* (Washington 2010) 537.]

In March 2009, Jamal al-Haji and Farag Hmeid were released. They were the last of a group of fourteen prisoners arrested in 2007 for planning a peaceful demonstration to commemorate the anniversary of a violent crackdown on demonstrators in Benghazi (another of the fourteen, Abderrahman al-Qotaiwi, initially reported as disappeared, was released apparently in 2008) (*See also* NCH *Annual Report 2009*).

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 536.]

Hundreds of cases of enforced disappearance and other serious human rights violations committed in the 1970s, 1980s and 1990s remained unresolved, and the Internal Security Agency (ISA), implicated in those violations, continued to operate with impunity. The security forces, particularly the ISA, detained and interrogated individuals suspected of dissent or terrorism-related activities, while holding them incommunicado and denying them access to lawyers. On 28 October 2009, the General People's Committee for Justice invited people to contact it if they had been detained by security forces without trial or after acquittal or completion of sentences in the framework of "national reconciliation". The committee's secretary reportedly said that victims would receive financial compensation for every month spent in prison, and that the "door remained open" for judicial redress. However, the authorities did not publicly apologize for the human rights violations committed, nor were perpetrators brought to justice.

[Source: Amnesty International, *Report 2010* (London 2010) 209, 211.]

LITHUANIA

Last *Annual Report* entry: 2009.

MACEDONIA

Last *Annual Report* entry: 2008.

In October 2009, the European Commission recommended opening negotiations on accession to the European Union (EU), but in December 2009 EU Foreign Ministers postponed their decision at Greece's request. Non-governmental organizations expressed concerns at measures taken by the government, inter alia, to reinforce Macedonia's claims to a historic identity (including the building of monuments at public expense).

[Source: Amnesty International, *Report 2010* (London 2010) 213.]

See also Greece.

MALAYSIA

Last *Annual Report* entry: 2008.

In early 2010, the ban on *March 8*, a Tamil-language book by lawyer **K. Arumugam** (*See* NCH *Annual Report 2007*), was confirmed. Deputy Home Minister Fu Ah Kiow justified it as "just ordinary procedure".

[Source: B. Kuppusamy, "Malaysia's 'Bad' Books Sent into Literary Limbo", *Asia Times* (Online; 24 February 2010).]

MALDIVES

Last *Annual Report* entry: 2009.

There was no move to bring perpetrators of past human rights violations to justice. However, attempts from opposition members of parliament to enact a law providing immunity from prosecution to the former president failed when the Speaker of Parliament declared the move unconstitutional.

[Source: Amnesty International, *Report 2010* (London 2010) 219–220.]

MAURITANIA

Last *Annual Report* entry: 2009.

MEXICO

Last *Annual Report* entry: 2009.

In 2009, impunity for past human rights violations remained entrenched. Little or no action was taken to bring to justice those responsible. Investigations into hundreds of cases of serious human rights violations committed during the “dirty war” in the 1960s, 1970s and 1980s made no progress and some documents from previous investigations remained unaccounted for. During its five-year existence, the Special Prosecutor’s Office established in 2001 to investigate and prosecute abuses committed during the “dirty war” in the 1960s–1980s made very limited progress. It did not obtain a single criminal conviction. Of the more than 600 disappearance cases, it filed charges in 16 and obtained indictments in 9. The office determined the whereabouts of only 6 disappeared individuals (4 had been sent to psychiatric institutions and 2 had been killed in detention). After President Felipe Calderón officially closed the office in 2007, the cases were transferred to another, non-specialized unit within the Attorney General’s Office, which did not make significant advances in the investigations. In March 2009, a federal court confirmed the closure of the case of genocide against former President Luis Echeverría for the 1968 Tlatelolco student massacre. In December 2009, the Inter-American Court of Human Rights found Mexico responsible for the enforced disappearance of Rosendo Radilla by the army in Guerrero state in 1974. It ordered a new civilian investigation, reparations for the relatives, and reform of the military penal code to end military jurisdiction over the investigation and trial of human rights cases.

[Sources: Amnesty International, *Report 2010* (London 2010) 226; Human Rights Watch, *World Report 2010* (Washington 2010) 239–240.]

See also Colombia.

MOLDOVA

Last *Annual Report* entry: 2003.

On 4 April 2002, the official newspaper *Moldova suverană* (Sovereign Moldova) published an article written by a historian and former deputy minister for education, **S.N.**, stating that **Anatol Petrenco** (1954–), chairman of the Association of Historians of the Republic of Moldova and a university professor, owed his studentship and further career as a historian to his cooperation with the Soviet secret service KGB as an informant. Petrenco sued the S.N. for defamation, but in 2002–2004 the domestic courts dismissed the case, qualifying the impugned statements as value judgements. The Supreme Court omitted to comment on the expert linguistic report attached to Petrenco's appeal according to which the author had directly insulted him and damaged his honor, dignity, and professional reputation. In 2005, Petrenco applied to the European Court of Human Rights (ECHR) for invasion of his privacy and defamation. The ECHR found that statements about collaboration with the KGB could not be considered mere value judgments. Whether an individual had collaborated with the KGB was not a matter for speculation but a historical fact capable of being substantiated by relevant evidence. By presenting Petrenco's collaboration with the KGB as an established fact whereas it was mere speculation, S.N.'s article overstepped the limits of acceptable comments in the context of a debate of a general interest. The ECHR held that publicly implying, without proof, that Petrenco collaborated with the KGB, breached the latter's right to respect for private life.

[Source: European Court of Human Rights, *Petrenco versus Moldova: Judgment* (2010).]

MONGOLIA

Last *Annual Report* entry: 2007.

MONTENEGRO

Last *Annual Report* entry: 2009.

MOROCCO/WESTERN SAHARA

Last *Annual Report* entry: 2009.

In 2009, a list of cases of enforced disappearances investigated by the Equity and Reconciliation Commission (ERC) was still not published. The ERC, established to investigate gross human rights violations committed under the rule of King Hassan II (1956–1999), when state violence against dissidents and opponents was particularly extreme (1961–1999), completed its work in November 2005 and the list was due to be published by the Advisory Council on Human Rights (ACHR), tasked to follow up its work. In September 2009, the ACHR said that 17,012 survivors and victims' families had received financial compensation as a result of the ERC decisions and 2,886 people had been issued with health care cards. However, victims and survivors continued to be denied effective access to justice and the perpetrators had still not been held to account. The government did not yet implement most of the institutional reforms recommended by the ERC. In addition, as of October 2009, the families of the disappeared persons whose cases were handled by the ERC and, afterward by the ACHR, had not received a full account of the ERC findings concerning the disappearance of their relatives.

[Sources: Amnesty International, *Report 2010* (London 2010) 48–49, 234; Human Rights Watch, *World Report 2010* (Washington 2010) 542.]

In late 2009, **Mustapha Manouzi** declared that Forum vérité et justice (Truth and Justice Forum, established in 1999), of which he was the new president, would press the government to establish a national day in memory of the disappeared and to add a chapter on the “years of lead”, the period of human rights abuses under King Hassan II's rule (1961–1999), in history textbooks.

[Source: M. Saadi, “Droits de l'homme: Le forum ne renonce jamais”, *Telquel* (Online; [2009]).]

Polisario camps

In 2009, the stalemate continued in negotiations on the status of Western Sahara between Morocco and the Polisario Front. The Polisario Front called for an independent state in Western Sahara and ran a self-proclaimed government-in-exile in refugee camps in south-western Algeria. No steps were known to have been taken by the Polisario Front to address the impunity of those accused of committing human rights abuses in the camps in the 1970s and 1980s.

[Source: Amnesty International, *Report 2010* (London 2010) 231, 234.]

MYANMAR (BURMA)

Last *Annual Report* entry: 2009.

On 3 March 2008, authorities arrested historian **U Aung Hla Thein** in Sittwe, the capital of Rakhine (or Arakanese) State. He was questioned for three hours and then released. His computer and many documents were seized, including research papers about Rakhine history. He had previously written a Rakhine textbook for primary-level students. His arrest could have been related to the official referendum scheduled for May 2008 and rumors that some intellectuals in Sittwe were preparing to oppose it.

[Sources: Amnesty International, *Myanmar: The Repression of Ethnic Minority Activists in Myanmar* (Online; 16 February 2010); Narinjara (Independent Arakanese News Agency), “Arakanese Historian Arrested in Sittwe” (Online; 7 March 2008).]

In January 2009, the press scrutiny board delayed an edition of the arts monthly *Myanmar Thit* because the cover, featuring a portrait of the Burmese former United Nations (UN) Secretary-General U Thant (1909–1974) to celebrate the hundredth anniversary of his birth, had to be replaced with the UN logo and a quotation. The board also rejected a speech written by Mahatma Gandhi, one of the founding fathers of India.

[Source: *Index on Censorship*, 4/09: 85, 126.]

On 19 July 2010, Martyrs’ Day (commemorating the 1947 assassination of General Aung San [1915–47], the independence leader known as the “Father of Burmese Independence”, and father of opposition leader Daw Aung San Suu Kyi), news about the commemoration ceremony was censored. The use of portraits of Aung San on magazine covers was disapproved. “New Style” magazine had intended to publish a 200–page special issue for Martyrs’ Day, but the censor board rejected some 70 pages of the material, deleting seven or eight entire stories.

[Source: Mizzima/Ifex, *Ifex Alert* (26 July 2010).]

See also Thailand.

NAMIBIA

Last *Annual Report* entry: 2009.

NEPAL

Last *Annual Report* entry: 2009.

In 2009, efforts to establish a Truth and Reconciliation Commission (TRC) stalled. Nepali critics of a draft TRC bill, pending since 2007, noted shortcomings, among them the proposed commission's lack of independence from political influence, inadequate witness protection, and a proposal to grant it the power to recommend amnesty for perpetrators of serious human rights violations. Both sides of the conflict (1996–2006)—state forces and Maoist armed groups—had subjected people to enforced disappearances. In October 2008 the Maoist-led government decided to withdraw 349 cases against Maoists pending in court, claiming that they were “political” in nature. After the Maoist-led government in August 2008 announced that it would compensate “victims of conflict”, families of victims in some cases suspended their pursuit of criminal investigations, fearing they might negatively influence their applications for compensation.

According to the International Committee of the Red Cross, more than 1,300 people remained unaccounted for by the end of 2009. In June 2009, a draft bill criminalizing enforced disappearance lapsed, and a Commission of Inquiry into disappearances was not set up. The proposed bill failed both to employ a definition of enforced disappearance consistent with international law, and to recognize enforced disappearance as a possible crime against humanity. Impunity continued for perpetrators of human rights abuses during the conflict—no cases were tried before a civilian court. Survivors of violations reported that police refused to file complaints or investigate cases. The authorities failed to implement court-ordered arrests of military personnel accused of human rights violations. The army continued to make unsupported claims that it dealt with abusers in its ranks, yet promoted officers identified as alleged perpetrators of human rights violations. Particularly controversial was the appointment of Major General Toran Bahadur Singh as acting army chief. As head of the 10th Division, Singh was accused of involvement in cases of enforced disappearances in Maharajgunj in 2003. In 2009, the prime minister blocked his promotion to lieutenant general. The police reported that the army continued to refuse to cooperate in investigations into army abuses. The government claimed that it was too weak to initiate prosecutions against the army.

[Sources: Amnesty International, *Report 2010* (London 2010) 240; Human Rights Watch, *World*

Report 2010 (Washington 2010) 320–322.]

NETHERLANDS

Last *Annual Report* entry: 2009.

In February 2007, journalist and historian **Marcel Metze** (1953–), author of several corporate histories, signed a contract with Rijkswaterstaat (RWS; Directorate-General for Public Works and Water Management responsible for major highways and waterways) to write a 300-page book (with the draft title *The RWS Book of Change*) containing the history of its reorganization in the 2003–2008 period. In November 2008, after having read four fifths of the manuscript, RWS director-general Bert Keijts told Metze that, in his view, the manuscript described the management responsible for the reorganization in an unbalanced way, disapprovingly, and sometimes disrespectfully. Although Metze defended his independence as a researcher, on 30 March 2009 RWS wrote to him that the manuscript (the publication of which was already announced) would not be published. On 20 April 2009, RWS rejected Metze's request for permission to publish the manuscript himself. In November 2009, RWS announced that in January 2010 it would publish the manuscript with SDU publishers in a revised form (one third of the original would be deleted and Metze's original contribution would not be mentioned). On 9 December 2009, a judge in The Hague ruled that the conflict was not about freedom of commissioned journalistic and historical research but about contract law. He further said that RWS had not committed copyright abuse or censorship and that Metze could not publish the manuscript himself because the 2007 contract stipulated that RWS had exclusive publication rights, which were only transferable after its written approval. In January 2010, after questions by members of parliament, Minister of Transport, Public Works and Water Management Camiel Eurlings reportedly asked RWS to approve Metze's request to publish in order to avoid censorship charges. Metze adapted a few passages related to the privacy of some civil servants. It appeared in March 2010 as *Veranderend getij: Rijkswaterstaat in crisis—het verhaal van binnenuit* (*Changing Tide: The Directorate-General for Public Works and Water Management in Crisis—The Inside Story*).

[Sources: M. Metze, personal communication (December 2009 & January 2010); *NRC Handelsblad* (26 November 2009) 3, (11 January 2010) 3, (12 March 2010) 6; *Parool* (27 November 2009); *Volkskrant* (11 January 2010); Rechtbank 's-Gravenhage, *Vonnis in kort geding Marcel Metze versus Rijkswaterstaat* (zaaknummer/rolnummer: 348566/KG ZA 09-12889; December 2009) at:

http://www.concernedhistorians.org/content_files/file/le/132.pdf.]

On 1 December 2009, Robert and Eleonora van Maasdijk, the children of Gerrie van Maasdijk (1906–1997), general secretary of the royal court until his dismissal by Prince Bernhard (1949–March 1950), and Queen Juliana’s chamberlain afterward (–1956), sued historian **Cees Fasseur** (1938–) for libel because in his book *Juliana en Bernhard: Het verhaal van een huwelijk 1936–1956* (2008; *Juliana and Bernhard: The Story of a Marriage, 1936–1956*) he had called van Maasdijk “a troublemaker”, “a Trojan horse at the court”, and “a splitter of the royal marriage”. In February 1950, van Maasdijk, a confidant of the queen, informed others about Prince Bernhard’s possible involvement in 1950 coup plans against the Indonesian President Sukarno. Van Maasdijk’s diaries also contained entries on these events.

[Sources: *NOS* (Online, 1 December 2009); *NRC Handelsblad* (11 December 2009) 4; *Volkskrant* (1 December 2009); *Welingelichte Kringen* (Online; 1 December 2009).]

See also Lebanon.

NEW ZEALAND

Last *Annual Report* entry: 2007.

See Fiji.

NICARAGUA

Last *Annual Report* entry: 1998.

NIGER

Last *Annual Report* entry: 2009.

NIGERIA

Last *Annual Report* entry: 2008.

In 2009, the government did still not hold members of the security forces accountable for past crimes, including the massacre of more than two hundred people by the military in Benue State in 2001 and the military's complete destruction of the town of Odi, Bayelsa State, in 1999 (*See NCH Annual Report 2008*).

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 144.]

NORWAY

Last *Annual Report* entry: 2009.

OMAN

Last *Annual Report* entry: —

In March 2010, the government confiscated several banned books at the Muscat International Book Fair, including *Tribes on the Eve of the English Coup in Salalah*, by **Ahmed Al-Zubaidi** (probably a history of the sultanates of Muscat and Oman around 1870–1890).

[Arab Network for Human Rights Information, “Oman: Confiscation To Reach Legacy Books; A Black List of Writers To Be Denied Media Appearance” (Online; 28 March 2010).]

PAKISTAN

Last *Annual Report* entry: 2009.

The government's response to the long-standing conflict at the north-western border with Afghanistan vacillated between appeasement and extreme violence; neither strategy indicating a government committed to protecting human rights. In fact, there was a clear link between the surging conflict and decades of successive Pakistani governments ignoring the rights of the millions who live in the difficult terrain of north-western Pakistan, evading accountability for current or past abuses. The people of the Federally Administered Tribal Areas (FATA) bordering Afghanistan did not have the same rights as the other citizens of Pakistan: under the colonial era Frontier Crimes Regulation (1901) that still governed most administrative and judicial aspects of their lives, they were outside the writ of the National Assembly as well as the judiciary. Pakistanis living in the FATA were legally subject to collective punishment for crimes committed on its territory or for "acting in a hostile or unfriendly manner".

[Source: Amnesty International, *Report 2010* (London 2010) 21–22.]

See also Bangladesh, India.

PALESTINIAN AUTHORITY

Last *Annual Report* entry: 2009.

On 31 August 2009, Gaza's ruling Islamist movement Hamas disapproved the idea that United Nations (UN)-run schools should teach about the Holocaust to their pupils (some 200,000 children). The head of its education committee in Gaza, Abdul Rahman el-Jamal, reportedly declared that the Holocaust was a "big lie" and that the UN should teach about the *nakba* ("catastrophe"; the term used by Palestinians to describe the expulsion of hundreds of thousands of Palestinians from Israel in 1948).

[Source: *BBC News* (31 August 2009).]

See also Israel.

PANAMA

Last *Annual Report* entry: 2008.

PARAGUAY

Last *Annual Report* entry: 2009.

In August 2008, around the time that the Comisión de Verdad y Justicia (CVyJ; Truth and Justice Commission) published its final report, primary-school curricula offered a course “Autoritarismo en la historia reciente del Paraguay” (Authoritarianism in Recent Paraguayan History) for the first time. [Source: A. Criscaut, “Nuevos documentos de la era stronista de Paraguay: Los archivos del terror II”, *Página 12* (Online; Buenos Aires; 15 April 2010).]

Significant progress was made in bringing to justice some high-profile perpetrators of human rights abuses during the military government of General Alfredo Stroessner (1954–1989). By the end of 2009, some 13,700 applications for reparations had been made to the Ombudsman after modifications to legislation on compensation were made in 2008. In October 2009, the defense minister authorized the unsealing of files dating from the military regime, giving human rights activists investigating human rights violations during this period access to this information for the first time. In May 2009, Sabino Augusto Montanaro, interior minister between 1968 and 1989, was arrested after voluntarily returning from exile. He faced trial for human rights violations including crimes allegedly committed as part of Operation Condor, a joint plan by Southern Cone military governments in the 1970s and 1980s to eliminate opponents.

[Source: Amnesty International, *Report 2010* (London 2010) 12, 258.]

In October 2009, two tons of military records were discovered at the Ministry of Defense. The archives, labeled *archivos del terror II* (a first find of files was done in December 1992), included records of the reorganization of the Paraguayan army and the purchase of arms during the War of the Triple Alliance against Brazil, Argentina, and Uruguay (1864–1870), a list of names of Bolivian prisoners captured in the Chaco War (1932–1935), and documents about the Stroessner era and Operation Condor. The defense minister authorized the unsealing of files.

[Sources: Amnesty International, *Report 2010* (London 2010) 258; M. Almada, “The Man Who Discovered the Archives of Terror”, *UNESCO Courier* (Online; 2009, no. 9); A. Criscaut, “Nuevos

documentos de la era stronista de Paraguay: Los archivos del terror II”, *Página 12* (Online; Buenos Aires; 15 April 2010); *Keesings historisch archief* (2010) 266.]

PERU

Last *Annual Report* entry: 2009.

On 7 April 2009, in a unanimous verdict, a three-judge panel of the Peruvian Supreme Court convicted and sentenced former president Alberto Fujimori to 25 years’ imprisonment for crimes against humanity. He was the first democratically elected Latin American leader to be convicted for grave human rights violations in his own country. The court found him responsible for the extrajudicial execution of fifteen people in the Barrios Altos district of Lima in November 1991, the enforced disappearance and murder of nine students and a teacher from La Cantuta University in July 1992, and two abductions. Fujimori appealed the sentence and a final verdict was still pending. The trial was respectful of due process guarantees and consistent with international standards of fair trial. By October 2009 Fujimori had been convicted and sentenced in each of the other cases for which he was extradited from Chile in 2007, involving charges of corruption, bribery, and phone-tapping. In a separate trial, in April 2008 General Julio Salazar Monroe, former head of the National Intelligence Service during the Fujimori government, was sentenced to 35 years in prison for ordering the Cantuta killings. By September 2009, 13 members of the Colina group, the government death squad directly responsible for the La Cantuta and Barrios Altos killings, had been convicted. Efforts to investigate and prosecute former officials and military officers implicated in scores of other killings and disappearances dating from the beginning of the armed conflict had poor results. Lack of cooperation by the military consistently hampered the investigations. Moreover, President Alan García’s government repeatedly questioned the legitimacy of human rights trials. In October 2009, Defense Minister Rafael Rey claimed at a War Marines ceremony that the military and police did not commit crimes against humanity because they did not kill for religious, racial, political, or ideological reasons. According to information published by the human rights Ombudsman in December 2008, of 218 cases monitored by the institution—which included abuses committed by insurgent groups—only eight had led to convictions, while 122 were still under investigation by prosecutors. In October 2009, the National Human Rights Coordinator, an NGO that monitored accountability, reported that the National Criminal Court, created in 2004 to deal with human rights violations and terrorism, had acquitted 52 military and police agents and convicted twelve. The ratio of acquittals to convictions increased significantly in 2008–2009: the court acquitted 29 agents and convicted only two. In

September 2009 the Supreme Court overturned one of the two convictions. In October 2009, the National Criminal Court acquitted five former top ranking army officers responsible for counterinsurgency operations of enforced disappearances in 1990, discounting evidence that disappearance was a systematic practice at the time.

There was no progress in implementing the recommendations of the 2001 Truth and Reconciliation Commission (TRC) set up to investigate human rights violations committed during the internal armed conflict (1980–2000). Little progress was made regarding the 1,000 cases of past human rights violations filed with the Public Prosecutor's Office since 2003. The Ministry of Defense continued to withhold information on cases involving military personnel. In November 2009, the Reparations Council, a body set up in 2006 to create a record of victims of human rights violations during the armed conflict so that they could claim reparation, had to suspend its work owing to lack of resources.

[Sources: Amnesty International, *Report 2010* (London 2010) 10–12, 260; Human Rights Watch, *World Report 2010* (Washington 2010) 245–247.]

In September 2009, Salomón Lerner, former TRC president and then rector emeritus of the Catholic University of Peru, president of the Institute for Democracy and Human Rights, and vice-president of a commission charged with creating a Museum of Memory, which would focus on human rights abuses in Peru, again received death threats and anti-Semitic e-mails.

[Sources: Amnesty International, *Report 2010* (London 2010) 260; Human Rights Watch, “Peru: Investigate Threats Against Rights Defender” (25 September 2009); Human Rights Watch, *World Report 2010* (Washington 2010) 249.]

POLAND

Last *Annual Report* entry: 2009.

On 25 November 2008, a Moscow court refused to reopen the investigation into the 1940 Katyń massacre. On 29 January 2009, the Supreme Court confirmed this judgment.

[Source: *Keesings Historisch Archief* (2009) 89.]

In March 2009, the Hollywood film *Defiance* (Polish: *Opor*), directed by **Edward Zwick**, was banned in several cinemas across Poland because of a local perception that it was rewriting history in an anti-Polish sense. It depicted the story of a Jewish underground movement led by the four Bielski

brothers that waged a campaign of armed resistance against the Nazis and saved 1,200 Jews from the Holocaust. But the film was criticized from two sides. Nationalist Poles believed that the Bielski partisans also took part in a brutal 1943 attack led by Soviet partisans on the village of Naliboki in which 128 people were killed, despite historical investigations that exonerated them. The liberal newspaper *Gazeta wyborcza* gave evidence suggesting that the leader of the group, Tuvia Bielski, took part in a joint operation with the Soviets to wipe out Polish anti-Communist units (the underground Home Army) and that he helped lead the Soviets to the whereabouts of a Polish underground leader.

[Sources: *Guardian* (Online; 5 March 2009); *Index on Censorship*, 4/09: 176.]

On 27 November 2009, President Lech Kaczynski approved legislation that allowed for people to be fined or imprisoned for possessing or buying Communist symbols (like the hammer and sickle and the red star). The law, however, did not list the banned symbols and it also exempted from punishment their use for artistic, educational, or collectors' purposes. It complemented legislation that made it a crime to promote Nazism.

[Sources: *Keesings historisch archief* (2010) 141; M. Scislowska, "Poland Clamps Down on Communist Symbols" (Online, AP, 27 November 2009).]

See also Russia.

QATAR

Last *Annual Report* entry: —

Members of a tribe blamed for a failed coup attempt in 1996 continued to be denied nationality, employment, and other rights.

[Source: Amnesty International, *Report 2010* (London 2010) 48.]

ROMANIA

Last *Annual Report* entry: 2008.

In [September] 2009, the European Court of Human Rights ruled that part of the files relating to the overthrow of Ceaușescu's regime and the ensuing bloodshed in 1989 (some 1,200 files) should be declassified and made available to the organization "21 December 1989". On 10 February 2010, the government decided to publish 8,000 files. The members of "21 December 1989" (founded in January 1990 and led by Teodor Mărieș) participated in the uprising; they were seeking information on more than 1,000 persons who were killed during the revolution. Romania had declassified and released over 10,000 files since January 2010, with another 1000 documents remaining to be reviewed.

[Sources: P. Ciocoiu, "Files on Romanian revolution declassified", *SETimes: The News and Views of Southeast Europe* (Online, 24 February 2010); European Court of Human Rights, *Association 21 December 1989 Bucarest & Teodor Mărieș & Marin Stoica versus Romania* (2009) at: http://www.concernedhistorians.org/content_files/file/le/146.pdf (in French).]

On 8 October 2009, a monument for the Holocaust victims was erected in Bucharest.

[Source: *Keesings historisch archief* (2009) 633.]

RUSSIA

Last *Annual Report* entry: 2009.

On 27 October 1999, **Igor Sutyagin** (1965–), a historian, expert on arms control issues, senior researcher in the Department of Military and Political Research of the Institute of United States and Canadian Studies of the Russian Academy of Sciences, and author of a 1998 book entitled "Strategic Nuclear Arms in Russia", was arrested by the Federal Security Bureau (FSB) of the Kaluga region and interrogated for about 60 hours. The FSB reportedly considered that by publishing a book about nuclear disarmament, Sutyagin disseminated "secret information", although he reportedly did not have access to such information. Sutyagin had, however, exchanged information with a United States doctoral candidate at Princeton University on the subject of strategic nuclear weapons and compiled information on military and defense issues in Russia, while working as a private consultant for the United Kingdom-based Alternative Futures consultancy. On 5 November 1999, Sutyagin was

formally charged with high treason. On 12 September 2001, the United Nations Working Group on Arbitrary Detention held that Sutyagin's detention was not arbitrary. In 2004, he was found guilty of passing state secrets to foreign officials and sentenced to fifteen years' imprisonment for espionage. On 19 April 2007, the Parliamentary Assembly of the Council of Europe demanded his immediate release. In April 2010, a court in Arkhangelsk rejected an appeal for his release on the grounds that he had broken prison rules. On [15] July 2010, he was one of the "Western spies" handed over by Russia to the United States in a spy swap. He was granted an official pardon as part of the deal. Sutyagin subsequently went into forcible exile in the United Kingdom.

[Sources: Amnesty International, "Russian Scientist Could Face Forcible Exile" (8 July 2010); Council of Europe Parliamentary Assembly, "Resolution 1551 (2007): Fair Trial Issues in Criminal Cases Concerning Espionage or Divulging State Secrets" (19 April 2007), paragraphs 11, 15, at: http://www.concernedhistorians.org/content_files/file/le/167.pdf; Radio Free Europe/Radio Liberty, "Russian Court Rejects Appeal By Scientist Accused Of Spying" (Online; 1 May 2010); *Telegraph* (15 July 2010); United Nations Working Group on Arbitrary Detention, *Igor Sutyagin v. Russian Federation* (E/CN.4/2002/77/Add.1 at 70; 2001) at: http://www.concernedhistorians.org/content_files/file/le/154.pdf.]

The 2007 film *Katyn*, documenting the 1940 killing of 20,000 Polish intellectuals and military officers, was barred from broad distribution in Russia, which amounted to a de facto ban. On 28 April 2010, however, shortly after the plane crash in which Polish President Lech Kaczynski and many Polish officials died, President Dmitry Medvedev ordered to publish files on the massacre (which had been declassified in September 1992 on the orders of then-President Boris Yeltsin and had been available to specialized researchers) on the website of the Rosarchiv (Russian Federal Archival Service; <http://www.rusarchives.ru>). One of the documents was a 5 March 1940 four-page memorandum from Lavrenty Beria, head of the NKVD secret police, to Joseph Stalin in which he suggested to execute the Polish prisoners held by the Soviets. Records of an investigation into the massacre that began in the 1990s and was closed in 2004 were not opened, despite the fact that a court case about it was pending.

[Sources: Article 19, "World Press Freedom Day: Free Media and Freedom of Information" (30 April 2010); *Keesings historisch archief* (2010), 261–62; National Security Archive, "Historic Dissident Journal Published Online" (30 April 2010); A. Osipovich, "Russia Publishes Katyn Archives" (Online; AFP; 28 April 2010).]

From August 2007, **Mukhmed Gazdiev**, a retired history teacher from Karabulak, Ingushetia, who was disabled and in poor health, had been harassed and intimidated, because he enquired into the

enforced disappearance of his son, Ibragim ([1978–])—an economist who worked as a shop manager—after he was seized by armed men in camouflage (believed to be members of the Federal Security Services [FSS]) on 8 August 2007. In May 2008, the FSS searched his home using a warrant issued for a neighbor’s house. In [2010], Mukhmed Gazdiev complained to the court against the suspension of the criminal investigation into his son’s disappearance, believing that his son was still held in state custody, although the authorities denied this.

[Source: *Wire* (Amnesty International Newsletter; June/July 2010), 8, also at:

http://www.concernedhistorians.org/content_files/file/ca/61.pdf.]

In March 2009, emergency situations minister Sergei Shoigu called for a federal law “On Combating the Rehabilitation of Nazism, Nazi Criminals or their Collaborators in the Newly Independent States on the Territory of the Former Union of Soviet Socialist Republics”, based on Holocaust denial legislation in Germany, that would criminalize attempts to “rehabilitate Nazism” and that aimed to protect the memory of the Soviet victims of World War II (*See NCH Annual Report 2009*). The law would also seek to punish Baltic, eastern European, or former Soviet states that maintained that they were “occupied” rather than “liberated” by the USSR, and to bar Western historians who accused the Red Army of carrying out atrocities during its 1945 advance on Berlin or point out that Nazi Germany and the USSR were once allies under the 1939 Molotov-Ribbentrop pact. Anyone condemning the Allies for the 1945 forcible repatriation to the USSR and subsequent execution or deportation of about two million Soviet citizens who had fallen into German hands before they were freed by the Allied advance (the so-called “victims of [the February 1945 Conference of] Yalta”, including Russian Cossacks, prisoners of war, forced laborers, émigrés, and anti-Communists who had fought for Germany against Stalin) could be branded as a “criminal”. The proposed memory law, which won almost universal backing in the Russian parliament in May 2009, was criticized because of its overbroad definition of Nazi rehabilitation (regarding equally culpable criticism of the USSR and heroization of Nazi Germany). Observers also saw the new legislation as part of a continuing rehabilitation of Stalin as it would outlaw criticism of many of his policies. The Global Campaign for Free Expression *Article 19* recommended that the draft law be rejected by the Russian parliament because its scope was discriminatory and raised questions concerning the respect of the sovereignty of foreign states; because combating the re-examination of the decisions of the International Military Tribunal at Nuremberg and the desecration of the memory of the victims of the “Great Fatherland War” were illegitimate restrictions on the right to freedom of expression; because, as more than sixty years had passed since the end of World War II, it was not longer necessary to interfere with the right to freely seek historical truth in order to protect the victims of the war; and because the draft law failed to require that any interference with that right should be proportionate to the value or the

interest protected by the state. Later in 2009, the government supported the principle of the law, but turned down the proposed project because of the vagueness of its terms. A new version of 16 April 2010, in which punishment was proposed exclusively for “public denial or approval of the Nazis crimes against peace and the security of the humankind established by the verdict of the Nuremberg Tribunal” was again criticized, inter alia because the 1945 Nuremberg statute does not know the category “crimes against the security of the humankind”.

[Sources: American Historical Association, “Open Letter to President Dmitrii Medvedev” (Washington 17 June 2009); *Telegraph* (Online; 5 March & 19 May 2009); Article 19, “Proposed Law Attempts To Regulate History and Memory” (1 October 2009); Article 19, *Memorandum on the Russian Draft Federal Law “On Combating the Rehabilitation of Nazism, Nazi Criminals or their Collaborators in the Newly Independent States Created on the Territory of Former Union of Soviet Socialist Republics”* (London 2009); N. Kosopov, “History and Truth: Russian MPs Appeal To Nuremberg”, *University Values Bulletin* (Online; June 2010).]

On 30 October 2009 (Political Prisoners Day since 1974; a national day of remembrance for political repression in the USSR), President Dmitry Medvedev attacked those seeking to rehabilitate Stalin. He said that it was not possible to justify those who exterminated their own people and warned against efforts to falsify history and defend repression. According to *Memorial*, more than 12 million Soviet citizens died in Stalin’s purges.

[Sources: Article 19, “World Press Freedom Day”; *BBC News* (30 October 2009); *Keesings historisch archief* (2009) 319; *Telegraph* (Online; 30 October 2009).]

In September 2009, parts of *The Gulag Archipelago*, a historical account of life in the Soviet labor camps between 1918 and 1956 written by Aleksandr Solzhenitsyn, became obligatory reading in secondary schools.

[Source: *Wikipedia* (Online; 28 July 2010).]

On 3 September 2009, unknown persons paid suspicious visits to the apartment buildings where **Oleg Orlov** (1953–), chairman of the *Memorial* Human Rights Center, and **Alexander Cherkasov**, researcher on armed conflict for *Memorial*, lived. Both men, who were Moscow-based experts on the Caucasus, spoke out following the abduction and murder of historian **Natalia Estemirova** (1959–2009), a journalist for *Novaya Gazeta* and *Memorial*’s head of the Chechnyan desk in Grozny, on 15 July 2009. The visits took place one week before court proceedings were to open in a civil defamation suit brought by the President of Chechnya, Ramzan Kadyrov, against *Memorial* and Orlov who had declared that Kadyrov was morally responsible for the murder of Estemirova and for

the overall deteriorating human rights situation in Chechnya. Kadyrov sued for alleged damages to his “honor and dignity”. On 6 October 2009, a Moscow court ruled that Orlov’s statement defamed Kadyrov and ordered Orlov and *Memorial* to pay a fine and publish a retraction saying that the statement did not correspond to reality. Orlov did not publish the retraction. On [23] January 2010, the ruling was confirmed on appeal. On 20 October 2009, Kadyrov brought criminal charges against Orlov for the same statement. The trial was underway. The circumstances of Estemirova’s murder (she was found shot dead in Ingushetia); the pattern of threats against *Memorial* staff members (including Akhmed Gisayev), forcing three of them to leave the region; other murders of civic activists; and the nature of Estemirova’s investigations into official abuses, all pointed to possible official involvement in, or acquiescence to her murder. Estemirova had exposed several highly sensitive cases, including a public extrajudicial execution of a man suspected of collaborating with insurgents, and accumulated evidence linking torture, disappearances, murders, arsons, and punitive violence to Chechen authorities and, particularly, to Kadyrov’s militia. After the murder, *Memorial* was obliged to temporarily suspend its activities in the North Caucasus. On 11 January 2010, Chechnya’s ombudsman Nurdi Nukhazhiyev made a series of accusatory statements, alleging that *Memorial* used facts about human rights violations to “destabilize” the situation in Chechnya. In early February 2010, Kadyrov dropped the charges. In December 2009, *Memorial* received the Sakharov Prize for Freedom of Thought, awarded by the European Parliament

[Sources: Amnesty International, *Report 2010* (London 2010) 31, 269, 271; Article 19, “Russia: Article 19 Concerned About Continued Harassment of Oleg Orlov Under Criminal Defamation Laws” (16 December 2009); Committee to Protect Journalists, *Attacks on the Press in 2009* (New York 2010) 157–162, 187, 266–267; Committee to Protect Journalists, *Ifex Alert* (26 February 2010); Freedom House, *Ifex Alert* (21 December 2009 & 19 January 2010); Human Rights Watch, *Ifex Alert* (8 & 14 September 2009); Human Rights Watch, “Russia: Drop Criminal Libel Charges Against Activist” (29 October 2009); Human Rights Watch, *World Report 2010* (Washington 2010) 3, 27, 429–430; Human Rights Watch, “Russia: A Year Later, No Prosecution in Estemirova Murder” (8 July 2010); *Index on Censorship*, 4/09: 178–179; *Keesings historisch archief* (2009) 635; *NRC Handelsblad* (28 October 2009) 5, (23–24 January 2010) 5, (10 February 2010) 4; PEN, “Day of the Imprisoned Writer: Russia, Natalia Estemirova: Journalist and Human Rights Defender” (15 November 2009).]

On 13 September 2009, **Mikhail Suprun**, a professor of history at Pomorsky State University, Arkhangelsk, was briefly arrested by officers from the Federal Security Service (FSB). His entire personal archive (including copies of historical documents) was seized. Suprun, a Ph.D. student, and Colonel **Alexander Dudarev** (=Dudaryev), head of the archives of the Arkhangelsk Regional

Ministry of Internal Affairs, were charged with “violating privacy laws”. Suprun was accused of gathering material for a database about Polish and German persons resettled in the Arkhangelsk region, and Dudarev with helping him. Dudarev had given him a list of 40,000 German *gulag* victims—Russian-speaking ethnic Germans and prisoners of war (captured by the Red Army)—deported to the Arkhangelsk region between 1945 and 1956, which he studied with the help of the German Red Cross to produce a *Book of Memory of Victims of Political Repression* about these Germans. An FSB investigator told Suprun that some relatives of the Germans had complained that they did not want information about their relatives inserted in such a *Book of Memory*. After his brief arrest, Suprun left Russia for a temporary research assignment in Poland. So-called *Books of Memory* contained basic biographical information (such as date and place of birth, data and nature of repression, profession, family position). Around 300 such *Books of Memory* were reportedly created in Russia and the information from them was placed on a Memorial CD containing more than 2,5 million names.

[Sources: *Guardian* (15 October 2009); N. Holdsworth, “Russia: Arrest of Historian Sparks Outcry”, *University World News* (Online; 1 November 2009); Kharkiv Human Rights Protection Group, “Russia: Historian Investigating Soviet Victims of Repression Interrogated by the FSB” (Online; 2 October 2009); Kharkiv Human Rights Protection Group, “Memorial Criticizes Persecution of Historians and Archivists in Arkhangelsk” (Online; 5 October 2009).]

On 8 October 2009, Yevgeny Dzhugashvili, Stalin’s grandson living in Georgia, sued the liberal opposition newspaper *Novaya Gazeta* and its journalist **Anatoly Yablokov**, for printing an article that referred to Stalin as a “bloodthirsty cannibal”. Dzhugashvili alleged that the article had offended Stalin’s honor and dignity, particularly the claim that he had personally signed the (recently declassified) death warrants of thousands of “enemies of the state” shot during the “Great Terror” in the 1930s and during the 1940 Katyń massacre. Dzhugashvili’s lawyer said that since Stalin could not defend himself, it was necessary to put the story straight. On 13 October 2009, the court found that the article did not posthumously defame Stalin. In December 2009, Dzhugashvili sued radio station *Ekho Moskvy* in defamation over comments made by presenter Matvey Ganapolsky on a program in October (Ganapolsky said: “Stalin signed an order that children can be shot from the age of twelve as enemies of the nation.”)

[Sources: *BBC News* (8 October 2009); Holdsworth, “Russia”; *Telegraph* (13 October 2009); *Index on Censorship*, 4/09: 178; 2/10: 142; *Keesings historisch archief* (2009) 634; Radio Free Europe/Radio Liberty, “Stalin’s Grandson Launches Second Libel Case” (19 December 2009).]

See also Georgia, Poland.

RWANDA

Last *Annual Report* entry: 2009.

The authorities used broadly defined genocide ideology laws to silence dissent, including criticisms of the ruling Rwandan Patriotic Front (RPF) political party and demands for justice for RPF war crimes. As of August 2009, there were reportedly 912 people in prison (356 awaiting trial; 556 convicted and sentenced) on genocide ideology charges. Some cases resulted in acquittals, often following a period of prolonged pre-trial detention. Although the law covered some acts that can constitute hate speech, it required no link to any genocidal act, and was extremely vague. For example, it penalized people with a 10- to 25-year prison term for “dehumanizing” a group of people by “laughing at one’s misfortune” or “stirring up ill feelings”. It penalized young children with sentences of up to 12 months at a rehabilitation center, and those aged 12 to 18 with prison sentences of between 5 and 12,5 years (*See also NCH Annual Report 2009*).

On 23 June 2009, the ban on the British Broadcasting Corporation’s (BBC) Kinyarwanda radio service was lifted. The Rwandan government had suspended it saying that it threatened the country’s national reconciliation by hosting people with views negating the 1994 genocide (*See NCH Annual Report 2009*). In September 2009, Article 19 recommended that the government repeal the 2008 *Law Relating to the Punishment of the Crime of Genocide Ideology of Rwanda* because its overbroad formulations violated international law on genocide and “hate speech”.

[Sources: Amnesty International, *Report 2009* (London 2009) 277; Amnesty International, *Report 2010* (London 2010) 273; Article 19, *Comment on the Law Relating to the Punishment of the Crime of Genocide Ideology of Rwanda* (London, September 2009) 4; Human Rights Watch, *World Report 2009* (Washington 2009) 102–104; Human Rights Watch, *World Report 2010* (Washington 2010) 150, 151; *Index on Censorship*, 4/09: 181; 2/10: 48.]

Gacaca trials, whose procedures fail to meet international fair trial standards, were expedited with the objective of completing all outstanding cases by December 2009. The 31 July 2009 deadline for new accusations before *gacaca* was extended in some areas. Some *gacaca* trials were reportedly marred by false accusations, corruption, and difficulties in calling defense witnesses. In December 2009, with several appeals and revisions pending, the deadline to end *gacaca* was extended to the end of February 2010. After the closure of *gacaca*, new accusations were to be presented before conventional courts. According to the National Service of Gacaca Jurisdictions, *gacaca* courts decided nearly 1.6 million genocide cases since their start in 2002.

In December 2009, the United Nations Security Council extended the mandate of the International

Criminal Tribunal for Rwanda (ICTR) until the end of 2012 to ensure it could finalize the trials. Judicial proceedings against genocide suspects took place in many countries including Belgium, Canada, Finland, and the United States. Extradition hearings against genocide suspects continued in Finland, Sweden, and the United Kingdom. No country extradited genocide suspects to Rwanda for trial. The Rwandan government reported that it had over 500 genocide suspects under investigation around the world. It also stated that some African countries had not co-operated with its investigations.

War crimes and crimes against humanity committed by the RPF and the Rwandan Patriotic Army (RPA) before, during, and after the 1994 genocide were not prosecuted. There were no new criminal investigations or prosecutions initiated against former RPA fighters accused of committing war crimes and crimes against humanity. Despite estimates by the United Nations High Commissioner for Refugees that the RPF killed between 25,000 and 45,000 civilians in 1994, Rwanda has tried only 36 RPF soldiers. The ICTR did not issue indictments against any RPF commanders implicated in such abuses. In July 2009, at an international conference assessing the ICTR legacy, many participants deemed the prosecutor's decision not to indict any RPF crimes to be the ICTR's greatest failure.

[Sources: Amnesty International, *Report 2010* (London 2010) 3–4, 274–275; Human Rights Watch, *World Report 2010* (Washington 2010) 17, 148–150.]

The teaching of contemporary national history, including the 1994 genocide, was suspended in public schools because no approach was deemed acceptable. In April 2010, in order to commemorate the sixteenth anniversary of the genocide, an international symposium took place in Kigali, in which the subject of “teaching history of genocide” also featured. Historian Paul Rutayisire of the National University of Rwanda declared that finding consensus to teach the subject would be a long-term process.

[Sources: E. Cole & J. Barsalou, “Unite or Divide? The Challenges of Teaching History in Societies Emerging from Violent Conflict”, United States Institute of Peace, *Special Report*, no. 163 (June 2006), 2, 7–8; Hironelle News Agency, “Rwanda/Genocide: Rwandan Scholars Caution Teaching of Genocide History in Schools” (Online, 23 April 2010).]

See also Sierra Leone.

SAUDI ARABIA

Last *Annual Report* entry: 2006.

On 1 October 2009, cleric Sheikh Saad al-Shithri (also: Saad Bin Naser al-Shethri), a member of the government-sanctioned Supreme Committee of Islamic Scholars, said that religious scholars should vet the curriculum at the only co-educational university in the country, King Abdullah's University of Science and Technology (KAUST) at Tuwal, to prevent alien ideologies such as "evolution". The government had promised academic freedom for KAUST, but clerics would reportedly try to obstruct the project. A few days later, al-Shitri was expelled from the committee.

[Sources: *NRC Handelsblad* (5 October 2009) 4; "Saudi Scholars To Vet University Curriculum" (<http://www.dawn.com>; 1 October 2009).]

SENEGAL

Last *Annual Report* entry: 2009.

See Chad.

SERBIA/KOSOVO

Last *Annual Report* entry: 2009.

On 3 October 2003, Željko Bodrožić (1970–), editor of the local weekly newspaper of Kikinda, *Kikindske*, published an article about the well-known nationalist historian from Belgrade, **Jovan Pejin**, former director of Serbia's state archives (2001–2003). Pejin had appeared as a guest on the program *Unbuttoned* of Novi Sad Television to discuss his book *Autonomous Vojvodina: A Nightmare for the Serbian People*. In the article "The Floor is Given to the Fascist", Bodrožić called Pejin "an idiot" and "a fascist". Pejin sued Bodrožić for insult and later for defamation, as at the hearing in the insult case, Bodrožić had referred to him as "a member of the fascist movement in Serbia". On 23 June 2009, the European Court of Human Rights eventually decided on the case. It noted that Bodrožić could have been imprisoned for 75 days, had he not been able to pay the fine imposed. While Bodrožić had indeed used harsh words which might have been considered offensive,

his statements had been a reaction to Pejin's provocative interview in the context of free debate on an issue of general interest and without the aim to stir violence; the expressions used by Bodrožić could only have been interpreted as value judgments and therefore opinions not susceptible of proof. Pejin, a public figure, should have anticipated potential harsh criticism by a large group of people. Therefore, he had been obliged to display a greater degree of tolerance in this context. By sentencing Bodrožić criminally for the article, the authorities had limited excessively his free expression.

[Source: European Court of Human Rights, *Bodrožić versus Serbia* (2009) at:

http://www.concernedhistorians.org/content_files/file/1e/147.pdf.]

In January 2009, the International Criminal Tribunal for the former Yugoslavia (ICTY) opened proceedings against former Assistant Interior Minister Vlastimir Đorđević, indicted for crimes against humanity and war crimes in Kosovo. He was charged with responsibility for crimes by police under his command leading to the deportation of 800,000 Albanian civilians, the enforced disappearance of more than 800 ethnic Albanians, and leading a conspiracy to conceal their bodies which were transported to Serbia for reburial. Also in January 2009, proceedings were suspended against Vojislav Šešelj, Serbian Radical Party leader, indicted for crimes against humanity and war crimes in Croatia and Bosnia and Herzegovina. In July 2009, he was convicted for contempt of court for disclosing the identities of protected witnesses. In February 2009, the ICTY convicted five Serbian political, police, and military leaders of war crimes and crimes against humanity during the 1999 Kosovo conflict. Former Serbian President Milan Milutinović was acquitted. In October 2009, the appeals chamber considered the prosecution's application for a retrial of Kosovo Albanian Ramush Haradinaj, acquitted of war crimes in 2008. The Belgrade Special War Crimes Chamber continued its efforts to hold alleged perpetrators accountable for wartime abuses, despite limited funding, inadequate political support, and little public awareness of its work.

[Sources: Amnesty International, *Report 2010* (London 2010) 280–281; Human Rights Watch, *World Report 2010* (Washington 2010) 439.]

The European Union-led police and justice mission EULEX and the ministry of justice established mixed judicial panels and an Office of Special Prosecutors, which included local prosecutors, to address war crimes and other serious crimes committed during the 1998–1999 conflict. In March 2009, EULEX opened a preliminary investigation into the alleged transfers by the Kosovo Liberation Army in 1999 of around 400 Serbian and other captives to detention facilities in Albania. The Council of Europe investigation into the allegations by Swiss senator Dick Marty continued, but his visit to Kosovo, scheduled for 2009, was postponed. The Serbian War Crimes Prosecutor also initiated an investigation. The Kosovo authorities dismissed the allegations and refused to investigate

them. According to the International Committee of the Red Cross Kosovo, 1,885 persons, the majority Kosovo Albanian, remained missing from the 1999 conflict. In December 2008, EULEX had taken responsibility for the Office of Missing Persons and Forensics (OMPF). By December 2009, 101 mortal remains had been exhumed and 83 returned to their families; 400 previously unidentified remains were sent to the International Commission for Missing Persons for identification through DNA analysis. Investigations were opened in a few cases. Families of the disappeared held repeated demonstrations calling for the return of missing relatives. Amendments to the 2006 Law on Civilian Victims of War providing compensation to relatives of the disappeared had not been introduced by the end of 2009.

[Source: Amnesty International, *Report 2010* (London 2010) 282; Human Rights Watch, *World Report 2010* (Washington 2010) 446–448.]

See also Bosnia and Herzegovina, Croatia.

SIERRA LEONE

Last *Annual Report* entry: 2009.

Some progress was made in implementing the recommendations of the Truth and Reconciliation Commission (TRC)—established after the 1991–2002 civil war—but no follow-up committee was appointed and the constitutional review process stalled. The prosecution case in the trial of former Liberian President Charles Taylor before the Special Court for Sierra Leone (SCSL) in The Hague ended on 27 February 2009, and included 91 witnesses. Taylor faced 11 charges of war crimes and crimes against humanity for his role in supporting rebel groups during the civil war in Sierra Leone (1991–2002). In July 2009, the defense case began. Taylor was the first sitting African head of state to be indicted and face trial before an international or hybrid war crimes tribunal.

On 26 October 2009, the SCSL appeals chamber upheld the convictions of the Revolutionary United Front leaders Issa Sesay, Morris Kallon, and Augustine Gbao on nearly all counts. The convictions were the first for attacks on United Nations peacekeepers as a violation of international humanitarian law and for forced marriage as an inhumane act constituting a crime against humanity. The reparations program, set up under the TRC, devoted most of 2009 to identifying 28,000 war victims, implementing symbolic reparations in 18 chiefdoms. The only funds for the reparation program, drawn from the peacebuilding fund, ran out in late 2009 and the government took no steps to ensure funding for the future.

[Sources: Amnesty International, *Report 2010* (London 2010) 3, 284–285; Human Rights Watch, *World Report 2010* (Washington 2010) 155–156.]

See also Liberia.

SINGAPORE

Last *Annual Report* entry: 2009.

On 14 July 2010, the official Media Development Authority (MDA) banned a video by film director **Martyn See**, entitled “Ex-political Prisoner Speaks Out in Singapore” or “Dr. Lim Hock Siew”, on the grounds that it was “contrary to public interest” because it “[gave] a distorted and misleading portrayal of Dr. Lim’s arrests and detention under the Internal Security Act (ISA) in 1963”. Lim, a former leader of the left-wing political party Barisan Sosialis (Malay for Socialist Front), was imprisoned from February 1963 (when Operation Coldstore, a crackdown on left-wing politicians, took place) until 1982. The MDA also ordered See to remove all digital copies of the film uploaded on the video website YouTube and his own blog. Another of See’s films, “Zahari’s 17 Years” (2006), about ex-political prisoner Said Zahari, who spent a total of 17 years in detention after Operation Coldstore, was banned in 2007. At that occasion, See declared: “The government is clearly not allowing history to be heard. It does not want to acknowledge the history of detention because it is an acute embarrassment”.

[Sources: “Singapore bans film about ex-political detainee” (Online; Reuters; 10 April 2007); Southeast Asian Press Alliance, *Ifex Alert* (15 July 2010).]

SLOVAKIA

Last *Annual Report* entry: 2009.

SLOVENIA

Last *Annual Report* entry: 2009.

SOMALIA

Last *Annual Report* entry: 2006.

See Ethiopia.

SOUTH AFRICA

Last *Annual Report* entry: 2009.

Following civil society protests, the South African government confirmed in August 2009 that it would act on the International Criminal Court arrest warrant against the President of Sudan if he travelled to South Africa, despite the position taken at the African Union Heads of State and Government Summit in Sirte, Libya, in July 2009.

[Source: Amnesty International, *Report 2010* (London 2010) 297–298.]

In December 2009, human rights organizations sought an order in the Pretoria High Court declaring unlawful the decision of the authorities not to initiate an investigation into alleged crimes against humanity committed in Zimbabwe by individuals known to travel to South Africa.

[Source: Amnesty International, *Report 2010* (London 2010) 298.]

See also Sudan.

SPAIN

Last *Annual Report* entry: 2009.

On 15 February 2007, the family of the late Manuel Gutiérrez Torres, local leader of the Falange (the Spanish Fascists) during the civil war (1936–39) and mayor of Cerdedo (Pontevedra), Galicia, in the 1940s and 1950s, sued historian **Dionisio Pereira González**, a specialist in the history of the Galician workers' movement, for defamation because in his book *A Ila República e a Represión franquista no Concello de Cerdedo* (2003; *The Second Republic and the Francoist Repression in Cerdedo*; Verbo Xido publishers), he had concluded from numerous oral sources that Gutiérrez

Torres, his brothers, and other *falangistas* probably participated in the harsh repression at the time, particularly in the assassination of six persons in August 1936 (*See NCH Annual Report 2009*). In early 2008, the court acquitted Pereira. On 20 May 2008, 349 historians sent a letter to the government in which they protested the abuse of libel laws and asked constitutional protection for free scholarly historical research based on written or oral sources, arguing that the December 2007 Law of Historic Memory, while encouraging historical research about the civil war and the Franco era, would have the unintended effect of exposing historians increasingly to libel trials initiated by the heirs of former perpetrators. On [7] April 2009, the ruling was confirmed on appeal. Pereira said that journalists Emilio Silva and Santiago Macías had been sued various times for their book *Las fosas de Franco* (2003; Franco's graves); that Alfredo Grimaldos's work about the post-1975 transition period was denounced by the family of former minister Juan José Rosón; that writer Marta Capín was acquitted in a case against the family of a *falangista* mentioned in her work *Los crímenes de Valdediós*; and that a judge closed a website which contained a list of those responsible for the repression under Franco in the village of O Grove after two children of one of them had complained. [Sources: Historia a Debate (Academia Solidaria) (Online; Santiago de Compostela 2007–2009); J.A. Rojo, "La historia oral de la guerra llega a juicio", *El País* (Online; 2 June 2008).]

In 2008, judge **Baltasar Garzón** (1955–) had opened an investigation into cases of enforced disappearances dating from the civil war (1936–1939) and early years (1939–1952) of the rule of Francisco Franco. Later that year, he dropped the investigation (*See NCH Annual Report 2008*). In December 2008, the National Criminal Court ruled that it was not competent to investigate such cases and therefore referred the 114,266 suspected cases of enforced disappearance to the 43 local criminal courts in whose jurisdiction the mass graves had been found. Subsequently, 13 courts classified the cases as ordinary crimes and closed the investigations on the grounds that the crimes had passed the statute of limitations. Only 3 of the local courts classified the cases as crimes under international law (which have no expiry date). These investigations were ongoing at the end of 2009. On 11 March 2009, the Senate rejected a draft law calling on the government to take on the task of locating, exhuming, and identifying the remains of victims. This was in contradiction to the 2007 Law of Historical Memory, which contained provisions to help families locate and recover the remains of their loved ones. In September 2009, Spain ratified the International Convention for the Protection of All Persons from Enforced Disappearance, but enforced disappearance was still not criminalized in Spanish law.

In May 2009, however, a Supreme Court investigating magistrate, Luciano Varela, ruled that by intentionally bypassing Spain's 1977 amnesty law, Garzón had committed abuse of power. Consequently, Garzón faced trial and suspension from his duties. However, Garzón's decision not to

apply the 1977 amnesty law was supported by international conventional and customary law, which imposed on states a duty to investigate the worst international crimes, including crimes against humanity. In 2008, the United Nations Human Rights Committee had called on Spain to repeal the 1977 amnesty law and to ensure that domestic courts did not apply limitation periods to crimes against humanity. In 2009, the Committee against Torture also recommended that Spain “ensure that acts of torture, which also included enforced disappearances, were not offenses subject to amnesty” and asked Spain to “continue to step up its efforts to help the families of victims to find out what happened to the missing persons, to identify them, and to have their remains exhumed, if possible”. In April 2010, masses rallied in Madrid and other cities for a halt to criminal proceedings against Garzón. On 14 May 2010, Garzón was suspended.

[Sources: Amnesty International, *Report 2010* (London 2010) 298, 300; Human Rights Watch, “European Union: Protest Sanctions Against Judge Garzón” (22 April 2010); Human Rights Watch, “Masses Rally to Support Spain’s Garzón” (29 April 2010); *Keesings historisch archief* (2010) 328.]

In September 2009, the Israeli government criticized the newspaper *El Mundo* for publishing an interview with revisionist historian David Irving as part of its coverage of the seventieth anniversary of the outbreak of World War II. It said that the newspaper put “freedom of expression over morality and ethics”.

[Source: *Index on Censorship*, 4/09: 186.]

In October 2009, parliament adopted without debate an amendment to the Law on the Judiciary, which would restrict the application of universal jurisdiction. Thirteen cases under investigation in Spain could be closed as a result. The amendment limited universal jurisdiction to cases in which the victims were Spanish or in which Spain had a “relevant connecting link”, where the alleged perpetrator was in Spain, and as long as no “effective” investigation or prosecution has already begun in another country or international court. The criteria for “effective” were not defined.

[Source: Amnesty International, *Report 2010* (London 2010) 300.]

On 12 April 2010, the National Court declared anti-constitutional the closure of the Basque-language daily newspaper *Euskaldunon Egunkaria* (Newspaper of the Basques) (*See NCH Annual Report 2003*).

[Sources: *Keesings historisch archief* (2010) 263; *NRC Handelsblad* (13 April 2010) 4.]

See also Guatemala.

SRI LANKA

Last *Annual Report* entry: 2009.

On 19 May 2009, the government declared victory over the separatist Liberation Tigers of Tamil Eelam (LTTE), marking an end to a 26-year-long armed conflict (1983–2009) that caused between 80,000 and 100,000 deaths. During the last months of the war, both the Sri Lankan armed forces and the LTTE repeatedly violated the laws of war, causing unnecessary civilian suffering and casualties. Despite government promises, including in a 23 May 2009 joint statement by President Mahinda Rajapaksa and United Nations Secretary-General Ban Ki-moon, no serious steps were taken to investigate allegations of human rights and laws-of-war violations during the war's final months. The government's refusal to address accountability for serious abuses continued a longstanding pattern of impunity for rights violations by state security forces. Past efforts to address shortcomings through the establishment of ad hoc mechanisms in Sri Lanka produced few results.

In June 2009, a Presidential Commission of Inquiry, established to look into serious violations of human rights committed since 2006, was disbanded without completing its mandated tasks. Of the sixteen cases referred, only seven were investigated, with reports on five finalized. No reports were made public and no inquiry resulted in prosecutions. People suspected of committing human rights violations continued to hold responsible positions in government. Minister of National Integration Vinayagamoorthy Muralitharan (alias Karuna) and Chief Minister of the Eastern Province Sivanesanathurai Chandrakanthan (alias Pillayan) were reportedly responsible for abducting teenagers to serve as child soldiers, and holding as hostage, torturing, and unlawfully killing civilians and people suspected of links to the LTTE. Both men were formerly LTTE members. There was no official investigation into any allegations of abuse.

[Sources: Amnesty International, *Report 2010* (London 2010) 302; Human Rights Watch, *World Report 2010* (Washington 2010) 347, 352–353.]

SUDAN

Last *Annual Report* entry: 2009.

On 4 March 2009, the International Criminal Court (ICC) issued an arrest warrant against President Omar Hassan Ahmed Al Bashir—the first for a sitting head of state by the ICC—for war crimes and crimes against humanity by Sudanese forces and allied militia against the civilian population of

Darfur (2003–). The African Union (AU) and the League of Arab States expressed their support for Al Bashir and requested the Security Council to defer the case under Article 16 of the ICC Rome Statute. The request was not granted. The warrant against Al Bashir was the third issued by the ICC relating to Darfur. The government of Sudan ignored international attempts at justice and continued to refuse to arrest former government minister Ahmad Harun and militia leader Ali Kushayb even though warrants from the ICC have been outstanding against both of them for war crimes and crimes against humanity since April 2007. In March 2009, the AU formed a panel on Darfur, headed by former South African President Thabo Mbeki, to investigate ways of securing peace, justice, and reconciliation in the region. In October 2009, the panel submitted its report to the AU. Among other recommendations, it called for the creation of a hybrid court comprising Sudanese judges as well as AU-appointed judges from other countries to prosecute the most serious crimes committed in Darfur. The report was subsequently endorsed by the AU Peace and Security Council.

[Sources: Amnesty International, *Report 2010* (London 2010) 2, 304–305; Human Rights Watch, *World Report 2010* (Washington 2010) 20, 169, 175.]

On 27 September 2009, President Al Bashir lifted the censorship, imposed 18 months earlier by the National Intelligence and Security Services (NISS). The government called on editors in return to adhere to a journalistic “ethical code” that could mean they would not address issues that would have been censored in the past.

[Source: Amnesty International, *Report 2010* (London 2010) 307.]

See also South Africa.

SURINAME

Last *Annual Report* entry: 2009.

In January 2009, the military trial of 25 people accused of extrajudicial executions in 1982 (known as the December Murders) resumed after a six-month adjournment. The trial had begun in November 2007 following 25 years of impunity. Among the defendants was former President Lieutenant Colonel Desire (Desi) Delano Bouterse, who took power in a military coup in 1980 and was replaced in 1987. Bouterse and 24 other men were charged with the killing of 13 civilians and 2 army officers who were arrested by the military authorities and executed the next day in Fort Zeelandia, a military base in Paramaribo, in December 1982. The presiding judge rejected a motion filed in 2008 by the

defense to ban the media from covering the trial. Witnesses, including former soldiers, testified before the military court stating that Bouterse was at Fort Zeelandia on the morning of the first killings. In August 2009, a civilian witness, brother of one of the victims, told the court that during an interview, a former high-ranking officer, who later died, had implicated Bouterse in the killing of two of the victims. Bouterse denied any involvement in the killings. The trial was continuing at the end of 2009. On 19 July 2010, Bouterse was elected the new President of Suriname.

[Source: Amnesty International, *Report 2010* (London 2010) 12, 307–308.]

SWEDEN

Last *Annual Report* entry: 1998.

See Germany, Rwanda.

SWITZERLAND

Last *Annual Report* entry: 2009.

SYRIA

Last *Annual Report* entry: 2009.

In March 2004, Kurdish groups held large-scale demonstrations, some violent, in northern Syria, to protest their discriminatory treatment by the Syrian authorities. In the violent crackdown, at least 36 people were killed, most of them Kurds, and over 160 people were injured. The security services detained more than 2,000 Kurds (many were later amnestied). In the ensuing years, security forces repressed at least fourteen political and cultural public gatherings, almost all peaceful, organized by Kurdish groups, and often resorted to violence to disperse the crowds. They included cultural celebrations such as *Nowruz* (the Kurdish new year) in March 2006, 2008, and 2009, and commemorations of the March 2004 events or the 1979 death of Mustapha Barzani (1903–1979), the primary political and military leader of the Kurdish rebellion in Iraq.

[Sources: Human Rights Watch, *Group Denial: Repression of Kurdish Political and Cultural Rights*

in Syria (Online; 26 November 2009); *Index on Censorship*, 3/04: 122.]

On 29 November 2006, **Waed al-Mhana**, a journalist and campaigner for endangered archaeological sites, posted an article on the *Kuluna Shuraka* (We are all partners) website, in which he criticized a ministry of culture decision to destroy an old market (al-Suk Al-Atiq) in the historic district of Old Damascus. The market was demolished later that year. In April 2007, charges of violating the press code because the article contained “inappropriate phrases that include abasement” were brought against him. In July 2008, he was sentenced *in absentia* to two months’ imprisonment and fined. Al-Mhana, who was not notified about the trial, objected to the ruling. In April 2009, a retrial started.

[Sources: Committee To Protect Journalists, “Syrian journalist held incommunicado, another on trial” (Online; 22 April 2009); *Index on Censorship*, 4/09: 194.]

During 2009, the Syrian government showed no interest in clarifying the fate of those who disappeared under the rule of Hafez al-Assad (1970–2000), the father of President Bashar al-Assad.

[Source: Amnesty International, *Report 2010* (London 2010) 48.]

TAIWAN

Last *Annual Report* entry: 2009.

On 28 March 2010, the opposition Democratic Progressive Party and several action groups, including the Taiwan Association of University Professors, expressed fear that the Kuomintang government in office since May 2008 would “sinicize” and “detaiwanize” history textbooks used at senior high schools by increasing the teaching of Chinese history and neglecting the history of Taiwan’s indigenous peoples in order to emphasize its One China policy.

[“Taiwan activists want DPP action against China-centric history books”, *Taiwan News* (Online; 28 March 2010).]

TANZANIA

Last *Annual Report* entry: —

A report mentioned that historian **Farrid Himid** was the publisher of a censored cultural newspaper, *Fahari ya Zanzibar* (The Pride of Zanzibar).

[Source: L. Adam, “Give Sex or Be Blacklisted” (<http://www.freemuse.org>; 24 April 2008).]

THAILAND

Last *Annual Report* entry: 2009.

In April 2009, the government announced that there would be no prosecutions for the killings in the historic Krue Se mosque in 2004 (*See NCH Annual Reports 2005, 2008*). On 27 April 2009, nine people were killed and two others injured in five separate attacks on the eve of the fifth anniversary of the Krue Se mosque incident.

[Source: Amnesty International, *Report 2010* (London 2010) 321.]

On 24 May 2010, **Suthachai Yimprasert** (also spelled Yomprasert), history professor at Chulalongkorn University, Bangkok, was arrested by the authorities under orders from the Center for the Resolution of the Emergency Situation (CRES) and detained without charge (although there was

reportedly an accusation that he plotted to overthrow the monarchy) in an army camp in Saraburi province following the government crackdown on the anti-government Red Shirt protesters on 19 May 2010. On 27 May 2010, Suthachai went on a hunger strike because he was forbidden access to newspapers, radio, or television, and because CRES had seized the teaching materials he had brought with him to prepare his classes. A former student activist at Thammasat University, Bangkok, in the 1970s, Suthachai fled into the jungle with other students in October 1976 when police suppressed and arrested students at the university, leaving over 39 dead and more than 145 injured. In [2001], he co-wrote *State Crime in an Era of Change*, a book on the official 2000 investigations into the 1976 coup, using student leader testimonies and concluding that the crackdown on students and the subsequent coup had been planned in advance by the government. As Suthachai's name had been on a CRES list of people and organizations suspected of plotting to overthrow the monarchy, he had filed a defamation lawsuit against Prime Minister Abhisit Vejjajiva and CRES in April 2010 for linking him to such plots. The lawsuit was rejected by the courts. Suthachai believed his name was on the list only because he had campaigned to seek the release of a woman convicted of *lèse-majesté*. On 30 May 2010, Suthachai was released, ostensibly after a group of professors (including historians Thida Saraya, Chalong Suntaravanich, and Nidhi Eiwsriwong) and students handed over 318 signatures of protest to the rector of Chulalongkorn University. Suthachai will possibly face charges of terrorism because he supported the Red Shirts.

[Sources: A. Ashayagachat, "Chula Lecturer Suttachai Released", *Bangkok Post* (Online; 31 May 2010); Y. Sharma, "Thailand: Detained Professor Starts Hunger Strike" (Online; *University World News*; 30 May 2010); G. Ju Ungpakorn, "Thailand: Silence of the Academic Community" (Online; *University World News*; 13 June 2010).]

See also United States.

TIMOR-LESTE

Last *Annual Report* entry: 2009.

Impunity persisted for grave human rights violations committed during Timor-Leste's 1999 independence referendum and the previous 24 years of Indonesian occupation (1975–1999). Reports by both the Commission for Reception, Truth and Reconciliation (CAVR) and the Indonesia-Timor-Leste Truth and Friendship Commission (CTF) documenting human rights violations had not been debated in parliament by the end of 2009. However, in mid-December 2009, a parliamentary

resolution on the establishment of a follow-up institution on the CAVR/CTF recommendations was passed. The Prosecutor General did not file any new indictments based on findings of the United Nations Serious Crimes Investigation Team into crimes committed in 1999. Only one person remained in jail for these crimes. In August 2009, President José Manuel Ramos-Horta rejected calls to set up an international tribunal for past crimes. In September 2009, however, a National Victims' Congress called again for such an international tribunal.

[Source: Amnesty International, *Report 2010* (London 2010) 322–323.]

Holding accountable those responsible for the 2006 violence, which erupted after the dismissal of one third of Timor-Leste's military, remained slow and incomplete but a number of cases were investigated, awaited trial, or were completed.

[Source: Amnesty International, *Report 2010* (London 2010) 322–323.]

See also Indonesia.

TOGO

Last *Annual Report* entry: 2009.

In February 2009, the government established a Truth, Justice and Reconciliation Commission to shed light on human rights violations committed between 1958 and 2005. The decree creating the commission did not clarify its powers and no provisions were made to bring to justice perpetrators of abuses.

[Source: Amnesty International, *Report 2010* (London 2010) 324.]

TUNISIA

Last *Annual Report* entry: 2001.

TURKEY

Last *Annual Report* entry: 2009.

On 7 January 2009, socialist economist and historian **Yalçın Küçük** (1938–), author of, inter alia, historical studies on the Ottoman and Republican periods and on Soviet economic development, was arrested for investigation in the “Ergenekon” affair (“Ergenekon” was the name given to an alleged state-sponsored terror organization in Turkey with ties to members of the military and security forces). Küçük was released two weeks later to face trial in September 2009. In 1997, he had been accused of sympathies with PKK” (the outlawed Kurdistan Workers Party) and sentenced to two years’ imprisonment for an interview with its leader, Abdullah Öcalan.

[Sources: *Index on Censorship*, 01/10: 14–20; PEN, *Half-yearly Caselist to 31 December 2009* (Online, 2010), 88; *Wikipedia* (Online; 16 March 2010).]

In February 2009, **Nedim Sener**, a reporter for the daily national newspaper *Milliyet*, published *The Dink Murder and Intelligence Lies* (February 2009), a controversial book about the 2007 murder of journalist Hrant Dink (See *NCH Annual Report 2009*). The book dealt with the gendarmerie, police, and national intelligence officers who were accused of having prior knowledge of the murder plans and of preventing the solution of the case with misleading evidence and fake documents. In June 2009, Sener faced multiple charges filed by several senior police and security service officials, including “targeting officials on anti-terrorist duties” and “obtaining and revealing secret information”, facing a total of 32 years and six months’ imprisonment (Dink’s murderer was given a twenty-year sentence). On 4 June 2010, Sener was acquitted of most of the charges.

[Sources: Bianet, *Ifex Alert* (9 June 2009); *Ifex Communiqué* (16 June 2010); International Press Institute, *Ifex Alert* (16 June 2010).]

On 24 February 2010, a court in Istanbul fined Turkish Radio and Television Corporation (TRT), Bey Productions Company, and Ökkeş Şendiler for posthumous defamation because they claimed that Hrant Dink had been responsible for the massacre of 19–25 December 1978 in Maraş. On 24 December 2008, TRT had broadcast the documentary “Maze of the Kings” about that massacre in which Şendiller (a prime suspect of the massacre who was acquitted later) had held Dink responsible for it. According to official numbers, 111 people, mostly Alevi (members of a religious minority), died in the massacre.

[Source: Bianet, *Ifex Alert* (3 March 2010).]

In May 2010, the Public Chief Prosecutor in Istanbul opened a case against sociologist and political scientist **Ismail Beşikçi** (1939–) on charges of “spreading propaganda for the PKK” (*See also NCH Annual Reports 2002, 2009*). The charges were based on his article entitled “The Right of Nations to Self-Determination and the Kurds” for “Contemporary Law and Society” magazine. In the article, Beşikçi wrote, inter alia, “The Kurds pay the price for a 200-year struggle for freedom and for a free fatherland...The states that jointly kept the Kurds under oppression could always unite politics, ideology, military force, and diplomatic power against the Kurds.”

[Source: Bianet, *Ifex Alert* (7 July 2010).]

On 15 June 2010, the Radio and Television Supreme Council (RTÜK) decided to impose a broadcast ban on the Haber Türk television station after writer **Sevan Nisanyan** commented on the Armenian genocide as a guest on the “One to One” program, hosted by Fatih Altayli. RTÜK said that Nisanyan “exceeded the limits of criticism” with his statements that allegedly “humiliated the Republic of Turkey”.

[Source: Bianet, *Ifex Alert* (6 July 2010).]

See also Armenia.

TURKMENISTAN

Last *Annual Report* entry: 2009.

UGANDA

Last *Annual Report* entry: 2009.

UKRAINE

Last *Annual Report* entry: 2009.

In March 2010, Borys Gudziak, rector of the Ukrainian Catholic University, Lviv, had declared in Japan that the new government of recently elected President Victor Yanukovich wanted to impose Soviet historical views and to rehabilitate Stalin and Stalinism. In early May 2010, a monument to Stalin was unveiled in Ukraine. Later that month, Yanukovich declared that the Holodomor was not a genocide, but still a mass crime organized by Stalin. He did not abolish the history textbooks introduced by the previous government (*See also NCH Annual Report 2009*).

[Sources: *NRC Handelsblad* (19 May 2010); “Ukraine: Rector Warns of Intimidation” (Online; *University World News*; 30 May 2010).]

UNITED KINGDOM

Last *Annual Report* entry: 2009.

In January 2009, the Consultative Group on the Past set up by the government in 2007 recommended establishing an independent commission to deal with the legacy of the past by combining processes of reconciliation, justice, and information recovery. Twenty years after the killing of prominent human rights lawyer Patrick Finucane, the government continued to renege on its commitment to establish an independent inquiry into state collusion in his death. Three public inquiries into allegations of state collusion in the killings of Robert Hamill, Rosemary Nelson, a human rights lawyer, and Billy Wright finished taking evidence. Final reports were expected in 2010. The exclusion of family members and their lawyers from a number of sessions of each inquiry gave rise to concern.

[Source: Amnesty International, *Report 2010* (London 2010) 342.]

In February 2009, the chairman of the House of Commons media select committee asked al Jazeera to

apologize for broadcasting comments made by Sheikh al Qaradawi on 6 February. The latter claimed in a live broadcast that the Holocaust was “divine punishment” and expressed a wish for Allah to kill Jews.

[Source: *Index on Censorship*, 4/09: 207.]

In [January 2010], **Reza Pankhurst** (1976–), a postgraduate teacher for the subject “States, Nations, and Empires” at the London School of Economics (LSE) and a British muslim, was accused of Islamist “infiltration”. In 2002–2006, he had spent four years in Egyptian prisons for membership of Hizb ut-Tahrir al-Islami (Islamic Liberation Party), an organization which advocated the creation of a Muslim caliphate in the Arab world. On his return to the United Kingdom, he had been accepted by LSE on a master’s course in the history of international relations, but he was reportedly also questioned and followed by British security services. The LSE defended Pankhurst’s right to “freedom of expression within the law”.

[Source: *Guardian* (17 January 2010).]

Northern Ireland

On 30 January 1972 (“Bloody Sunday”), thirteen people died when British soldiers opened fire on a civil rights march in Derry, Northern Ireland (*See NCH Annual Report 1998–2001, 2003*). The Widgery Inquiry, held the same year, was perceived by nationalists as a whitewash. In 1998, a new investigation, the Saville Inquiry into Bloody Sunday, was initiated and became the longest-running and costliest inquiry in British legal history. Its report was published on 15 June 2010. Prime Minister David Cameron told members of parliament that it showed that the shooting dead of the thirteen was “unjustified and unjustifiable”.

[Source: *BBC News* (Online; 17 June 2010).]

On 30 June 2009, Ian Paisley jr. was fined for contempt of court after he failed to disclose a police source that provided information about the destruction of files by the Northern Ireland police force related to the 1997 murder of Loyalist Volunteer Force leader Billy Wright.

[Source: *Index on Censorship*, 4/09: 206.]

See also Bosnia and Herzegovina, India, Russia, Rwanda, Spain, United States.

UNITED STATES

Last *Annual Report* entry: 2009.

Although there was overwhelming evidence that senior Bush administration officials had approved brutal and illegal interrogation methods, the Obama administration showed little enthusiasm for initiating a thorough investigation of these abuses. In an important step, Attorney General Eric Holder appointed a federal prosecutor to review post-9/11 interrogation practices. By all indications, however, the investigation was narrowly circumscribed and unlikely to examine the responsibility of senior officials who set the policies and authorized abuses.

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 594.]

The Obama administration invoked an overly broad understanding of the “state secrets” privilege, arguing that litigation related to the United States (US) secret detention and rendition program, as well as lawsuits filed by victims of torture and illegal surveillance, should be dismissed because they might divulge classified information. While it released several important Bush-era interrogation-related memoranda, the administration backtracked on a commitment to release photographs depicting detainee abuse, claiming that doing so could jeopardize US troops abroad.

[Source: Human Rights Watch, *World Report 2010* (Washington 2010) 594.]

On 2 March 2009, federal authorities confirmed that 92 videotapes detailing the harsh interrogation of detainees (including the use of illegal interrogation techniques) at secret prisons were destroyed in 2005 and 2006 by the Central Intelligence Agency (CIA) (*See NCH Annual Report 2009*). The order was given by the former head of CIA clandestine operations, José Rodríguez Jr. On 15 April 2010, it was revealed that the CIA’s then-director, Porter Goss, approved a similar 2005 decision to destroy dozens of videotapes of brutal interrogations carried out on two detainees in Thailand in 2002 because of concern that they would expose the CIA to prosecution.

[Sources: Ifex, *Alert* (10 March 2009 & 22 April 2010); *Index on Censorship*, 4/09: 26; *Keesings historisch archief* (2009) 223.]

On 11 September 2009, American distributors announced that they would not sell the British film *Creation* about Charles Darwin because the theory of evolution was considered “controversial” among American audiences.

[Source: *Index on Censorship*, 4/09: 208.]

On 26 July 2009, the Obama administration ordered the declassification of more than 1,000 US intelligence images of melting Arctic ice formerly classified as confidential by the George W. Bush administration.

[Source: *Index on Censorship*, 4/09: 209.]

In August–October 2009, a Florida state court judge authorized lawyers of the R.J. Reynolds Tobacco Company to issue a subpoena requiring **Robert Proctor**, a professor of the history of science at Stanford University specializing in the history of the tobacco industry, to make his book manuscript available to them so they could comb it for possible material to use in cross-examining him in a civil lawsuit pending there. In the planned book, tentatively titled “Golden Holocaust: A History of Global Tobacco”, Proctor argues that tobacco companies knew smoking was addicting and caused lung cancer long before the surgeon general declared it to be such in 1964 and that the general public’s awareness of the dangers was raised only later. Proctor refused to produce the manuscript, which led Reynolds to seek to exclude his testimony in the lawsuit as a sanction. Proctor’s lawyers argued that forcing him to share the manuscript would violate his copyright, his right to privacy, and his academic freedom (his right to research and gather and publish news and information under the First Amendment). They further said that Proctor should be regarded as a journalist who was covered by legal precedents protecting journalists from compelled disclosure of unpublished material. Ann Arvin, Stanford’s dean of research, said that disclosing unfinished research in such circumstances “could have the detrimental effect of discouraging scholars from participating as expert witnesses in litigation”. Proctor, who in 1999 became the first historian to testify against the tobacco industry and testified in fifteen cases, alleged that for years the tobacco industry had tried to use multiple legal and extra-legal means to prevent him from testifying in litigation, including accusations of witness tampering and witness intimidation (because Proctor had investigated the rumor that the tobacco industry had hired history graduate students as research assistants), and subpoenas for email correspondence. In November 2009, the Florida court ruled that Proctor had a constitutional right to choose when and where his writings were published. Another historian testifying for lung cancer patients in litigation, **Louis Kyriakouides**, an associate professor of history at the University of Southern Mississippi, reported also about the harassment-by-subpoena strategy.

[Sources: R. Proctor, “Plaintiffs’ Motion for Reconsideration of Order Overruling Objections to Subpoena and for Protective Order Concerning Unpublished Manuscript” (9 October 2009); P. Schmidt, “Scholars’ Right to Keep Unpublished Work Private Is at Issue in Lawsuit”, *Chronicle of Higher Education* (Online; 12 October 2009); J. Wiener, “Big Tobacco and the Historians”, *The Nation* (Online; 25 February 2010).]

In the fall of 2009, scholar **Jytte Klausen** published *The Cartoons that Shook the World*, about the controversy regarding the Danish cartoons depicting the Prophet Mohammed which erupted in 2006. Over the summer, Yale University Press unexpectedly took the decision not to publish the cartoons themselves in the book on grounds of taste, offense, and the possibility that it might reignite the conflict. Not only were the cartoons removed from the book, but also historic illustrations of Mohammed that Klausen had wanted to include to illustrate her thesis were omitted.

[Sources: *Index on Censorship*, 4/09: 74–81.]

On 28 December 2009, President Barak Obama issued EO 13526 and a Presidential Memorandum and set goals for declassification of historical records, for a reduction in the number of original classification authorities, and for the promotion of the use of new technologies in declassification.

[Sources: Human Rights Watch, *World Report 2007* (2007) 65; National Security Archive, *Update* (4 January 2010).]

On 16 March 2010, historians criticized about one hundred amendments to the Texas social studies curriculum for public schools which were preliminarily approved earlier in March 2010 by the Texas board of education (comprised of 10 Republicans and 5 Democrats), saying that many of the proposed changes were historically inaccurate. On 21 May 2010, the 15-member board voted 9–5 to pass the new standards that applied to all classes, arguing that the teachers who wrote the curriculum had been too liberally biased. The new textbooks would, inter alia, play down the role of Thomas Jefferson among the founding fathers; question the separation of church and state; insert a vindication of Joseph McCarthy's anti-Communist crusade during the 1950s; replace the word "capitalism" by "free enterprise system"; focus more on biblical and Christian traditions; and give more attention to Ronald Reagan, as the architect of national revival and the victor of the Cold War, and to such conservative organizations as the Heritage Foundation, the Moral Majority, and the National Rifle Association. The changes would become effective in August 2011. California and Texas had substantial impact on the nation's textbooks being the largest of the states that adopted textbooks statewide. As many American states bought the cheaper textbooks sold in Texas, the measure could affect textbooks there as well.

[Sources: K. Alexander, "History Debate Delays Vote On Social Studies Curriculum", *The Statesman* (15 January 2010); *BBC News* (25 June 2010); "Editorial", *Los Angeles Times* (Online; 28 March 2010); *Harvard Crimson* (24 March 2010); J.V. Siegel, "Texas Textbooks Rewrite History" (The DePaulia Online; 31 May 2010); *Washington Post* (18 March 2010).]

See also Bolivia, China, Colombia, Cuba, Honduras, India, Russia, Rwanda.

URUGUAY

Last *Annual Report* entry: 2009.

The law continued to grant impunity to those responsible for human rights violations under the military government (1973–1985). In October 2009, a referendum was held on the proposed annulment of the 1986 Law on the Expiration of the Punitive Claims of the State (Expiry Law), which prevented cases of alleged violations committed during the military-backed governments from being reopened. However, the proposal failed to gain the majority needed to overturn the law. In the run-up to the referendum, the Uruguayan Supreme Court had delivered a landmark ruling on 19 October 2009 that the Expiry Law was unconstitutional because it was inconsistent with Uruguay's obligations under international law. The ruling was given in the case of Nibia Sabalsagaray, a young activist who was tortured and killed in 1974. In August 2009, a law on reparations for victims of the military government and the previous civilian regime (1968–1973) was passed by the Senate. In March 2009, eight former military and police officials were sentenced to between 20 and 25 years' imprisonment for their role in the deaths of 28 people in Operation Condor, a joint plan by Southern Cone military governments in the 1970s and 1980s to eliminate opponents. On 22 October 2009, Gregorio Álvarez, former general and de facto president between 1980 and 1985, was sentenced to 25 years in prison for killing 37 activists in Argentina in 1978. It was the first time in Latin America that a judge sent a former head of state to prison. In February 2010, former President Juan María Bordaberry was sentenced to thirty years' imprisonment for undermining the constitution through an auto-coup on 27 June 1973, and for being a participant in nine disappearances and two political assassinations committed by the security forces while he was president between 1972 and 1976.

[Sources: Amnesty International, *Report 2010* (London 2010) xiv, 12–13, 347; National Security Archive, Update (Online, 30 March 2010).]

See also Brazil, Paraguay.

UZBEKISTAN

Last *Annual Report* entry: 2009.

The government persisted in its refusal to investigate the 13 May 2005 massacre of hundreds of citizens in Andijan (Andizhan), or to prosecute those responsible for it (*See* previous NCH *Annual*

Reports). Instead, authorities clamped down on any individual they believed to have participated in the events or who might know the truth about what occurred. The government's reliance on surveillance, interrogations, ostracism, and threats against survivors of Andijan and their families continued to trigger further refugees from the area. On 26 May 2009, hours after a series of violent acts in the Andijan area, including at least one suicide bombing, police visited at least three homes of relatives of individuals imprisoned for alleged involvement in the 2005 events or who had fled Uzbekistan in their wake. The Uzbek government continued to work with Kyrgyz authorities to forcibly return Uzbek asylum seekers to Uzbekistan. Since 2005 more than a dozen people have been returned against their will. Haiatjon Juraboev, who was snatched off the streets of Bishkek, Kyrgyzstan, in September 2008, was sentenced in Tashkent to thirteen years' imprisonment in February 2009 for religious extremism and illegal border crossing.

In April 2009, Elena Urlaeva, a leading member of the Human Rights Alliance, was assaulted by two unidentified men. She was among a group of human rights defenders who were prevented by police from publicly commemorating the fourth anniversary of the 2005 Andijan killings and who were detained as they left their homes on the morning of 13 May 2009. Seven were detained at police stations for over seven hours; others were held under house arrest.

[Sources: Amnesty International, *Report 2010* (London 2010) 350; Human Rights Watch, *World Report 2010* (Washington 2010) 474–475.]

VATICAN

Last *Annual Report* entry: 2009.

VENEZUELA

Last *Annual Report* entry: 2009.

In January 2009, pro-government activists carrying iron bars, machetes, and firearms forced their way into the Fundación Ateneo cultural center in Caracas. They were protesting at the center's decision to organize a seminar commemorating the anniversary of the creation in 1970 of Bandera Roja, a left-wing political party opposed to the government. The police failed to intervene.

[Source: Amnesty International, *Report 2010* (London 2010) 352.]

On 4 February 2010, police dispersed hundreds of students protesting against the official celebration by President Hugo Chávez's supporters of the 18th anniversary of his failed 1992 coup as an army officer against then-President Carlos Andrés Pérez. The official interpretation saw the coup as a justified rebellion seeking to topple a corrupt government that ignored the plight of the poor.

[Source: *Washington Post* (Online; 4 February 2010).]

VIETNAM

Last *Annual Report* entry: 2009.

On 10 September 2008, **Ngô Quỳnh** (also Ngô Quanh) (?1984–), student and dissident writer, author of online dissenting articles, including “Viet Nam Needs To Compile a New History Book” and “Journey to Lang Son's Dairy” (published on overseas websites), was arrested in Hanoi as he was on his way to the parish of Thai Ha, where a mass rally by Catholics protesting against government policy was taking place (See *NCH Annual Report 2009*). He was detained in a labor camp in Ha Dong province. Indicted on 3 July 2009, he and five other members of the banned pro-democracy group Bloc 8406 were charged with “propaganda against the Communist system of government” as well as “slandorous allegations undermining national security, the social order and the people's trust in the Party”. On 9 October 2009, after a trial of a few hours, he was sentenced to three years’

imprisonment and to three years' probationary detention. On 21 January 2010, his sentence was upheld on appeal.

[Sources: Human Rights Watch, *Ifex Alert* (20 August 2009); PEN, *Half-Yearly Caselist To 31 December 2008* (London 2009) 63; PEN, *Half-Yearly Caselist To 31 December 2009* (London 2010) 66; PEN, *Rapid Action Network* 47/08 (23 September 2008), 49/09 (15 September 2009), 52/09 (14 October 2009); Reporters without Borders, *Ifex Alert* (13 October 2009).]

On 25 August 2009, reporter **Huy Duc** was dismissed from the governmental daily *Saigon Tiep Thi* (Saigon Marketing) for posting criticism of the USSR on his personal blog on 23 August 2009 (*See NCH Annual Report 2009*). In the offending entry (<http://www.blogosin.org>), he had referred to the Berlin Wall as a "Wall of Shame", condemned the USSR's "purges" in East Germany, and called the USSR "an occupation force...that deprived people of their basic rights". On 28 August 2009, journalist **Pham Doan Trang**, editor of *Tuan Vietnam*, an online weekly (part of *VietnamNet*, Vietnam's most popular news website) was arrested for "threatening national security" (*See NCH Annual Report 2009*). On 27 July 2009, she wrote an article in which she had criticized China's role during the partition of Vietnam in 1954. In the past, she had condemned China's territorial claims in the South China Sea. On 5 or 12 September 2009, she was released. On 27 August 2009, police also arrested political blogger **Bui Thanh Hieu** (1972-) (also known by his blogger name: *Nguoi Buon Gio* ["Wind Trader"]) for "threatening national security" because he had written critically, inter alia, about competing territorial claims with China (including regarding the long-contested Paracel and Spratly Islands). On 5 September 2009, he was released. Several bloggers had accused the Vietnamese authorities of failing to stand up to China's territorial claims over the Paracel and Spratly Islands in the South China Sea because they were afraid of offending China.

[Sources: Committee to Protect Journalists, "Vietnam Cracks Down on Bloggers and Online Journalists" (3 September 2009); *Index on Censorship*, 4/09: 214; PEN, *Rapid Action Network* 49/09 (15 September 2009); Reporters without Borders, *Ifex Alert* (2 September 2009).]

WESTERN SAHARA

See Morocco/Western Sahara.

YEMEN

Last *Annual Report* entry: 2003.

On 20 January 2009, **Wagdi Sharbi**, a journalist of the daily *al Watani*, was released after eight days' imprisonment for covering a rally in Aden to commemorate a massacre which took place on 13 January 1986. On that day, fighting broke out between two rival southern groups. Southerners celebrated the anniversary as a festival for tolerance and unity among the people of the south. On 13 January 2008, the previous commemorative meeting had been dispersed by government troops, leaving three persons killed.

On 21 May 2009, the anniversary of the 1994 declaration of an independent state by south Yemeni political leaders, a large protest was held in Aden. Security forces killed at least three people and wounded another 25 to 30 in their response to the protest. On 8 July 2009, two people were killed when police opened fire to disperse a crowd in southern Yemen after a series of protests had taken place to mark the fifteenth anniversary of the failed 1994 secession, amid increasing North-South tensions.

[Sources: Human Rights Watch, *In the Name of Unity: The Yemeni Government's Brutal Response to Southern Movement Protests* (Washington 2009) 29, 35–36; *Index on Censorship*, 4/09: 214, 217.]

ZAMBIA

Last *Annual Report* entry: 2009.

ZIMBABWE

Last *Annual Report* entry: 2009.

In July 2009, youth militia, established by the ruling ZANU-PF political party, reportedly attempted to control schools. Some youth militia centers were running history clubs at schools. Teachers in rural areas said that the setting up of militia bases at schools intimidated them. The Progressive Teachers' Union of Zimbabwe was disturbed by these developments.

[Sources: "Political Violence Growing in Rural Areas" (Online; Irinnews, 27 July 2009); UNESCO, *Education Under Attack 2010* (Paris 2010) 242.]

In April 2010, armed police raided an art gallery in Bulawayo that presented pictures of victims and families from the 1980s Matabeleland massacres in which an estimated 20,000 people were killed by government troops. They arrested the organizer.

[Source: D. Smith, "Police Shut Art Gallery for Showing Images of Zimbabwe Political Violence", *Guardian*, (Online; 4 April 2010).]

INTRODUCTION

The fifteenth *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians around the globe, as reported by various human rights organizations and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it. This *Annual Report* and all previous *Annual Reports* were compiled by Antoon De Baets and revised by Ingrid Sennema. Please send any comments to <antoondebaets@concernedhistorians.org>.

Please quote as:

Network of Concerned Historians, *Annual Report 2009* (<http://www.concernedhistorians.org>).

AFGHANISTAN

Last *Annual Report* entry: 2008.

In 2008, President Hamid Karzai's government did little to implement the five-year *Action Plan for Peace, Reconciliation and Justice* (a part of the Afghanistan Compact officially initiated in December 2006). The legal status of an amnesty for war criminals, passed by parliament in 2007, was still unclear, but the debate was dominated by parliamentarians such as Abdul Rabb al Rasul Sayyaf, Burhanuddin Rabbani, and Taj Mohammad, all of whom have been implicated in war crimes. No effective accountability mechanism had been established and only a handful of those responsible for serious violations of human rights and international humanitarian law during three decades of conflict (1978–2008) had been brought to justice, mostly in other states under the principle of universal jurisdiction.

[Sources: Amnesty International, *Report 2009* (London 2009) 55–56; Human Rights Watch, *World Report 2009* (Washington 2009) 212.]

ALBANIA

Last *Annual Report* entry: 1996.

See Serbia.

ALGERIA

Last *Annual Report* entry: 2008.

During the internal conflict of 1992–2000, over 100,000 and perhaps as many as 200,000 Algerians were killed. In May 2008, the United Nations Committee against Torture urged the government to amend Articles 45 and 46 of the 2006 Decree implementing the *Charter for Peace and National Reconciliation* (Law 06–01), which gave immunity to the security forces and allowed for the punishment of victims and their families, human rights defenders and others who criticized the conduct of the security forces during the conflict. The authorities had still not investigated the fate of thousands of people subjected to enforced disappearance. In May 2008, a senior official stated that

5,500 families of victims of enforced disappearance had accepted compensation but that 600 others had refused, insisting that they be told the truth about the fate of their missing relatives. Later, the head of the National Advisory Commission for the Promotion and Protection of Human Rights said that 96–97 per cent of the families of the disappeared had accepted compensation, but gave no details. Under Law 06–01, relatives can seek compensation if they obtain a death certificate from the authorities for the person who disappeared. Some families complained that they were put under pressure to obtain such certificates. Victims' families continued to be harassed when seeking truth and justice.

[Sources: Amnesty International, *Report 2009* (London 2009) 60–61, 62–63; Human Rights Watch, *World Report 2009* (Washington 2009) 444, 446.]

On 4 August 2008, a court in Constantine dismissed a complaint brought by **Louisa Saker** (née Bousroual), president of the Association of the Families of the Disappeared in Constantine, in connection to the 1994 arbitrary arrest and disappearance of her husband, Salah Saker (1957–), a teacher and member of the banned Salvation Islamic Front (Front Islamique du Salut, FIS). On 26 March 2008, Louisa Saker had been convicted of participating in an unauthorized “unarmed march” and received a suspended fine for having taken part in a peaceful demonstration in 2004 by families of victims of enforced disappearance. She was acquitted of other charges relating to undermining the authority of public officials, violence and theft, but two other relatives of victims of enforced disappearance were convicted in the same case of all of the charges and sentenced to one year's imprisonment. In November 2008, the Constantine Court of Appeals upheld the conviction. The Algerian authorities did not implement the March 2006 recommendations of the United Nations Human Rights Committee in the *Bousroual and Saker v. Algeria* case, which called for an investigation into the enforced disappearance of Salah Saker. The February 2006 amnesty laws barred courts from investigating complaints against the security forces.

[Sources: Amnesty International, *International Day of the Disappeared; Global Reach: Regional Case Studies and Brief Country Background* (POL 36/001/2008; London 28 August 2008); Amnesty International, *Report* (London 2009) 63; Amnesty International, *The Wire*, 37 no. 7 (August 2007) 2; 38 no. 7 (August 2008) 3; Human Rights Committee, *Communication No. 992/2001: Bousroual and Saker versus Algeria* (CCPR/C/86/D/992/2001; 24 April 2006); Human Rights Watch, *World Report 2009* (Washington 2009) 446.]

See also Morocco.

ANGOLA

Last *Annual Report* entry: 2003.

On 20 March 2008, the Minister of Culture, Boaventura Cardoso, announced that a commission for the scientific research into the history of Angola—including the battles fought in the civil war (1975–2002) such as the Cuito Cuanavale Battle in 1987–1989—would be set up by the Ministries of Education, Culture and the State Secretariat for Higher Education.

[Source: Angola Press Agency, “Creation of History Research Commission Announced” (WWW-text; Angola Press Agency; 21 March 2008).]

See also Namibia.

ARGENTINA

Last *Annual Report* entry: 2008.

In 2008, **Hugo del Campo** (1941–2008) died. A historian working at several universities (1966–1975), including the Humanities Department of the Universidad Nacional del Sur (National Southern University), Bahía Blanca, he was arrested together with many other lecturers in [November 1976], tried for “ideological infiltration” and imprisoned for political reasons for six years. In 1983, he went to France and taught at the Universities of Paris IV and Marne-la-Vallée. He was the author of *Los anarquistas* (1971; *The Anarchists*), *Sindicalismo y peronismo* (1983; *Trade-unionism and Peronismo*), and *El sindicalismo revolucionario* (1985; *Revolutionary Trade-unionism*). His last book, a history of Argentina between 1955 and 2005, would be published posthumously.

[Source: J. Horowitz, personal communication (December 2008); <http://www.hugodelcampo.com>; “List of the accused”].

In November 1989, **Eduardo Kimel**, a journalist and a historian graduated from Buenos Aires University, published *La Masacre de San Patricio* (*The San Patricio Massacre*) (second edition 1995), a book about the murder of five clergymen of the Palatine Order committed in July 1976 during the military dictatorship (1976–1983), in which he criticized the handling of the case by the authorities, among them a judge. He had written, inter alia: “The evidence that the order to carry out the murder had come from within the core of the military structure in power checked the development

of the [legal] investigation, bringing it to a standstill”. In October 1991, this same judge sued him for libel. In 1995, Kimel was sentenced for libel to one-year suspended imprisonment and payment of a heavy fine as compensatory damages. The case, in which the charge changed from libel to “false imputation of a publicly actionable crime” and later again to libel, eventually went to the Inter-American Court of Human Rights. At the public hearing held before the Court in 2007, Kimel stated that “The greatest paradox [is] that the only person to be prosecuted and punished in connection with the San Patricio massacre has been the journalist who wrote the book”. In May 2008, the court unanimously ruled that Kimel’s freedom of expression and right to a fair trial had been violated, and that the laws that protect against slander and libel in Argentina violated the American Convention on Human Rights.

[Sources: Inter-American Court of Human Rights, *Case of Kimel v. Argentina: Judgment of May 2, 2008* [available at http://www.concernedhistorians.org/content_files/file/le/105.pdf]; C. Wendell, *The Right to Offend, Shock or Disturb: A Guide to Evolution of Insult Laws in 2007 and 2008* (Reston, VA, 2009) 84–85.]

Since 2003 Argentina has made significant progress in prosecuting military and police personnel responsible for “disappearances”, killings, and torture during its last military dictatorship (1976–1983). The executive branch actively encouraged these prosecutions, reinforcing what began as a legal challenge to impunity in the courts. In late 2008, there were more than 400 people facing charges for these crimes, the vast majority of whom were in pretrial detention. Several important cases were reopened in 2003 after Congress annulled the 1986 “Full Stop” law, which forced a halt to the prosecution of all such cases, and the 1987 “Due Obedience” law, which granted automatic immunity in such cases to all members of the military, except those in positions of command. In June 2005, the Supreme Court declared the two laws unconstitutional. In July 2008, the United Nations Working Group on Enforced or Involuntary Disappearances visited Argentina and noted that more than twenty judgments had been handed down on perpetrators of past human rights violations and that 1,000 criminal proceedings remained open. Since 2005, several federal judges have struck down pardons decreed by the former President Carlos Meném in 1989 and 1990 of former officials convicted or facing trial for human rights violations. In April 2008, for instance, a federal appeals court upheld the unconstitutionality of pardons in favor of Jorge Rafael Videla, former head of the military junta, and two others in a case regarding the “disappearance” of two businessmen.

[Sources: Amnesty International, *Report 2009* (London 2009) 66; Human Rights Watch, *World Report 2009* (Washington 2009) 150–151.]

In April 2008, in the first judgment of its kind, Osvaldo Rivas and María Cristina Gomez were

sentenced to eight and seven years' imprisonment respectively for the "appropriation" of Maria Eugenia Sampallo, the daughter of a couple who were the victims of enforced disappearance in 1977. The ex-army captain who stole the child and gave her to the couple was sentenced to ten years' imprisonment. Also in April 2008, a court indicted seven military officers in connection with the "illegal appropriation" of babies from the military hospital in Campo de Mayo while their mothers were in detention. In July 2008, Jorge Rafael Videla, former head of the military junta, was indicted on similar charges.

[Source: Amnesty International, *Report 2009* (London 2009) 66.]

In December 2008, forensic investigators announced the finding of thousands of bone fragments and a wall with 200 bullet holes in the Arana police detachment near Buenos Aires, the first time that a mass burial site has been found in a former clandestine detention centre. The process to identify the remains has been initiated.

[Source: Amnesty International, *Report 2009* (London 2009) 66.]

See also Chile, Uruguay, Vatican.

ARMENIA

Last *Annual Report* entry: 2006.

See Azerbaijan, Switzerland, United States.

AUSTRALIA

Last *Annual Report* entry: 2008.

In February 2008, the government made an historic apology to the "Stolen Generations"—Aboriginal and Torres Strait Islander people who as children were forcibly removed from their families as a result of government policy between 1870 and 1970. However, the government opposed compensation. It pledged to "close the gap" between indigenous peoples and other Australians, but opposed the United Nations Declaration on the Rights of Indigenous Peoples.

[Sources: Amnesty International, *Report 2009* (London 2009) 27, 69; Human Rights and Equal

Opportunity Commission, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children* (Sydney 1997).]

See also United Kingdom.

AUSTRIA

Last *Annual Report* entry: 2007.

On 27 April 2009, Holocaust denier **Gerd Honsik** (1941–) was sentenced to five years' imprisonment by a Vienna Court. In 1992, he had already been sentenced to eighteen months' imprisonment, but he escaped to Spain where he was arrested in August 2007 and extradited. His recent sentence was heavier because he had repeated his denial. He intended to appeal. His 1995 application to the European Court of Human Rights was declared inadmissible.

[Sources: http://www.concernedhistorians.org/content_files/file/1e/51.pdf [1995 case]; *Keesings historisch archief* (2009) 263; *NRC Handelsblad* (28 April 2009).]

AZERBAIJAN

Last *Annual Report* entry: 2008.

On 20 April 2007, **Eynulla Fatullayev**, a journalist who had been harassed by the government for years, was arrested, charged with libel, tried, and sentenced to two and a half years' imprisonment. The charges were based on anonymous comments posted on a website in February 2007 and attributed to Fatullayev, suggesting that both Azerbaijanis and Armenian forces were responsible for the massacre of hundreds of ethnic Azeri civilians from the village of Xocal in 1992, during the war in Nagorny Karabakh (1988–1994). (Another version of the comments reportedly suggested that Azerbaijanis were responsible for the 1992 massacre of residents of the town of Khodjali in Nagorno-Karabakh.) Fatullayev denied being the author. The court ruled Fatullayev had libeled both the population of Xocal and Azerbaijani war veterans. On 30 October 2007, Fatullayev was sentenced to an additional eight and a half years' imprisonment on charges of terrorism, incitement of ethnic hatred, and tax evasion, despite the lack of plausible evidence. In *Realny Azerbaydzhan* (Real Azerbaijan), a Russian language newspaper founded by him, he had published an article in which he

argued that Azerbaijan's support of the United States position on Iraq made Azerbaijan more more liable to an attack by Iran. In the article he also mentioned some possible Azeri targets of such an attack. The conviction was upheld by the appeals court in January 2008 and by the Supreme Court in June 2008. He was reportedly held in solitary confinement.

[Sources: Amnesty International, "Azerbaijan: Eynulla Fatullayev, Journalist Harassed and Imprisoned" (WWW-text; 2008); International PEN, "Azerbaijan: Eynulla Fatullayev" (WWW-text; 2008).]

BAHRAIN

Last *Annual Report* entry: 2008.

In 2008, decree 56/2002, which confers immunity from investigation or prosecution on government officials alleged to be responsible for torture and other serious human rights abuses committed prior to 2001, remained on the books. Despite the efforts of local human rights groups to establish a means for addressing such violations, the government insisted that the matter was closed. In its submission to the United Nations Human Rights Council's Universal Periodic Review mechanism in April 2008, Bahrain stated "there are no cases of torture in the kingdom".

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 450.]

On 16 December 2008, three young men aged 19 and 20 were detained while they were busy writing slogans and pasting pictures and posters on the walls of the Ras Rumman area in Manama, the capital, in memory of victims of torture who were killed in past years (especially in 1980–1990). Each year on 17 December, Martyrs Day is held to commemorate those who died as well as those still suffering as a result of torture in Bahrain. Close to this event and during periods of unrest, it is customary to see graffiti and portraits of martyrs on the walls of villages and cities. The authorities usually send a security-backed group to scratch out and wipe clean the graffiti and slogans after a short period of display.

[Sources: Bahrain Center for Human Rights, *Ifex Alert* (28 January 2009); *Keesings historisch archief* (2008) 709.]

In April 2009, journalist and writer **Abbas Al-Murshid** (?1978–) was detained when he returned from a visit to Saudi Arabia, probably in connection with his critical writings on the so-called Bandargate scandal (an alleged political conspiracy by certain government officials to marginalize the majority Shia community). Some of his books were confiscated, including two historical ones: a volume of the six-volume *Gazetteer of the Persian Gulf, Oman and Central Arabia* by John Gordon Lorimer (1870–1914) (probably the volume containing a history of Bahrain between 1602 and 1907) and *Portuguese Colonialism*.

[Source: Bahrain Center for Human Rights, *Ifex Alert* (15 April 2009).]

BANGLADESH

Last *Annual Report* entry: 2008.

In April 2008, Foreign Adviser Iftekhkar Ahmed Chowdhury discussed with the United Nations Secretary-General, Ban Ki-moon, the possibility of United Nations involvement in ending impunity for atrocities in the 1971 Bangladesh independence war. However, as in the past, no official Commission of Enquiry was established to investigate the war crimes, crimes against humanity, and other serious violations of human rights and humanitarian law as a first step towards establishing truth, justice, and full and effective reparations for victims. No concrete action was taken by the government to implement the 1973 International Crimes (tribunals) Act.

[Sources: Amnesty International, *Report 2009* (London 2009) 76; Human Rights Watch, *World Report 2009* (Washington 2009) 221.]

BELARUS

Last *Annual Report* entry: 2007.

In March 2007, the Union of Belarusian Writers complained that Belarusian officials were imposing state ideology on schools and banned certain works, such as those by Yanka Kupala (1882–1942; penname of Ivan Lutsevich), a poet who had defended the Belarusian language against russification. In the same month, books by well-known activists of the Belarusian diaspora, such as *People of the Union of Belarusian Youth*, by **Yury Turonak**, a Belarusian historian based in Poland, and *Anti-Bolshevik uprisings and Partisan Struggle in Belarus*, by **Yuri Vitsbich**, were confiscated from the NGO World Association of Belarusians. In 1998, another book of Turonak, *Belarus under German Occupation*, had reportedly already been withdrawn.

[Sources: Article 19, *Speaking Out for Free Expression, 1987–2007 and Beyond* (London 2008) 183; Viasna (The Human Rights Office), “Search Held in ‘Batskaushchyna’ Office” (WWW-text; 17 March 2007).]

In the summer of 2007, **X [confidential name]** (1958–), a historian and anthropologist at the History Department of Belarusian State University, Minsk (1991–2008), was forced to meet a KGB officer and accused of collaboration with the European Humanities University-in-exile (EHU) in Vilnius, Lithuania. The same day, the police accused him of having stolen a mobile phone. After several

months of intense psychological pressure on him, his relatives, and his collaborators, he resigned. In March 2008, he became a visiting professor of EHU and academic co-director of the Center for Advanced Studies and Education (CASE) in Lithuania and Belarus. In December 2008, he was appointed dean at the EHU Arts and History Department.

[Sources: Scholars at Risk, *Summary Report of 2008 SAR/EHU Meeting & Symposium in Vilnius, Lithuania* (1 October 2008) 10; X, personal information (June & December 2008).]

On 25 March 2008, security forces reportedly used excessive force against demonstrators who had gathered in the capital, Minsk, to commemorate Freedom Day (the anniversary of the creation of the Belarusian People's Republic in 1918). Around a hundred demonstrators were detained and subsequently sentenced to a fine or held in administrative detention. The authorities took unprecedented action against journalists who were covering the demonstration.

[Source: Amnesty International, *Report 2009* (London 2009) 77.]

BELGIUM

Last *Annual Report* entry: 2008.

See Central African Republic, Congo (Democratic Republic), Rwanda.

BOLIVIA

Last *Annual Report* entry: 2007.

On 9 September 2008, the archive of the Instituto Nacional de Reforma Agraria (INRA; National Institute of Agrarian Reform), the library of the Centro de Estudios Jurídicos y de Investigación Social (CEJIS; Center for Legal Studies and Social Research), and several other documentation centers were looted and burned in Santa Cruz de la Sierra by a paramilitary group, reportedly in order to destroy evidence of the illegal occupation of indigenous lands by large landowners. This act was called a “memoricidio” (“memorycide”).

[Source: *Manifiesto contra la barbarie, el genocidio y el memoricidio: 9 de Septiembre, Día aciago de la destrucción de la memoria cruceña (Bolivia)* (WWW-text; <http://www.arxiv.org>).]

In October 2008, an extradition request was filed with the United States government regarding former President Gonzalo Sánchez de Lozada (president in 1993–1997 and 2002–2003) and two former ministers. All were accused of involvement in genocide for their role in the killings of 67 people during demonstrations in El Alto in 2003. In November 2008, several former ministers and military officers were notified of charges in connection with the killings. However, there were concerns about delays in starting oral proceedings. In the same month, legislation was enacted which, in addition to recognizing state responsibility, provides for compensation for individuals injured during the confrontations and for the relatives of those killed.

[Source: Amnesty International, *Report 2009* (London 2009) 81–82.]

BOSNIA and HERZEGOVINA

Last *Annual Report* entry: 2008.

Senior politicians and military officers indicted for war crimes committed during the 1992–1995 war continued to be tried before the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY). In July 2008, Radovan Karadžić, the war-time Bosnian Serb president, was arrested in Belgrade and transferred from Serbia to The Hague, thirteen years after his indictment. Karadžić was charged with genocide (including at Srebrenica), crimes against humanity, and war crimes. He did not recognize the court's jurisdiction. A “not guilty” plea was entered on his behalf. In September 2008, prosecutors narrowed the geographic scope of the indictment, but it remained vague on charges of sexual violence. Ratko Mladic, fellow indicted architect of the Srebrenica massacre, remained at large. In November 2008, Karadžić testified as a defense witness in the ongoing ICTY appeal of Momčilo Krajišnik, a Bosnian Serb wartime leader convicted of crimes against humanity [See Krajišnik's judgment on http://www.concernedhistorians.org/content_files/file/1e/17.pdf] in 2006.

[Sources: Amnesty International, *Report 2009* (London 2009) 82–83, 283; Human Rights Watch, *World Report 2009* (Washington 2009) 349.]

In July 2008, a Dutch district court in The Hague ruled that it lacked jurisdiction to hear a civil claim against the United Nations brought by some 6,000 relatives of Srebrenica massacre victims.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 350.]

The War Crimes Chamber (WCC) of the BiH (Bosnia and Herzegovina) State Court continued to

prosecute those responsible for war atrocities. In July 2008, seven out of eleven accused were found guilty of genocide committed at Kravica farm near Srebrenica in July 1995. They were convicted of killing more than 1,000 Bosniak men and sentenced to between 38 and 42 years' imprisonment. The remaining four accused were acquitted of all charges. In September 2008, the WCC launched a new national war crimes strategy to address the backlog of cases, which could involve as many as 10,000 suspects. According to the strategy, prosecutions before the WCC would focus on "those who planned the worst atrocities" during the war. Courts in the two semi-autonomous entities of BiH (Republika Srpska, RS, and the Federation of Bosnia and Herzegovina, FBiH) continued to prosecute war crimes cases. According to the Organization for Security and Co-operation in Europe (OSCE), RS prosecutors had brought a total of 21 indictments against 44 accused, with district courts reaching twelve verdicts and nine cases ongoing. In the FBiH, cantonal courts had decided a total of 85 verdicts against 119 defendants, with sixteen cases still in process. The discovery in August 2008 of a mass grave near Kamenica, believed to hold the bodies of up to one hundred victims of the 1995 Srebrenica massacre, was a reminder that Bosnia remains marked by the legacy of the 1992–1995 war.

[Sources: Amnesty International, *Report 2009* (London 2009) 83; Human Rights Watch, *World Report 2009* (Washington 2009) 350.]

Almost thirteen years after the war ended in 1995, an estimated 13,000 people still remained unaccounted for. In 2008, the Missing Persons Institute (Institut za Nestale Osobe, INO) started its work at full capacity. In June 2008, the International Committee of the Red Cross donated its database of missing persons to the INO, facilitating the establishment of a centralized system of information on all missing people in Bosnian and Herzegovinan territory. In May 2008, the Constitutional Court delivered two verdicts in a hearing concerning 230 cases filed by the families of missing persons. It found the applicants' right to family and private life as well as their right to freedom from inhumane treatment had been violated because the state authorities had not opened investigations into the enforced disappearance and deaths of their relatives.

[Source: Amnesty International, *Report 2009* (London 2009) 83–84.]

In 2008, **Mirsad Tokaca** (?1955–), president of the Sarajevo-based NGO Research and Documentation Center (RDC; founded 2002), his family, and seventeen RDC employees received death threats after in the RDC database *Human Losses in Bosnia-Herzegovina 1991–1995* (also known as the *Bosnian Book of the Dead*), the total number of those killed in the Bosnian war had been estimated at almost 97,000 (57,500 military victims; and 39,300 civilians, 33,000 of which were Bosniaks, 4,100 Serbs, and 2,200 Croats), a much lower rate than the usual estimate of 200,000.

Among Tokaca's critics was Smail Cekic, head of the Sarajevo-based Institute for the Investigation of Crimes against Humanity and International Law, who questioned Tokaca's research methods and accused him of "fogging the essence and size of the genocide" of Bosniaks. Until 2002, Tokaca had been secretary of the Bosnia-Herzegovina State Commission on War Crimes Documentation. In the same year, he turned down an offer to chair a similar commission at the level of the (Croat-Muslim) Federation of Bosnia-Herzegovina because of insufficient impartiality guarantees, and founded the RDC.

[Source: D. Halimovic, "Bosnian Researcher Counts War Dead, And Faces Threats For His Methods", *Radio Free Europe/Radio Liberty* (WWW-text; 21 November 2008).]

See also Montenegro.

BRAZIL

Last *Annual Report* entry: 2008.

Brazil has never prosecuted those responsible for atrocities committed during its period of military dictatorship (1964–1985). The 1979 amnesty law has thus far been interpreted so as to bar prosecutions of state agents. In July 2008, the Minister of Justice, Tarso Genro, reopened the debate by stating that torture was not a political crime and therefore not covered by the 1979 amnesty law. His statements were dismissed by the Minister of Defense and members of the armed forces. In October 2008, the Brazilian Bar Association petitioned the Supreme Federal Tribunal to rule on this interpretation of the amnesty law. In a landmark ruling in the same month, a civil court in São Paulo found Colonel Carlos Alberto Brilhante Ustra civilly responsible for acts of kidnapping and torture during his time as director of a dictatorship intelligence agency in São Paulo in the 1970s. However, federal government lawyers announced that they would defend Ustra and his co-defendant in a separate civil case, brought by federal public prosecutors, on the grounds that the amnesty law should protect them from prosecution.

On 8 April 2009, the Inter-American Commission on Human Rights stated that amnesties and statutes of limitations could not be applied to crimes against humanity that were committed during the military dictatorship (1964–1985). The commission also addressed the legal issue of the permanent sealing of official files related to certain matters, which was introduced in May 2005. The petition was brought by relatives of seventy persons forcibly disappeared by the military during its operations against the Araguaia Communist guerrilla movement in 1972–1975. Because of the 1979

amnesty law, no Brazilian official had been convicted for human rights violations committed during the dictatorship. The Supreme Federal Tribunal was investigating challenges to the amnesty law's applicability to human rights violations (see above).

[Sources: Amnesty International, *Report 2009* (London 2009) 85–86; Human Rights Watch, *World Report 2009* (Washington 2009) 163; Human Rights Watch, *Brazil: Prosecute*; Inter-American Commission on Human Rights, IACHR Takes Case against Brazil to the Inter-American Court (Press release 16/09; 8 April 2009).]

BULGARIA

Last *Annual Report* entry: 2006.

In April 2007, a conference on the massacre of Christian civilians by irregular Ottoman troops in the village of Batak in early 1876—a prelude to the eventual foundation of the Bulgarian nation in 1878—was canceled after Bulgarian media attacked its intended approach. The conference, scheduled for May 2007 in Sofia and organized by **Martina Baleva** ([1972]–), an art historian working at the Kunsthistorisches Institut, Free University of Berlin, and **Ulf Brunnbauer** (1970–), a historian of Southeastern Europe at the Osteuropa-Institut, Free University of Berlin, was meant to accompany an exhibition on the history of Batak as a national site of memory. The authors declared that the number of victims of the massacre (estimated at 12,000) was highly exaggerated and pointed to inconsistencies in the national narrative. They also showed that one important source for the historical imagination of the massacre was “The Batak Massacre”, a 1892 painting by the Pole Antoni Piotrowski, who had based this on fake photographs with scenes of the massacre that he had staged in 1886–1988 but that were later believed to be authentic. Baleva and Brunnbauer used these findings as evidence for the existence of anti-Islamic stereotypes in Bulgaria. While several Bulgarian historians, including from the Bulgarian Academy of Sciences, joined the protests and Prime Minister Sergey Stanishev and President Georgi Parvanov (both historians) reacted in public, others defended the scholars' method. The scholars themselves offered their apologies and declared that their intention was not to deny but to demystify the massacre. However, the radical right-wing political party *Ataka* and its television channel *Skat* organized a smear campaign against Baleva, in which such newspapers as *Trud* (Labor) and *24 Tschassa* (24 Hours) participated. Baleva also received written and oral death threats. Bozhidar Dimitrov, director of the National Museum of History in Sofia and presidential advisor, declared in *24 Tschassa* that he would sue both scholars for denial of the massacre. In April 2007, Baleva hastily returned from Bulgaria to Germany, where she

lived anonymously. In June 2007, she filed a charge against *Ataka* and *Skat*.

[Sources: M. Baleva & U. Brunnbauer, eds., *Batak: Ein Bulgarischer Erinnerungsort* ([Sofia/Berlin] 2007), 10–14, 157; *Berliner Zeitung* (22 November 2007); U. Brunnbauer, personal information (October–December 2008); *Deutsche Welle* (22 November 2007); *Frankfurter Rundschau* (20 November 2007); *Kölner Stadt-Anzeiger* (19 November 2007); M. Kraske & E. Schmitter, “Terror um ein Bild”, *Der Spiegel* (19 November 2007) 74; *Der Standard* (28 November 2007); *Süddeutsche Zeitung* (23 November 2007).]

See also Greece.

BURKINA FASO

Last *Annual Report* entry: 2005.

BURUNDI

Last *Annual Report* entry: 2008.

In November 2007, a committee including representatives of the government, the United Nations (UN), and civil society was formed to guide popular consultations on the establishment of a Truth and Reconciliation Commission and a Special Tribunal to investigate and prosecute the most serious crimes committed during the civil war (1993–2005). Although the UN Peacebuilding Fund, established by the UN Peacebuilding Commission, contributed one million US dollars, the committee did not organize consultations scheduled to start in June 2008. They were rescheduled for March 2009. President Pierre Nkurunziza wrested control of the process from the first vice president, contravening an agreement with the UN, and was rebuked by the UN secretary-general. The government continued to urge amnesty for war crimes, crimes against humanity, and genocide, despite UN opposition.

[Sources: Amnesty International, *Report 2009* (London 2009) 94; Human Rights Watch, *World Report 2009* (Washington 2009) 42.]

CAMBODIA

Last *Annual Report* entry: 2008.

In 2008, the Extraordinary Chambers in the Courts of Cambodia (ECCC; the Khmer Rouge tribunal)—a hybrid tribunal presided over by both Cambodian and international judges to address crimes from the Khmer Rouge era—continued to make slow progress toward holding its first trials. At the end of 2008, five senior Khmer Rouge officials remained in detention, including Kaing Guek Eav (also known as Duch), the former chief of Tuol Sleng prison; Pol Pot's deputy, Nuon Chea; former Khmer Rouge Foreign Minister Ieng Sary, former Khmer Rouge Social Affairs Minister Ieng Thirith, and former Khmer Rouge Head of State Khieu Samphan. All were charged with crimes against humanity and war crimes, except for Ieng Thirith, who was charged with crimes against humanity only. Serious concerns remain about political interference in the court from the Cambodian government, corruption among Cambodian personnel, lack of sufficient victim and witness protection, and the limited number of cases brought to address the deaths of as many as two million people during the 1975–1979 genocide. Criticism of the tribunal mounted, with many Cambodians saying they were losing interest as the process dragged on without tangible results. Several pre-trial hearings were held at the ECCC. However the first trial to take place, that of Duch, was postponed until 2009 following a decision by co-prosecutors to seek a broader indictment. By the end of 2008, the ECCC Victims Unit had received over 1,100 civil party applications, 34 of which had been accepted, and around 1,700 complaints from victims.

[Sources: Amnesty International, *Report 2009* (London 2009), 96; Human Rights Watch, *Cambodia: 30 Years After Fall of the Khmer Rouge, Justice Still Elusive* (Washington 5 January 2009); Human Rights Watch, *World Report 2009* (Washington 2009) 232–233].

On 12 February 2009, the Education Minister launched the first history textbook that treated the genocide of 1975–1979 for the third form of the secondary school. Based on *A History of Democratic Kampuchea, 1975–1979* (2007) by **Khamboly Dy** of the Documentation Center of Cambodia (DC-Cam), more than 500,000 copies were distributed. The DC-Cam book was the first scientific study produced by a Cambodian about the genocide; but even this report evaded the question whether Vietnam “liberated” or “occupied” Cambodia in January 1979.

[Sources: K. Dy, *A History of Democratic Kampuchea, 1975–1979* (<http://www.dccam.org>; DC-Cam 2007); *Le Monde* (13 February 2009); *Phnom Penh Post* (17 October 2008); *Straits Times* (12 February 2009).]

See also Thailand.

CANADA

Last *Annual Report* entry: 2008.

On 15 April 2008, the Barrick Gold Corporation, Toronto, the world's biggest gold mining company, sued the publishing house Éditions Écosociété in Montréal for defamation and demanded six million Canadian dollars in damages. In June 2008, the Banro company also sued the same publisher for five million Canadian dollars in damages in Ontario. One of its books, *Noir Canada: Pillage, corruption et criminalité en Afrique* (2008; *Black Canada: Plundering, Bribery, and Crime in Africa*), by **Alain Deneault** (1970–), a lecturer at the Université de Québec à Montréal (UQAM), **Delphine Abadie**, and **William Sacher**, discussed Barrick's responsibility in the expulsion of thousands of self-employed miners and their families from the Bulyanhulu mine in Tanzania in August 1996, in the course of which 52 miners were reportedly buried alive. In a section called "Thèse 1: Homicide et génocide involontaires" ("Thesis 1: Killings and involuntary genocide"), the authors called for an independent public inquiry into the events. The company emphasized that those events took place before its purchase of the property from Sutton Resources, Vancouver, in 1999. Deneault declared that the book did not hold Barrick directly responsible for the incident, but rather presented opinions, including Barrick's, on the case. Previously, Barrick had apparently threatened to sue *Guardian* journalist **Greg Palast** with defamation if he did not apologize for his report, which was the first publication containing these allegations.

[Sources: A. Deneault, D. Abadie, W. Sacher, *Noir Canada: Pillage, corruption et criminalité en Afrique* (Montréal: Écosociété, 2008) 17–26; *The Gazette* (15 April 2008); *Globe and Mail* (WWW-text; 14 April 2008); *The Militant* (23 June 2008).]

See also Palestinian Authority, Rwanda.

CENTRAL AFRICAN REPUBLIC

Last *Annual Report* entry: 2008.

On 24 May 2008, Belgian authorities arrested Jean-Pierre Bemba, leader of the Movement for the

Liberation of Congo (MLC). He was transferred to The Hague, where the International Criminal Court (ICC) charged him with war crimes and crimes against humanity, all allegedly committed in the south of the Central African Republic (CAR) between October 2002 and March 2003. In May 2007, the ICC prosecutor's office had announced that it would monitor more recent events to determine whether an investigation into crimes committed in the north of the CAR would warrant investigation. On 10 June 2008, ICC Prosecutor Luis Moreno-Ocampo addressed a letter to President François Bozizé noting that acts of violence committed in the north would require sustained attention. In August 2008, Ocampo's letter resulted in a letter from Bozizé to United Nations Secretary-General Ban Ki-Moon, in which he asked the United Nations to intercede in any possible ICC investigations of crimes in the north pursuant to article 16 of the ICC Rome Statute, which empowers the Security Council to suspend court proceedings for up to twelve months, renewable if required, to maintain international peace and security. Security Council intercession is highly unlikely given that the only ongoing ICC proceedings in the CAR pertain to crimes committed in the south in the 2002–2003 period, and there are no ICC investigations concerning the north at this point.

In September 2008, as part of the implementation of the comprehensive peace agreement, parliament adopted a general amnesty law, which covered crimes by government and armed political forces between 15 March 2005, when President François Bozizé came to power, and 13 October 2008, when the law was promulgated by the President. Although the amnesty was not supposed to cover crimes committed between October 2002 and March 2003, it granted immunity to several political and military leaders of the 2002–2003 armed conflict. They included former President Ange-Félix Patassé who was in power during the period, his former defense minister and his former presidential security aide. Such an amnesty law would not preclude the International Criminal Court from pursuing prosecutions for crimes under international law.

[Sources: Amnesty International, *Report 2009* (London 2009) 101; Human Rights Watch, *World Report 2009* (Washington 2009) 47.]

See also Uganda.

CHAD

Last *Annual Report* entry: 2008.

In March 2008, the government convened a Commission of Inquiry to investigate crimes committed in the wake of the February 2008 coup attempt by Chadian rebels backed by Sudan. In September

2008, the Commission issued a report that implicated President Idriss Déby's Presidential Guard in the disappearance of Ibni Oumar Mahamat Saleh, the spokesman for a coalition of opposition parties, and found that members of the Chadian security forces were responsible for crimes including arbitrary arrests, unlawful killings, torture, and rape. Chadian government helicopters were charged with indiscriminate attacks against civilians. The report represented an important step toward accountability, but did not identify specific perpetrators of abuses. A body established by the government to continue the work of the Commission was composed of ten ministers and the prime minister—a lack of independence that suggests limited political willingness to push investigations forward. No action was taken by the government to implement the Commission's recommendations.

[Sources: Amnesty International, *Report 2009* (London 2009) 8; Human Rights Watch, *World Report 2009* (Washington 2009) 49.]

See also Senegal.

CHILE

Last *Annual Report* entry: 2008.

According to official figures, 1,125 cases of human rights violations committed during the military government of General Augusto Pinochet (1973–1990) remained open; 3,195 had been subject to investigation. By the end of 2008, 245 members of the security forces had been convicted in connection with 115 cases. At the time of his death from a heart attack in December 2006, Pinochet was under house arrest, facing prosecution for torture, enforced disappearances, tax evasion, and forgery. The Supreme Court had closed three previous cases against him on medical grounds, but judges came to doubt that his mild dementia disqualified him from trial.

In June 2008, Manuel Contreras, the former head of the National Intelligence Directorate (Dirección de Inteligencia Nacional, DINA) was found guilty of the 1974 car bomb killings of former Army Commander-in-Chief Carlos Prats González and his wife in Argentina. The judge added two life sentences plus twenty years to the time Contreras was already serving in prison. Seven other former DINA agents and two civilians received sentences of up to twenty years' imprisonment. Pinochet, who had succeeded Prats as army commander just before the 1973 coup, escaped prosecution for the crime.

In October 2008, retired General Arellano Stark was sentenced to six years' imprisonment for his role in the killings of four political prisoners in 1973 as head of the Caravan of Death. Four other

officers were given sentences of between four and six years. This was the first conviction in relation to the 72 killings carried out by the Caravan of Death in the north of Chile. In November 2008, it was confirmed that Stark would not be imprisoned for health reasons.

A majority of the five judges in the Supreme Court's criminal chamber ruled that the amnesty decreed by the military government in 1978 was inapplicable to war crimes or crimes against humanity, and that these crimes were not subject to a statute of limitations. Given that court rulings in Chile were not binding in cases other than the one under review, and that the composition of the Supreme Court panel could change from case to case, the legal obstacles to convictions had not been entirely overcome. A bill promoted by the government to amend the criminal code so that crimes against humanity were not subject to amnesties or statutes of limitations remained deadlocked in Congress in 2008. During 2007 and increasingly in 2008, the Supreme Court had applied a law allowing those convicted for human rights violations to benefit from a sentence reduction in recognition of the time elapsed since the criminal act (more than thirty years in some cases), which meant that several former military personnel sentenced to prison by lower courts were exempted from serving time.

[Sources: Amnesty International, *Report 2009* (London 2009) 106; Human Rights Watch, *World Report 2009* (Washington 2009) 165–166.]

See also Peru.

CHINA

Last *Annual Report* entry: 2008.

In 2008, **Wang Dan** (1969–), a former Beida student of international politics (1987–1988) and history (1988–1989) who was number one on the list of the most wanted student leaders issued by the government on 13 June 1989, launched a campaign to urge the Chinese government to allow him and other blacklisted former Tiananmen protest leaders to return to China. (See also http://www.concernedhistorians.org/content_files/file/ca/04.pdf).

[Source: *Index on Censorship*, 2/09: 24–39.]

In March 2008, a petition by the Tiananmen Mothers (a group of 130 human rights defenders—mainly women—seeking accountability and redress for the killing of their children and other close relatives during the suppression of peaceful protests around Tiananmen Square in June 1989), signed

by 127 people, was submitted the parliament. In May 2009, during the run-up to the twentieth anniversary of the massacre, **Ding Zilin** (?1936–) (a former professor of philosophy and supervisor of graduate students at People's University, whose son Jiang Jielian was killed during the massacre) was placed under house arrest. On 15 May 2009, two days ahead of a 17 May memorial ceremony, **Zhang Xianling**, another member of the Tiananmen Mothers, was warned not to invite media to participate in, or report on, the ceremony.

[Sources: *Ifex Communiqué* (3 June 2009); *NRC Handelsblad* (23–24 May 2009) 1, 4.]

On 26 August 2008, **Hu Shigen** (1954–), a lecturer at the Beijing Language and Culture Institute, political activist and dissident writer, was released (see *NCH Annual Report 2008*). He remained formally deprived of his right to exercise free speech, right of association and of free assembly, and his eligibility to work for a state institution.

[Sources: *NRC Handelsblad* (27 August 2008); International PEN, Rapid Action Network 43/08 (8 September 2008).]

In March 2009, **Jiang Yanyong** (?1932–), an army surgeon in Beijing who eyewitnessed the 1989 Tiananmen massacre, wrote a letter to President Hu Jintao demanding an apology for the period he spent in detention in 2004 and the subsequent months of house arrest. (See *NCH Annual Report 2008*).

[Source: Human Rights Watch, "China: Tiananmen's Unhealed Wounds" (13 May 2009).]

In March 2009, **Zhang Shijun** (?1969–), a former soldier who took part in the military crackdown in Beijing on 3–4 June 1989 and who publicly expressed regret over his involvement, published an open letter to President Hu Jintao urging an official reassessment of the "June 4 tragedy, the event in China's recent history that causes bitter weeping and choking back tears". Zhang was detained by security forces shortly after his letter was made public, and his whereabouts were unknown.

[Source: Human Rights Watch, "China: Tiananmen's Unhealed Wounds" (13 May 2009).]

On 1 April 2009, the State Administration of Radio, Film, and TV issued detailed regulations including a ban on videos that show "distortions of Chinese culture or history".

[Source: Freedom House, *Ifex Alert* (3 April 2009).]

On 2 April 2009, **Jiang Qisheng** (?1948–), deputy chairman of the Independent Chinese PEN Centre and a former Tiananmen Square student protester, was detained and questioned, due to concerns that he was writing an article to commemorate the 2009 anniversary of the Tiananmen Massacre. (See

also NCH *Annual Reports 2001* and *2003*). He was warned against any activities commemorating the massacre. In March and May 2009, he had his home searched and documents and computers confiscated. Jiang was one of the original signatories of Charter 08, a human rights movement established on 10 December 2008, the sixtieth anniversary of the *Universal Declaration of Human Rights*. Point 19 of Charter 08, read: “*Transitional Justice*. Rehabilitate the reputation of and give state compensation to the victims who suffered political persecution during past political movements as well as their families; release all political prisoners, prisoners of conscience, and people who are convicted because of their beliefs; establish a truth commission to restore historical truth, to pursue accountability and to fulfill justice; seek a settlement of the society on this foundation”. Other signatories included Ding Zilin (see above) and her husband Jiang Peikun.

[Sources: Human Rights Watch, “China: Tiananmen’s Unhealed Wounds” (13 May 2009); *Ifex Communiqué* (3 June 2009); PEN American Center, *Ifex Alert* (2 April 2009).]

On 4 April 2009 (Qing Ming, the traditional day of remembering and honoring the dead), **Sun Wenguang** (?1934–), a retired professor of Shandong University, Jinan, Shandong Province, was beaten by five unidentified men as he returned from paying respects to the memory of the former Chinese Communist Party General Secretary, Zhao Ziyang (see below), and of Zhang Zhixin, a dissident killed during the Cultural Revolution (1966–1976), at Jinan’s Martyrs’ Park. From 1966 on, Sun had been frequently harassed and imprisoned.

[Sources: Human Rights in China, “Retired Professor Attacked after Honoring Memory of Late Party Secretary Zhao Ziyang” (6 April 2009); Human Rights Watch, “China: Tiananmen’s Unhealed Wounds” (13 May 2009).]

On 14 May 2009, the secret memoirs of the former Chinese Communist Party General Secretary, **Zhao Ziyang**, *Prisoner of the State: The Secret Journal of Zhao Ziyang* (New York) were published. Dictated during his years of house arrest (1989–2005) and smuggled out on thirty 60-minute cassettes disguised as children’s music or Peking opera, the book gave insight into the workings of and schisms within the CCP Standing Committee. The publishers, Simon & Schuster, were so worried about news leaks of the book that they listed it as Untitled by Anonymous in their catalogue. The book was also translated and published in Chinese by New Century Press (Hong Kong), run by Bao Pu, a political commentator, human rights activist and the son of Zhao’s former chief of staff Bao Tong.

[Sources: *Independent* (15 May 2009); *Keesings historisch archief* (2009) 334.]

After an interview on 23 May 2009 with the Dutch newspaper *NRC Handelsblad* about the forthcoming twentieth anniversary of the massacre, **Li Hai** (?1954–), a former student leader and

former student of Marxist philosophy, went into hiding. He had already been imprisoned for six months after he tried to commemorate the 1989 massacre in June 1990. During this prison term, he was tortured. In 1995, he was harassed when he tried to commemorate and investigate the June 1989 events. In 1996, he was sentenced to nine years' imprisonment on charges of "prying into state secrets" for compiling a list of 600 names of those killed in June 1989 and handing it over to human rights organizations. Li spent the majority of his prison term in solitary confinement. After his release in 2003, he was frequently harassed by the police.

[Sources: Human Rights Watch, "China: Tiananmen's Unhealed Wounds" (13 May 2009); *NRC Handelsblad* (23–24 May 2009) 1, 4.]

Tibet

On [11] September 2008, **Rangjung** (?1984–), a Tibetan writer, singer and television presenter, was reportedly arrested at his home in Amdo Golok (eastern Tibet), and held without charge, probably because of his outspoken pro-Tibetan views, as expressed, inter alia, on a web blog and in two books on Tibetan culture and history, *Dhung shen kharpo* (*Pure Loyalty*) and *Himalaya Reboed* (*Himalaya Call for Hope*).

[Source: International PEN, *Half-Yearly Caselist To 31 December 2008* (London 2009) 53.]

Xinjiang

On 10 February 2009, **Tohti Tunyaz** (pen name: **Tohti Muzart**) (1959–), an Uighur historian and writer, was released at the end of his sentence. However, he was reportedly not able to rejoin his family in Japan. (See NCH *Annual Reports 2000, 2001, 2003, 2004*; see also http://www.concernedhistorians.org/content_files/file/ca/22.pdf and four follow-ups).

[Sources: International PEN, *Rapid Action Network* (17 February 2009); Reporters without Borders, *Press Release* (20 February 2009).]

See also Nepal, Vietnam.

COLOMBIA

Last *Annual Report* entry: 2008.

On 4 February and 20 July 2008, millions of people marched in Colombia and around the world in protest at kidnappings by the Fuerzas Armadas Revolucionarias de Colombia (FARC; Revolutionary

Armed Forces of Colombia). Thousands of people had also taken to the streets in Colombia on 6 March 2008 to demand an end to human rights abuses by the security forces and paramilitary groups. Four months later, Jhon Fredy Correa Falla, a member of the Movimiento nacional de víctimas de crímenes de estado (National Movement of Victims of State Crimes), which organized the March protest, was shot dead by four gunmen on motorbikes.

X [name confidential] (1978–), a student of history with a bachelor degree in anthropology (1996–2003) completing her master's degree on the history of the feminist movement in Bogotá at the Universidad Nacional de Colombia, was one of the organizers of the march against violence. Less than a week later, she received a letter from a paramilitary group, the *Aguilas Negras al Rearme, Bloque Metropolitano de Bogotá* (Black Eagles) declaring that the organizers of the march had become military targets and would all be killed. X was the author of several articles in the area of gender and social movements in Colombia and co-author of a "Plan for Equal Opportunities" with the Mayor of Bogotá. She co-founded *Hijos e hijas por la memoria y contra la impunidad* (Sons and Daughters for Memory and against Impunity) after the assassination of her father. She went to the United States, where she continued her studies at Duke University, North Carolina.

[Sources: Amnesty International, *Report 2009* (London 2009) 17; Scholars at Risk, *Colo-528* (New York 2008).]

In 2008, the Attorney General's Office investigated cases of extrajudicial killings of civilians attributed to the Colombian army involving more than a thousand victims since mid-2003. Under pressure to show results, army members apparently took civilians from their homes or workplaces, killed them, and then dressed them up to claim they were combatants killed in action. The Defense Ministry issued directives indicating that such killings were impermissible. Such directives, however, were regularly undermined by statements from high government officials, including President Álvaro Uribe, who for years publicly denied that the problem existed, and accused human rights defenders reporting these killings of colluding with the guerrillas in an orchestrated campaign to discredit the military.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 173–174.]

Some 1,778 bodies of victims of enforced disappearance by paramilitaries were exhumed by the authorities from 1,441 graves between 2006 and 2008. By the end of 2008 the remains of only around 300 victims had been identified and returned to their families. The exhumations were dogged by serious deficiencies, making it more difficult to identify both the victims and the perpetrators.

[Source: Amnesty International, *Report 2009* (London 2009) 112.]

More than 130,000 victims of paramilitary violence made official claims for reparation under the Justice and Peace process. This process allows paramilitaries who have laid down their arms to benefit from significantly reduced prison sentences in return for confessions about human rights violations and reparations for their victims. However, 90 per cent of paramilitaries were not eligible for inclusion in the process and thus evaded justice. Threats against and killings of victims testifying in the process continued, while many paramilitaries failed to collaborate fully with the Justice and Peace tribunals, in particular failing to return land previously misappropriated by them.

In May 2008, fifteen national paramilitary leaders were extradited to the United States to face drugs-related charges. Their extradition followed claims by the Colombian government that they had failed to abide by the terms of the Justice and Peace process. The United States government maintained that Colombian investigators would have access to the extradited paramilitaries. However, concerns remained that the extradition had undermined investigations in Colombia into human rights violations committed by the paramilitaries and into the links the latter may have had with Colombian politicians and other state officials.

[Source: Amnesty International, *Report 2009* (London 2009) 112–113.]

CONGO (Democratic Republic)

Last *Annual Report* entry: 2008.

In a February 2008 report, the United Nations Special Rapporteur on Violence against Women concluded that “due to political interference and corruption, perpetrators, especially those who belong to the State security forces, go unpunished”. In one exceptional case, a military court in Katanga continued proceedings against Gedeon Kyungu Mutanga and 25 others accused of committing war crimes and crimes against humanity between 2004 and 2006, one of the largest war crimes trials in the history of the DRC.

The International Criminal Court (ICC) provided some hope for victims seeking justice. On 6 February 2008, the ICC took custody of Ituri warlord Mathieu Ngudjolo Chui, who was charged with war crimes and crimes against humanity. On 26 September 2008, the court confirmed the charges against Ngudjolo and Germain Katanga, another Ituri warlord arrested in 2007 and surrendered to the ICC in February 2008. The case was expected to go to trial in 2009. On 28 April 2008, the court unsealed an arrest warrant for Jean-Bosco Ntaganda, military chief of staff of the forces of rebel commander Laurent Nkunda’s National Congress for the Defense of the People (CNDP), for crimes allegedly committed in Ituri. Procedural errors in the prosecution of Thomas Lubanga Dyilo (the first

person to be detained by the ICC in March 2006) delayed the proceedings. The temporary stay of proceedings was lifted in November 2008. The stay was imposed in June 2008 after the ICC trial chamber held that the withholding of potentially exculpatory evidence by the prosecution violated the right of the accused to a fair trial.

On 24 May 2008, Belgian authorities arrested Jean-Pierre Bemba, DRC Senator, leader of the Movement for the Liberation of Congo and former Vice-President of the DRC, at the request of the ICC to face charges of responsibility for war crimes and crimes allegedly carried out by his forces between October 2002 and March 2003 during the conflict in the Central African Republic. The ICC was also investigating the conduct of Bemba's troops in Congo, but has not filed charges in that case. [Sources: Amnesty International, *Report 2009* (London 2009) 127–128; Human Rights Watch, *World Report 2009* (Washington 2009) 63–64.]

See also Central African Republic, Uganda.

CONGO (Republic)

Last *Annual Report* entry: 2008.

CROATIA

Last *Annual Report* entry: 2008.

In March 2008, the trial of General Ante Gotovina and two other generals began at the International Criminal Tribunal for the former Yugoslavia (ICTY). The three were accused of war crimes and crimes against humanity, including persecution and murder committed during Operation Storm against rebel Serbs in Krajina between August and November 1995, during which around 200,000 ethnic Serbs were forced out of the region. While Croatia handed over all its indictees to the ICTY, they were criticized by the latter in June 2008 for failing to deliver all requested documents related to the Gotovina case, a charge rejected by Croatia.

According to a report of the Organization for Security and Co-operation in Europe (OSCE), during the first nine months of 2008 there were twenty active war crimes trials across eight county courts in Croatia, involving 72 defendants, 45 of whom were Serb. Nine of the trials (involving seventeen defendants) reached final verdicts, with fourteen defendants convicted (eight Serbs, six

Croats) and three acquitted (two Serbs, one Albanian). According to the report, the ethnicity of victims and perpetrators continued to affect the prosecution of war crimes cases. In the vast majority of prosecutions, the victims were ethnic Croats, and the perpetrators members of the Yugoslav Peoples Army (JNA) or Serbian paramilitary groups. There was a continuing failure to investigate most war crimes committed by the Croatian Army and police forces. Despite the fact that specialized war crimes chambers had been created in four county courts in 2003, they prosecuted only two cases in 2008, both for war crimes committed against Croatian Serbs. The vast majority of war crimes cases continued to be prosecuted by the local courts in the communities where the alleged crimes had been committed. In some cases witnesses refused to testify as they feared for their safety.

Little progress was made in establishing the whereabouts of more than 2,000 people still unaccounted for since the 1991–1995 war, although the Croatian authorities had assumed full responsibility from the International Committee of the Red Cross in 2007 for investigating these disappearances. Impunity for enforced disappearances remained a serious problem due to the failure of the authorities to conduct thorough investigations and bring perpetrators to justice.

In September 2008, the government indicated a willingness to extradite its citizens to neighboring countries to face trial on war crimes and other charges, “if other states were prepared to do the same”. Despite regional mechanisms for judicial cooperation, Croatia and Serbia prohibited the extradition of their citizens, widely seen as an impediment to war crimes accountability.

[Sources: Amnesty International, *Report 2009* (London 2009) 118–119; Human Rights Watch, *World Report 2009* (Washington 2009) 355–356.]

See also Serbia.

CUBA

Last *Annual Report* entry: 2006.

CYPRUS

Last *Annual Report* entry: 2008.

On 4 January 2008, the Education and Culture Ministry of northern Cyprus announced that it had rewritten its history textbooks since 2004 (after the election of Turkish Cypriot President Mehmet Ali

Talat). Minister Canan Öztoprak said that pictures of atrocities such as the mass murders of Turkish Cypriot civilians in December 1963 by the Greek Cypriot militia were deeply disturbing for children. Such pictures were removed and replaced with others that still explained the events but did not depict the atrocities in such detail. The textbooks also dropped such terms as “motherland” in reference to Turkey and used the words “Cypriot” and “people” to designate the two communities.

In October 2008, Greek Cypriot Education Minister Andreas Demetriou announced that the Greek Cypriot government would revise history textbooks to bolster peaceful coexistence between the Greek- and Turkish-speaking communities. Many Orthodox church leaders, including Archbishop Chrysostomos, nationalist politicians, and conservative teachers criticized the measure as undermining Cyprus’s “Hellenic” heritage. Equally controversial were the apportionment of responsibility for the intercommunal violence in 1963–1974 and the partition of 1974. In this respect, Demetriou declared that “Greek-Cypriot extremists” also bore some responsibility for the division of the island. While he called the partition “the 1974 tragedy”, the opposition referred to it as “the Turkish invasion”. A special committee chaired by President Demetris Christofias was set up to look at issues of educational reform and history education.

[Sources: *Der Spiegel Online International* (17 March 2009); *Financial Times* (28 October 2008); *Keesings historisch archief* (2008) 613; C. Makriyianni & C. Psaltis, “The Teaching of History and Reconciliation”, *Cyprus Review* (Spring 2007), 58; “North Adopts Fresh Approach to History”, *Turkish Daily News* (4 January & 13 October 2008).]

The United Nations Committee on Missing Persons continued its work to exhume and identify victims of the inter-ethnic conflict who have been missing since 1963. During 2008, the remains of 93 individuals were exhumed, and the remains of 39 were identified and returned to their families. These brought the total number of exhumations since 2004 to 466, and the total number of identified and returned remains to 110.

[Source: Amnesty International, *Report 2009* (London 2009) 122.]

CZECH REPUBLIC

Last *Annual Report* entry: 2000.

DENMARK

Last *Annual Report* entry: 2007.

DJIBOUTI

Last *Annual Report* entry: 2008.

ECUADOR

Last *Annual Report* entry: 2007.

In February 2008, the Truth Commission, set up in May 2007 to investigate human rights violations committed under the government of Leon Febres Cordero (1984–1988), began receiving testimonies. In September 2008, an interim report was issued. Former President Febres Cordero died in December 2008.

[Source: Amnesty International, *Report 2009* (London 2009) 131.]

EGYPT

Last *Annual Report* entry: 2007.

EL SALVADOR

Last *Annual Report* entry: 2008.

Widespread human rights violations committed during the internal armed conflict (1980–1992) remained unpunished and the 1993 amnesty law was still valid. In September 2008, the mandate of the Inter-Institutional Commission for the Search for Disappeared Children was extended, although the extension was only granted until 31 May 2009. The commission had been established in 2004 to clarify the whereabouts of some 700 children who were victims of enforced disappearance during the conflict. It was criticized for inefficiency and lack of independence because it located only thirty of the disappeared children.

[Source: Amnesty International, *Report 2009* (London 2009) 136.]

In November 2008, two human rights organizations filed a suit in a Spanish court against former President Alfredo Cristiani Burkard (in power during 1989–1994), and fourteen military officers in connection with the murder of six Jesuit priests, their housekeeper and her daughter in 1989.

[Source: Amnesty International, *Report 2009* (London 2009) 18, 136–137.]

ERITREA

Last *Annual Report* entry: 2008.

ESTONIA

Last *Annual Report* entry: 2007.

ETHIOPIA

Last *Annual Report* entry: 2008.

In May 2008, the Federal Supreme Court overturned earlier rulings and sentenced to death former President Mengistu Haile Mariam (in exile in Zimbabwe) and eighteen senior officials of his *Dergue* government (in power during 1974–1991). The prosecution had appealed against life imprisonment sentences passed in 2007, after the nineteen had been convicted by the Federal High Court of genocide and crimes against humanity perpetrated during the *Dergue* government.

[Source: Amnesty International, *Report 2009* (London 2009) 145.]

EUROPEAN UNION

Last *Annual Report* entry: 2008.

In April 2008, the European Union (EU) Council approved an amendment to the *EU Framework Decision on Combating Terrorism*, introducing new offenses of provocation and terrorist recruitment and training, including when committed on the Internet. The provocation offense gave rise to concern about criminalization of speech with little connection to terrorism. In September 2008, the European Parliament recommended narrowing the amendment, so that only speech intended to directly incite specific terrorism offenses would be criminalized.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 359.]

FIJI

Last *Annual Report* entry: 2006.

FINLAND

Last *Annual Report* entry: –.

See Rwanda.

FRANCE

Last *Annual Report* entry: 2008.

On 18 November 2008, a report on “memory laws”, commissioned by the National Assembly, recommended that no new laws on historical truth and memory should be adopted. It indicated that it was not the role of Parliament to adopt laws which pre-judge the relative importance or value of historical facts, particularly when such laws include criminal sanctions. A week earlier, a group of historians and writers had published the *Appel de Blois* (Appeal of Blois) which maintained that it was not the business of any political authority to define historical truth and to restrict the liberty of historians by penal sanctions.

[Sources: *Appel de Blois* at http://www.concernedhistorians.org/content_files/file/to/162.pdf; Article 19, *Ifex Alert* (26 November 2008) at http://www.concernedhistorians.org/content_files/file/to/167.pdf.]

On 16 February 2009, the Council of State (the highest court) recognized the “responsibility” of the French State for the deportation of 76,000 Jews in 1942–1944 (during World War II). It declared that the then Vichy government had permitted or facilitated deportations that led to anti-Semitic persecution without being coerced by the occupiers. But it also found that reparations had since been made “as much as was possible, for all the losses suffered”. In 1995, then President Jacques Chirac had for the first time officially recognized state responsibility in the deportation of French Jews.

[Sources: *BBC News* (16 February 2009); *Keesings historisch archief* (2009) 130–131.]

See also Rwanda, Thailand.

GEORGIA

Last *Annual Report* entry: 2003.

GERMANY

Last *Annual Report* entry: 2008.

In 1950, the Stadtschloss, the seventeenth-century palace of the Hohenzollern (the Prussian royal family) which was badly damaged in World War II, and other buildings (such as the city palace of Potsdam) were demolished as they were seen as reminders of Prussian militarism. The Schlossplatz on which it stood was renamed Marx-Engels Platz. In 1976, the Palast der Republik (East German parliament) came in the place of the Stadtschloss. In 2006–2008, the Palast itself was demolished. Plans to rebuild the Stadtschloss were at an advanced stage.

[Source: R. Bevan, *The Destruction of Memory: Architecture at War* (London 2006) 193–194.]

On 27 November 2008, Dutch-born singer and actor Johannes Heesters (1903–), believed to be the world's oldest performing actor, sued author and documentary filmmaker **Volker Kühn**, an expert on the history of cabaret, for reckless and defamatory statements because the latter had declared various times that Heesters had performed before Nazi guards during a visit to Dachau concentration camp on 21 May 1941. Heesters did not deny the visit, but rejected charges that he sang there. On 16 December 2008, a court in Berlin ruled that the statements were neither negligent nor defamatory. Although the judge declared that the question whether Heesters performed or not was unsolvable, he added that Heesters had not proven that the factual basis of Kühn's statement was untrue and that the latter had acted prudently in formulating his opinion because it was based on a videotaped 1990 interview with a former inmate, Viktor Matejka, since deceased, who said that he had been present at the performance. Kühn had uttered the accusation on a CD, *Hitler und die Künstler: Mit den Wolfen geheult* (2007; *Hitler and the Artists: Crying with the Wolves*), and in a February 2008 interview with a Dutch newspaper.

[Sources: K. Connolly, "Centenarian Rejects Claim He Sang for SS Troops in Nazi Death Camp", *Guardian* (28 November 2008); "Gericht weist Klage wegen angeblichem KZ-Auftritt ab—Historiker will Aussagen nicht wiederholen" (WWW-text; *B2B Berlin* 16 December 2008); "Gerichtsurteil: Historiker darf weiter von Heesters' SS-Auftritt sprechen" (WWW-text; *Spiegel Online*, 16 December 2008); Landgericht Berlin, "Johannes Heesters verliert Prozess um Äußerungen über

Auftritt im Konzentrationslager Dachau” (Pressemitteilung Nr. 52/2008; WWW-text; 16 December 2008); *NRC Handelsblad* (20 October & 16 December 2008).]

On 25 February 2009, Horst Mahler (1936–), a former defense lawyer for members of the Rote Armee Fraction who had joined the extreme nationalist Nationaldemokratische Partei Deutschlands (NDP; National Democratic Party of Germany) between 2000 and 2003, was sentenced to six years’ imprisonment on charges of *Volksverhetzung* (hate speech) for Holocaust denial during a November 2007 interview. On 11 March 2009, he was sentenced to (a concurring) five years and two months’ imprisonment on a similar charge. Mahler had faced several legal charges in the past. In 2004, he was charged for Holocaust denial in connection with his founding role in the *Verein zur Rehabilitierung der wegen Bestreitens des Holocaust Verfolgten* (VRBHV; Society for the Rehabilitation of Those Persecuted for Refutation of the Holocaust). In 2006, his passport was revoked by the German authorities to prevent him from attending the “International Conference to Review the Global Vision of the Holocaust” in Tehran, Iran.

[Sources: *Keesings historisch archief* (2009) 130, 194; “Horst Mahler”, *Wikipedia* (version 29 April 2009).]

See also Bulgaria, Greece, Russia, Rwanda, United Kingdom.

GHANA

Last *Annual Report* entry: 2008.

GREECE

Last *Annual Report* entry: 2008.

In November 2008, **Polymeris Voglis** (1964–), an assistant professor of contemporary history at the University of Thessaly and former post-doctoral fellow at Princeton (1999–2000), Columbia (2001), and New York (2002) universities, could not attend the conference “Cold War in the Mediterranean: Connecting the Fronts” at Columbia University, because he did not get a visa in time from the American embassy in Athens despite repeated reminders and an invitation letter from Columbia. He was scheduled to present a paper on the Marshall Plan in Greece. Voglis was the author of *Becoming*

a Subject: Political Prisoners during the Greek Civil War (2002).

[Sources: A. Liakos, personal communication (November 2008); P. Voglis, personal communication (November 2008).]

On 22 December 2008, **Konstantina Kuneva**, who worked as a historian in Bulgaria and in 2001 became a migrant worker in Greece and trade union leader of the Attica Union of Cleaners and Domestic Workers, was attacked and seriously injured in Athens. The attack was allegedly connected with her trade union activities and followed an escalation of tension between her and her employers.

[Source: Amnesty International, “Greece: Investigate the Attack of Trade Union Leader” (7 March 2009).]

On 24 February 2009, a hand grenade was thrown at a facility of the Social and Political Rights Network (an immigrant support network headed by leftist activists) in Athens, causing material damage. The attack was reportedly carried out by neo-Nazis of Chryssi Avghi celebrating the anniversary of the founding of Germany’s Nazi party NSDAP on 24 February 1920. The Chryssi Avghi (Golden Dawn) Party openly supports National Socialism.

[Source: Ifex, *Communiqué 18–9* (4 March 2009).]

In March and April 2009, the Sunday weekly *Proto Thema*, Greece’s largest newspaper, attacked **Alexis Heraclidis**, a professor at Panteion University, Athens, three times and accused him of “participating in a filthy campaign against our history” with his “anti-Greek” and “shameful” comments that in 1919 the Greeks engaged in ethnic cleansing against the Turks in Asia Minor (made in a state TV documentary) and that the Republic of Macedonia had a right to use that name (made in his university work). On 9 April 2009, there was a debate in Parliament in which his statements were rejected by the Deputy Minister of Education, who said that “his views cannot withstand criticism as they lack scholarly validity”. No colleagues reportedly came forward to defend him, on the contrary, some defamed him as well.

[Source: Ifex, *Communiqué 18–9* (5 May 2009).]

On 5 and 12 July 2009, *Proto Thema* (see above) and some members of parliament of the far-right political party Laos (Popular Orthodox Rally Party) attacked **Giorgos Kokkinos** (1960–), an associate professor teaching history didactics and modern and contemporary European, Balkan and Greek history at the Aegean University, Rhodes, for “violating the constitution”, “not being patriotic enough” and “being a danger to the nation”, and called for his dismissal. The author of several books (including textbooks), Kokkinos was known for his inclusive views on Greek history. For a petition

in his support, see http://www.petitiononline.com/mod_perl/signed.cgi?KOKKINOS&1.

[Sources: C. Gaganakis, personal communication (July 2009); V. Sakka, personal communication (July 2009).]

GRENADA

Last *Annual Report* entry: 2007.

GUATEMALA

Last *Annual Report* entry: 2008.

In February 2008, President Álvaro Colom announced that all military archives relating to human rights violations committed during the internal armed conflict (1960–1996) would be made public, but the army refused to comply. However, the minister of defense had since delayed handing over the files, arguing that the constitution protected the confidentiality of documents related to national security. A new law passed in September 2008 challenged this argument: article 24 of the Law of Access to Public Information ordered that “in no circumstances can information related to investigations of violations of fundamental human rights or crimes against humanity” be classified as confidential. In March 2008, in a case brought against former high ranking army officers for alleged crimes against humanity, the Constitutional Court ruled that classified military documents be made public. At the end of 2008, the documents had still not been released.

The July 2005 discovery of an archive of the disbanded National Police (discovered by accident in July 2005 and containing an estimated 80 million documents on atrocities committed by security forces during 1881–1997, and especially during the internal armed conflict of 1960–1996, particularly the most violent years 1975–1985) could play a key role in the prosecution of those who committed human rights abuses during the conflict. By October 2008, the Human Rights Ombudsman’s Office had processed seven million of those documents, primarily related to cases presently under active investigation. The office planned to open the first part of the archive in 2009. Some of the archive’s 200 staff members received death threats.

In late March 2009, officials involved in opening the police archives and members of their families were threatened and attacked. On 25 March 2009, a day after the Human Rights Ombudsman (also called Special Prosecutor for Human Rights), **Sergio Morales**, had released the *Special Report*

on the *Historical Archives of the National Police: The Right to Know*, his wife was kidnapped and tortured. One official was beaten up and a number of threats were made against other officials of Morales's office, including a bomb threat and a threat against the life of Morales himself. Activists hoped that information from the archives would serve as evidence in legal cases against hundreds of perpetrators of civil-war era human rights abuses.

[Sources: Amnesty International, *Report 2009* (London 2009) 159; Amnesty International, "Threatened and Attacked: The Dangers Of Opening Guatemala's Police Files" (27 March 2009); Article 19, *Ifex Alert* (1 April 2009); Human Rights Watch, *World Report 2009* (Washington 2009) 182–183; *Keesings historisch archief* (2009) 216; *Miami Herald* (29 March 2009); *NRC Handelsblad* (28–29 March 2009) 31; S. Grainger, "Guatemala Scans Police Archive for Civil War Clues" (WWW-text; Reuters; 24 March 2009).]

Guatemala continued to suffer the effects of an internal armed conflict (1960–1996). A United Nations-sponsored truth commission estimated that as many as 200,000 people were killed during the 36-year war, and attributed the vast majority of the killings to government forces. Guatemalans seeking accountability for these abuses faced daunting obstacles. Attacks and threats against human rights defenders were commonplace, and posed a significant obstacle to their work. Others involved in human rights prosecutions were also routinely threatened or attacked, including forensic experts, plaintiffs, and witnesses. The Human Rights Ombudsman's Office documented nearly 200 attacks and threats against human rights defenders in 2007. Prosecutors and investigators received grossly inadequate training and resources. The courts routinely failed to resolve judicial appeals and motions in a timely manner, allowing defense attorneys to engage in dilatory legal maneuvering. The army and other state institutions resisted cooperating fully with investigations into abuses committed by current or former members. The police regularly failed to provide adequate protection to judges, prosecutors, and witnesses involved in politically sensitive cases.

In September 2007, the United Nations secretary-general appointed a Spanish former prosecutor and judge to lead the newly-created Commission against Impunity in Guatemala (CICIG). The commission's mandate was to work with the Attorney General's Office to investigate, prosecute, and dismantle the "clandestine groups" responsible for ongoing violence against human rights defenders. In its first year, the commission had taken on fifteen cases, which were seen as representative of the most entrenched problems of impunity. Yet as the CICIG acknowledged in its 2008 annual report, it was also "systematically obstructed" at times by the very corruption it sought to root out.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 182–183, 185.]

Of the 626 massacres documented by the truth commission, only three cases were successfully

prosecuted in the Guatemalan courts. The third conviction came in May 2008, when five former members of a paramilitary “civil patrol” were convicted for the murders of 26 of the 177 civilians massacred in Rio Negro, Baja Verapaz department, in March 1982. A draft law to establish a commission to find victims of the estimated 45,000 enforced disappearances carried out during the internal armed conflict (1960–1996) was still awaiting approval by Congress.

[Sources: Amnesty International, *Report 2009* (London 2009) 159; Human Rights Watch, *World Report 2009* (Washington 2009) 182.]

In a landmark ruling, Spain’s Constitutional Court held in September 2005 that, in accordance with the principle of universal jurisdiction, cases of alleged genocide committed during the civil war (1960–1996) could be prosecuted in the Spanish courts. In July 2006, a Spanish judge issued international arrest warrants for eight Guatemalans and the Spanish government requested their extradition in late 2006. However, in December 2007 the Guatemalan Constitutional Court ruled that two of the accused could not be extradited to Spain. Nevertheless, the Spanish court pushed ahead with the case: in February, May, and October 2008 it collected testimony from witnesses, victims, and experts on the conflict. Meanwhile, in Guatemala, the case continued to be held up by defense motions, while witnesses and experts were subjected to harassment and threats.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 185.]

GUINEA

Last *Annual Report* entry: 2007.

The Commission of Inquiry set up in 2007 to investigate grave human rights violations committed in 2006 and 2007 did not conduct any investigations. In May 2008, the commission president accused the government of freezing its financial support. In a statement in October 2008, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions expressed concern at the lack of progress and the failure to assure funding or to put in place a witness protection mechanism. He stated that the situation had all the hallmarks of a commission being used to distract attention and promote impunity.

[Source: Amnesty International, *Report 2009* (London 2009) 160.]

In October 2008, the government for the first time acknowledged responsibility for the political violence committed during the presidency of Ahmed Sekou Touré (in power during 1958–1984), but

failed to reiterate an earlier commitment by Prime Minister Lansana Kouyaté to establish a truth commission to investigate the thousands of Guineans killed during Touré's regime.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 78–79.]

GUINEA-BISSAU

Last *Annual Report* entry: 1999.

GUYANA

Last *Annual Report* entry: 1997.

HAITI

Last *Annual Report* entry: 2008.

In 2008, there was still no accountability with regard to the 1994 case involving the killing of civilians in Raboteau by soldiers and paramilitaries during the military government (1991–1994). In 2005, the Supreme Court overturned the convictions of fifteen former soldiers and paramilitaries in the case.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 188.]

HONDURAS

Last *Annual Report* entry: 2002.

By the end of 2008, the principal recommendation of the United Nations Working Group on Enforced or Involuntary Disappearances, which called on the government to carry out a comprehensive investigation to clarify cases of enforced disappearances during the 1980s and 1990s, had not been implemented. In 2007, the Working Group had reported on 125 cases of disappearance that remained to be clarified.

[Source: Amnesty International, *Report 2009* (London 2009) 165.]

On 21 July 2009, a few weeks after President Manuel Zelaya was ousted from power by the military and expelled from the country during a constitutional crisis on 28 June 2009, the new Minister of Culture Myrna Castro dismissed **Natalie Roque Sandoval**, director of the Centro Documental de Investigaciones Históricas de Honduras (CDIHH; containing the National Archives, the Ethnohistorical Archives and the Specialized Anthropology Library) when Roque publicly opposed military occupation of the CDIHH premises. Press releases about the past of de facto President Roberto Micheletti were allegedly destroyed. In late July 2009, the International Council on Archives issued the following statement on the Honduran archives: “As the international non-governmental organization which aims to advance the cause of archives worldwide, ICA wishes to express its professional concern about reports that the building housing the national archives in Honduras has been occupied by military personnel, creating a situation which could cause harm to some of the archives kept there. ICA believes that it is timely to remind the international community that the rule of law and the protection of citizens’ rights depend on the preservation of archives, which provide

evidence of key decisions and entitlements. It is also an inescapable duty of all civilized societies to look after their archives, because they transmit the collective memory from one generation to another. Without its archives, a country will lose its history, memory and identity”.

[Sources: N. Roque Sandoval, “Honduras: Los golpistas contra la cultura” (WWW-text; Argenpress Cultural, 31 July 2009); International Council on Archives, [Statement on Honduran Archives] ([July] 2009).]

HUNGARY

Last *Annual Report* entry: 2008.

In October 2008, the extreme rightist Magyar Garda (Hungarian Guard) disturbed the commemoration of the 1956 Hungarian Revolution. In December 2008, the organization was banned. [Source: *Keesings historisch archief* (2009) 80.]

See also Slovakia.

INDIA

Last *Annual Report* entry: 2008.

In February 2008, *Jodhaa Akbar*, a film about Mughal Emperor Akbar (1542–1605) by director **Ashutosh Gowariker**, was banned in the states of Uttar Pradesh, Rajasthan, Haryana, and Uttarakhand because their governments feared that certain communities that felt they were misrepresented might turn violent. The Supreme Court overturned the ban.

[Source: *Index on Censorship*, 4/08: 167.]

On 5 June 2008, pro-Marathi activists from the Shiv Sangram group attacked the house of **Kumar Ketkar**, editor of *Loksatta*, because it had contained articles critical of the state government and the latter's decision to erect a statue of Marathi Emperor Shivaji (1627–1680), the leader who had opposed Mughal domination and became founder of the Maratha State.

[Sources: *The Hindu* (13 June 2006); *Index on Censorship*, 3/08: 205.]

In May 2009, the standard seventh textbook of the National Council for Educational Research and Training (NCERT) was criticized by the Hindu nationalist Hindu Janajagruti Samiti (HJS; established 2002) for “glorifying foreign history while not giving Indian history due significance”. Some critics also found too much information on the Mughals and too little on Maratha King Shivaji (1627–80; Shivaji had opposed Mughal domination and became founder of the Maratha State). Two chapters termed objectionable by teachers and parents would be reviewed and possibly taken out by the Goa Board of Secondary and Higher Secondary Education (GBSHSE) after a GBSHSE committee recommendation.

[Source: *Times of India* (17 May 2009).]

On 20 August 2009, *Jinnah: India, Partition, Independence* (2009), a book written by **Jaswant Singh** (1938–), a leader of the Bharatiya Janata Party (BJP) who had served as finance and external affairs minister, was banned in Gujarat. The book examined the role of Ali Jinnah, Pakistan's first governor-general, Jawaharlal Nehru, India's first prime minister, and Sardar Vallabhbhai Patel, of Gujarati origin and India's first home minister, in the 1947 partition of India, and argued that the latter two, members of the Congress Party, had been more responsible for the partition than Jinnah and that Jinnah had been “demonized” in India. He added that Jinnah did not “win” Pakistan but that Nehru and Patel “conceded” it to him. On 19 August 2009, the BJP had “dissociated” itself from the book and expelled Singh from the party. In 2005, BJP leader Lal Krishna Advani had already been

criticized for describing Jinnah as “a secular leader”.

[Sources: *BBC News* (18 & 20 August 2009); *Times of India* (14 August 2009).]

Jammu and Kashmir. Impunity continued for past offences including enforced disappearances of thousands of people during the armed conflict in Kashmir since 1989.

Gujarat. Those responsible for the violence in 2002 in which thousands of Muslims were attacked and more than 2000 killed largely continued to evade justice. The Mumbai High Court made limited progress towards accountability by convicting twelve people in January 2008 for an incident of sexual assault.

Punjab. Many of the police officers responsible for serious human rights violations between 1984 and 1994 were not brought to justice. Findings of an inquiry by the Central Bureau of Investigation into allegations of unlawful killings of 2,097 people cremated by police had not been made fully public.

Assam. No action was taken on findings by the Commission of Inquiry published in 2007 according to which the unlawful killings of 35 individuals between 1998 and 2001 were carried out at the behest of a former chief minister and the state police.

[Source: Amnesty International, *Report 2009* (London 2009) 170.]

INDONESIA

Last *Annual Report* entry: 2008.

In January 2008, former President Suharto died without having faced prosecution for abuses committed during his rule (1965/67–1998). The list of abuses was extensive, and included anticommunist pogroms that killed half a million or more people in 1965–1966, and atrocities by security forces in East Timor, Aceh, southern Sumatra, and Papua. Many collaborators in Suharto-era abuses still held positions of power. Several were candidates for the 2009 elections, including General Wiranto and Suharto’s son-in-law Prabowo Subianto, implicated in abuses in East Timor and other crimes.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 259.]

In March 2008, the Supreme Court overturned the conviction of former militia leader Eurico Guterres for instigating violence following the 1999 United Nations-sponsored referendum on independence for East Timor (now Timor-Leste), in which militias backed by the Indonesian-army killed hundreds

of Timorese and destroyed much of East Timor's physical infrastructure. With the reversal of the conviction, all eighteen people indicted by the Indonesian Ad Hoc Human Rights Court on East Timor were acquitted.

In July 2008, the Indonesian and Timorese joint Commission on Truth and Friendship (CTF), established to document crimes committed in Timor-Leste in 1999 and promote reconciliation, released its final report. It allocated institutional responsibility for gross human rights violations to pro-autonomy militia groups, and to the Indonesian army, civilian government and police. The Indonesian government welcomed the report and expressed its regret over the events of 1999, but stopped short of offering an apology. The CTF's mandate prevented it from pursuing its own prosecutions, and it did not name violators. Concerns about impunity led the United Nations to boycott the CTF's investigations and instead resume prosecutions through the Serious Crime Unit and Timor-Leste prosecutors.

[Sources: Amnesty International, *Report 2009* (London 2009) 172, 324; Human Rights Watch, *World Report 2009* (Washington 2009) 260.]

In November 2008, *Pretext for Mass Murder* (Madison 2006), a book on the 1965 coup by **John Roosa**, and *A Not-so-Distant Horror: Mass Violence in East Timor* (Ithaca 2005) by **Joseph Nevins**, were investigated by the Attorney General. The second book contained what the Commission of Truth and Friendship (established jointly by Indonesia and Timor-Leste to document crimes committed in Timor-Leste in 1999) had already officially established as facts.

[Sources: M. Hammer, personal communication (November 2008); S. Prasetyo, personal communication (August 2009).]

In late November 2008, at the request of House Speaker Agung Laksono, the Attorney General Office investigated the Indonesian translation of *Legacy of Ashes: The History of the CIA* (2007), a book written by *New York Times* journalist and Pulitzer Prize winner **Tim Weiner**, because it included a claim by a former Central Intelligence Agency (CIA) official that Adam Malik, a top diplomat and later minister of foreign affairs and vice president (1978–1983), had been a CIA agent in 1964 to promote the anti-communist cause in Indonesia.

[Sources: *Asia Media* (WWW-text; 1 December 2008); *Indonesia Matters* (WWW-text; 26 November 2008); *Jakarta Post* (24 November 2008).]

Aceh

In 2008, accountability for past human rights violations committed during or after the Aceh conflict (1976–2005) was still lacking. No truth and reconciliation commission was established. In August

2008, a United States court ruled that a lawsuit against Exxon Mobil for alleged complicity in military abuses in Aceh could proceed to trial.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 260, 262.]

Maluku

Twenty-one men who performed a traditional war dance in front of President Susilo Bambang Yudhoyono culminating in the unfurling of the banned “Benang Raja” flag were sentenced to between 7 and 20 years’ imprisonment for “rebellion” in trials throughout 2008.

[Source: Amnesty International, *Report 2009* (London 2009) 171.]

See also Timor-Leste.

IRAN

Last *Annual Report* entry: 2008.

In August 2008, security forces forcibly prevented a peaceful gathering at an unmarked graveyard in Tehran to mark the twentieth anniversary of mass executions starting in 1988 for which no one was held accountable. At least three people were subsequently sentenced to prison terms for participating in the commemoration, or planning to do so.

[Source: Amnesty International, *Report 2009* (London 2009) 174.]

In December 2008, the Center for Human Rights Defenders was forcibly closed by security officials shortly before it was to hold an event commemorating the 60th anniversary of the Universal Declaration of Human Rights.

[Source: Amnesty International, *Report 2009* (London 2009) 173.]

See also Azerbaijan, Germany.

IRAQ

Last *Annual Report* entry: 2008.

In February 2008, parliament passed legislation intended to refine procedures for vetting former Baath Party members. The new law focused on group affiliation rather than individual responsibility for past abuses. At the same time, an amnesty law was passed partly aimed at easing overcrowding in the detention system, but it had a limited impact on the number of detainees.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 465.]

In November 2008, the religious authority in Najaf renewed its objections to the history textbooks of the Saddam Hussein era that were still in use, and demanded a right to study Shiite history. The Director of Education in Najaf, Majid Sudani said, however, that in 2007 he had consulted Ayatollah Ali Al Sistani, the senior Shiite cleric in Iraq, who had declared that he was against sectarian curricula and in favor of a unified curriculum for all religious sects.

[Sources: *Asharq Alawsat* (13 November 2008); The Middle East Media Research Institute (MEMRI), *Special Dispatch No. 970* (26 August 2005).]

The Supreme Iraqi Criminal Tribunal (SICT) continued to try former senior officials, Ba'ath party members, military officers and others associated with the former presidency of Saddam Hussain (1979–2003). Trials were marred by political interference undermining SICT's independence and impartiality. In September 2008, it was reported that the Iraq government had engineered the dismissal of one of the judges who had tried Saddam shortly before the year-long trial ended in 2006, replacing the judge with one considered more likely to support the imposition of the death penalty. In May 2008, the SICT began trying former foreign minister and deputy prime minister Tariq Aziz, along with seven other defendants, for the former government's execution of merchants accused of profiteering while Iraq was subject to sanctions in 1992. On 2 December 2008, the SICT imposed death sentences on Ali Hassan al-Majid and Abdul Ghani Abdul Ghafour, both senior officials under Saddam, after convicting them of involvement in thousands of killings during the 1991 uprising in southern Iraq.

[Sources: Amnesty International, *Report 2009* (London 2009) 178; Human Rights Watch, *World Report 2009* (Washington 2009) 468.]

See also Azerbaijan.

IRELAND

Last *Annual Report* entry: 2004.

ISRAEL

Last *Annual Report* entry: 2008.

On 24 September 2008, Polish-born **Zeev Sternhell** (1935–), a Holocaust survivor, a veteran who fought in the wars of 1967, 1973, and 1982, a specialist in fascist history, professor of political science and director of the Center for European Studies, Hebrew University, Jerusalem, was slightly wounded in a bomb attack reportedly launched by ultranationalist Israelis. As a member of Peace Now (an Israeli group campaigning against settlement building), Sternhell was a well-known critic of Jewish settlement in the occupied West Bank and of the Israeli blockade of the Gaza Strip. Before the attack, he had received threats by telephone.

[Sources: *BBC News* (25 September 2008); International PEN, *Half-Yearly Caselist To 31 December 2008* (London 2009) 91.]

On 14 December 2008, **Richard Falk**, a Jewish-American professor of international law at Princeton University and United Nations Special Rapporteur on Human Rights in the Palestinian Territories (2008–), was forbidden entry into Israel because he had compared Israel's treatment of the Palestinians to Nazi atrocities and described Israel's embargo on Gaza, which was controlled by Hamas, as a crime against humanity. After subjecting him to an extensive body search, authorities detained him overnight in a small cell with five other persons before deporting him on a flight to the United States. The Israeli Foreign Ministry called Falk's United Nations mandate "biased and distorted" because it only covered Israeli human rights and humanitarian law violations.

[Sources: Human Rights Watch, "Israel: Reverse Expulsion of Human Rights Rapporteur" (17 December 2008); I. Kershner, "U.N. Rights Investigator Expelled by Israel", *New York Times* (16 December 2008); *NRC Handelsblad* (16 December 2008) 4.]

In 2009, **Rafi Greenberg**, a senior lecturer in archaeology at the University of Tel Aviv, was denied entry on the City of King David (Ir David) excavations, Jerusalem, after many years of collaboration in them, reportedly because he criticized the politicization of the project. Greenberg had suggested that public trust in the fact that the excavations unearthed the palace of King David (1000 BCE) (who

was seen as the King who unified Israel) could legitimize the Jewish claim on the Palestinian quarter of Silwan where its ruins were located.

[Source: *NRC Handelsblad* (18–19 April 2009), *Science*, 8–9.]

On 24 May 2009, a governmental panel supported a bill brought to parliament to ban Israeli Arabs from commemorating the Nakbah (the “Catastrophe”: the 1948 Palestinian expulsion and dispossession) on 15 May (the day Israelis celebrate their Independence Day). Proposed by Yisrael Beiteinu (“Israel Our Home”), the party of far-right Foreign Minister Avigdor Lieberman “to strengthen unity in the state of Israel”, it was widely condemned.

[Source: *BBC News* (25 May 2009).]

See also Lebanon, Palestinian Authority, United States.

ITALY

Last *Annual Report* entry: 2008.

See Uruguay.

IVORY COAST (Côte d’Ivoire)

Last *Annual Report* entry: 2008.

In 2008, the United Nations (UN) Security Council had still not made public the findings of the UN Commission of Inquiry into serious violations of human rights and international humanitarian law since September 2002, which had been handed to the UN secretary-general in November 2004. In September 2003, the Ivorian government accepted the jurisdiction of the International Criminal Court (ICC) over serious crimes. However, as in previous years, the government consistently undermined a planned ICC mission to assess the possibility of opening an investigation into such crimes.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 58.]

JAPAN

Last *Annual Report* entry: 2008.

Parliaments in Taiwan and South Korea passed resolutions calling for justice for the survivors of Japan's military sexual slavery system during World War II. The United Nations Human Rights Committee recommended that Japan apologize and accept legal responsibility for the "comfort women" system. The city councils of Takarazuka, Kiyose, and Sapporo passed resolutions calling on the Japanese government to resolve this issue.

[Source: Amnesty International, *Report 2009* (London 2009) 191.]

In January 2009, the controversy regarding the mass suicides after the 1945 battle of Okinawa (see *NCH Annual Report 2008*) was reignited. On 3 February 2009, the government decided not to insert a special Battle of Okinawa clause into textbook screening guidelines that would give "special consideration" to passages about the history of Okinawa.

[Sources: *Japan Times* (4 February 2009); *Keesings historisch archief* (2008) 109–110; *Telegraph* (9 January 2009).]

On 9 April 2009, the Education, Science and Technology Ministry released details of two textbooks that passed its 2008 screening process, including a controversial history textbook written by members of the Japanese Society for History Textbook Reform. The textbook, *Chugakko Shakai Rekishi* (Middle School Social Studies and History; published by Jiyu Sha), was an updated edition of a former textbook, *Atarashii Rekishi Kyokasho* (New History Textbook; published by Fusosha). According to ministry officials, nearly 300 parts of the textbook had to be edited as part of the screening process. For example, a passage that said that the Imperial Japanese Army "was unable to prevent improper killing and abuse" of prisoners of war and civilians during the war was changed to a sentence saying that Japan had "committed improper murders and abuse, and caused great damage".

[Source: *Asian News/Yomiuri Shimbun* (10 April 2009).]

See also Korea (North), Korea (South).

JORDAN

Last *Annual Report* entry: 2004.

KAZAKHSTAN

Last *Annual Report* entry: 2007.

KENYA

Last *Annual Report* entry: 2007.

In January and February 2008, widespread violence followed the disputed December 2007 presidential and parliamentary elections. In the worst outbreak of ethnic and partisan conflict since independence in 1963, over 1,100 people were killed, over 350,000 people were internally displaced, and property worth millions of dollars was destroyed. International mediation produced a coalition government in March 2008. In October 2008, the Commission of Inquiry on Post Election Violence (CIPEV) that had investigated the violence of 2007–2008 submitted its report to the government. The CIPEV recommendations covered individual criminal responsibility of alleged perpetrators of the violence, police reform, the incorporation into domestic legislation of the Rome Statute of the International Criminal Court (ICC) and constitutional reforms. The CIPEV key recommendation was for the government to establish a Special Tribunal to investigate and prosecute perpetrators of the violence. If the government failed to do this, the CIPEV recommended that the cases be referred to the ICC for investigation. In November 2008, the government formed a cabinet committee headed by President Mwai Kibaki and the prime minister to implement the report. In December 2008, the government announced that the committee would prepare a draft bill to establish a Special Tribunal to investigate and prosecute alleged perpetrators of the post-election violence. However, by the end of 2008, the government had not announced a comprehensive plan of action to implement the report or guarantees that victims of human rights abuses would receive reparations. Parliament, however, enacted an International Crimes Act to incorporate the ICC Rome Statute into domestic law.

[Sources: Amnesty International, *Report 2009* (London 2009) 8, 195–196; Human Rights Watch, *Give Parliament Time to Enact Necessary Legislative and Constitutional Amendments* (23 December 2008); Human Rights Watch, *World Report 2009* (Washington 2009) 82.]

In October 2008, parliament passed a law establishing a Truth, Justice and Reconciliation Commission (TJRC), in accordance with the political mediation agreement signed in March 2008. The TJRC mandate would be to investigate human rights violations, including those committed by the state, groups or individuals, between 12 December 1963 and 28 February 2008. The law

contained a number of provisions which breached international law and best practice standards: these included provisions allowing the TJRC to recommend amnesty for crimes under international law such as torture, enforced disappearance, and extrajudicial executions, and provisions creating obstacles to prosecutions of crimes under international law. The law did not guarantee a comprehensive protection program for victims and witnesses, and fell short of ensuring a broad range of reparations for victims of human rights violations. By the end of 2008, the TJRC had not been formed.

[Sources: Amnesty International, *Report 2009* (London 2009) 196; Article 19, *Ifex Alert* (3 November 2008).]

On 21 February 2009, around 23 members of Bunge la Mwananchi (People's Parliament, a civil society forum purporting to offer an alternative to the official Kenyan National Assembly) were reportedly arrested after attending readings commemorating two victims of assassination: Mau Mau leader Kimathi Wa Chiuri (Dedan Kimathi; 1920–1957) and journalist, politician and member of parliament Pio Gama Pinto (1927–1965). They were charged with “being members of an illegal sect”.

[Source: International Pen Writers inPrison Committee, *Rapid Action Network RAN 13/09* (24 February 2009).]

KOREA, NORTH

Last *Annual Report* entry: 2007.

North Korea's widespread policy of enforced disappearance practised since the Korean War (1950–1953) continued. Family members of suspected dissidents disappeared under the principle of “guilt by association”. The authorities, however, still refused to acknowledge the use of enforced disappearances. In 2008, the issue of foreigners allegedly abducted by North Korea mostly in the 1970s and 1980s remained unresolved. South Korea said that 496 of its citizens, abducted by North Korean agents, remained in North Korea against their will, but North Korea denied this. However, in August 2008, North Korean officials agreed to re-open investigations into the fate and whereabouts of several Japanese nationals who had disappeared in previous decades. They admitted that North Korea had abducted thirteen Japanese—returning five to Japan in 2002, but claiming that the other eight died—and that no other Japanese citizens were abducted. Japan insists that several more of its citizens were abducted.

[Sources: Amnesty International, *Report 2009* (London 2009) 200; Human Rights Watch, *World*

Report 2009 (Washington 2009) 283–284.]

See also Korea, South.

KOREA, SOUTH

Last *Annual Report* entry: 2008.

In January 2008, President-elect Lee Myung-bak said he would not call on Japan to apologize for its wartime atrocities. In October 2008, the South Korean parliament passed a resolution calling for justice for the survivors of Japan's military sexual slavery system during World War II.

[Source: Amnesty International, *Report 2009* (London 2009) 201.]

In February 2008, President Lee Myung-bak took office with a pledge to change South Korea's policies on North Korea, saying he would speak out on the latter's human rights record and demand the return of South Korean prisoners of war and abductees. Under former Presidents Kim Dae-jung and Roh Mu-hyun, both of whom had summit meetings with North Korean leader Kim Jong Il, South Korea offered large amounts of aid and started major economic projects in North Korea, but largely remained silent on human rights violations.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 284.]

In early October 2008, the Ministry of Education, Science and Technology announced that it would intervene in the revision process for an authorized six-volume high school history textbook entitled *A Modern and Contemporary History of Korea* (published by Kumsung Publishers) written by, *inter alii*, **Kim Han-jong**, a history education professor at the Korea National University of Education, and **Hong Soon-kwon**, a history professor, ostensibly "to establish the legitimacy of the Republic of Korea". On 9 October 2008, the Joint Committee on Resolving the Textbook Issue, a newly formed coalition of history associations (including the Association for Korean Historical Studies, the Korean Association of History Education, and the National History Teachers Association) and civic organizations (including the Institute for Research in Collaborationist Activities) declared that the plan damaged the textbook authorization system and undermined the neutrality of education as guaranteed by the Constitution. On 14 October 2008, the ministry set up a committee of experts (teachers, professors, and school supervisors) after the governmental National History Compilation Committee (which had authorized the textbook in 2002, 2004, and 2005) had declined to give its

opinion on 253 items which were listed in a revision request by various conservative groups (including members of the ruling Grand National Party and the New Right group Textbook Forum) who had criticized the textbooks as too friendly to North Korea, anti-United States, and leftist. Authorization would be revoked if the ministry's demands for revision were not accepted. On 16 October 2008, the official National Institute of Korean History (NIKH) submitted a report entitled "A Review of *A Modern and Contemporary History of Korea* and Proposed Guidelines" to the ministry with its judgment on 49 of the 253 items, which was meant to serve as a guideline for the textbook's revision. One of the NIKH comments was that, after the Korean War (1950–1953), the Republic of Korea (South Korea) emphasized economic development and deterred communist threats by deferring democracy. On 30 October 2008, the ministry demanded that the authors of this and five other textbooks delete or revise 55 sections that "undermined the legitimacy of the South Korean government".

One textbook (published by the Institute for Better Education) stipulated that President Syngman Rhee, South Korea's founding president (1948–1960) but called an anti-communist by liberals, exploited the North Korean threat to "shore up his dictatorial regime". The Defense Ministry demanded that the passage be rewritten as "He did his best to contain Communism". The Kumsung textbook stipulated that President Park Chung Hee (in power 1961–1979), a military strongman who came to power in a coup in 1961, was "a president who placed himself above the nation's Constitution". The Defense Ministry demanded that this was to be replaced with: "a president who contributed to the nation's modernization". The Ministry of Unification demanded that the term "sunshine policy" (the South Korean doctrine toward North Korea during the administration of former President Kim Dae-jung [1998–2008]) be described as a "policy of reconciliation and cooperation". The authors rejected the interference as a beautification of Korea's history, overlooking Korean collaboration with the Japanese occupiers and postwar dictatorships, and as reminiscent of the censorship of those dictatorships.

Professional historians such as Ju Jin-oh (Chu Chin-oh), a history professor at Sangmyung University, declared that such revisions would be contrary to the current curriculum (which said that the rule of Presidents Syngman Rhee and Park Chung-hee was dictatorial), created in 1997, and thus tended to justify the authoritarian rule of the past as an unavoidable consequence of the Korean War (1950–1953). Another historian, Lee Tae-jin, chairman of the Korean History Department at Seoul National University and the dean of the College of Humanities, however, criticized the textbook for its liberal bias; as a result, Lee declared, there was a tendency to highlight only the popular uprisings in contemporary history, while ignoring the Korean Empire period and the period of enlightenment for Korea. The shift of the ministry from a unification to a national security perspective was ascribed to the hardening of the South-North relations under the conservative government of President Lee

Myung-bak, elected in February 2008.

[Sources: *Chosun Ilbo* (26 February 2009); *The Hankyoreh* (22 September 2008; 9–10 & 17–18 & 20 & 28 October 2008; 15 January 2009); *International Herald Tribune* (17 November 2008); *New York Times* (17 November 2008).]

See also Japan, Korea, North.

KUWAIT

Last *Annual Report* entry: 2005.

KYRGYZSTAN

Last *Annual Report* entry: –.

See Uzbekistan.

LATVIA

Last *Annual Report* entry: 2008.

LEBANON

Last *Annual Report* entry: 2008.

More than two years after the end of the 2006 war between Israel and Hizbollah, neither the Israeli nor the Lebanese government has investigated the violations of the laws of war committed by the warring parties. The estimated one million cluster bombs left behind by Israel's bombing campaign continued to harm civilians. Israel persisted in its refusal to turn over detailed information on the location of the areas that had been target of the cluster attacks. In July 2008, the bodies of two Israeli soldiers captured by Hizbullah from northern Israel in July 2006 were handed over to Israel in exchange for five Lebanese prisoners, four of them Hizbullah members, and the human remains of almost 200 Arab nationals.

[Sources: Amnesty International, *Report 2009* (London 2009) 207; Human Rights Watch, *World Report 2009* (Washington 2009) 486, 488.]

Little action was taken to address impunity for political killings, enforced disappearances, torture and other abuses committed during the civil war (1975–1990) and since. In 1992, the Lebanese authorities said that more than 17,000 people had disappeared while in the custody of the parties to the conflict. There was no new information about some 650 Lebanese and other nationals reported to have disappeared when held by the Syrian authorities after they were abducted or detained in Lebanon. An official joint Syrian-Lebanese committee established in May 2005 to investigate such cases had not published any findings. In August 2008, the authorities said they were “committed to pursuing the issue of Lebanese citizens who are missing or detained in Syria”. However, the government took no practical steps to uncover mass graves or collect information on the disappeared.

[Sources: Amnesty International, *Report 2009* (London 2009) 207; Human Rights Watch, *World Report 2009* (Washington 2009) 486, 488.]

In [2008], the Israeli film *Waltz with Bashir* was banned despite documenting an important period of modern Lebanese history and winning a Golden Globe for Best Foreign Film. The film depicts the September 1982 killings of Palestinians in the Sabra and Shatila refugee camps that took place by

Lebanese militias following the assassination of Lebanese President Bashir Gemayel. Film director **Ari Folman** also briefly examined the role of the Israeli government in the killings, as Lebanon was under Israeli occupation at the time. The ban was part of a larger prohibition of any goods that originated from Israel.

[Source: Article 19, *Artist Alert* (WWW-text; January 2009).]

On 2 December 2008, the 11th report was issued of the United Nations International Independent Investigation Commission on its investigations into the killing of former Prime Minister Rafiq al-Hariri and 22 others in February 2005 and twenty other bombings and assassinations. The Special Tribunal for Lebanon, which would further investigate and prosecute the cases, was scheduled to begin functioning on 1 March 2009. In August 2008, Ayman Tarabay and Moustapha Talal Mesto, two of nine men detained without charge since 2005 in connection with the investigation into the Hariri killing, were released on bail. The seven others continued to be detained without charge or trial even though the United Nations Working Group on Arbitrary Detention ruled in November 2007 that six of them were arbitrarily detained.

[Sources: Amnesty International, *Report 2009* (London 2009) 207; Human Rights Watch, *World Report 2009* (Washington 2009) 490.]

See also Syria.

LIBERIA

Last *Annual Report* entry: 2008.

In 2008, the Liberian Truth and Reconciliation Commission (TRC), which had since its creation in 2006 been plagued with leadership, transparency, and operational problems, showed significant improvement. From January to September 2008, the TRC conducted well-attended, countrywide hearings in which over 500 victims and some 35 former faction leaders testified. One session took place in the United States, the first time TRC hearings have been held outside the country where the violations occurred. They were followed by institutional and thematic hearings that were continuing at the end of 2008. The victims described war crimes committed by all sides in the conflict (1979–2003), while perpetrators often failed to admit violations or ask forgiveness, and appeared to use the hearings to absolve them of their guilt. In September 2008, the TRC made a request to the Special Court for Sierra Leone for former President Charles Taylor to testify. TRC commissioners were

praised for having brought the perpetrators to testify, but also criticized for their lack of rigorous questioning, thus failing to ensure a more accurate historical account. Questions remained about whether TRC commissioners should act on their power to recommend individuals for prosecution, as included in their mandate; and whether the Liberian judicial system would be able and willing to try these cases. In December 2008, however, in an effort to call on alleged perpetrators to attend hearings, the TRC published a list of 198 names of alleged perpetrators who refused to appear and respond to allegations against them.

[Sources: Amnesty International, *Report 2009* (London 2009) 209–210; Human Rights Watch, *World Report 2009* (Washington 2009) 87, 90.]

In March 2008, an appeal court in the Netherlands overturned the conviction of Gus Kouwenhoven who had been found guilty of breaking a United Nations arms embargo by supplying weapons to former President Charles Taylor during Liberia's conflict. The appeals court followed the district court by acquitting Kouwenhoven of charges of war crimes.

[Source: Amnesty International, *Report 2009* (London 2009) 210.]

In September 2008, Charles "Chuckie" Taylor, Jr., the son of former Liberian president Charles Taylor, went on trial in the United States (US) accused of torture while he headed Liberia's Anti-Terrorist Unit (ATU). On 30 October 2008, the jury found the defendant guilty on all counts. The case against Taylor, an American citizen, was the first brought under the US Torture Victim Protection Act (enacted in 1994 to allow charges against a person accused of torture abroad if the accused was in the US or was an American citizen). It was also the first prosecution for war crimes committed in Liberia. Sentencing was due in early 2009.

[Sources: Amnesty International, *Report 2009* (London 2009) 209–210; Human Rights Watch, *World Report 2009* (Washington 2009) 90.]

See also Sierra Leone.

LIBYA

Last *Annual Report* entry: 2008.

The State Security Court sentenced **Idriss Boufayed** and ten others to prison terms of up to 25 years after being convicted on vaguely worded charges, including "attempting to overthrow the political

system”, “spreading false rumours about the Libyan regime”, and “communication with enemy powers”. In February 2007, they had been arrested after Boufayed and three others issued a statement about a planned peaceful protest to commemorate the killing of at least twelve people during a demonstration in February 2006 in Benghazi. In October 2008, Idriss Boufayed was released, as were eight of his co-defendants in November 2008. No explanation was given for the releases. Two men sentenced with them remained in prison.

[Source: Amnesty International, *Report 2009* (London 2009) 47, 212.]

The authorities failed to address the long-standing pattern of impunity for perpetrators of gross human rights violations. No public information was made available about the investigation into events in 1996 at Tripoli’s Abu Salim Prison in which hundreds of prisoners were allegedly killed. The only organization permitted to address human rights, the Society of Human Rights of the Gaddafi International Charity and Development Foundation (GDF), announced that a preliminary report establishing criminal and legal responsibility for the incident would be submitted to the judicial authorities, but gave no date. In June 2008, it was reported that the North Benghazi court ordered the authorities to disclose the fate of some 30 prisoners who were feared to have died in detention during the events at Abu Salim, but they failed to provide any public information. Some reports suggested that the authorities had agreed to pay financial compensation to about 35 families of prisoners who died in return for their agreement not to seek judicial redress. The authorities took no steps to address the legacy of gross human rights violations committed in earlier years, notably the 1970s, 1980s and 1990s, including the enforced disappearance of hundreds of critics and opponents of the government. Many are feared to have died or been killed in custody.

[Source: Amnesty International, *Report 2009* (London 2009) 212–213.]

LITHUANIA

Last *Annual Report* entry: 2005.

On 17 June 2008, a new law banned the public use of Nazi and Soviet symbols such as the swastika, hammer and sickle, national anthems, and portraits of leaders.

[Source: *Keesings historisch archief* (2008) 678.]

See also Belarus, Russia.

MACEDONIA

Last *Annual Report* entry: 2008.

See Greece.

MALAYSIA

Last *Annual Report* entry: 2008.

MALDIVES

Last *Annual Report* entry: 2006.

In October 2008, journalist, historian, and politician **Mohamed Nasheed** won the presidential elections with 54 per cent of the votes. (See NCH *Annual Report 2006*).

[Source: *Keesings historisch archief* (2009) 287.]

MAURITANIA

Last *Annual Report* entry: 2002.

Although slavery was officially abolished in 1981 and made a criminal offence in 2007, evidence indicated the continued existence of the practice. People were believed to be held in forced labor or slavery in the regions of Tiris Zemour and Nema. In September 2008, a former slave wrote to the authorities asking them to look for fourteen members of his family still held in slavery in Tiris Zemour.

[Source: Amnesty International, *Report 2009* (London 2009) 223.]

MEXICO

Last *Annual Report* entry: 2008.

On 12 April 2007, President Felipe Calderón signed a law (passed by the federal Parliament) decriminalizing defamation and insult. The federal Senate declared it was for “civil court judges to decide if persons, journalists and communicators act within or outside the law when they disseminate information or opinions, by eliminating the possibility of a prison sentence for any abuse of freedom of expression”. These would henceforth be punishable by fines or the award of damages. “Under no circumstances” were the negative opinions of literary, artistic, historical, scientific or professional critics to be considered “attacks on the honor” of a person or institution.

[Source: C. Wendell, *The Right to Offend, Shock or Disturb: A Guide to Evolution of Insult Laws in 2007 and 2008* (Reston, VA, 2009) 93.]

During its five-year existence, the Special Prosecutor’s Office that former President Vicente Fox established in 2001 to address abuses committed during the “dirty war” in the 1960s, 1970s, and 1980s made very limited progress in investigating and prosecuting these crimes. It did not obtain a single criminal conviction. Of the more than 600 “disappearance” cases, it filed charges in sixteen cases and obtained indictments in nine. The office determined the whereabouts of only six “disappeared” individuals, finding that four were sent to psychiatric institutions and two were killed while in detention. After President Felipe Calderón officially closed the office, the cases were transferred to another, non-specialized office within the federal Attorney General’s Office, which did not make significant advances in the investigations.

[Sources: Amnesty International, *Report 2009* (London 2009) 226; Human Rights Watch, *World Report 2009* (Washington 2009) 192–193.]

On 25 or 26 July 2008, **Miguel Ángel Gutiérrez Ávila** (?1955–2008), an anthropologist, author of a number of books on the indigenous people of Guerrero state and activist for the rights of the Amuzgo people, was killed (probably beaten to death) while driving toward Chilpancingo de los Bravo, the capital of Guerrero. His filming equipment was stolen. Between 23 and 25 July 2008, he had visited the Suljaa’ and Cozoyoapan communities in Costa Chica, Guerrero, for a documentary film on indigenous cultures and traditions, entitled “La Danza del Tigre” (The Dance of the Tiger). During his visit, he had also documented alleged human rights violations by the authorities against the staff of the a local community radio station Radio Ñomndaa/La Palabra del Agua (The Word of the Water). According to local press reports, one lead pointed to the involvement of Aceadeth Rocha

Ramírez, mayor of the municipality of Xochistlahuaca in Costa Chica and allegedly one of a number of local political leaders opposed to indigenous movements and Radio Ñomndaa. Another lead suggested that Gutiérrez had angered the authorities by filming members of the Agencia Federal de Investigación (AFI; Federal Investigations Agency) as they raided the radio station. Gutiérrez's publications included *La tradición oral afromestiza en México* (1985; The afromestizo oral tradition), *Déspotas y caciques: una antropología política de los Amuzgos de Guerrero* (2001; Despots and caciques: a political anthropology of the Amuzgos of Guerrero) and *La historia del estado de Guerrero a través de su cultura: una perspectiva antropológica* (2008; The history of the state of Guerrero through its culture: an anthropological perspective).

[Sources: International PEN Writers in Prison Committee, *Half-Yearly Caselist To 31 December 2008* (London 2009) 33; Idem, *Rapid Action Network 42/08, Update 1* (29 July 2009).]

On 2 October 2008, the 40th anniversary of the Tlatelolco Square massacre, when government forces gunned down protesters in Mexico City in circumstances that have never been sufficiently clarified, those responsible were no closer to being held to account. A federal court review of a previous ruling that former President Luis Echeverría Álvarez should not stand trial for genocide in connection with the Tlatelolco massacre was pending at the end of 2008.

[Source: Amnesty International, *Report 2009* (London 2009) 226.]

MOLDOVA

Last *Annual Report* entry: 2003.

MONGOLIA

Last *Annual Report* entry: 2007.

MONTENEGRO

Last *Annual Report* entry: 2008.

Judicial investigations proceeded slowly into the 1992 enforced disappearance of 83 Bosnian

Muslims (Bosniaks) who had fled to Montenegro from the then Republic of Bosnia and Herzegovina (RBiH). In May 2008, a retired senior police officer testified that the then Minister of Interior Pavel Bulatović had ordered the Bosniaks to be detained and handed over to the Bosnian Serb Army. In June 2008, Milo Đukanović, Prime Minister both then and in 1992, denied knowledge of the “deportations”. On 25 December 2008, the government acknowledged state responsibility for the enforced disappearances. In this unprecedented decision, they agreed to provide reparations to nine survivors and their families, and to the relatives of those who were killed as a result of their unlawful “deportation” by the Montenegrin police to Bosnian Serb military forces.

[Source: Amnesty International, *Report 2009* (London 2009) 38–39, 231.]

MOROCCO/WESTERN SAHARA

Last *Annual Report* entry: 2008.

In 2008, Morocco made important progress in addressing past abuses and allowing space for public dissent and protest. But the authorities, aided by complaisant courts, continued to use repressive legislation to punish peaceful opponents, especially those who violate the taboos against criticizing the king or the monarchy, questioning the “Moroccanness” of Western Sahara, or “denigrating” Islam.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 497.]

The Human Rights Advisory Board, charged with continuing the work of the Equity and Reconciliation Commission (IER; established in 2004 to look into grave human rights violations committed during the rule of King Hassan II during 1956–1999), still did not publish the list of all cases of enforced disappearances investigated by the IER. The IER’s final report, published in January 2006, recommended measures to prevent repetition of grave human rights violations through a comprehensive program of judicial and institutional reforms, but these had not yet been implemented. Nor was any progress made toward providing victims with effective access to justice or holding individual perpetrators to account, issues that were excluded from the remit of the IER.

In June 2008, a court ordered *Al-Jarida Al-Oula* newspaper to stop publishing testimonies made by senior public officials to the IER, following a complaint by the President of the Human Rights Advisory Board. This intervention was widely criticized by local human rights organizations.

[Source: Amnesty International, *Report 2009* (London 2009) 234.]

Little independent information was available about conditions in the refugee camps run by the Polisario Front in Algeria. No steps were known to have been taken to address the impunity of those accused of committing human rights abuses in the camps in the 1970s and 1980s.

[Source: Amnesty International, *Report 2009* (London 2009) 234.]

MYANMAR (BURMA)

Last *Annual Report* entry: 2008.

On 21 February 2009, history teacher Ma Khin Khin Leh (?1966–) was released. (See NCH *Annual Reports 2001, 2003*; and http://www.concernedhistorians.org/content_files/file/ca/18.pdf and follow-up.)

[Source: Amnesty International, “Political Prisoners Set Free in Myanmar” (24 February 2009).]

See also Thailand.

NAMIBIA

Last *Annual Report* entry: 2008.

There was no end in sight for the Caprivi treason trial, which started in 2004 following attacks carried out in the Caprivi Strip in 1999 by a secessionist group, the Caprivi Liberation Army. Most of the 117 people on trial spent their ninth year in detention. By the end of 2008, the prosecution had still not closed its case. None of the police officers accused of torturing suspects detained in the wake of the Caprivi uprising faced any formal charges or disciplinary action.

[Source: Amnesty International, *Report 2009* (London 2009) 239.]

Mass graves were reportedly discovered in northern Namibia and southern Angola, containing the bodies of people unlawfully killed between 1994 and 2002 by Namibian and Angolan security forces. Suspected supporters of the Angolan armed group the União Nacional para a Independência Total de Angola (UNITA; National Union for the Total Independence of Angola) were allegedly targeted by the security forces, particularly in the late 1990s and in early 2000. In September 2008, the existence of the graves was reported by the National Society for Human Rights (NSHR). On 1 October 2008, the Minister of Safety and Security said that the government already knew about the graves. A police investigation launched by the government later that month was criticized by the NSHR for its failure to include independent forensic experts.

[Source: Amnesty International, *Report 2009* (London 2009) 240.]

NEPAL

Last *Annual Report* entry: 2008.

During the 1996–2006 armed conflict, both the security forces and the Communist Party of Nepal-Maoist (CPN-M) rebels were responsible for human rights abuses. Security forces committed hundreds of extrajudicial killings, widespread torture, and, in some years, the largest number of “disappearances” in the world. Maoist forces abducted, tortured, and killed civilians suspected of being “informers” or “enemies of the revolution”, extorted “donations” from villagers, recruited children as soldiers, and abducted students for political indoctrination. Maoists often executed their victims in public, forcing the victim’s relatives and other villagers to observe the killing. Even after they signed a peace agreement in November 2006, both the army and Maoists failed to cooperate with

police investigations. In late 2008, not a single perpetrator had been brought to justice before a civilian court. The Nepal Army continued to resist accountability. The police, subordinate to the army, resisted filing cases of human rights violations.

The lack of political will to address crimes was also reflected in proposals to grant an amnesty for serious human rights abuses committed during the conflict. Draft laws on both a truth and reconciliation commission and a disappearances commission contained such an amnesty. In September 2008, although the ruling parties affirmed their commitment to establish commissions on national peace and rehabilitation, truth and reconciliation, “disappearances”, and land reform, they had not made significant progress on establishing any of them in late 2008.

In early 2008, the International Committee of the Red Cross listed more than 800 people who had disappeared at the hands of the government and the CPN-M during the conflict and whose fate and whereabouts remained unknown. The government conducted consultations on a draft bill which would make enforced disappearance a criminal offence under Nepalese law. However, the June 2007 Supreme Court order that the government form a commission to investigate cases of enforced disappearances remained in limbo due to lack of political will. In November 2008, the government released a draft of the Disappearances (Crime and Punishment) Bill.

[Sources: Amnesty International, *Report 2009* (London 2009) 240–241; Human Rights Watch, *World Report 2009* (Washington 2009) 272–273.]

Following demonstrations on 10 March 2008 in Kathmandu to commemorate the failed 1959 Tibetan uprising against Chinese rule, over 2,500 Tibetans were arrested for protesting peacefully. On 18 April 2008, two Tibetan journalists covering the protests, **Tenzin Choephel** and **Thupten Shastri**, were arrested. On 8 August 2008, 1,300 Tibetans were arrested after another demonstration.

[Sources: Human Rights Watch, “Nepal: Stop Illegally Detaining Tibetans” (20 April 2008); Idem, *World Report 2009* (Washington 2009) 276, 278; *Index on Censorship*, 3/08: 209; *Keesings historisch archief* (2008) 526–527.]

In May 2008, the government was urged to ensure the security of historical materials and papers contained in Narayanhiti Palace, including the Madan Puraskar Pustakalaya (the biggest record library of Nepal), during the process of transferring ownership of the premises after abolishing the monarchy and establishing the republic on 28 May 2008.

[Source: “Nepal govt urged to protect historical documents at Narayanhiti”, *OneIndia* (WWW-text, 25 May 2008).]

NETHERLANDS

Last *Annual Report* entry: 2008.

In 2002–2004, the Ministry of Foreign Affairs refused a grant for a project proposal by **Selma Leydesdorff** (1949–), a professor of oral history and culture at the University of Amsterdam, in which she would interview the widows of the 1995 Srebrenica genocide in depth. A letter of inquiry, sent by Leydesdorff in 2002, was not answered by the Ministry of Foreign Affairs and a first project proposal from October 2003 was rejected in April 2004. After an appeal by the author, a hearing was organized in June 2004 in which it was agreed that she would be given the opportunity to submit a new proposal. This second project received support from, inter alia, the International Commission for Missing Persons, several Bosnian women’s organizations, and several ministry officials, but was again turned down in December 2004. Minister of Foreign Affairs Ben Bot and Minister of Development Cooperation Agnes van Aardenne personally intervened to block the grant. The official reasons given during ministerial replies to five questions asked in parliament, were that the project did not fit into foreign policy programs and that due to its scholarly character, it had not the required social relevance, nor would it foster reconciliation. In ministry circles, however, other reasons circulated such as suspicion of Leydesdorff’s motives and fear for the project’s political aspects, particularly by encouraging legal claims by survivors for financial compensation in the wake of a possible lawsuit against the Netherlands (such a lawsuit was eventually started by some Srebrenica survivors in 2007). The project eventually resulted into the book *De leegte achter ons laten: een geschiedenis van de vrouwen van Srebrenica* (March 2008; *Leaving the void behind us: a history of the women of Srebrenica*).

[Sources: S. de Hoop, “Vrouwen van Srebrenica en hun leed”, *Internationale Spectator*, 2009: 326; S. Leydesdorff, *De leegte achter ons laten: Een geschiedenis van de vrouwen van Srebrenica* (Amsterdam 2008), 375–385; *NRC Handelsblad* (11 March 2008).]

In 2009, historian Lambert Giebels (1935–) was granted access to 73 pages of secret Council of Ministers minutes on the “Hofmans affair”. (See *NCH Annual Report 2007*.)

[Source: L. Giebels, “Geheime ministerraadnotulen Hofmans-affaire openbaar”, *Historisch nieuwsblad* (March 2009) 7.]

See also Bosnia and Herzegovina, Germany, Liberia, Rwanda.

NEW ZEALAND

Last *Annual Report* entry: 2007.

NICARAGUA

Last *Annual Report* entry: 1998.

NIGER

Last *Annual Report* entry: —.

In October 2008, the Community Court of Justice of the Economic Community of West African States (ECOWAS) ordered the Niger government to pay reparations to a woman who had been kept as a domestic and sexual slave for a decade. The woman had lodged a complaint against the government for failing to implement existing laws against slavery. This landmark decision corroborated allegations by international and national NGOs who had said that there were still slaves in Niger although this practice had been made a crime in 2003.

[Source: Amnesty International, *Report 2009* (London 2009) 246.]

NIGERIA

Last *Annual Report* entry: 2008.

NORWAY

Last *Annual Report* entry: —.

See Rwanda.

PAKISTAN

Last *Annual Report* entry: 2006.

In April 2008, Law Minister Farooq Naik promised that the government would trace all people subjected to enforced disappearance. According to the government's own figures, 1,102 people have disappeared in the province of Balochistan alone. In May 2008, the government set up two committees to trace disappeared people. In June 2008, the government stated that 43 disappeared persons had been traced in Balochistan, and had either been released or detained in an official place of detention. Petitions relating to hundreds of cases of disappearances remained pending before the Supreme Court. On 21 November 2008, Human Rights Minister Mumtaz Alam Gilani announced that a new law was being prepared to facilitate the recovery of disappeared people and stated that his ministry had 567 documented cases of enforced disappearance. On 25 November 2008, the Senate Standing Committee on the Interior reportedly acknowledged that intelligence agencies maintained "countless hidden torture cells" across the country. Despite these initiatives, new cases of enforced disappearance were reported.

[Source: Amnesty International, *Report 2009* (London 2009) 252–253.]

PALESTINIAN AUTHORITY

Last *Annual Report* entry: 2008.

In 2006–2009, **X** (name unknown), an archaeologist specialized in Islamic archaeology and the history of Islamic art and architecture and working as a university professor at the University of Gaza, received repeated threats by telephone from unidentified persons who did not state why he was being targeted. The reason was probably his active engagement with Western communities, including his participation in visiting programs at the University of Chicago and Montclair State University, Montclair, New Jersey, in the United States. He relinquished his position as chair of the department of antiquities, University of Gaza, (of which he was the founder) because he refused to serve under a violent political and administrative body that had obtained power as a result of armed conflict. He went into exile in Canada, where he became a visiting professor at the Department of Near and Middle Eastern Civilizations, University of Toronto.

[Source: Scholars at Risk (SAR), *Case Palestinian Authority 540* (New York June 2009).]

See also Israel, Syria, United States.

PANAMA

Last *Annual Report* entry: 2008.

PARAGUAY

Last *Annual Report* entry: 2007.

In August 2008, nearly five years after it was established by law, the Truth and Justice Commission (TJC) presented its conclusions and recommendations to the state. During the same month, the new President Fernando Lugo made a public apology to the victims of human rights violations under the military government of General Alfredo Stroessner (1954–1989), the first such statement ever by a Paraguayan head of state. However, he stopped short of accepting state responsibility for the violations. A new law passed in September 2008 enabled victims of detention on political grounds in 1954–1989 to seek reparations; those who were tortured or disappeared during that time were already eligible for reparations. In December 2008, the TJC published its report and recommendations on human rights violations committed during 1954–1989. The TJC's conclusions identified 20,090 direct victims of human rights violations during the period under investigation. These included 19,862 victims of arbitrary or illegal detention, 18,772 victims of torture, 59 victims of extrajudicial execution and 336 victims of enforced disappearance. The TJC recommended that the Public Prosecutor and Procurator General investigate all cases further. It found that sexual violence had been employed as a repressive strategy, identifying cases of rape and sexual abuse by military and police officers committed against girls aged between 12 and 15. Through witness testimony, the TJC investigated violence against children, particularly in *campesino* (peasant) communities. It also concluded that systematic and generalized violations against the Aché indigenous peoples in the 1970s might constitute a crime against humanity.

[Source: Amnesty International, *Report 2009* (London 2009) 18, 259–260.]

PERU

Last *Annual Report* entry: 2008.

On 10 December 2007, the trial began of Alberto Fujimori, former president of Peru (1990–2000), who was extradited from Chile. He was accused of the extrajudicial execution of fifteen people in the Barrios Altos district of Lima in November 1991, the enforced disappearance and murder of nine students and a teacher from La Cantuta University in July 1992, and two abductions. He faced a sentence of up to 35 years' imprisonment. During 2008, the three judges of the Special Criminal Court heard evidence from Fujimori and scores of witnesses, including victims' relatives, members of the Colina group (an army death squad responsible for the killings), high-ranking military officers, journalists, and human rights experts. It was the first time in its history that Peru tried a former president for grave human rights violations. On 7 April 2009, Fujimori was found guilty on charges involving serious human rights violations. He was convicted of the killings of 25 people in two massacres (1991, 1992), and of the kidnappings of a journalist and a businessman in 1992. The massacres were carried out by the Colina unit, a specialized squad of military intelligence officers operating under his control. During the trial, evidence showed that the killings formed part of a counterinsurgency strategy that Fujimori established and carried out through the intelligence services. [Sources: Human Rights Watch, *World Report 2009* (Washington 2009) 196; Idem, "Peru: Fujimori Verdict a Rights Victory" (WWW-text; 7 April 2009).]

According to the Truth and Reconciliation Commission (TRC), almost 70,000 people died or "disappeared" during the internal armed conflict (1980–2000). Many were victims of atrocities committed by the Sendero Luminoso (Shining Path) and the Tupac Amaru Revolutionary Movement, and others of human rights violations by state agents. In August 2008, five years after the publication of the final TRC report, the TRC's former president criticized the government's failure to implement any of the recommended reforms. In November 2008, two separate bills proposing amnesties for police and military personnel implicated in human rights violations were presented to Congress.

In April 2008, General Julio Salazar Monroe, former head of the National Intelligence Service (SIN) during the Fujimori government (1990–2000), was sentenced to 35 years' imprisonment for ordering the Cantuta killings. Efforts to investigate and prosecute former officials and military officers implicated in scores of other killings and disappearances dating from the beginning of the armed conflict had meager results. Lack of cooperation by the military hampered investigation of human rights cases. The excessive workload of prosecutors, inefficiency, and inexperience in dealing with human rights cases also contributed to the delays. According to information published by the

Human Rights Ombudsman in December 2007, of 192 cases monitored by the institution—which include abuses committed by insurgent groups—only six had led to convictions, while 110 were still under investigation by prosecutors. In all, only nineteen individuals had received prison sentences. In August 2008, the Ombudsman noted with concern that court proceedings were stagnating.

In May 2008, Peru was reviewed under the Universal Periodic Review mechanism of the United Nations Human Rights Council. During the review, Peru pledged to report back to the Human Rights Council on its efforts to implement the TRC recommendations, in particular with regard to victims' compensation and institutional reform, including bringing to justice those responsible for human rights violations during the armed conflict.

[Sources: Amnesty International, *Report 2009* (London 2009) 261; Human Rights Watch, *World Report 2009* (Washington 2009) 195–197, 200.]

On 21 July 2008, **Leysi Suarez**, a model and a dancer for the band *Alma Bella*, was featured on the cover of *D'Farándula* magazine sitting naked on a horse and using the national flag as a saddle in the run-up to the 187th anniversary of Peru's 1821 independence from Spain on 28 July. She could face up to four years' imprisonment for offending patriotic symbols.

[Source: *Index on Censorship*, 4/08: 186.]

POLAND

Last *Annual Report* entry: 2008.

On 25 November 2008, a Moscow court refused to reopen the investigation into the 1940 Katyn massacre. On 29 January 2009, the Supreme Court confirmed this judgment.

[Source: *Keesings historisch archief* (2009) 89.]

See also Israel, Russia.

ROMANIA

Last *Annual Report* entry: 2008.

RUSSIA

Last *Annual Report* entry: 2008.

On 27 March 2008, students from the Volgograd Academy of Public Administration barred entry to the new rector in protest over the *de facto* dismissal of the former rector, historian, and political theorist **Mikhail Sukiasyan** (1992–2008). The students also organized strikes. Sukiasyan had reportedly angered the Volgograd region governor by inviting Boris Nemtsov, a leader from the opposition Union of Right Forces, to speak to students during the 2007 parliamentary election campaign. Shortly after, his re-election was not confirmed by the administration of President Vladimir Putin.

[Source: Georg-Eckert Institut, *Das Bulletin* no. 4 (Winter 2008) 64–65; *International Herald Tribune* (Russian press review; 28 March 2008).]

On 8 July 2008, the Ulyanovsk city court judged extremist *Hitler's Table Talk*, a book by British historian **Hugh Trevor-Roper** (1914–2003) and banned it.

[Source: SOVA Center for Information and Analysis, *Aggressive Racism in Russia, Efforts to Counteract It, and Abuse of Anti-Extremist Legislation: Current Trends* (November 2008) 5.]

On 4 December 2008, masked and armed men broke into the premises of the Research and Information Center Memorial in St. Petersburg. They had a warrant signed by the Prosecutor's Office and included police, special forces, and members of the investigative committee of the Prosecutor's Office. They seized the entire archive of Memorial in St Petersburg: eleven hard drives containing electronic archives on the Soviet repression from 1917 to the 1960s collected since 1987. These included biographical information on more than 50,000 victims of Stalinist repression; the results of the search for execution and burial sites of victims of repression (several hundred sites described or photographed); the photo collection (over 10,000 photographs) and accompanying textual material of the "Virtual Gulag Museum" (an online source linking more than one hundred local Russian museums). Also confiscated were the database to the oral history archive and an electronic collection of photographs, including scans of historic materials from private archives. In addition, the

prosecutors took a hard drive and documents belonging to art historian **Aleksandr Margolis**, a member of Memorial and director of the “International Charitable Foundation for the Renaissance of St. Petersburg-Leningrad” dedicated to the preservation of St Petersburg's historic architecture. The search was apparently ordered in connection with an investigation against the local newspaper *Novy Petersburg* (*New Petersburg*) for publishing an “extremist” article in June 2007. However, Memorial director **Irina Flige** declared that Memorial had no relationship with the newspaper. She also said that the seizure might have been part of an official campaign to rehabilitate the Stalinist regime. The raid took place one day before Flige would attend a conference in Moscow about Stalin’s place in Russian history. Memorial has been nominated for the Nobel Peace Prize.

[Sources: http://www.concernedhistorians.org/content_files/file/ca/58.pdf; O. Figes, “Shelved: Did Kremlin Make my Stalin Book Disappear?” *Guardian* (4 March 2009); Idem, “Open Letter by International Scholars Regarding Attack on Memorial” (5 December 2008); L. Harding, “British Scholar Rails at Police Seizure of Anti-Stalin Archive”, *Observer* (7 December 2008); Human Rights Watch, “Russia: Police Raid Prominent Rights Group” (WWW-text; 4 December 2008); A. Rodriguez, “Russia Rewriting Josef Stalin’s Legacy”, *Chicago Tribune* (WWW-text; 17 December 2008).]

On 25 February 2009, Russian archivists issued a DVD and a book of historical documents meant to counter Ukrainian claims in relation to the Holodomor (the famine that as a result of Stalin’s farm collectivization program killed millions of people in 1932–33).

[Sources: M. Foley, “Ukraine: The Politics of Hunger” (WWW-text); S. Gutterman, “Russia Blasts Ukraine’s Soviet-era Genocide Claims” (WWW-text; Associated Press); H. Swoboda & J.M. Wiersma, eds., *Politics of the Past: The Use and Abuse of History* (Strasbourg 2009) 11.]

In March 2009, emergency situations minister Sergei Shoigu called for a law, based on Holocaust denial legislation in Germany, that would criminalize attempts to “rehabilitate Nazism” and to suggest that the USSR did not win World War II. The law would also seek to punish eastern European or former Soviet states which deny they were liberated by the Red Army. The call came after a NTV documentary had exposed the scale of human losses during the Battles of Rzhev, fought in 1942–3, killing up to 1.5 million soldiers, two-thirds of them Soviet. Critics had demanded the arrest of its presenter, **Alexei Pivovarov**, who was reportedly accused of being part of a Jewish conspiracy financed in the West to belittle the Soviet war effort.

[Sources: American Historical Association, “Open Letter to President Dmitrii Medvedev” (Washington 17 June 2009); *Telegraph* (5 March 2009).]

On 19 May 2009, President Dmitry Medvedev decided to create a Commission to Counteract Attempts at Falsifying History to Damage the Interests of Russia, consisting of 28 members, including members of parliament, FSB intelligence service officials and only three historians. Among the historical events labeled as sensitive were the August 1939 Molotov-Ribbentrop Pact of nonaggression between the USSR and Nazi Germany, the Soviet annexation of the Baltic countries, and the 1940 Katyń massacres. The plan coincided with the introduction of a bill “opposing the rehabilitation of Nazism, Nazi criminals and their accomplices on the territory of the independent states, former republics of the Soviet Union”. According to this bill, anyone condemning the Allies for the 1945 forcible repatriation to the USSR and subsequent execution or deportation of about two million Soviet citizens who had fallen into German hands before they were freed by the Allied advance (the so-called “victims of [the February 1945 Conference of] Yalta”, including Russian Cossacks, prisoners of war, forced laborers, émigrés and anti-Communists who had fought for Germany against Stalin) could be branded as a “criminal”. In a 17 June 2009 letter to Medvedev, the American Historical Association asked to disband the commission as it contradicted the principle of intellectual freedom.

[Sources: American Historical Association, “Open Letter to President Dmitrii Medvedev” (Washington 17 June 2009); *Guardian* (13 July 2009); *Keesings historisch archief* (2009) 319; Y. Kiselyov, “When Interpreting History Becomes a Crime”, *Moscow Times* (3 June 2009); *NRC Handelsblad* (22 May 2009) 7, (6–7 June 2009) 4–5.]

On 3 March 2009, the publishing house Atticus canceled publication of *The Whisperers: Private Life in Stalin's Russia*, a book by British historian **Orlando Figes** (1959–), professor of history at the University of London, about life under Stalin (translated into 22 languages, including all the European languages of the former Soviet Union except Russian). The publisher mentioned economic reasons, but Figes believed that the decision was the result of political pressure and reflected a desire by the Kremlin to rehabilitate Stalin. The book drew on several hundred family archives and thousands of interviews with survivors of the Stalinist regime that Figes conducted with Memorial. Memorial was attacked for helping “foreign historians accused of setting out to blacken Soviet history by focusing on Stalin's crimes”.

[Source: O. Figes, “Shelved: Did Kremlin Make my Stalin Book Disappear?” *Guardian* (4 March 2009); *NRC Handelsblad* (5 March 2009).]

On 19 June 2009, the home affairs ministry in St Petersburg shut down the website <http://www.hrono.info> (founded in 2000), because it had published extracts from Hitler's autobiography, *Mein Kampf*. However, the website founder, **Vyacheslav Rummyantsev**, a history

graduate from Moscow State University, declared that the closure had nothing to do with Hitler, adding that the text, widely available elsewhere, was only summarized on the site. According to Rummyantsev, the real reason was an article posted on 16 June 2009 which criticized St. Petersburg's pro-Kremlin governor, Valentina Matviyenko, for her decision to cut an allowance given to survivors of the Nazi siege of Leningrad (1941–1944). The website (also available at <http://www.hrono.ru>) was Russia's largest online history resource, widely used by scholars in Russia and elsewhere for its biographical and historical material.

[Source: *Guardian* (13 July 2009).]

On 3 July 2009, the Russian delegation walked out of a session of the Parliamentary Assembly of the Organisation for the Security and Co-operation in Europe (OSCE) in Vilnius, Lithuania, after the assembly had passed a resolution, of which paragraph 10 read: "Recalling the initiative of the European Parliament to proclaim 23 August, when the Ribbentrop-Molotov Pact was signed 70 years ago, as a Europe-wide Day of Remembrance for Victims of Stalinism and Nazism, in order to preserve the memory of the victims of mass deportations and exterminations". Russia accused the OSCE of trying to "distort history with political goals".

[Sources: *BBC News* (3 July 2009); *Guardian* (13 July 2009); Organisation for the Security and Co-operation in Europe Parliamentary Assembly, *Resolution on Divided Europe Reunited: Promoting Human Rights and Civil Liberties in the OSCE Region in the 21st Century* (Document AS (09) D 1 E; Vilnius 3 July 2009), paragraph 10.]

Chechnya

A number of mass graves were found in Chechnya. However, the federal authorities blocked the construction of a forensic laboratory, which could have helped to identify the fate of victims of enforced disappearance. On 17 June 2008, four members of the human rights organization Memorial were detained in Chechnya, while filming a building thought to have been used as a secret detention center. The video footage was destroyed and the four were threatened.

[Source: Amnesty International, *Report 2009* (London 2009) 271, 272.]

See also Poland, Syria, Ukraine, Vietnam.

RWANDA

Last *Annual Report* entry: 2008.

President Paul Kagame sought to prevent independent prosecution of soldiers of the Rwandan Patriotic Front (RPF), a rebel group he once headed and Rwanda's dominant political party, for war crimes committed during and after the 1994 Rwandan genocide, including the killing of at least 30,000 people. The International Criminal Tribunal for Rwanda (ICTR) was mandated to prosecute such crimes, but rather than see it try RPF soldiers, the government arranged to have the one remaining case under ICTR investigation transferred to its own court where it could more easily determine the outcome.

In June 2008, Rwanda charged four Rwandan Patriotic Army (RPA) military officers with war crimes for the 1994 killing of fifteen civilians. Two of the officers confessed to the killing and were sentenced to eight years' imprisonment. Two more senior officers were acquitted after a brief trial. The RPF had acknowledged the crime committed by its soldiers, but brought the accused to trial only after the ICTR prepared a case against them. Neither the Rwandan prosecutor's office nor the ICTR anticipated any more of such prosecutions, despite United Nations estimates that between 25,000 and 45,000 persons were killed by RPF soldiers in 1994.

[Sources: Amnesty International, *Report 2009* (London 2009) 277; Human Rights Watch, *World Report 2009* (Washington 2009) 9–10, 100.]

At the end of December 2008, Rwanda's prisons contained 59,532 people, 37,277 people of whom had been accused of genocide. In October 2008, an estimated 10,000 category-one cases were pending before *gacaca* courts (community-based tribunals, created in 2001 in an effort to combine restorative and punitive justice), whose procedures fail to meet international standards of fair trial. Category one cases involved the planners, organizers, instigators, and supervisors of the genocide. Of these, at least 6,000 were rape cases which were transferred to category one in May 2008. Originally scheduled to end in 2007, *gacaca* tribunals would continue to hear cases until 2010. Instances of faulty procedure, judicial corruption, and false accusations undermined trust in the *gacaca* system among victims as well as the accused. The safety of witnesses in judicial proceedings continued to be a concern, with 17 genocide survivors killed in the first nine months of 2008, some in connection with giving testimony in *gacaca* proceedings.

[Sources: Amnesty International, *Report 2009* (London 2009) 276–277; Human Rights Watch, *World Report 2009* (Washington 2009) 99–101.]

The International Criminal Tribunal for Rwanda (ICTR) was to finish all first-instance trials by the end of 2008 and complete all work by 2010, according to United Nations Security Council Resolution 1503. This deadline became unfeasible, given the 28 detainees on trial and the nine accused awaiting trial. In July 2008, the United Nations Security Council extended the terms of the Trial Chamber and its judges until 31 December 2009. ICTR judges, however, refused transfers to Rwanda, citing among other reasons difficulty in obtaining defense witness testimony and the possible imposition of a sentence of life in solitary confinement. (The 2007 transfer law abolished capital punishment and replaced it with life imprisonment in solitary confinement, commonly considered as a violation of Article 7 of the International Covenant of Civil and Political Rights.) Four requests by the Rwandan Prosecutor General for cases to be transferred from the ICTR to Rwanda were rejected on the basis that the accused were at risk of being subjected to an unfair trial. The four decisions cited reports that defense witnesses inside and outside Rwanda risk being rejected by their community, arrested, tortured, and in some cases killed. The Rwandan Parliament passed a law on 3 November 2008 to prohibit solitary confinement for transfer cases.

Judicial proceedings against genocide suspects took place in Belgium, Canada, France and the Netherlands. Extradition hearings against genocide suspects in Sweden, Germany and Norway were continuing. A genocide suspect was detained in Finland and it remained unclear whether he would be extradited to Rwanda. The United Kingdom agreed to the extradition of four Rwandans, a decision which was appealed. A French appeals court refused to extradite two Rwandans, as did a German court. More than a dozen requests were pending in other European countries. Belgium was pursuing further domestic prosecutions. In February 2008, a Spanish judge issued arrest warrants for 40 Rwandan Defense Force (RDF) officers for war crimes and crimes against humanity committed against Spanish, Rwandan, and Congolese citizens in the 1990s. The prosecution was based on both domestic law and universal jurisdiction (a doctrine which permitted national courts to prosecute the most heinous crimes committed abroad). At the African Union summit in June 2008, President Paul Kagame criticized abuse of the principles of universal jurisdiction in response to the arrest warrants issued in France and Spain against leading RPF members. The summit called for an international regulatory body “to review and/or handle complaints or appeals arising out of abuse of the principle of universal jurisdiction” by states.

On 5 August 2008, the report of the Mucyo Commission, set up in 2006 by the Rwandan government to investigate the role of France in the 1994 genocide, was published. The report alleged the involvement of 33 current and former French political and military figures in the genocide. On 15 November 2008, the Prosecutor General stated that the authorities were ready to indict 23 of those named. The Mucyo report followed an investigation instituted by a French judge into the shooting

down of a plane in 1994 whose passengers included President Juvenal Habyarimana of Rwanda, President Cyprien Ntaryamira of Burundi and three French nationals. On 17 November 2006, the French judge issued international arrest warrants against nine leading RPF members for shooting down the plane. On 9 November 2008, Rose Kabuye, Chief of Protocol for President Kagame, was arrested in Frankfurt, Germany. She was transferred to France and charged with “complicity in murder in relation to terrorism”.

[Sources: Amnesty International, *Report 2009* (London 2009) 276–277; Human Rights Watch, *World Report 2009* (Washington 2009) 9–10, 102.]

Authorities used prosecution, or the threat of prosecution, for “genocide ideology” to silence dissent of many kinds, including calls for justice for war crimes committed by the Rwandan Patriotic Front (RPF). Prosecutors brought hundreds of cases involving this accusation before the charge was finally established by law in June 2008. The current definition was vague, required no link to any genocidal act, and prohibited speech protected by international conventions. The offence was punishable by 10 to 25 years’ imprisonment. This law could potentially stifle freedom of expression, and restrict the ability of the accused to put forward a defense in criminal trials.

[Sources: Amnesty International, *Report 2009* (London 2009) 277; Human Rights Watch, *World Report 2009* (Washington 2009) 102–104.]

In 2008, the Rwandan government expelled historian and Human Rights Watch expert **Alison Des Forges** (1942–2009) after Human Rights Watch had published an extensive analysis of judicial reform there, drawing attention to problems of inappropriate prosecution and external influence on the judiciary that resulted in deficient genocide-related trials and verdicts. Des Forges was best known for her award-winning account of the genocide, *Leave None to Tell the Story* (1999). She appeared as an expert witness in eleven trials for genocide at the International Criminal Tribunal for Rwanda, three trials in Belgium, and at trials in Switzerland, the Netherlands, and Canada. In 2009, Des Forges died in an plane crash.

[Source: Human Rights Watch, “Human Rights Watch Mourns Loss of Alison Des Forges: Leading Rwanda Expert Killed in Plane Crash” (WWW-text; 13 February 2009).]

On 21 March 2008, **Bonaventure Bizumuremyi**, founder and editor of *Umuco*, faced prosecution for defaming President Paul Kagame, because in an article he had compared the latter to Hitler and claimed that he would be tried on genocide charges.

[Source: *Index on Censorship*, 2/09: 132.]

On 25 April 2009, the Rwandan government suspended the British Broadcasting Corporation's (BBC) Kinyarwanda radio service saying it threatened the country's national reconciliation by hosting people with views negating the 1994 genocide. Minister of Information Louise Mushikiwabo justified the suspension on the grounds that the program amounted to a "blatant denial of the 1994 genocide against the Tutsi of Rwanda". The suspension followed the BBC's broadcast of a promotion of a forthcoming feature of its weekly local vernacular program "Imvo n'imvano" (Analysis of the Source of a Problem) that was to include a debate on forgiveness among Rwandans after the genocide. The advance segment included comments by a former presidential candidate opposing the government's attempt to force Rwanda's entire Hutu population to apologize for the genocide, since not all Hutu people had killed Tutsi or otherwise participated in the genocide. It also included a man of mixed Hutu-Tutsi ethnicity questioning why the government had refused to allow relatives of those killed by the Rwanda Patriotic Front (RPF)—led by President Paul Kagame that took over the country and stopped the genocide—to mourn for their loved ones. According to estimates from experts working for the United Nations High Commissioner for Refugees, RPF soldiers killed between 25,000 and 45,000 people between April and August 1994. The government declared that it would no longer tolerate anyone who implied that there had been a double genocide in 1994 (one by the Hutus and the other by the Tutsi-led RPF in their bid to end the first one). Rwanda has since banned the use of ethnic labels and established stringent laws against "divisionism" (spreading ideas that encourage ethnic animosity between the Tutsi and Hutu populations) and "genocide ideology" (ideas that could lead to genocide, including the double genocide thesis). In 2004, the government already lodged complaints against the BBC radio station after a parliamentary report accused it of propagating "genocide ideology". In late 2007, the government accused a BBC journalist, **Yusuf Mugenzi**, of exacerbating ethnic differences through the Imvo n'imvano program and of giving airtime to "genocide fugitives", referring to the Democratic Forces for the Liberation of Rwanda (FDLR), a Hutu rebel group based in eastern Congo, some of whose members took part in the 1994 genocide and continued to threaten stability in the region.

[Sources: Human Rights Watch, "Rwanda: Restore BBC to the Air" (27 April 2009); Human Rights Watch, "Rwanda: Tribunal Risks Supporting 'Victor's Justice'" (1 June 2009); *Ifex Alert* (29 April 2009); K. Roth, "The power of horror in Rwanda", *Los Angeles Times* (11 April 2009).]

See also Sudan.

SAUDI ARABIA

Last *Annual Report* entry: 2006.

See Bahrain.

SENEGAL

Last *Annual Report* entry: 2006.

Despite the elimination of the last legal obstacles, the criminal investigation of Hissene Habré's case did not begin during 2008. In April 2008, the National Assembly adopted a constitutional amendment introducing retrospective legislation for crimes against humanity, war crimes, genocide, and torture which would permit the trial of the former Chadian head of state who was living in exile in Senegal and who stands accused of crimes against humanity and torture during his 1982–1990 rule. In May 2008, a coordinating judge was appointed to organize the trial. The new legislation amended a 2007 law that permitted the prosecution of cases of genocide, crimes against humanity, war crimes, and torture, including crimes committed outside of Senegal. It encompassed crimes committed prior to the enactment of the 2007 law. Prosecutors were conducting interviews with victims and former officials of the Habré regime and were examining fourteen complaints filed in September 2008, alongside documentary evidence from the files of the Bureau of Documentation and Security, Chad's former political police. The prosecution would subsequently decide whether to file formal charges.

In August 2008, prosecutors in Chad accused Habré of providing support to rebel groups involved in the failed February 2008 coup and sentenced him to death in absentia. Senegal's justice minister expressed concerns that the decision would interfere with Senegal's proceedings against Habré, but Chadian authorities insisted that the ruling pertained only to the events of February 2008. (*See* Chad.) [Sources: Amnesty International, *Report 2009* (London 2009) 8, 281, 282; Human Rights Watch, *World Report 2009* (Washington 2009) 52; International Federation for Human Rights, "African Union: Press Senegal on Habré Trial (28 January 2009).]

See also Chad.

SERBIA

Last *Annual Report* entry: 2008.

On 30 July 2008, Radovan Karadžić was transferred to the International Criminal Tribunal for the former Yugoslavia (ICTY) (*See* Bosnia and Herzegovina). The arrest was a significant breakthrough in Serbia's cooperation with ICTY, reflecting the growing authority within the government of President Boris Tadic's Democratic Party. Widespread public hostility to the ICTY persists. ICTY indictees Ratko Mladic and Goran Hadzic remained at large in late 2008. In August 2008, special prosecutor for war crimes, Vladimir Vukcevic, reiterated that the arrest of both fugitives was a priority for Belgrade. In the same month, the president of the National Council on ICTY Cooperation, Rasim Ljajic, said that Mladic had been hiding in military barracks in Belgrade from June 2002 until the end of 2005. During a September 2008 visit to Serbia, ICTY Prosecutor Serge Brammertz expressed "careful optimism" that Mladic would be "arrested soon", but declined publicly to assess Serbia's cooperation with the ICTY.

Prosecutions continued at the War Crimes Chamber at Belgrade District Court. In September 2008, the Serbian Supreme Court upheld the appeals of two members of the Scorpions paramilitary group, convicted in April 2007 for the murder of six civilians from Srebrenica in 1995, reducing one sentence from twenty to fifteen years and ordering the retrial of another defendant sentenced to five years' imprisonment.

In June 2008, the Supreme Court sentenced former secret police chief Radomir Markovic to 40 years' imprisonment, and several other defendants to long prison terms, for the attempted murder of opposition leader Vuk Draskovic in October 1999. The verdict concluded an eight-year cycle of trials, during which three earlier decisions of lower courts had been annulled by the Supreme Court, which ultimately tried the case itself.

[Sources: Amnesty International, *Report 2009* (London 2009) 284; Human Rights Watch, *World Report 2009* (Washington 2009) 402–403.]

In September 2008, the Helsinki Committee for Human Rights in Serbia and its director **Sonja Biserko** received threats linked to their work on war crimes accountability. On 30 September 2008, ultranationalists protested outside the group's office. On 2 October 2008, Biserko's home address was published by a tabloid newspaper article calling her a "traitor". She was subsequently placed under police protection.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 406.]

In November 2008, the International Court of Justice (ICJ) decided that it had jurisdiction over Croatia's motion to sue Serbia for genocide.

[Sources: Amnesty International, *Report 2009* (London 2009) 283.]

Kosovo

On 3 April 2008, Ramush Haradinaj, a former commander of the Kosovo Liberation Army (KLA), was acquitted by the International Criminal Tribunal for the former Yugoslavia (ICTY). Haradinaj, who was Kosovo's prime minister at the time of his indictment, had been charged with murder, persecution, rape, and torture of Albanians, Serbs and Roma in 1998 during the Kosovo conflict. ICTY judges found him not guilty on all counts. The court cited significant difficulties in obtaining testimony of many witnesses due to security concerns. Prosecution appeals against the acquittal was pending in late 2008.

The remaining international prosecutors and judiciary of the United Nations Interim Administration Mission in Kosovo (UNMIK) made slow progress in addressing an estimated backlog of 1,560 war crimes cases. In August 2008, UNMIK said that proceedings were open in seven cases, only one of which was not an appeal or a retrial. According to UNMIK, prosecutors were also reportedly directing investigations in 47 cases. In November 2008, following negotiations with Pristina and Belgrade, the United Nations Security Council approved a "status-neutral" plan to reconfigure UNMIK. This enabled a European Security and Defence Policy mission (EULEX), envisaged in the Ahtisaari Plan and authorized by the European Union in February 2008, to take over responsibilities for international policing and the investigation and prosecution of outstanding war crimes in December 2008. The United Nations Secretary-General also reported that the UNMIK Department of Justice had established guidelines to enable access to criminal files by EULEX prosecutors, who had repeatedly complained that war crimes files were not available.

There was little progress in determining the fate of missing persons. As of April 2008, 1,963 persons—the majority Kosovo Albanian—remained missing. In June 2008, the Parliamentary Assembly of the Council of Europe nominated Dick Marty as rapporteur to investigate the fate of missing Serbs allegedly transferred to northern Albania after June 1999. The Kosovo government refused to investigate the allegations. The Office of Missing Persons and Forensics performed 73 exhumations and recovered 53 sets of mortal remains. Some 437 exhumed bodies remained unidentified.

[Sources: Amnesty International, *Report 2009* (London 2009) 283–286; Human Rights Watch, *World Report 2009* (Washington 2009) 410–411.]

See also Bosnia and Herzegovina, Croatia.

SIERRA LEONE

Last *Annual Report* entry: 2008.

The 2005 report of Sierra Leone's Truth and Reconciliation Commission (TRC) attributed the civil war (1991–2002) largely to decades of corrupt rule by the political elite and recommended abolishing the death penalty, repealing laws that criminalize seditious libel, increasing the transparency of the mining industry, improving good governance, and establishing a reparations fund for war victims. Despite a presidential promise in February 2008 to implement the TRC recommendations, little progress was made during 2008. No steps were taken to create a TRC follow-up committee. The mandate of the National Commission for Social Action, the agency in charge of reparations, was extended. It was given responsibility for overseeing the setting up of a Special Fund for War Victims. The Reparations Task Force was reconstituted as a Reparations Steering Committee.

[Sources: Amnesty International, *Report 2009* (London 2009) 288; Human Rights Watch, *World Report 2009* (Washington 2009) 107.]

In January 2008, the trial of former Liberian president Charles Taylor—charged with eleven counts of war crimes and crimes against humanity for supporting Sierra Leonean rebel groups—resumed before the Special Court for Sierra Leone (SCSL). This followed a six-month delay due to an overhaul in Taylor's legal team after he sought to fire his lawyers over concerns that he was receiving inadequate resources to prepare his defense. The prosecution completed its case in late 2008. Taylor was the first former African head of state to stand trial in front of an international or hybrid international-national war crimes tribunal. For security reasons his trial was taking place in The Hague instead of Freetown, Sierra Leone's capital.

After issuing verdicts in the cases of its first five defendants in 2007, the SCSL Appeals Chamber in February 2008 upheld the original sentences passed in the cases of Armed Forces Revolutionary Council (AFRC) members Alex Tamba Brima (50 years' imprisonment), Ibrahim Bazy Kamara (45 years' imprisonment) and Santigie Borbor Kanu (45 years' imprisonment). The case against Moinina Fofana and Allieu Kondewa, members of the Civil Defence Forces (CDF), was concluded in May 2008. Doubling their original sentences, the Appeals Chamber sentenced them to 15 and 20 years' imprisonment respectively. In the cases against Revolutionary United Front (RUF) members Issa Sesay, Morris Kallon and Augustine Gbao, the defense cases were heard. Judgments had not been issued by the end of 2008.

[Sources: Amnesty International, *Report 2009* (London 2009) 288; Human Rights Watch, *World Report 2009* (Washington 2009) 105, 108.]

See also Liberia.

SINGAPORE

Last *Annual Report* entry: 1998.

On 17 May 2008, the Board of Film Censors and the Media Development Authority banned screening of the film *One Nation under Lee*, produced and directed by artist **Seelan Palay**. The film documented the rise to power of former Prime Minister Lee Kuan Yew (in power in 1959–1990).

[Sources: *Index on Censorship*, 3/08: 211; *Reuters India* (21 May 2008).]

SLOVAKIA

Last *Annual Report* entry: 2007.

On 21 August 2009, the government of Prime Minister Robert Fico barred Hungarian President László Sólyom from making a controversial visit during which he had planned to unveil the statue of Saint Stephen (975–1038), the first Hungarian king, in the southern town of Komárno, on the River Danube, which separates Slovakia and Hungary. No Slovak officials had been invited to the event, which coincided with the anniversary of the 1968 invasion of (Czecho)Slovakia by five armies, including Hungary's. The incident heightened bilateral tension over Slovakia's treatment of its ethnic Hungarians, who make up about ten per cent of the population.

[Sources: *BBC News* (21 & 25 August 2009); *NRC Handelsblad* (28 August 2009) 5.]

SLOVENIA

Last *Annual Report* entry: 2008.

The authorities still failed to guarantee the rights of a group of permanent residents known as the “erased”. A year after Slovenia's 1991 declaration of independence, more than 18,000 individuals were unlawfully removed from the registry of permanent residents. They were people originating from other former Yugoslav republics, many of them Roma, who had been living in Slovenia but had

not acquired Slovenian citizenship after independence. The move was discriminatory as citizens of former Yugoslav republics were treated less favorably than other foreign nationals whose permanent residency status was granted automatically. As a result of the “erasure”, many permanent residents were forcibly expelled from Slovenia. Many others lost their jobs, were denied access to education and the right to a comprehensive healthcare service. The issue of the “erased” was the subject of much political debate in the run-up to the September 2008 parliamentary elections. The Constitutional Committee of Parliament initiated a discussion on a draft constitutional law on the “erased”. The draft law, which had been presented by the government in 2007, would maintain discriminatory treatment of the “erased”. It would provide new legal grounds for discriminatory actions by the authorities, including the possibility of reversing individual decisions to restore permanent residency. It failed to restore the permanent residency status of the “erased”, disclaimed state responsibility for the “erasure” and explicitly excluded the possibility of reparations, including compensation for human rights violations suffered by the “erased”. Through 2008, deportation procedures were initiated against “erased” individuals, although deportations were not carried out. The authorities failed to acknowledge the discriminatory nature of the “erasure”, and did not implement two earlier Constitutional Court decisions which found the “erasure” illegal and unconstitutional.

[Source: Amnesty International, *Report 2009* (London 2009) 292–293.]

SOMALIA

Last *Annual Report* entry: 2006.

SOUTH AFRICA

Last *Annual Report* entry: 2008.

In December 2008, the Pretoria High Court ruled as unconstitutional, unlawful, and invalid, the 2005 National Prosecution Policy on the prosecution of offences “emanating from conflicts of the past”. The case had been brought by relatives of victims of extrajudicial executions and disappearances in the 1980s. The Court accepted that the policy would have the effect of allowing immunity against prosecution for individuals who had not co-operated with or had been denied amnesty by the Truth and Reconciliation Commission, even in circumstances where there was a well-founded case against

them.

[Source: Amnesty International, *Report 2009* (London 2009) 300.]

SPAIN

Last *Annual Report* entry: 2008.

In August 2008, the restrictive Official Secrets Act (1968, amended 1978) was criticized as Minister of Defense Carme Chacón announced her intention to declassify thousands of secret files of historical value. Many important documents, especially military documents on the 1936–1977 period referring to repression under Franco’s rule were either unavailable for public use or badly preserved. In addition, since Franco’s death, no government legally regulated the military justice archives.

[Sources: *El País* (10 August 2008); *Frankfurter Rundschau* (20 August 2008); A. González Quintana, “Spain: Pact of Oblivion”, *UNESCO Courier*, 2008, no. 9 (WWW-text).]

On 16 October 2008, judge Baltasar Garzón initiated a case against General Francisco Franco (1892–1975) and 35 of his generals and ministers for crimes against humanity during the civil war (1936–1939) and the first years of the dictatorship (1939–1952) when accepting a petition filed by thirteen associations of victims’ families and ordering to open nineteen mass graves believed to hold the remains of hundreds of victims. An estimated 114,266 persons disappeared at the time; most of them were killed at the hands of Franco’s supporters and buried in mass graves. Garzón maintained that he could investigate these crimes against humanity because they had no statute of limitations. In November 2008, however, judges from the Audiencia Nacional (National Criminal Court), had suspended the opening of the mass graves while it examined the public prosecutor’s appeal. When the latter questioned Garzón’s jurisdiction, he made use of the following arguments: the perpetrators were dead; the crimes were covered by a 1977 amnesty law (granting amnesty for all crimes with a political connection committed up to 1977) and by rules stipulating that most crimes lapse after twenty years; and, finally, international human rights laws did not apply to the civil war as Spain was not a signatory to them at the time. On 18 November 2008, Garzón declared that he was dropping a case. On 2 December 2008, the National Criminal Court said that it was not competent to investigate crimes of this type and the investigation was closed. However, Garzón ruled that local courts were competent to investigate such crimes when they had been committed in their territorial jurisdiction and on 26 December 2008 he sent information to a number of local courts for further investigation on suspected cases of enforced disappearances and the illegal removal of 30,960 children from their

families.

[Sources: Amnesty International, *Report 2009* (London 2009) 301, 303; *Guardian* (17 October 2008); *New York Times* (17 October & 19 November 2008); *NRC Handelsblad* (28 May 2009) 4; *The Times* (19 November 2008).]

By the end of 2008, the procedural guidelines and mapping of graves required by the Law on Historic Memory, introduced in December 2007, had still not been developed.

[Source: Amnesty International, *Report 2009* (London 2009) 303.]

See also Austria, El Salvador, Guatemala, Peru, Rwanda.

SRI LANKA

Last *Annual Report* entry: 2008.

Investigations into human rights violations by the military and police stalled and court cases did not proceed as witnesses refused to come forward for fear of reprisals. In April 2008, the International Independent Group of Eminent Persons tasked with overseeing the latest Presidential Commission of Inquiry (COI) into sixteen cases of serious violations of human rights terminated their mission stating that the COI had not been able to investigate cases in accordance with international standards. The process was so flawed that the International Independent Group of Eminent Persons, after regularly raising serious concerns, eventually withdrew from its role as observer. Four Sri Lankan commissioners also resigned.

[Sources: Amnesty International, *Report 2009* (London 2009) 305; Human Rights Watch, *World Report 2009* (Washington 2009) 310.]

On 7 October 2008, Vinayagamoorthi Muralitharan, otherwise known as Karuna, was sworn into Parliament. As a military commander of the Tamil Makkal Vidulthalai Pulika, and previously as a military commander in the Liberation Tigers of Tamil Eelam, Karuna was suspected of serious human rights abuses and war crimes, including the abduction of hundreds of teenagers to serve as child soldiers, and the torture, holding as hostage and killing of hundreds of civilians. There had been no official investigation into these allegations.

[Source: Amnesty International, *Report 2009* (London 2009) 305.]

SUDAN

Last *Annual Report* entry: 2008.

On 14 July 2008, Prosecutor Luis Moreno Ocampo of the International Criminal Court (ICC) submitted to the ICC's pre-trial chamber an application for an arrest warrant to be issued against President Omar al-Bashir. The application included ten counts of Darfur-related war crimes, crimes against humanity and genocide that were allegedly carried out on al-Bashir's "direct orders". The application triggered calls by states belonging to the African Union, the League of Arab States, and the Organization of the Islamic Conference to defer the case under article 16 of the ICC Rome Statute (which empowers the Security Council to suspend court proceedings for up to twelve months renewable if required to maintain international peace and security). On the initiative of Rwanda, the African Union adopted a decision criticizing what it called the abuse of universal jurisdiction (*See Rwanda*).

In October 2008, the government announced that it had detained former Janjaweed leader Ali Kushayb, indicted by the ICC in 2007, pending his prosecution by a special court in El Geneina in West Darfur. Despite an announcement that his trial would begin in October 2008, the case had not started by the end of 2008. There were unconfirmed reports that he remained free to travel between the Darfur states. Ahmed Haroun, also indicted by the ICC in 2007, remained in his position as Minister of State for Humanitarian Affairs. On 20 November 2008, the Prosecutor applied for arrest warrants to be issued against three commanders of armed opposition groups operating in Darfur. He did not disclose their names. The commanders were accused of war crimes arising from an attack on the African Union Mission in Sudan (AMIS) in December 2007 in which twelve peacekeepers were killed.

[Sources: Amnesty International, *Report 2009* (London 2009) 8, 307; Human Rights Watch, *World Report 2009* (Washington 2009) 9–10, 121.]

See also Chad, Uganda.

SURINAME

Last *Annual Report* entry: 2004.

The trial of those accused of carrying out extrajudicial executions in December 1982 continued in the

capital, Paramaribo. 25 people, including seventeen former members of the armed forces, were accused of the extrajudicial execution of thirteen civilians and two army officers, who had been arrested in December 1982 on suspicion of organizing an attempted coup and held at the army barracks of Fort Zeelandia in Paramaribo. One of the accused, former President Lieutenant Colonel Désiré (Desi) Delano Bouterse, announced on television at the time that the fifteen detainees had been killed while trying to escape. Reports indicate that the victims showed signs of torture. The victims included journalists, lawyers, university lecturers, businessmen, and a trade union leader. The trial, which started in November 2007, was held before a military court instead of an ordinary civilian court, despite the fact that all ordinary offences committed by military personnel, including human rights violations and crimes under international law, should be tried in civilian courts, according to ordinary criminal procedures. The charges against the accused did not include the crime of torture. During the hearings in July and August 2008, the defense challenged the impartiality of two judges, arguing a conflict of interest. In November and December 2008, the court dismissed this objection. [Source: Amnesty International, *Report 2009* (London 2009) 310.]

SWEDEN

Last *Annual Report* entry: 1998.

See Rwanda.

SWITZERLAND

Last *Annual Report* entry: 2008.

On 21 October 2008, the District Court of Winterthur imposed a fine on three Turks, Ali Mercan, Hasan Kemali, Ethem Kayali, for denial of the 1915–1917 Armenian genocide. On 30 June 2007, they were present at a Turkish nationalist meeting organized by Doğu Perinçek (see NCH *Annual Report 2008*) and declared there that the massacre of the Armenians was not a genocide, but an international lie orchestrated by France, the United Kingdom and “Russian tsarists”.

[Source: National Academy of Sciences of the Republic of Armenia (Armenian Genocide Museum-Institute) “Swiss court fines three Turks for Armenian Genocide denial” (WWW-text; 23 October 2008).]

See also Rwanda.

SYRIA

Last *Annual Report* entry: 2008.

The fate of some 17,000 people, mostly Islamists who were victims of enforced disappearance in the late 1970s and early 1980s, and hundreds of Lebanese and Palestinians who were detained in Syria or abducted from Lebanon by Syrian forces or Lebanese and Palestinian militias, remained unknown. In August 2008, the Lebanese and Syrian Presidents issued a joint statement pledging to examine the fate of people who disappeared in their countries.

[Source: Amnesty International, *Report 2009* (London 2009) 316.]

In April 2009, the Ministry of Culture confiscated the book “Syria in the Russian Flights During the Nineteenth Century” [sic] (General Syrian Book Organization, April 2009), after massive protests alleging that it tarnished the image of Syria and its citizens. The book dealt with impressions of Russian citizens who had visited Syria or had resided there in the mid-nineteenth century, including doctors, diplomats, travelers, poets, historians, and archaeologists. The book’s two translators stated that they had not deleted some offensive passages because this would amount to misleading and to embellishment of the text. The manager of the General Syrian Book Organization apologized for the publication of the book in the *al-Watan* newspaper; he blamed his predecessors for the decision to publish.

[Source: *Ifex Alert* (Arabic Network for Human Rights Information, 26 May 2009).]

See also Lebanon.

TAIWAN

Last *Annual Report* entry: 2008.

In November 2008, the legislature passed a resolution calling on the Japanese government to apologize and issue reparations to the survivors of Japan's military sexual slavery system during World War II.

[Source: Amnesty International, *Report 2009* (London 2009) 318.]

See also Japan.

THAILAND

Last *Annual Report* entry: 2008.

In January 2008, an independent committee found no evidence linking any government official to extrajudicial executions during former Prime Minister Thaksin's "war on drugs" in 2003. This was despite its objective to identify people who might be brought to justice for such killings, and its findings that Thaksin's shoot-to-kill orders were widely implemented and that the interior ministry was ordered to issue a blacklist. According to the report, of 2,819 people killed between February and April 2003—54 in shoot-outs with the police—only 1,370 were related to the drugs trade.

[Source: Amnesty International, *Report 2009* (London 2009) 322.]

On 15 June 1962, the International Court of Justice ruled that the Temple of Preah Vihear area, occupied by Thailand since 1954, was situated on territory under Cambodia's sovereignty since the 1904–1908 boundary settlement between France (at that time conducting Cambodia's foreign relations) and Thailand. It instructed Thailand to withdraw and to restore to Cambodia any sculptures and other works of art removed from the temple. When on 7 July 2008 UNESCO recognized the site as heritage of humanity, tensions between the two countries flared up. In November 2008, Cambodia and Thailand agreed to determine the border on the basis of a French map from 1907. The temple site, constructed between the ninth and eleventh centuries and dedicated to Hindu deity Shiva, had been a royal Khmer site linked to Angkor Vat.

[Sources: Amnesty International (Amnesty International), *Report* (London) 2009: 95; *Le Figaro*, 18 July 2008: 7; International Court of Justice, *Case Summaries: Case Concerning the Temple of Preah*

Vihear (Merits)—Judgment of 15 June 1952 (WWW-text; The Hague); *Keesings historisch archief* (2009) 46; S. Rosenne, *The World Court: What It Is and How It Works* (Dordrecht/Boston/London 1995) 198–199.]

The offices of some Network for Human Rights Documentation–Burma (ND–Burma) members in Thailand were raided by the authorities and documents were removed. The network—comprising ten independent, community-based organizations—collected data on human rights violations committed in Burma under military rule to create an accurate historical record.

[Source: L. Bickford, P. Karam, H. Mneimneh & P. Pierce, *Documenting Truth* (New York 2009) 9, 31.]

TIMOR-LESTE

Last *Annual Report* entry: 2008.

In July 2008, the Commission of Truth and Friendship (CTF) report into the 1999 violence was officially submitted to the governments of Timor-Leste and Indonesia. The report concluded that crimes against humanity occurred in Timor-Leste in 1999 (during and after a United Nations [UN]-sponsored referendum on independence, militias backed by the Indonesian army killed hundreds of Timorese and destroyed much of Timor-Leste's physical infrastructure) and attributed institutional responsibility to the Indonesian military, police, and government. UN Secretary-General Ban Ki-moon urged the leaders of Indonesia and Timor-Leste to follow up the release of the report with initiatives to “ensure full accountability” and “end impunity”. The leaders, however, rejected calls to bring individuals to account but formally accepted the findings of the report, emphasizing their determination to “bring closure to a chapter of our recent past”. Concerns about impunity led the UN to boycott CTF investigations and instead resume prosecutions through the Serious Crime Unit, set up in conjunction with Timor-Leste prosecutors. By the end of 2008, twenty cases had been submitted. The UN estimated that it could take three years to complete investigations into nearly 400 cases.

Those responsible for perpetrating human rights violations at the time of the independence referendum in 1999 and during violence in April/May 2006 continued to enjoy impunity. In May 2008, President José-Manuel Ramos Horta issued a decree granting full and partial pardons to 94 prisoners. As a result, at least twenty prisoners were released, including former Interior Minister Rogerio Lobato, who had played an instrumental role in the 2006 crisis (when fighting between

soldiers and police triggered wider violence in which at least 37 people were killed). Nine prisoners serving sentences for committing crimes against humanity in 1999 also received commuted sentences with four released in June 2008. In September 2008, a petition against the president's decision to pardon the criminals was rejected by the court of appeal. Timorese politicians and human rights activists backing the petition felt that the decision "strengthens impunity, weakens the people's faith in the justice system and undermines the rule of law". In July 2008, Horta unveiled new draft legislation addressing the 2006 crisis. If passed by parliament, the law would provide a wide-ranging amnesty for perpetrators: even individuals responsible for murder and other serious crimes would be able to immunize themselves from prosecution by issuing an apology.

[Sources: Amnesty International, *Report 2009* (London 2009) 323, 324; Human Rights Watch, *World Report 2009* (Washington 2009) 321–324.]

See also Indonesia.

TOGO

Last *Annual Report* entry: 2008.

In September 2008, the representative of the United Nations High Commissioner for Human Rights submitted the final report on national consultations for a future Truth and Reconciliation Commission (TRC) to President Faure Gnassingbé. The consultations helped to gather the views of Togolese people on the nature and mandate of the TRC, established to shed light on political violence in Togo. The report called on the authorities to take appropriate steps to ensure the safety of witnesses, victims, and alleged perpetrators.

[Source: Amnesty International, *Report 2009* (London 2009) 325.]

TUNISIA

Last *Annual Report* entry: 2001.

TURKEY

Last *Annual Report* entry: 2008.

In 2008, the trial continued of nineteen people accused of the January 2007 murder of Turkish-Armenian journalist and human rights defender Hrant Dink. Reports by the Parliamentary Human Rights Investigative Commission in July 2008, and by the Prime Ministry Inspectorate in November 2008 pointed to failures by state authorities to act on intelligence reports about plans to murder Dink, and supported the Dink family lawyers' demand for criminal investigation of the Trabzon and Istanbul police. (See NCH *Annual Reports 2006, 2007, 2008.*)

[Sources: Amnesty International, *Report 2009* (London 2009) 332; Human Rights Watch, *World Report 2009* (Washington 2009) 420.]

After protests from the Hrant Dink Foundation, the Ministry of Education stopped distribution of a DVD containing a one-sided depiction of the Armenian genocide of 1915–1917.

[Source: *NRC Handelsblad* (4–5 April 2009) 5.]

Traditional Newroz/Nevruz festivals after the 21 March equinox, which are celebrated especially by the Kurdish community, were refused authorization in south-eastern Turkey. Television footage showed law enforcement officials beating people after demonstrations went ahead without permission.

[Source: Amnesty International, *Report 2009* (London 2009) 331.]

In early October 2008, the Education Ministry's Board of Education and Discipline removed passages about the military coups of March 1971, September 1980, and February 1997, and about the Gulf War (1990–1991) from official history textbooks for the year-eight course *History of the Turkish Republic and Kemalism* because they reportedly "introduced matters contradictory to the democratic character of the republic and hampered consolidation of Turkish democracy".

[Source: *Turkish Daily News* (4 October 2008).]

In December 2008, three scholars, **Cengiz Aktar**, a professor of European Studies at the University of Bahcesehir, Istanbul, **Ahmet Insel**, and **Baskin Oran**, and a journalist, **Ali Bayramoglu**, issued a public apology on the Internet for the Armenian genocide in the following terms: "My conscience does not accept the insensitivity shown to and the denial of the Great Catastrophe that the Ottoman Armenians were subjected to in 1915. I reject this injustice and for my share, I empathize with the

feelings and pain of my Armenian brothers and sisters. I apologize to them". The letter triggered a furious response from ultranationalists, who labeled it a "betrayal" and an "insult to the Turkish nation". In late January 2009, the campaign had attracted over 28,000 signatures. Four Ankara residents had demanded the trial of the signatories, but the Chief Public Prosecutor's Office declined to prosecute them.

[Sources: Bianet, *Ifex Alert* (28 January 2008); *Keesings historisch archief* (2009) 9, 210; R. Tait, "Writers Risk Backlash with Apology for Armenian Genocide", *Guardian* (8 December 2008).]

In [March] 2009, several men assaulted and harassed author **Latife Tekin** when she questioned the expropriation of land and the improper acquisition of the archaeological site of Mydos during a panel discussion in Bodrum, Mugla. The Aegean Environment and Culture Foundation (EGEÇEP) condemned the attack and alleged that men who harassed Tekin worked for the businessman who bought the land from the villagers.

[Source: Bianet, *Ifex Alert* (1 April 2009).]

On 5 May 2009, the trial began against **Nedim Gürsel** on charges of "incitement to hatred" and "humiliating the religious values of part of the population" for his novel *Daughters of Allah*. On 25 June 2009, Gürsel was acquitted. The court had concluded that the novel did not incite hostility and violence, inter alia because it was set in the past, spanning the Prophet Muhammed's lifetime to World War I, so that it could not be seen as an imminent danger to peace.

[Source: International PEN, *Ifex Alert* (14 July 2009).]

In June 2009, **Nedim Sener**, a reporter for the daily *Milliyet* who wrote *The Dink Murder and Intelligence Lies*, a book about the murder of journalist Hrant Dink, faced up to 28 years' imprisonment after police officers filed complaints against him under the Anti-Terrorism Law. The book dealt with the gendarmerie, police, and national intelligence officers who were accused both of having prior knowledge of the murder plans and of preventing the solution of the case with misleading evidence and fake documents.

[Source: Bianet, *Ifex Alert* (9 June 2009).]

In 2009, an armed group, the so-called "People's Defence Forces" (Hezen Parastina Gel, or HPG, in Kurdish), related to the PKK (Kurdistan Workers' Party), openly threatened sociologist and political scientist **Ismail Beşikçi** (1939–) on their website. (See also NCH *Annual Report 2002*.) A group of intellectuals and academics condemned this, saying that Beşikçi (author of several works on Kurdish history) was "a respectable intellectual who used insight, courage, and determination to oppose the

Turkish Republic's official ideology, official history and official truths, all of which ignored, denied and denigrated the Kurdish people".

[Source: IPS Communication Foundation (Bianet), *Ifex Alert* (26 February 2009).]

See also Switzerland, United States.

TURKMENISTAN

Last *Annual Report* entry: 2004.

On 1 September 2008, mandatory university courses on the *Holy Rukhnama*, the philosophical book written by the previous president Saparmurad Niyazov, were discontinued. Plans for the book to be taught together with courses on history, political science, and economics, were implemented.

[Source: *Index on Censorship*, 4/08: 190–191.]

UGANDA

Last *Annual Report* entry: 2008.

In February 2008, the government and the Lord's Resistance Army (LRA) signed an Annex to the June 2007 Agreement on Accountability and Reconciliation. By the end of 2008 hopes of a final settlement had faded in the face of the repeated failure of LRA leader Joseph Kony to show up to sign the final peace agreement. Meanwhile, LRA forces continued to commit abuses against civilians outside Uganda. The parties agreed, however, to create a special division of the Ugandan High Court to try serious crimes committed during the conflict (1986–2006) and to broader accountability measures such as a truth commission, reparations, and traditional justice practices. In May 2008, judges were appointed to the special division. As the International Criminal Court (ICC)'s statute permitted national trials of its cases where certain requirements are satisfied, LRA leaders for whom ICC arrest warrants were issued could potentially be prosecuted by the special division, although only if the ICC judges determine that the national trials provide an adequate alternative.

In the meantime, warrants issued by the ICC for LRA leaders in 2005 remained outstanding. No major players—including the United States, the United Kingdom, the European Union, and the United Nations—took steps to ensure the apprehension of the suspects, although the European Parliament adopted a resolution calling on European Union and African Union member states and regional countries to help implement the warrants. The mandate of the Special Envoy of the United Nations secretary-general for the LRA-affected areas, Joaquim Chissano, was renewed for 2008. Throughout his tenure, he generally failed to stress the importance of justice for past crimes as a basis for any durable peace. After his June 2008 briefing, United Nations Security Council members could not agree on a position concerning the ICC. Meanwhile, the LRA attacked civilians in the Democratic Republic of Congo, the Central African Republic, and Southern Sudan.

[Sources: Amnesty International, *Report 2009* (London 2009) 335; Human Rights Watch, *World Report 2009* (Washington 2009) 130, 132, 135.]

UKRAINE

Last *Annual Report* entry: 1996.

On 15 September 2008, President Victor Yushchenko had a meeting with Minister of Education and Science Ivan Vakarchuk to discuss history teaching and the “objectivity of interpretation of certain

historical facts in the textbooks”. Among the issues were Kiev’s ancestry as compared to Novgorod’s ancestry and the Holodomor (the famine that as a result of Stalin’s farm collectivization program killed millions of people in 1932–1933). According to Ukrainian researcher Karina Korostelina, the doctrine was called “scientific nationalism”. On 23 October 2008, the European Parliament labeled the Holodomor a crime against humanity and called on all of the former Soviet countries to open up their archives on the Holodomor.

[Sources: European Parliament, “Resolution on the Commemoration of the Holodomor, the Ukraine Artificial Famine (1932–1933)” (23 October 2008); *Kyiv Post* (30 March 2009).]

See also Russia.

UNITED KINGDOM

Last *Annual Report* entry: 2008.

In April 2008, astronomer Nicholas Kollerstrom was stripped of his honorary post at University College London’s Department of Science and Technology Studies (1997–2008), after his Holocaust denial and anti-Semitic views on 9/11 were uncovered by bloggers. In October 2008, a European Arrest Warrant was issued in the United Kingdom to detain the Australian Frederick Toben and extradite him to Germany because he denied the Holocaust on an Australian website.

[Sources: Index on Censorship, “Debate: The Kollerstrom Question” (28 April 2008); Index on Censorship, “Extradition Will Make Dr. Toben a Martyr”. (28 April 2008);

In July 2008, the United Nations Human Rights Committee expressed concern that “a considerable time after murders (including those of human rights defenders) in Northern Ireland have occurred, several inquiries into these murders have still not been established or concluded, and that those responsible for these deaths have not yet been prosecuted”.

[Source: Amnesty International, *Report 2009* (London 2009) 341, 344.]

See also Russia, Rwanda, Uganda, Vatican.

UNITED STATES

Last *Annual Report* entry: 2008.

In January 2009, **William Robinson** ([1959]–), a Jewish sociologist at the University of California at Santa Barbara, sent the eighty students in his sociology of globalization class an e-mail (entitled “parallel images of Nazis and Israelis”) in which he compared more than a dozen graphic images of Jews in the Holocaust to pictures of Palestinians caught up in Israel’s recent Gaza offensive along with a statement in which he described Israel’s policies in Gaza as a “slow-motion genocide”. The complaints of two Jewish students who dropped the class, saying they felt intimidated by the e-mail, triggered a campus investigation and drew accusations of anti-Semitism from the Wiesenthal Center and the Anti-Defamation League, even when many students and faculty members voiced support for him. Robinson called the accusations and the campus investigation an attack on academic freedom; he said that the accusers confused his criticism of Israeli policies with anti-Semitism. Cleared of improper conduct on 25 June 2009, Robinson wanted a campus apology and an investigation into the action taken against him.

[Sources: *Angeles Times* (WWW-text; 30 April & 25 June 2009); *Inside Higher Ed* (WWW-text; 12 & 29 May 2009).]

On 17 February 2009, the 100th anniversary of **Goyathlay (Geronimo; 1829–1909)**—a leader of the Chiricahua Apache who fought against Mexican and American expansion into Apache tribal lands—his grandson, Harlyn Geronimo, sued the secret society *Skulls and Bones* to return Geronimo’s remains. In 1918, society members had allegedly invaded Geronimo’s grave at Fort Sill and stolen his skull, some bones and other items buried with him. Geronimo declared: “According to our traditions the remains of this sort, especially in this state when the grave was desecrated, need to be reburied with the proper rituals to return the dignity and let his spirits rest in peace”.

[Source: *Fox News* (WWW-text; 17 February 2009).]

On 26 February 2009, Secretary of Defense Robert Gates (Obama administration) lifted the blanket ban on news media coverage of the return of fallen soldiers. (*See NCH Annual Reports 2005, 2006.*)

[Source: National Security Archive, *Update* (26 February 2009).]

On 2 March 2009, federal authorities confirmed that 92 videotapes detailing the interrogation of detainees (including the use of illegal interrogation techniques) at secret prisons were destroyed in 2005 and 2006 by the Central Intelligence Agency (CIA). The order was reportedly given by the

former head of CIA clandestine operations, José A. Rodríguez Jr.

[Sources: Ifex, *Alert* (10 March 2009); *Keesings historisch archief* (2009) 223.]

In April 2009, **Guenter Lewy** (1923–), a Jewish exile from Germany since 1939 and a professor emeritus of political science at the University of Massachusetts, Amherst, who disputed the genocidal character of the 1915 Armenian massacres in his 2005 book *The Armenian Massacres in Ottoman Turkey: A Disputed Genocide*, sued the Southern Poverty Law Center (a group known for its studies of hate groups) for defamation. Two quotes from an article by **David Holthouse**, associate director of the center's quarterly magazine *Intelligence Report*, entitled "State of Denial: Turkey Entices U.S. Scholars, Law Makers to Cover Up Armenian Genocide" (Summer 2008), were cited as defamatory: "Lewy is one of the most active members of a network of American scholars...financed by hundreds of thousands of dollars each year from the government of Turkey, who promote the denial of the Armenian genocide". and "Lewy makes similar revisionist claims in his...book...and in frequent lectures...Revisionist historians who conjure doubt about the Armenian genocide and are paid by the Turkish government provided politicians with the intellectual cover they needed to claim they were refusing to dictate history rather than caving in to a foreign government's present-day interests". Backed by the Turkish American Legal Defense Fund, Lewy sought eight millions in damages because the accusations hurt his "scholarly credibility", falsely imputed academic corruption, fraud and deceit, and caused the loss of book sales and of speaking engagements. In November 2005, Lewy had been invited by Gazi University in Ankara, Turkey, to present a paper at an International Symposium on the "Development of Turkish-Armenian Relations and the Events of 1915". After attending, he had concluded that the conference was a political rally rather than a scholarly enterprise and had withdrawn his paper from publication. In 2007, Lewy also declared that his book had been rejected by eleven publishers, including four university presses, before the University of Utah Press published it.

[Sources: S. Jaschik, "Going after a Scholar's Critic", *Inside Higher Ed* (WWW-text; 4 May 2009); United States District Court, District of Columbia, *Guenter Lewy versus Southern Poverty Law Center and David Holthouse: Complaint* (2009).]

In April 2009, Clark University, Worcester, MA, canceled a campus talk by **Norman Finkelstein** (see *NCH Annual Reports 2007, 2008*) scheduled for 21 April. Its president, John Bassett, declared that his presence "would invite controversy and not dialogue or understanding", and would conflict with a Holocaust conference scheduled for 23–26 April 2009.

[Source: *Boston Globe* (10 April 2009).]

See also Azerbaijan, Bolivia, Colombia, Greece, Indonesia, Korea (South), Liberia, Palestinian Authority, Russia, Uganda.

URUGUAY

Last *Annual Report* entry: 2008.

The 1986 Expiry Law remained in force. This law granted members of the security forces immunity from prosecution for crimes committed during the military government (1973–1985). However, the government excluded some cases previously covered by the law, allowing investigations to progress. Scores of former military officers were called to testify in the case against the former head of military government General Gregorio Álvarez (1981–1985) and Juan Larcebeau, a retired naval officer. Both men were accused of being co-authors of the enforced disappearances of more than thirty people. In October 2008, the Appeal Court changed the charge from enforced disappearances to “aggravated homicide”. The investigation continued into the 1976 abduction and enforced disappearance of 22 people returned to Uruguay from Argentina in a Uruguayan Air Force flight. The investigation into the enforced disappearance of Maria Claudia Garcia de Gelman, initially closed under the Expiry Law, was reopened in August 2008. The move was prompted by a petition from her daughter, María Macarena, based on new evidence that she was on the 1976 Uruguayan Air Force flight. María Macarena was born in detention and raised in another family, unaware of her true identity. Italy continued its efforts to prosecute Uruguayan military officers accused of abducting and torturing Uruguayan-Italian citizens in the context of Operation Condor, a joint plan by Southern Cone military governments in the 1970s and 1980s to eliminate opponents.

[Source: Amnesty International, *Report 2009* (London 2009) 349–350.]

In 2008, several journalists were cleared of libel charges brought by former military officers named in their reports. In February 2008, a retired army major filed a suit against **Roger Rodríguez** of the newspaper *La República* for defamation and slander. The suit related to articles linking the retired major to the death of student Santiago Rodriguez Muela, who was shot dead in 1972 during an attack on a meeting of students, professors, and parents at the Liceo No 8 school in the capital, Montevideo. In April the court dismissed the case, but an appeal was pending at the end of 2008.

[Source: Amnesty International, *Report 2009* (London 2009) 350.]

UZBEKISTAN

Last *Annual Report* entry: 2008.

In 2008, the government continued to reject numerous calls for an independent international inquiry into the May 2005 Andijan massacre, when government forces killed hundreds of protestors, most of them unarmed. The circumstances surrounding the massacre have not been clarified, and those responsible for the killings have not been held accountable. The government continued to persecute anyone whom it deemed to have any connection to or information about the events. Refugees, who fled Uzbekistan in the immediate aftermath of the massacre and later returned, as well as their families, were a particular target of government pressure. They were subjected to interrogations, constant surveillance, ostracism, and in some cases overt threats to their lives, which triggered a new wave of refugees. Refugees in neighboring countries feared for their security because Uzbek security forces operated in some areas across the border, such as Osh, Kyrgyzstan. International pressure on the Uzbek government declined with the suspension and subsequent partial lifting of European Union sanctions.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 390, 435, 438.]

In August 2008, historian X [confidential name] (1970–), a deputy head and senior fellow at the Department of Central Asian and Middle East Studies at the Beruni Institute for Oriental Studies of the Academy of Sciences of Uzbekistan, Tashkent, and a senior lecturer in history, development policies, and religion studies at the Tashkent State Institute of Oriental Studies was harassed during interrogations by the Uzbek security service as a result of some of his research topics (notably ethnopolitics and democratization in Central Asia), his association with foreign scholars, and his visits to foreign universities (which were controversial after the European Union imposed sanctions on Uzbekistan following the May 2005 massacre in Andijan). On one occasion, he was forced to write a statement in which he “admitted” that his passport was false; it was confiscated for one month. X, who had a Ph.D in history from the Beruni Institute and a MA in political science from the Organization for Security and Cooperation in Europe Academy in Bishkek, Kyrgyzstan, authored articles focusing on the Bukhara emirate in the eighteenth and nineteenth centuries, the history of (West) Turkestan between 1919 and 1924, the relationship between Islam and democracy, and peace and stability in Central Asia.

[Source: Scholars at Risk, *Case Uzbekistan 521* (New York 2008).]

VATICAN

Last *Annual Report* entry: 2004.

In January 2009, it was revealed that British-born Bishop Richard Williamson (1940–), a member of the traditionalist Society of St Pius X (SSPX) whose excommunication was lifted that month, had denied the Holocaust in a November 2008 interview. As a result, Williamson was removed from his post as the head of a seminary in Argentina in early February 2009. On 12 February 2009, Pope Benedict XVI told American Jewish leaders that any denial of the Holocaust was “intolerable”, especially if it came from a clergyman. Expelled from Argentina, Williamson returned to the United Kingdom. On 27 February 2009, Williamson apologized for the offence he had caused by his Holocaust denial.

[Sources: *BBC News* (12 & 27 February 2009); *Keesings historisch archief* (2009) 210–211.]

VENEZUELA

Last *Annual Report* entry: 2006.

In 2008, President Hugo Chávez declared that Simón Bolívar (1783–1830), the leader who liberated Venezuela, Colombia, Ecuador, Peru, and Bolivia from Spanish rule in the 1810s and 1820s, was assassinated by foreign enemies (including United States President Andrew Jackson, Spanish King Fernando VII, and the English court) instead of having died of tuberculosis. He established a commission that would investigate Bolívar’s death. Venezuelan historians, including the specialist in the history of Bolívar, **Elías Pino**, and **Inés Quintero**, secretary of the Academia Nacional de Historia, however, rejected the President’s hypothesis as fantasy. In 1963, a commission of experts of the Sociedad Venezolana de Historia de la Medicina (Venezuelan Society of the History of Medicine) and of the Academia had already come to the same conclusion.

[Source: M. Rico, “La reinención de la agonía y muerte de Bolívar”, *El País* (21 December 2008).]

VIETNAM

Last *Annual Report* entry: 2006.

On 10 September 2008, **Ngô Quỳnh** (?1984–), student and dissident writer, author of online dissenting articles, including “Viet Nam Needs To Compile a New History-book” and “Journey to Lang Son’s Dairy” (published on overseas websites), was arrested in Hanoi as he was on his way to the parish of Thai Ha, where a mass rally by Catholics protesting against government policy was taking place. He was detained at a labor camp in Ha Dong province. Indicted on 3 July 2009, he and five other peaceful democracy activists were charged with conducting anti-government propaganda, which carried a sentence of up to twelve years’ imprisonment.

[Sources: Human Rights Watch, *Ifex Alert* (20 August 2009); International PEN, *Half-Yearly Caselist To 31 December 2008* (London 2009) 63; International PEN, *Rapid Action Network 47/08* (23 September 2008).]

On 25 August 2009, reporter **Huy Duc** was dismissed from the governmental daily *Sai Gon Tiep Thi* for posting criticism of the USSR on his personal blog on 23 August 2009. In the offending entry (<http://www.blogosin.org>), he had referred to the Berlin Wall as a “Wall of Shame”, condemned the USSR’s “purges” in East Germany, and called the USSR “an occupation force...that deprived people of their basic rights”.

[Source: Reporters without Borders, “Newspaper Dismisses Reporter over Blog Entry Critical of Soviet Union” (31 August 2009).]

On 28 August 2009, journalist **Pham Doan Trang**, editor of *Tuan Vietnam*, an online weekly that is a component of Vietnamnet, Vietnam’s most popular news website, was arrested. On 27 July 2009, she wrote an article in which she had criticized China’s role during the partition of Vietnam in 1954. In the past, she had condemned China’s territorial claims in the South China Sea.

[Source: Reporters without Borders, *Ifex Alert* (2 September 2009).]

YEMEN

Last *Annual Report* entry: 2003.

ZAMBIA

Last *Annual Report* entry: –.

In 2008, it was reported that access to public archives, including public records, was restricted by chapter 175 of the National Archives Act and allowed only at the archive director's discretion.

[Source: Article 19, *Speaking Out for Free Expression* (WWW-text; 2008).]

ZIMBABWE

Last *Annual Report* entry: 2008.

Zimbabwe's long history of impunity for politically motivated crimes worsened the political crisis. In 2008, those who committed past abuses remained free to carry out further violence and other crimes. Since 2000, the government had led an onslaught on the judiciary that included physical and verbal attacks against judges and bribes intended to compromise the impartiality and undermine the work of the judiciary.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 142.]

See also Ethiopia.

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington], Amnesty International [AI, London], Article 19 [A19, London], Human Rights Watch [HRW, Washington/New York], *Index on Censorship* [IOC, London], the Network of Education and Academic Rights [NEAR, London], International PEN Writers in Prison Committee [PEN, London], Scholars at Risk [SAR, New York], and other sources. It reports about the censorship of history, the persecution of historians around the globe, and related topics. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

This *Annual Report* and previous *Annual Reports* were compiled by Antoon De Baets and revised by Ingrid Sennema.

AFGHANISTAN

Last *Annual Report* entry: see NCH #49 (2007).

In February 2007, the Amnesty Bill was introduced, absolving the government of responsibility for bringing to justice suspected perpetrators of past human rights violations. In December 2007, President Hamid Karzai stated that his administration did not yet have the capacity to arrest and prosecute those responsible for past human rights abuses. Those accused of such abuses included members of parliament as well as provincial government officials. There was no progress on the implementation of the Action Plan on Peace, Justice and Reconciliation, a five-year plan for transitional justice (part of the Afghanistan Compact) launched in February 2006.

[Sources: AI, *Report 2008* (2008) 45–46; HRW, *World Report 2008* (2008), 237.]

ALBANIA

Last *Annual Report* entry: see NCH #5 (1996).

ALGERIA

Last *Annual Report* entry: see NCH #49 (2007).

The government took no steps to address the gross and widespread human rights abuses committed by armed groups and state security forces during the internal conflict (1992–2000) in which as many as 200,000 people were killed. In November 2007, the United Nations Human Rights Committee (HRC) called for the government to amend Articles 45 and 46 of Law 06-01 implementing the Charter for Peace and National Reconciliation, which lend impunity to the security forces and criminalize public criticism of their conduct. On 6 February 2008, Algeria signed the *International Convention for the Protection of All Persons from Enforced Disappearance* but failed to take any steps to investigate the fate of thousands of victims of enforced disappearances. Under the aforementioned law, relatives can seek compensation if they obtain a death certificate from the authorities for the person who disappeared. Some families complained that they were pressurized to seek such certificates, while others refused to do so fearing that this would make any investigation impossible. The authorities told the HRC that they had selected 6,233 requests for compensation and had categorized some 17,000 cases as “killed terrorists”, but provided no details of the disappeared to whom these referred. Some families received death certificates stating that relatives who had disappeared had been killed while active in armed groups. It was not known how many families received compensation.

[Source: AI, *Report 2008* (2008) 50–51.]

ANGOLA

Last *Annual Report* entry: see NCH #32 (2003).

See Namibia.

ARGENTINA

Last *Annual Report* entry: see NCH #49 (2007).

Since 2003 Argentina has made significant progress in prosecuting military and police personnel responsible for disappearances, killings, and torture during its last military dictatorship (1976–83). President Néstor Kirchner encouraged these prosecutions, reinforcing what began as a legal challenge to impunity in the courts. In 2003, several important cases were reopened after Congress annulled the 1986 “full stop” law and the 1987 “due obedience” law. In June 2005, the Supreme Court declared the laws unconstitutional. Since 2005 several federal judges have overruled the pardons (decreed by President Carlos Menem in 1989 and 1990) of former officials convicted of or facing trial for human rights violations. In April 2007, a federal court of appeals in Buenos Aires ruled that pardons granted to former military rulers Jorge Videla and Emilio Massera in 1989 for crimes under international law were unconstitutional and therefore null and void.

[Sources: AI, *Report 2008* (2008) 15, 54–55; HRW, *World Report 2008* (2008) 186–87.]

On 26 June 2007, two armed persons broke into the offices of the Comité de defensa de la salud, la ética profesional y los derechos humanos (Committee for the Defense of Health, Professional Ethics and Human Rights; CODESEDH) in Buenos Aires. A computer containing evidence and archives relating to several ongoing trials related to the period of military dictatorship (1976–83) were stolen.

[Source: Observatory for the Protection of Human Rights Defenders, *Steadfast in Protest: Annual Report 2007* (Paris/Geneva 2008) 106.]

ARMENIA

Last *Annual Report* entry: see NCH #45 (2006).

See Turkey.

AUSTRALIA

Last *Annual Report* entry: see NCH #49 (2007).

In January 2007, the Tasmanian Aboriginal Centre obtained a court injunction preventing all scientific investigations (including DNA and other non-destructive tests) of the skeletons of seventeen Aboriginal islanders stored in the London Natural History Museum. In May 2007, the skeletons were returned to the center to be cremated.

[Source: *IOC*, 3/07: 156.]

AUSTRIA

Last *Annual Report* entry: see NCH #49 (2007).

See United Kingdom.

AZERBAIJAN

Last *Annual Report* entry: see NCH #10 (1998).

In November 2007, freelance journalist **Anar Mahmudoglu** was harassed after publication of his book *Lifetime Struggle*, which contained a critical portrait of former President Heydar Aliyev. The newspapers *XXI As*, *Republicans*, and *Azad Azerbaijan* denounced him for his negative portrayal of Aliyev. The Presidential Administration and the Ministry of National Security marked the part related to the former president and sent the book to the Presidium of the National Science Academy, which dismissed Mahmudoglu from the academy. Mahmudoglu was also harassed by others in matters directly related to the book.

[Source: Institute for Reporter Freedom and Safety, *Ifex Alert* (16 January 2008).]

On 14 June 2008, an event organized by the “Che Guevara Fan Club” in the “Alaturka” Cafe to mark the eightieth birthday of Che Guevara (1928–67) was raided by police. Out of the approximately 25 people present, twenty were detained by police and taken to a police department. All were released after seven hours.

[Source: Institute for Reporter Freedom and Safety, *Ifex Alert* (16 June 2008).]

BAHRAIN

Last *Annual Report* entry: see NCH #37 (2004).

In early 2007 and again in January 2008, the Ministry of Islamic Affairs (MIA) banned *Omar bin Al-Khattab, a Martyr*, a novel by **Abdulla Khalifa**, published outside Bahrain, about Omar Ibn Al-Khattab (the second Caliph after the prophet Mohammed and regarded by Muslims as one of the “four righteously guided Caliphs”). MIA had evaluated the novel from a Sharia’ (religious) point of view and concluded that it defamed Omar and “fomented sectarianism” in society. A sentence reading that “Ibn Al-Khattab wobbled” was allegedly considered libelous. Khalifa’s earlier novel, *Husain’s Head*, was also banned.

[Source: Bahrain Center for Human Rights, *Ifex Alert* (23 January 2008).]

In June and September 2007, a coalition of human rights groups and opposition political societies sponsored workshops for setting up a truth and reconciliation mechanism to address torture and other serious human rights abuses committed prior to 2001. The government continues to insist that it considers such matters closed. In its November 2006 response to the review conducted by the United Nations Committee Against Torture, it had declared that the reform project of King Shaikh Hamad bin Isa al-Khalifahad “paved the way for the provision of humanitarian assistance and the realization of transitional justice, beginning with a general amnesty...closing a chapter on the past.” The authorities, however, did not prevent the transitional justice meetings from taking place and the minister of social development addressed the opening session of the June conference.

[Source: HRW, *World Report 2008* (2008), 463–64.]

On 19 July 2007, the Publication and Press Directorate of the Ministry of Information banned a book written by academic **Nader Kathem**, entitled *Memory Exploitations: In a Pluralistic Society Saddled with History*, a collection of recent press articles about history addressing the historical constraints on cultural pluralism in Bahrain.

[Source: Bahrain Center for Human Rights, *BCHR/IFEX Flash* (20 October 2007).]

BANGLADESH

Last *Annual Report* entry: see NCH #45 (2006).

In 2007, demands increased to investigate serious human rights violations committed during the independence war against (West) Pakistan in 1971. However, as in the past, no action was taken by the government to implement the 1973 International Crimes (Tribunals) Act and no official commission was established to provide a comprehensive account of the 1971 events, to determine responsibilities and to make recommendations for reparation to the victims.

[Source: AI, *Report 2008* (2008) 65.]

In June 2008, it was discovered that the original versions of the hand-written proclamations of independence—drafted during the war against Pakistan in 1971 and serving as an interim constitution until December 1972—were missing. Some former government officials declared that they could have been lost, removed, or destroyed by the military government which seized power in 1975. Photocopies of some of the promulgations—signed by all cabinet ministers except then-imprisoned Sheikh Mujibur Rahman (Bangladesh's first prime minister)—did still exist.

[Source: *BBC News* (18 June 2008).]

BELARUS

Last *Annual Report* entry: see NCH #49 (2007).

BELGIUM

Last *Annual Report* entry: see NCH #45 (2006).

In June 2008, the Association for Battlefield Archaeology and Conservation (ABAC) sued the amateur archaeological association the Diggers in Ypres on the charge of illegal excavation because they had allegedly excavated World War I battlefields without a license and without properly documenting their work. For more than twenty years the Diggers, led by **Patrick Van Wanzele**, had searched the fields, excavating weapons, ammunition, and human remains in the process. Their work had led to the reburial of 215 soldiers.

[Source: *NRC Handelsblad* (7 June 2008).]

See also Chad.

BOLIVIA

Last *Annual Report* entry: see NCH #49 (2007).

BOSNIA and HERZEGOVINA

Last *Annual Report* entry: see NCH #49 (2007).

In mid-September 2007, the cantonal Ministry of Education in Tuzla withdrew two new history textbooks about the twentieth century, written by, among others, **Edis Dervišagić**, because of their representation of Yugoslavia in World War II, its collapse in 1991, and the war in Bosnia-Herzegovina in 1992–95.

[Source: *Eckert: Das Bulletin*, no. 2 (Winter 2007), 48, 50.]

Many perpetrators of human rights violations committed during the 1992–95 war continued to evade justice. The International Criminal Tribunal for the former Yugoslavia (ICTY) continued to try alleged perpetrators. Under the terms of the “completion strategy” laid down in United Nations Security Council Resolutions, ICTY was expected to complete all trials, including appeals, by 2010. Co-operation between ICTY and FBiH (Federation of Bosnia and Herzegovina) and RS (Republika Srpska) authorities appeared to improve. In 2007, the two most wanted ICTY indictees, Ratko Mladic and Radovan Karadzic, remained at large (Karadzic was arrested in Serbia for genocide in July 2008). In June 2007, Gojko Klicovic, former prime minister of Republika Srpska, was extradited from Serbia to Bosnia. He was charged with crimes against humanity. War crimes proceedings before domestic courts continued, including at the War Crimes Chamber within the FBiH State Court, although efforts to bring perpetrators to justice remained insufficient to provide justice to the victims, given the scale of the crimes committed and the potentially huge number of crimes to be investigated and prosecuted.

[Sources: AI, *Report 2008* (2008) 70–71; HRW, *World Report 2008* (2008), 373–74.]

According to estimates by the International Commission on Missing Persons (ICMP), over 13,000 persons who went missing during the 1992–95 war were still unaccounted for. Many of the missing persons, the majority of whom were Bosniak (Bosnian Muslim), were victims of enforced disappearances. Progress continued to be slow in transferring competencies from the FBiH and RS missing persons commissions to the national Missing Persons Institute (MPI). In November 2007, the

FBiH Council of Ministers adopted a number of documents, including the MPI's statute, with a view to finally enabling the Institute to begin its activities.

[Sources: AI, *Report 2008* (2008) 72; HRW, *World Report 2008* (2008), 374.]

See also Montenegro.

BRAZIL

Last *Annual Report* entry: see NCH #49 (2007).

In August 2007, the federal government released a report entitled *The Right to Memory and Truth* on the results of an eleven-year investigation by the Special Commission on Political Deaths and Disappearances. The report detailed 475 cases of torture and disappearance during the military government (1964–85) and marked official recognition that human rights abuses were committed under the regime. The commission was unable to clarify important aspects of these crimes, including the whereabouts of the majority of the “disappeared,” because the Brazilian armed forces had never opened key archives from those years. In September 2007, the Superior Tribunal of Justice ordered the armed forces to open secret files and reveal what had happened to the remains of Brazilians who died or disappeared during the suppression of the Araguaia guerrilla uprising in 1971. Brazil never prosecuted those responsible for atrocities committed during military rule (1964–85). An amnesty law passed in 1979 pardoned government agents and members of armed political groups who had committed abuses.

[Sources: AI, *Report 2008* (2008) 74; HRW, *World Report 2008* (2008), 193–94.]

BULGARIA

Last *Annual Report* entry: see NCH #45 (2006).

BURKINA FASO

Last *Annual Report* entry: see NCH #38 (2005).

BURUNDI

Last *Annual Report* entry: see NCH #49 (2007).

Since 2006 the government has provisionally released thousands of prisoners accused of crimes connected to the assassination of President Melchior Ndadaye in 1993 and the subsequent civil war (1993–2005). Some had been detained for years without trial. In principle, they will appear before a truth commission. In June 2005, the United Nations (UN) Security Council directed that the government hold public consultations on transitional justice mechanisms to address crimes committed during the civil war. The proposed establishment of a truth and reconciliation commission and a special tribunal to investigate and prosecute such crimes had not been implemented. Initially, both sides could not agree on the issues of amnesty, the links between a truth and reconciliation commission and a special tribunal, and the independence of the prosecuting body. In May 2007, President Pierre Nkurunziza confirmed that no amnesty would be granted to those responsible for crimes under international law. Both sides agreed to undertake national consultations on the establishment of the two mechanisms, and on the establishment of a steering committee, comprised of members of the Burundian government, the UN and civil society. On 2 November 2007, the government signed an official agreement marking the start of a six-month consultation period. Despite this apparent progress, the government has yet to recognize the need for an independent prosecutor for the tribunal. The ruling National Council for the Defense of Democracy–Forces for the Defense of Democracy insisted that only cases in which reconciliation had failed would be brought to the tribunal. This position conflicts with international law principles, which hold that all serious crimes under international law must be prosecuted.

[Sources: AI, *Report 2008* (2008) 6, 82; HRW, *World Report 2008* (2008), 85.]

CAMBODIA

Last *Annual Report* entry: see NCH #49 (2007).

In June 2007, the Extraordinary Chambers in the Courts of Cambodia (ECCC; Khmer Rouge Tribunal) became operational, ending a disagreement between national and international judges, and paving the way for investigations and prosecutions. By the end of 2007, five senior Khmer Rouge (KR) officials were in ECCC detention: Kaing Guek Iev (Duch), the former chief of S-21 (Tuol Sleng) prison; Pol Pot's deputy and so-called Brother Number Two, Nuon Chea; former KR Foreign Minister, Ieng Sary; former KR Social Affairs Minister, Ieng Thirith; and former KR Head of State Khieu Samphan. All five were charged with crimes against humanity, and three of them also with war crimes. In November 2007, a first hearing was held by the pre-trial chamber. Trials were expected to begin in April 2008.

[Sources: AI, *Report 2008* (2008) 83; HRW, *World Report 2008* (2008), 257–58.]

CANADA

Last *Annual Report* entry: see NCH #45 (2006).

On 28 August 2007, under pressure from war veterans' groups and some politicians, the Canadian War Museum (CWM; the national museum of military history), Ottawa, adjusted the wording on a panel dealing with the 1945 firebombing of Dresden. The original text was as follows: "The value and morality of the strategic bomber offensive against Germany remains bitterly contested. Bomber Command's aim was to crush civilian morale and force Germany to surrender by destroying its cities and industrial installations. Although Bomber Command and American attacks left 600,000 Germans dead and more than five million homeless, the raids resulted in only small reductions of German war production until late in the war." In June 2007, a report by the Senate subcommittee on veterans' affairs had suggested that the facts of the exhibition be presented in a way that was less offensive to veterans. A few days after the release of the report, CWM director Joe Geurts resigned without explanation. In May 2005, veterans had protested against two paintings in the CWM because they showed the torture of a Somali teenager by a Canadian soldier in 1993; they had also protested the inclusion of Holocaust exhibits at CWM, calling them "inappropriate".

[Source: *Financial Post* (28 August 2007).]

See also Iran, United States.

CENTRAL AFRICAN REPUBLIC

Last *Annual Report* entry: see NCH #49 (2007).

In May 2007, the International Criminal Court (ICC) prosecutor's office announced that they would investigate crimes committed in the Central African Republic during the 2002–3 fighting, and would continue to monitor the current conflict. In October 2007, the ICC opened a new field office in Bangui.

[Source: HRW, *World Report 2008* (2008), 93.]

CHAD

Last *Annual Report* entry: see NCH #49 (2007).

In February 2007, the long-standing campaign to bring former dictator Hissène Habré to justice reached a turning point, when Senegalese President Abdoulaye Wade signed into law measures to remove the primary legal obstacles to the trial. In February 2000, Habré had been arrested in Senegal on charges of crimes against humanity and torture stemming from his 1982–90 rule in Chad. In 2001, Senegal had refused to prosecute him and in 2005 it had refused to extradite him to face charges in Belgium. However, in 2006, Dakar agreed to abide by a July 2006 African Union decision that Habré should be put on trial in Senegal. The 2007 legislation allows such a trial by permitting Senegal to prosecute gross human rights violations, even when committed outside the country. By the end of 2007, an investigating judge had not been appointed.

[Sources: AI, *Report 2008* (2008) 6, 92, 258–59; HRW, *World Report 2008* (2008) 97.]

CHILE

Last *Annual Report* entry: see NCH #49 (2007).

In October 2006, President Michelle Bachelet announced that she would present a bill to prevent the

application of the amnesty law (in force since 1978) in cases of grave human rights abuse. Her announcement came in response to a ruling of the Inter-American Court of Human Rights that the law was incompatible with the American Convention on Human Rights. However, the bill has been delayed by differences of opinion on its necessity given the advances in the courts and the possibility that legislation might be challenged in the Constitutional Court.

[Source: HRW, *World Report 2008* (2008), 195–96.]

A number of military officials and former secret service agents were found guilty of involvement in abductions, torture and killings during the military government of Augusto Pinochet (1973–90). In October 2007, Manuel Contreras, former head of the secret service, and three former agents were sentenced to between ten and fifteen years' imprisonment for an abduction in 1974. The Supreme Court ruled that neither amnesties nor statutes of limitations may block the trials or punishment. However, in November 2007, it acquitted a retired colonel of the enforced disappearance of three people in 1973 on the basis that the statute of limitations had expired. This judgment was considered a setback for all those seeking justice. As of July 2007, 458 former military personnel and civilian collaborators were facing charges for enforced disappearances, extrajudicial execution, and torture; 167 had been convicted; and 35 were serving prison sentences.

[Sources: AI, *Report 2008* (2008) 15, 92; HRW, *World Report 2008* (2008), 195–96.]

See also Peru.

CHINA

Last *Annual Report* entry: see NCH #49 (2007).

On 27 May 1992, **Hu Shigen** (1954–), a lecturer at the Beijing Language and Culture Institute, political activist and dissident writer, was detained in Beijing and on 27 September 1992 charged with “counterrevolutionary crimes” for planning 4 June 1989 memorial activities in many of China’s major cities. A founding member of the China Freedom and Democracy Party (CFDP) (1991) and China Free Trade Union (CFTU) (1991), Hu had drafted a number of key documents for both organizations and campaigned for government accountability concerning the violent suppression of the Democracy Movement in June 1989. On 16 December 1994, he was charged with “leading a counterrevolutionary organization” and “counterrevolutionary propaganda”, and sentenced to twenty years’ imprisonment and five years’ deprivation of political rights. On 15 June 1995, his sentence

was upheld on appeal by the Supreme Court. On 16 December 2005, after being interviewed by the United Nations Special Rapporteur on Torture, he reportedly received a seven-month reduction to his sentence. In August 2007, his sentence was reduced by two years. His health was reportedly very poor. On 26 August 2008, Hu was released.

[Sources: *NRC Handelsblad* (27 August 2008); PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 33–34; PEN American Center, *Writers Demand Release of Jailed Colleagues Before Beijing Olympics* (10 December 2007).]

In April 2007, the film *Though I Am Gone*, by film maker **Hu Jie**, which told the story of a female principal beaten to death by Red Guards in the Cultural Revolution, was to be screened at YunFest, a documentary festival held by the Yunnan Academy of Social Sciences in Kunming, Yunnan Province, southwest China. The authorities canceled the festival at the last minute so that the film could not be shown. In June 1999, Hu had resigned from the Jiangsu provincial bureau of the official Xinhua News Agency and become an independent film maker. Another of his documentaries was *In Search of the Soul of Lin Zhao* ([2006]), also about the Cultural Revolution; when an instructor at an arts college screened it, she received one year of reeducation through labor.

[Sources: *IOC*, 2/08: 5, 68–73; *Though I Am Gone* (10 parts; *YouTube*).]

On 24 April 2007, Long Xinmin, head of the General Administration of Press and Publication, was demoted following, inter alia, a public outcry over his decision to ban eight books, several of which were said to be about sensitive episodes in China's recent history. On 26 April 2007, one of the authors of the books, **Zhang Yihe**, filed a lawsuit demanding a repeal of the order. In [2004], the book *Days of Old Do Not Disappear Like Smoke*, a memoir about intellectuals purged during the Anti-Rightist Campaign (June 1957 until 1958), written by Zhang Yihe, the daughter of one of them, had been banned. It continued to be circulated in pirate copy. The unabridged version, entitled *The Last Aristocrats*, was later published in Hong Kong.

[Sources: *IOC*, 3/07: 111; Independent Chinese PEN Center, "Zhang Yihe Receives the ICPC Second Freedom to Write Award" (Beijing 31 October 2004).]

In July 2007, history teacher **Dolma Kyab** [See *NCH #44*; *NCH Annual Report 2006*] was reportedly moved from a prison in Lhasa to a labor camp in Xining, Qinghai Province.

[Source: PEN, *Rapid Action Network* (8 August 2007).]

On 24 August 2007, writer and human rights activist **Lu (Lü) Gengsong** ([1956]–) [See *NCH #50*] was arrested in Hangzhou, Zhejiang Province, apparently following the on-line publication of articles

critical of the authorities. His home was searched and his computer and personal files were reportedly confiscated. His wife was also taken in for questioning as a “criminal suspect” but released three hours later. On 29 September 2007, he was charged with “inciting subversion of state power” (an initial charge of “illegal possession of state secrets” was dropped). A history graduate from Zhejiang University, Lü taught at the Zhejiang Higher Professional School of Public Security (a police training academy) before being expelled in 1993 because of his pro-democracy activities. He went on to become a freelance writer, and has published several books on political reform, including *A History of Chinese Community Party Corrupt Officials* (Hong Kong 2000). He is known for his reporting on human rights violations and his political commentaries published on the Internet. He is also an active member of the banned China Democracy Party (CDP). After his arrest, more than a thousand writers and activists in China signed a petition demanding his release. On 5 February 2008, Lü was sentenced to four years’ imprisonment after a one-day closed-door trial on 22 January 2008, during which reference was made to five of his articles.

[Sources: *IOC*, 1/08: 195; 2/08: 181; PEN, *Rapid Action Network* (3 October 2007 & 6 February 2008); PEN, *Half-Yearly Caselist: To 31 December 2007*, 35.]

On 5 February 2008, journalist **Ching Cheong** [*See NCH Annual Report 2007*] was released on parole, reportedly because he had served more than half of his sentence. He returned to Hong Kong.

[Source: *IOC*, 2/08: 181.]

On 7 May 2008, the Chinese organizers of the Sixteenth World Congress of the International Union of Anthropological and Ethnological Sciences postponed the congress scheduled to take place in Kunming, Yunnan province (more than 1,200 miles from Beijing) in July 2008 (ahead of the Olympic Games in August). More than 6,000 participants had registered to attend the congress, which would broach issues such as ethnic and linguistic differences, history, and archaeology.

[Sources: C. Bodeen, “China Nixes Major Academic Conference Ahead of Olympic Games” (7 May 2008); M. Delaney, “Beijing Cancels Anthropology Congress” (18 May 2008).]

Around 4 June 2008, police in various provinces issued warnings not to participate in memorial gatherings related to the Tiananmen Square massacre of 4 June 1989 in which at least 2,000 Chinese students and workers died. They continued to scrutinize all sensitive words and phrases about the anniversary. Any attempt to search for “Liu Si”—the Chinese abbreviation for 4 June—on the Baidu or Sohu search engines was completely blocked and resulted in the connection to the site being restarted. Ding Zilin, whose son Jiang Jieliang was killed during the June 1989 massacre, posted an open letter to the authorities on the Tiananmen Mothers website (<http://www.tiananmenmother.org>)

calling for the national flag to be flown at half mast in honor of the Tiananmen victims as it was for the victims of the May 2008 earthquake. The website was blocked in China.

[Sources: International Federation of Journalists, *Ifex Update* (5 June 2008); Reporters without Borders, *Ifex Update* (4 June 2008).]

During the unrest in Tibet in early 2008, historian **Wang Lixiong** (1953–) and Tibetan writer (1966–) **Tsering Woenser** (also Öser), authors of the book *Mémoire interdite: Témoignages sur la Révolution culturelle au Tibet* (2008; Prohibited Memory: Witnesses of the Cultural Revolution in Tibet), were put under house arrest after speaking to reporters. She had declared that she wanted the Chinese “to learn the truth about Tibetan history, culture, religion and traditions.” In June 2004, she had been dismissed from her position at the Tibet Autonomous Region Literature Association, and left Lhasa for Beijing. Her books were banned in mainland China. In April 2008, her house arrest was suspended. On 27 May 2008, her email and blog (located at <http://woenser.middle-way.net>) became the target of cyber-attacks. Her web-logs had been shut down earlier.

[Sources: *Ifex Communiqué* (4 March 2008); PEN, *Ifex Press Release* (6 March 2008); PEN, *Ifex Update* (28 May 2008); Reporters Without Borders, *Ifex Update* (12 January 2007; 7 March 2008).]

COLOMBIA

Last *Annual Report* entry: see NCH #49 (2007).

Reports of extrajudicial executions of civilians by the army have increased substantially in recent years, according to the United Nations High Commissioner for Human Rights as well as local groups, including the Colombian Commission of Jurists. In July 2007, retired army Colonel Alfonso Plazas Vega was arrested for his part in the enforced disappearance of eleven people during a military assault on the Palace of Justice in Bogotá after M-19 guerrillas took hostage those inside in November 1985. Over 100 people died during the military assault, including twelve Supreme Court judges. In September 2007, Attorney General Mario Iguarán said there was strong evidence that many of those who disappeared were alive when they left the building. In October 2007, former justice minister and Senator Alberto Santofimio was sentenced to 24 years' imprisonment in connection with the killing of presidential candidate Luis Carlos Galán in 1989. In November 2007, it was made public that a team from the Office of the Attorney General had reopened investigations into 294 of the thousands of killings of members of the left-wing party Patriotic Union (Unión Patriótica) since 1985. Paramilitaries and the security forces were believed to have been responsible for most of these

killings.

[Sources: AI, *Report 2008* (2008) 98–99; HRW, *World Report 2008* (2008) 201.]

Only some ten per cent of more than 31,000 demobilized paramilitaries qualified for inclusion in the Justice and Peace Law (JPL) under which those who lay down their arms can benefit from significantly reduced prison sentences in return for confessions about human rights violations and reparations to their victims. With only some twenty investigative units to handle thousands of cases, the process progressed slowly. Although paramilitary leaders who confessed revealed some information about their victims, information on the latter's identities and the whereabouts of their bodies remained sketchy. More than 1,100 bodies were exhumed from numerous mass graves in 2006–7, but most of these were discovered as a result of information from rank-and-file paramilitaries outside the JPL process. The vast majority of bodies remained unidentified. Most of the at least four million hectares of land estimated to have been stolen by paramilitaries had yet to be identified and very little land had been returned to its rightful owners. Most paramilitaries escaped effective investigation through Decree 128 and Law 782, which granted *de facto* amnesties to those not under investigation for human rights abuses and who admitted to being members of paramilitary groups, an offence known as “conspiracy to commit a crime”. However, in July 2007, the Supreme Court of Justice ruled that membership of paramilitary groups was not a political crime and, as such, amnesties were not applicable. This left some 19,000 paramilitaries in legal limbo.

[Source: AI, *Report 2008* (2008) 98.]

CONGO (Democratic Republic)

Last *Annual Report* entry: see NCH #49 (2007).

In 2007, few military or civilian authorities were held accountable for past crimes. Warlords and militia leaders continue to be awarded top army positions instead of facing justice for their abuses. In January 2007, however, judges at the International Criminal Court (ICC) decided that there was sufficient evidence against its first suspect in custody, Ituri warlord Thomas Lubanga Dyilo, charged with enlisting, subscribing, and using child soldiers. The trial, the first in ICC history, was scheduled to start in March 2008. In October 2007, the government surrendered Germain Katanga, former commander of another Ituri armed group, to the ICC. For his involvement in killings, use of child soldiers, sexual enslavement, and pillaging allegedly committed in Ituri District in 2003, he was indicted by the ICC on charges of crimes against humanity and war crimes.

[Sources: AI, *Report 2008* (2008) 6, 113; HRW, *World Report 2008* (2008) 105, 109.]

On 22–23 March 2007, the roof of the Archives nationales du Congo (Arnaco; National Archives of Congo) was destroyed during violence in Kinshasa between Congolese government troops backing the newly elected President Joseph Kabila and “rebel” soldiers fighting for former opposition leader and failed presidential candidate Jean-Pierre Bemba.

[Source: G. Convents, “Les Archives nationales du Congo en danger”, *Association belge pour l’histoire contemporaine*, 2007, no. 2, 9–11.]

CONGO (Republic)

Last *Annual Report* entry: see NCH #45 (2006).

In November 2007, the Ministry of Security and Public Order banned a commemoration of the May 1999 disappearance of 300 persons (in the wake of the civil war) planned by NGOs and families of victims, saying it would disturb public order. [See *Annual Reports 2004–6*.]

[Source: Observatory for the Protection of Human Rights Defenders, *Steadfast in Protest: Annual Report 2007* (Paris/Geneva 2008) 70.]

COUNCIL OF EUROPE

Last *Annual Report* entry: see NCH #49 (2007).

CROATIA

Last *Annual Report* entry: see NCH #49 (2007).

The International Criminal Tribunal for the former Yugoslavia (ICTY) continued to try alleged perpetrators of serious violations of international humanitarian law during the 1991–95 war. The Croatian judiciary continued to investigate and prosecute war crimes. However, in the majority of cases criminal proceedings were related to cases where the victims were ethnic Croats. Despite significant developments with regard to crimes committed against Croatian Serbs in Osijek, there

continued to be widespread impunity for crimes committed by members of the Croatian Army and Croatian police forces.

[Source: AI, *Report 2008* (2008) 104–5.]

Serbs continue to make up the vast majority of defendants and convicted war criminals in Croatia, a disproportion so large that it suggested an anti-Serb bias. According to statistics released by the state prosecutor's office in May 2007, of 3,666 people charged with war crimes since 1991, 3,604 were prosecuted for involvement in aggression against Croatia, while 62 were members of the Croatian armed forces. The absence of an agreed threshold for determining when acts should be prosecuted as war crimes may also provide part of the explanation for the disparity. *In absentia* trials are opposed by the prosecutor's office in Zagreb, but continue to take place for war crimes with defendants mostly being Serbs: at the end of October 2007, 19 of the 23 defendants on trial *in absentia* were Serbs. Trials against Croats for wartime abuses were far more likely to result in acquittals.

[Source: HRW, *World Report 2008* (2008), 380–81.]

On 12 February 2008, **Drago Hedl**, editor of the satirical weekly *Feral Tribune*, received an anonymous letter at his home address containing a death threat, probably because he had written a series of articles concerning war crimes committed by the Croat army against Croatian Serb civilians in the eastern city of Osijek in 1991. Several other individuals involved in the trial for war crimes over the civilian deaths received the same letter, which contained warnings and a drawing of a skull. *Feral Tribune* was also sued in defamation for one million kuna by Branimir Glava, who had been charged with war crimes. The newspaper claimed that its reporting on the case against Glava (who was released on bail) had led to death threats against its journalists, including Hedl, and against witnesses.

[Sources: International Press Institute, *Ifex Alert* (20 February 2008); *IOC*, 2/08: 183; World Association of Newspapers, *Ifex Update* (27 February 2008).]

CUBA

Last *Annual Report* entry: see NCH #45 (2006).

CYPRUS

Last *Annual Report* entry: see NCH #38 (2005).

On 4 January 2008, the Education and Culture Ministry of northern Cyprus announced that it had rewritten its history textbooks since 2004. Minister Canan Öztoprak said that pictures of atrocities such as the mass murders of Turkish Cypriot civilians in December 1963 by the Greek Cypriot militia were deeply disturbing for children. Such pictures were removed and replaced with others that still explained the events but did not depict the atrocities in such detail.

[Sources: C. Makriyianni & C. Psaltis, "The Teaching of History and Reconciliation," *Cyprus Review* (Spring 2007), 58; "North Adopts Fresh Approach to History", *Turkish Daily News* (4 January 2008).]

CZECH REPUBLIC

Last *Annual Report* entry: see NCH #17 (2000).

DENMARK

Last *Annual Report* entry: see NCH #49 (2007).

DJIBOUTI

Last *Annual Report* entry: —.

On 18 March 2007, **Jean-Paul Noël Abdi**, President of the Djibouti League of Human Rights, was sentenced to six months' imprisonment on charges of divulging false news and defamation following publication by Abdi of an information sheet on 3 March 2007 entitled "Le Day, zone de non-droit" (The Day, an area where the law does not apply), in which he reported the discovery of a mass grave in the village of Day (Tadjourah district), containing the bodies of seven civilians reportedly killed by government forces on 1 January 1994. He also denounced the rape of a young girl by a sergeant of the Presidential Guard in Day in February 2007. On 11 April 2007, he was sentenced on appeal to one year's imprisonment (eleven months of which were suspended) and a fine. In June 2007, his lawyers lodged an appeal with the Court of Cassation.

[Source: Observatory for the Protection of Human Rights Defenders, *Newsletter no 42* (April–June 2007) 7.]

ECUADOR

Last *Annual Report* entry: see NCH #49 (2007).

EGYPT

Last *Annual Report* entry: see NCH #49 (2007).

EL SALVADOR

Last *Annual Report* entry: see NCH #49 (2007).

The United Nations Working Group on Enforced or Involuntary Disappearances criticized the government for failing to resolve some 2,270 cases of enforced disappearance during the internal armed conflict (1980–92). It highlighted the role of the 1993 Amnesty Law which allows perpetrators of human rights violations, including enforced disappearance, to evade prosecution. The National Assembly approved an annual day of remembrance to commemorate the children who were victims of enforced disappearance during the conflict, in accordance with the ruling of the Inter-American Court of Human Rights. In March 2007, Rufina Amaya, the last remaining survivor of the El Mozote massacre, died of natural causes. According to reports, the El Salvadorian Armed Forces killed 767 people in El Mozote and surrounding areas in an operation carried out in December 1980. To date nobody has been brought to justice for this massacre or others that occurred during the conflict.

[Source: AI, *Report 2008* (2008) 16, 122.]

ERITREA

Last *Annual Report* entry: —.

In March 2007, two information ministry employees were arrested: **Ibrahim Abdella**, a music archive employee at Eri-TV, and a news archive employee.

[Source: *Ifex Communiqué* (10 July 2007).]

ESTONIA

Last *Annual Report* entry: see NCH #49 (2007).

See European Union.

ETHIOPIA

Last *Annual Report* entry: see NCH #49 (2007).

In January 2007, a court convicted former President Mengistu Hailemariam of genocide *in absentia*, and sentenced him to life imprisonment. Mengistu, the leader of the former Dergue military government (1974–90), lived in Zimbabwe under the protection of the government there. On appeal in May 2008, Mengistu was sentenced to death. In February 2007, 33 members of the former government who had been detained since 1991 and convicted in December 2006 of genocide and mass killings were sentenced to life imprisonment or long prison terms. Trials of other former officials for killings during the “Red Terror” campaign against “anti-revolutionaries” (1977–79) were almost completed.

[Sources: AI, *Report 2008* (2008) 129; HRW, *World Report 2008* (2008), 120.]

EUROPEAN UNION

Last *Annual Report* entry: see NCH #38 (2005).

On 19–20 April 2007, the Council of the European Union (EU) reached a general approach on a *Framework Decision on Combating Racism and Xenophobia*. It established that the following intentional conduct would be punishable in all EU member states: “(1) publicly inciting to violence or hatred...directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin; (2) publicly condoning, denying or grossly trivialising (a) crimes of genocide, crimes against humanity and war crimes...directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or

national or ethnic origin, and (b) crimes defined by the Tribunal of Nuremberg directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin. The agreement avoided singling out Holocaust denial, and Estonia, Latvia, and Lithuania were persuaded to drop their request for a reference to “Stalinist” crimes to be included in the agreement.

[Sources: European Union (Council), *Framework Decision on Combating Racism and Xenophobia* (April 2007); & *reaction*: Luigi Cajani (historian), *Europe Moves To Censor Historians* (July 2007); & *motion* (General Assembly of the International Committee of Historical Sciences) (September 2007): all texts on *Topics* page of <http://www.concernedhistorians.org>; *IOC*, 3/07: 115.]

FIJI

Last *Annual Report* entry: see NCH #45 (2006).

FRANCE

Last *Annual Report* entry: see NCH #49 (2007).

In October 2007, history teachers protested when President Nicolas Sarkozy ordered that a farewell letter written by schoolboy Guy Môquet to his family before his execution by the Nazis be read to all lycée students in France in honor of patriotism and the Resistance. Many teachers and schools refused to take part in the commemoration with unions denouncing the order as “intolerable political interference” and exploitation and manipulation of history for political ends.

[Source: J. Marshall, “France: Historians Combat Politicians’ ‘Official History’”, *University World News* (13 January 2008).]

See also Iran.

GEORGIA

Last *Annual Report* entry: see NCH #32 (2003).

GERMANY

Last *Annual Report* entry: see NCH #49 (2007).

On 7–8 April 2007, about eighteen metres of Berlin Wall fragments were removed from the center of Berlin by the Federal Civil Engineering and Planning Office to make way for new office blocks, despite protests from residents claiming that it was a cultural and historical artifact.

[Source: *IOC*, 3/07: 113.]

See also Canada.

GHANA

Last *Annual Report* entry: see NCH #49 (2007).

The government continued to pay some financial reparations for human rights abuses under former governments, in accordance with the recommendations of the National Reconciliation Commission.

[Source: *AI, Report 2008* (2008) 140.]

GREECE

Last *Annual Report* entry: see NCH #49 (2007).

On 25 September 2007—after elections which brought a more conservative government to power under the same prime minister—the new Minister of Education and Religious Affairs Evripídes Stylianídes withdrew the history textbook of **Maria Repoussi** and others [*See NCH Annual Report 2007*] under pressure from the right-wing political party Laos (Popular Orthodox Rally Party) and temporarily replaced it with an old one from 1989.

[Source: *NRC Handelsblad*, 26 September 2007.]

On 4 December 2007, **Panayote Dimitras**, spokesperson of Greek Helsinki Monitor (GHM), testified as a prosecution witness in the trial of author Kostas Plevris. While on 13 December 2007 Plevris, a lawyer and author of the Holocaust-denying book *Jews: The Whole Truth* was convicted of inciting racial hatred and given a fourteen-month suspended sentence (his co-defendants being acquitted), Dimitras became the target of a hate campaign. He and other GHM staff, along with Jewish activists who had testified against Plevris, were subjected to insults, threats, and racist attacks on the Internet and in the extreme right-wing press. For example, an extreme right-wing youth group posted a video clip of an attack on Dimitras during the trial on the video-sharing site *YouTube* and posted insults, death threats, and anti-Semitic messages underneath. In addition, Plevris launched a series of legal actions against representatives of GHM and the Central Board of Jewish Communities in Greece (KIS), claiming he was defamed by their complaints, and seeking compensation. Trial dates are set for later in 2008. The 2007 Plevris trial was the first of its kind in Greece, under legislation passed in 1979.

[Source: *Ifex Communiqué*, 17–3 (22 January 2008).]

See also United States.

GRENADA

Last *Annual Report* entry: see NCH #49 (2007).

GUATEMALA

Last *Annual Report* entry: see NCH #49 (2007).

The prosecutors and investigators who handle human rights violations from the civil war (1960–96) received grossly inadequate training and resources. The courts routinely failed to resolve judicial appeals and motions efficiently, allowing defense attorneys to engage in dilatory legal maneuvering. The army and other state institutions failed to cooperate fully with investigations into abuses committed by their current or former members. The police did not provide adequate protection to judges, prosecutors, and witnesses involved in politically sensitive cases. Of the 626 massacres

documented by the 1999 United Nations Truth Commission, only two cases have been successfully prosecuted in the Guatemalan courts. In April 2007, the Constitutional Court confirmed the lower courts' sentencing of Colonel Byron Disrael Lima Estrada, Captain Byron Lima Oliva, and priest Mario Orantes Nájera to twenty years' imprisonment on charges of being accomplices in the 1998 murder of Bishop Juan Gerardi Conedera [See NCH #13; see NCH Annual Reports 1998–2001, 2003–4]. The discovery in July 2005 of approximately 70 to 80 million documents of the disbanded National Police, including files on Guatemalans who were murdered and disappeared during the armed conflict, could play a key role in the prosecution. Yet there is no legal framework in place to ensure adequate long-term management of the archive, nor to regulate public access to its files. In July 2007, a Guatemalan court of appeals ordered the declassification of military documents from the 1980s.

[Source: HRW, *World Report 2008* (2008), 210–12.]

On 26 September 2005, in a landmark ruling, Spain's Constitutional Court held that, in accordance with the principle of universal jurisdiction, cases of alleged genocide committed during Guatemala's internal armed conflict (1960–96) could be prosecuted in the Spanish courts, even if no Spanish citizens were involved. On 7 July 2006, Spanish Judge Pedraz issued international arrest warrants against a group of eight former high-ranking Guatemalan military officials and in late 2006 the Spanish government requested their extradition. The extradition proceedings, however, were delayed due to the defendants' numerous appeals. In December 2007, the Guatemalan Constitutional Court ruled that warrants and extradition requests issued by the Spanish judge would not be implemented. In September 2007, General José Efraín Ríos Montt, former President and part of this group, was elected to Congress and so gained parliamentary immunity. A case presented in 2000 against the group in the Guatemalan judicial system made no progress throughout 2007. In addition, the government refused to release 25-year-old military documents allegedly containing evidence that the widespread human rights violations were part of an intentional military strategy during the conflict. The United Nations Working Group on Enforced or Involuntary Disappearances criticized the government for failing to make any significant progress in determining the fate of approximately 45,000 people who remained disappeared.

[Sources: AI, *Report 2008* (2008) 16–17, 143; HRW, *World Report 2008* (2008), 213–14.]

In February 2007, an employee of the Center for Legal Action on Human Rights (Centro para la Acción Legal en Derechos Humanos, CALDH) was briefly kidnapped and several other members of CALDH's legal team received written and oral threats. In 2007, members of the Guatemalan Foundation for Forensic Anthropology (Fundación de Antropología Forense de Guatemala, FAFG)

continued to receive death threats in connection with their work of exhuming bodies buried in clandestine cemeteries throughout Guatemala. Others involved in human rights prosecutions are also routinely threatened or attacked, including justice officials, forensic experts, plaintiffs, and witnesses. Journalists, labor activists, and others who have denounced abuses by the authorities are also subject to violence and intimidation. Guatemalan human rights organizations said that 158 of such acts of violence or intimidation were reported between January and August 2007. There is widespread consensus among local and international observers that the people responsible for these acts of violence and intimidation are affiliated with private, secretive, and illegally armed networks or organizations, commonly referred to in Guatemala as “clandestine groups.” These groups appear to have links to both government officials and organized crime—which give them access to considerable political and economic resources. In August 2007, Congress approved the creation of an International Commission Against Impunity in Guatemala. The commission, organized under the auspices of the United Nations, would aid national authorities in the investigation and prosecution of members of these clandestine groups.

[Sources: AI, *Report 2008* (2008) 142; HRW, *World Report 2008* (2008), 212–13.]

Guatemalan human rights organizations reported that between January and August 2006 161 acts of violence or intimidation took place against Guatemalans seeking justice for past abuses; between January and August 2007, there were 158 such acts.

[Source: HRW, *World Report 2007* (2007) 208; *2008* (2008), 213.]

GUINEA

Last *Annual Report* entry: see NCH #49 (2007).

GUINEA-BISSAU

Last *Annual Report* entry: see NCH #14 (1999).

GUYANA

Last *Annual Report* entry: see NCH #6 (1997).

HAITI

Last *Annual Report* entry: see NCH #45 (2006).

On 12 August 2007, **Lovinsky Pierre-Antoine** ([1953]–), a psychologist and political and human rights activist, was abducted. In November 2007, human rights activist **Wilson Mesilien** ([1968]–) was threatened several times. Both were founding members (1996–) and coordinators of the Fondasyon Trant Septanm (30 September Foundation; named after the date of the 1991 military coup during which President Jean-Bertrand Aristide was ousted). The Fondasyon pressed for an end to impunity for past abuses and reparation to victims of the 1991–94 military regime (when an estimated 3,000 persons were killed) and to the victims of the transitional government of 2004–6. Since 1996, the Fondasyon members have carried out weekly marches in Port-au-Prince and other towns in memory of the victims. During a tour of a photo-exhibition of these victims, they also gathered signatures to amend the Constitution in order to abolish the Haitian army. Days before his abduction, Pierre-Antoine had announced his intention to stand as Senator in the elections initially scheduled for December 2007 under the banner of the Fanmi Lavalas Party (a left-wing political party led by Aristide). The threats and abduction could reportedly come from people connected with the former military. Pierre-Antoine had been a grass-roots community organizer for several years. During Aristide's last presidency (2001–4), he had been appointed General Coordinator of the National Office on Migration. He left Haiti and went into exile during the transitional government and returned in February 2006 after René Préval had been elected president for the third time. [See NCH #53.]

[Sources: AI, *Report 2008* (2008) 148; AI, *Urgent Action* (18 December 2007); Human Rights Watch, *World Report 2008* (Washington 2008), 217.]

HONDURAS

Last *Annual Report* entry: see NCH #27 (2002).

HUNGARY

Last *Annual Report* entry: see NCH #49 (2007).

In the night between 1 and 2 May 2007, vandals desecrated the grave of János Kádár, the last Communist ruler (1956–89), and removed his skull and several bones. Graffiti reading “a murderer and traitor may not rest in holy ground” was found nearby.

[Source: *BBC News Online* (3 May 2007).]

INDIA

Last *Annual Report* entry: see NCH #49 (2007).

A majority of police officers responsible for serious human rights violations during the 1984–94 civil unrest in Punjab continued to evade justice. Following violent attacks by Sikh militants, security forces had illegally detained, tortured, executed, or disappeared thousands of people during counterinsurgency operations. The findings of a Central Bureau of Investigation probing into allegations of unlawful killings of 2,097 people who were cremated by the police had still not been made fully public, nine years after the investigation was launched. The National Human Rights Commission (NHRC) awarded compensation to the relatives of 1,298 victims of such killings in one district, Amritsar. However, the NHRC was criticized for the slow pace of its investigations, and in October 2007 a commission appointed by the NHRC in 2006 to examine compensation claims was criticized by human rights organizations for various failings.

[Sources: AI, *Report 2008* (2008) 154; HRW, *World Report 2008* (2008), 274.]

In 2007, a number of attacks occurred on places of religious worship, including a bomb blast at the Sufi shrine in Ajmer in October. The Indian government succeeded in preventing communal riots following this and other attacks. It failed, however, to prosecute most of those who instigated or participated in religious mob violence.

* Despite national and international condemnation, the Gujarat state government continued to protect those responsible for the killing of Muslims during the 2002 riots. Perpetrators of the violence indicated in the media that members of the ruling Bharatiya Janata Party (BJP) were implicated in the violence, yet no substantive investigation was carried out. Little action was taken over an official report that more than 5,000 displaced families continued to live in “sub-human” conditions in Gujarat.

* After more than a decade of hearings, a special court convicted 100 people for their involvement in the 1993 serial bomb attacks in Mumbai. However, the individuals believed responsible for attacks upon Muslims in January 1993, which preceded the bomb blasts, are yet to be prosecuted and punished.

* Despite promises made by the Prime Minister in 2005, there was also no progress in justice for victims of the 1984 anti-Sikh riots.

* In Jammu and Kashmir, state and non-state actors continued to enjoy impunity for torture, deaths in custody, abductions, and unlawful killings. A human rights organization reported that in the past eighteen years 1,051 people had been victims of enforced disappearance in Baramulla district alone.

* In November 2007 in Assam, a commission of inquiry into the unlawful killings between 1998 and 2001 of 35 individuals associated with the United Liberation Front of Asom published its findings. It concluded that the killings had been carried out by surrendered members of the organization at the behest of a former chief minister and the state police. It remained unclear if anyone would be brought to justice.

[Sources: AI, *Report 2008* (2008) 153–54; HRW, *World Report 2008* (2008), 276.]

In May 2007, the art history archives of the Maharaja Sayajirao University in Vadodara, Gujarat, were temporarily closed after the arrest of an art student who had depicted a Hindu goddess in a controversial way in one of his paintings.

[Source: *IOC*, 3/07: 17–23, 114.]

In September 2007, a case was presented in the Supreme Court against the \$560 million Sethusamudram Ship Canal Project, which aimed to create a navigable sea route around the Indian peninsula so ships could avoid going around Sri Lanka. The petitioners argued that the planned route would damage the Ram Sethu (also called Adam's bridge)—the natural structure that joined Sri Lanka to the Asian continent during the last Ice Age—but that they believed was 1,750,000 years old and hence synchronous with the golden period of deity Rama's rule. When the government submitted an affidavit saying "mythological texts" could not "incontrovertibly prove" the existence of Lord Rama or the construction of the Ram Sethu, opposition demonstrations forced Minister of Culture and Tourism Amibika Soni to suspend two directors of the archaeological service, and the government to withdraw the affidavit on 14 September 2007.

[Source: M. Singh, "India's Debate Over Sacred Geography", *Time* (18 September 2007).]

On 25 February 2008, Akhil Bharatiya Vidyarthi Parishad activists, led by Vikas Dahiya, vandalized the office of **S.Z.H. Jafri**, head of the history department at Delhi University, and allegedly manhandled him, in protest against the B.A. History (Honours) syllabus. They claimed that a portion of it—an essay by **A.K. Ramanujan** entitled "Three Hundred Ramayanas: Five Examples and Three Thoughts on Translation" for the course on "Ancient Indian Culture"—contained "objectionable" references to Hindu gods.

[Source: "Historian's Office in India Vandalized by Activists", *The Hindu* (26 February 2008).]

INDONESIA

Last *Annual Report* entry: see NCH #49 (2007).

Some progress was made in addressing human rights crimes of the Suharto era (1965/67–98). In December 2006, the Constitutional Court declared unconstitutional a law establishing a Truth and Reconciliation Commission (TRC). The law empowered the TRC to award amnesties to perpetrators of past crimes and barred victims from taking any future legal action against them. Reparations to victims were made contingent upon the latter's signing formal statements exonerating the perpetrators. The Court declared that provisions of the TRC law violated Indonesia's international obligations and domestic laws. The decision came after two years of legal challenges by Indonesian human rights groups.

[Source: HRW, *World Report 2008* (2008), 280.]

In June 2007, dancers performing a traditional local dance in front of President Susilo Bambang Yudhoyono were arrested after they raised the Maluku independence flag in Ambon, Maluku province. During interrogation they were allegedly beaten and threatened. Most of them were charged with "rebellion".

[Source: AI, *Report 2008* (2008) 155.]

In late February 2008, **Bersihar Lubis**, a columnist with the Indonesian-language daily *Koran Tempo*, was sentenced to one month's imprisonment for "insulting" the Attorney General's Office. In an article written in March 2007, he had condemned the burning of history textbooks that offered a different interpretation of the 1965–66 events to the official version [See *NCH Annual Report 2007*]. [Sources: HRW, *World Report 2008* (2008), 280; P. J. Tan, "The Legacy of the Suharto Era Lingers in School History Books", *Inside Indonesia*, 92 (April–June 2008).]

See also Timor-Leste.

INTERNATIONAL CRIMINAL COURT

Last *Annual Report* entry: see NCH #45 (2006).

See Central African Republic; Congo (Democratic Republic); Ivory Coast; Morocco; Namibia; Peru;

Sudan.

IRAN

Last *Annual Report* entry: see NCH #49 (2007).

In July 2007, security forces arrested six Amir Kabir University students who were staging a peaceful sit-in in commemoration of the anniversary of the 1999 student protests violently suppressed by the government.

[Source: HRW, *World Report 2008* (2008), 473.]

In 2002–3, [confidential name] (1980–), a history student at Tehran University since 1999 (BA in 2003), joined student demonstrations against the execution of Hashem Aghajari [See NCH #28 and NCH Annual Reports 2003–5, 2007]. Within a week, security forces reportedly seized her education documents, and she was forced to promise not to “commit these kinds of crimes again” in order to finish her undergraduate studies. The Ministry of Information reportedly continued interrogating her about her role in the demonstrations. She left Iran to study Arabic in Syria and Lebanon (2004), and after her return to Tehran University, the historical subjects she proposed to study, including the history of Iran’s Jewish minority, were considered “dangerous.” As a member of the Student’s Committee for Human Rights (2006–8), supporting Iran’s political prisoners and publishing a website about human rights violations, she was arrested twice. In 2007, she completed her MA, writing her thesis on the history of Iran in the Islamic era, but she was banned from pursuing her PhD studies. The intelligence service allegedly ordered the institutions where she applied for jobs to reject her. Reportedly, she was also forced to divorce her husband because of their joint activism in the student movement. She reported that her ex-husband has been falsely accused of working with an armed foreign group to overthrow the government. Because of their relationship and the severity of charges against him, when he is sentenced in court, she will be sent to prison as well.

[Source: SAR, “Case Iran-545” (2 May 2008).]

In December 2006, **Mehrnoushe Solouki** [1970–], a French-Iranian citizen residing in Canada, and a filmmaker and journalism graduate student at Quebec University, Montréal, entered Iran in order to film her third documentary, on the subject of the burial rites of religious minorities such as the Armenian Christians, Jews, and Zoroastrians. The Ministry of Islamic Culture and Guidance granted her a research license and officials were told in advance of locations where she would film. In

February 2007, however, Solouki stumbled upon a site in Khavaran cemetery, Tehran, that was reportedly a mass grave of regime opponents summarily executed in the summer and fall of 1988, and filmed it. Because the authorities probably believed that she intended to make a film critical of the executions, she was arrested and imprisoned in solitary confinement. She was reportedly held in inhumane conditions and subjected to daily interrogations. On 28 March 2007, she was released when her parents posted bail, but authorities confiscated her French passport. In breach of Iranian law limiting travel bans to six months, she was not allowed to return to France. In July 2007, an unknown assailant in Tehran attacked and injured her. On 17 November 2007, Solouki was tried in closed-door proceedings on charges of “intent to commit propaganda” against the Iranian regime and fined. She had neither edited nor broadcast any film taken during her stay. On 18 January 2008, she was allowed to leave Iran for France. Solouki declared that she planned to make a film about her story. [See NCH #52.]

[Sources: Associated Press, “Iran Allows Filmmaker to Leave Country” (22 January 2008); IOC, 3/07: 118; SAR, “SAR calls for letters on behalf of detained graduate student Mehrnoushe Solouki” (4 December 2007); T. Tahbaz, “Iran: Nightmares of Evin Haunt Freed Filmmaker” (Radio Free Europe/Radio Liberty; 22 January 2008).]

In January 2008, [confidential name] (1957–), a PhD in history, an assistant professor at the history department of Ferdowsi University, Mashhad (2006–8), and specialist in early modern and modern Iranian and Turkish history, was dismissed because he had published a Farsi translation of *An Islamic Utopian: A Political Biography of Ali Shariati* [for Shariati, see several NCH Annual Reports], a book written by **Ali Rahnema** of the American University of Paris, despite the fact that the government had revoked the permit for this translation since 2005. Labeled an “ideological non-conformist,” he was questioned by a security officer about his research and writings (he was working on English to Farsi translations of two histories of the Ottoman Empire) and threatened openly with violence. In addition, after establishing contact with one of the authors, historian John Woods of the University of Chicago, he was accused of having “suspicious relationships with foreigners”.

[Source: SAR, “Case Iran-543” (11 March 2008).]

IRAQ

Last *Annual Report* entry: see NCH #49 (2007).

The Supreme Iraqi Criminal Tribunal (SICT) continued to try former senior party, army, security, and

government officials associated with the previous Ba'ath administration headed by Saddam Hussain for gross human rights violations committed during his rule (1979–2003). Several defendants were sentenced to death after grossly unfair trials and three, sentenced in 2006, were executed. Political interference continued to undermine SICT's impartiality. On 24 June 2007, the trial was concluded of those allegedly responsible for abuses committed during the 1988 Anfal campaign, in which Iraqi forces used chemical weapons and killed as many as 180,000 Iraqi Kurds. Three of the six defendants—Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i, and Hussain Rashid al-Tikri—were sentenced to death for war crimes and crimes against humanity. Ali Hassan al-Majid was also convicted of genocide. On 4 September 2007, the death sentences were confirmed on appeal and the three were expected to be executed within 30 days. However, the US military refused to transfer the three to Iraqi custody because of a legal wrangle between Prime Minister al-Maliki and the Presidential Council.

[Sources: AI, *Report 2008* (2008) 163–64; HRW, *World Report 2008* (2008), 482.]

In 2007, [confidential name] (1954–), a historian at the history department, College of Education, Al-Mustansiriyah University, Baghdad, and specialist in modern Ottoman and Turkish history, was increasingly harassed after a militia group of the Al-Mahdi army began to run the university. He received threatening telephone calls and was treated aggressively by several of his colleagues in the history department due to their sectarian beliefs. His life was thought to be in danger. In 2008, he was offered a one-year visiting fellowship at Fairfield University, CT, United States.

[Source: SAR, *November 2007 Profiles* (New York 2007).]

In 2007, the life of [confidential name] (1931–), professor of archaeology at Baghdad (1969–75) and Mosul (1980–89) universities, head of the history department, University College of Al-Mansour (1990–92) and head of the history department of the Institute of Advanced Historical Studies, Union of Arab Historians (1994–97), was threatened. In the 1970s, during the Baathi regime, he had been appointed Director General of Antiquities of the North, a position which gave him full responsibility for all of northern Iraq, including ancient Assyria. Between 1977 and 1986 he led many rescue excavations. In addition, he was a prominent Christian and since 2003 Christians had been targeted by militias. He feared for his safety and went into exile to the United States, where in early 2008 he took up a one-year fellowship at Brown University, Providence, RI.

[Source: SAR, *Case Iraq 655* (New York 2007).]

In February 2007, Saad Eskander, director of the Iraqi National Library and Archives, reported that his collaborators **Ali Salih**, **Ahmed Sali**, and an unnamed librarian had been assassinated in

November 2006, December 2006, and February 2007 respectively.

[Source: *NRC Handelsblad*, 2007 (16 February 2007).]

On 10 April 2007, **Abdul Ghabur Al-Qasi [al-Qaisi]** (–2007), history professor at the University of Diyala, Baquba, was reportedly killed. On 16 April 2007, **Jaffer Hasan Sadiq** (–2007), professor at the history department, Faculty of Humanities, [University of Mosul], was assassinated in front of his house in Al-Kafaa'at district, northeast of Mosul City. On 29 October 2007, an armed group attacked the house of **Jamal Mustafa**, head of the history department at Educational College, University of Diyala, Baquba, and abducted him.

[Source: Russell Tribunal, *List of Killed, Threatened or Kidnapped Iraqi Academics* (2008).]

See also United Kingdom, United States.

IRELAND

Last *Annual Report* entry: see NCH #37 (2004).

ISRAEL

Last *Annual Report* entry: see NCH #32 (2003).

In 2007, historian **Ilan Pappé** [*See NCH Annual Report 2003*] left his position of senior lecturer at the Haifa University political science department after he had endorsed the international academic boycott of Israeli institutions, provoking the university president to call for his resignation.

[Source: *Guardian* (26 May 2008).]

See also Malaysia, United States.

ITALY

Last *Annual Report* entry: see NCH #32 (2003).

On 15 January 2008, Pope Benedict XVI canceled a planned speech at La Sapienza University, Rome, following protests from students and 67 academics against his statement that condoned astronomer Galilei Galileo's conviction for heresy in 1633. Galileo had argued that the earth revolved around the sun, but he had been forced to renounce his findings publicly. In 1990, then Cardinal Ratzinger, in charge of Catholic doctrine, had described the verdict as "rational and just". In 1992, however, Pope John Paul II had expressed regret at the way Galileo had been treated.

[Sources: *BBC News* (15 January 2008); *IOC*, 2/08: 186.]

IVORY COAST (Côte d'Ivoire)

Last *Annual Report* entry: see NCH #49 (2007).

Throughout 2007 neither the government nor the rebel leadership took significant steps to discipline, investigate, or hold accountable those responsible for atrocities committed during the 2002–3 civil war. In April 2007, President (and historian) Laurent Gbagbo signed a regulation providing for an amnesty for most of the crimes committed in the context of the conflict since 2002. The amnesty did not expressly exclude crimes under international law, including the widespread and systematic acts of sexual violence against women. In July 2007, however, Gbagbo stressed that this amnesty excluded "crimes against humankind" and assured the delegation that "victims [would] have every opportunity to lodge their complaints". The United Nations (UN) Security Council had still not made public or discussed the findings of the UN Commission of Inquiry report into serious human rights violations since September 2002, which was handed to the UN Secretary-General in November 2004. In September 2003, the Ivorian government accepted the jurisdiction of the International Criminal Court (ICC) over serious crimes. However, in 2006 and 2007 it consistently undermined a planned ICC mission to assess the possibility of opening an investigation into such crimes.

[Sources: AI, *Report 2008* (2008) 6, 104; HRW, *World Report 2008* (2008), 103–4.]

JAPAN

Last *Annual Report* entry: see NCH #49 (2007).

In March 2007, the Education Ministry ordered publishers of new history textbooks to change passages on the mass suicides after the 1945 battle of Okinawa. The passages, confirmed by historical research, suggested that Japanese soldiers actively encouraged civilians to commit suicide, partly for fear of what they might tell the invaders. At least 500 civilians, including entire families, committed suicide rather than surrender to American forces after the battle that left more than 200,000 dead. Okinawan politicians passed two resolutions against the revisions and in late September or early October 2007, at least 110,000 persons demonstrated in Ginowan, Okinawa, against the intended revisions. On 27 December 2007, the government announced that the planned revisions were canceled.

[Sources: *BBC News Online* (22 June & 11 July 2007); *IOC*, 1/08: 200; *Keesings historisch archief*, 2008: 109–110.]

JORDAN

Last *Annual Report* entry: see NCH #37 (2004).

KAZAKHSTAN

Last *Annual Report* entry: see NCH #49 (2007).

KENYA

Last *Annual Report* entry: see NCH #49 (2007).

KOREA, NORTH

Last *Annual Report* entry: see NCH #49 (2007).

KOREA, SOUTH

Last *Annual Report* entry: see NCH #45 (2006).

Since 7 September 2007, **Kim Dong-ay** ([1947–]), a former university lecturer in Chinese history and an executive of a temporary educators' union, and her husband (name unknown), a former university lecturer in Korean labor history, have staged, together with others, a street protest near the National Assembly in Yeouido, Seoul, urging the government to give the same status to part-time lecturers as to full-time professors and to improve other working conditions including job security and salary. At least until late March 2008, they spent the nights in a tent near the Assembly.

[Source: Park Si-soo, "Part-Time Lecturers Fight Discrimination", *Korea Times* (30 March 2008).]

KUWAIT

Last *Annual Report* entry: see NCH #38 (2005).

See United States.

KYRGYZSTAN

See Uzbekistan.

LATVIA

Last *Annual Report* entry: see NCH #45 (2006).

In 2007, almost 400,000 people continued to live without citizenship. The vast majority were citizens of the former Soviet Union who were living in Latvia at the time of the break-up of the Soviet Union (1991). In order to obtain citizenship, non-citizens must pass a number of tests, for example on the Latvian Constitution, history, and language, as well as recite the lyrics of the Latvian national anthem.

[Source: AI, *Report 2008* (2008) 187.]

See also European Union.

LEBANON

Last *Annual Report* entry: see NCH #49 (2007).

In 2007, no criminal investigations or prosecutions were initiated into mass human rights abuses that were committed during and after the civil war (1975–90). Abuses included killings of civilians; abductions and enforced disappearances of Palestinians, Lebanese and foreign nationals; and arbitrary detentions by various armed militias and Syrian and Israeli government forces. In 1992, the Lebanese government had estimated that a total of 17,415 people had disappeared during the civil war. Since April 2005, relatives and friends of the disappeared have been holding a sit-in in front of the United Nations offices in Beirut to demand information on the fate of people still unaccounted for. According to Lebanese human rights groups, Syria had committed at least 640 enforced disappearances, detaining Lebanese incommunicado in Syrian prisons. An official joint Syrian-Lebanese committee established in May 2005 to investigate the cases had not published any findings at the end of 2007.

[Sources: AI, *Report 2008* (2008) 191; HRW, *World Report 2008* (2008), 498, 502.]

On 30 May 2007, the United Nations (UN) Security Council adopted resolution 1757 to establish the Special Tribunal for Lebanon to try those suspected of involvement in the February 2005 killing of former Prime Minister Rafiq al-Hariri and 22 others and, if the court so decides, a number of other possibly related attacks committed since October 2004. On 28 November 2007, the UN International

Independent Investigation Commission submitted its ninth report into the killing and eighteen other attacks it was helping to investigate.

[Sources: AI, *Report 2008* (2008) 189; HRW, *World Report 2008* (2008), 498, 500.]

See also Syria, United States.

LIBERIA

Last *Annual Report* entry: see NCH #49 (2007).

The work of the Truth and Reconciliation Commission (TRC), established in 2006 and mandated to investigate gross human rights violations and economic crimes that occurred between January 1979 and 14 October 2003, proceeded slowly. In March 2007, the Commission's work was suspended due to concerns over transparency. A working group comprising TRC members and donors was set up, leading to a number of positive developments including the hiring of key staff. Public hearings were due to start in January 2008. The TRC was empowered to recommend for prosecution the most serious abuses of human rights. Questions remained about whether prosecutions should take place during or after the completion of the TRC's work; whether TRC commissioners would act on their power to recommend individuals for prosecution; and whether the Liberian judicial system would be able and willing to try these crimes.

[Sources: AI, *Report 2008* (2008) 6, 191–92; HRW, *World Report 2008* (2008), 134–35.]

See also Sierra Leone.

LIBYA

Last *Annual Report* entry: see NCH #49 (2007).

The legacy of gross human rights violations committed in the past remained untackled. The violations, which were committed particularly in the 1970s, 1980s and 1990s, included the enforced disappearance of hundreds of individuals, many of whom were feared to have died in custody while detained on political charges.

[Source: AI, *Report 2008* (2008) 195.]

LITHUANIA

Last *Annual Report* entry: see NCH #38 (2005).

See also European Union.

MACEDONIA

Last *Annual Report* entry: see NCH #49 (2007).

There were delays in the adoption of a draft Law on Cooperation with the International Criminal Tribunal for former Yugoslavia (ICTY), and disputes between the Ministry of Justice and Macedonia's Public Prosecutor on jurisdiction over four cases due to be returned to Macedonia from the ICTY by the end of 2007. Albanian political parties argued for the application of the law adopted in March 2002, which provided an amnesty for all those involved in the 2001 armed conflict, except those accused of war crimes under ICTY jurisdiction.

[Source: AI, *Report 2008* (2008) 196–97.]

MALAYSIA

Last *Annual Report* entry: see NCH #49 (2007).

In July 2008, the Israeli delegation to the Sixteenth Congress of the International Council on Archives (consisting of archivists Zohar Aloufi, Nava Eisin, Michal Henkin, Anies Karawy, Ziona Raz, Silvia Schenkolewski-Kroll, Amira Stern, and Masha Zolotarevsky) in Kuala Lumpur were not given visa by the Malaysian authorities in time to participate. The Israeli Panel at the Congress was canceled. A similar problem arose in 1982, when an Israeli delegation could not attend the Table Ronde des Archives (CITRA). Several archivists protested against the situation in 1982 as well as in 2008.

[Sources: Eric Ketelaar, e-mail (21 July 2008); Letter of the Israel Archives Association (20 July 2008).]

MALDIVES

Last *Annual Report* entry: see NCH #45 (2006).

MAURITANIA

Last *Annual Report* entry: see NCH #27 (2002).

MEXICO

Last *Annual Report* entry: see NCH #49 (2007).

In March 2007, President Felipe Calderón officially closed the Special Prosecutor's Office (SPO) that former President Vicente Fox (2000–6) had established to address abuses committed during the “dirty war” in the 1960s, 1970s and 1980s. During its five-year existence, the SPO had made very limited progress toward investigating and prosecuting these crimes. Its initial advances—such as the 2003 Supreme Court ruling authorizing prosecution of decades-old disappearance cases—were offset by significant failures; it did not obtain a single criminal conviction. Of the more than 600 disappearance cases, it filed charges in sixteen cases and obtained indictments in nine; the office determined the whereabouts of only six disappeared individuals. The government ignored the concluding SPO report which acknowledged that the abuses were systematic state crimes. In October 2007, the creation of a fund to compensate victims was announced.

* In July 2007, a federal judge concluded that the 1968 massacre of scores of students in Tlatelolco Square in Mexico City constituted genocide but that there was insufficient evidence against former president Luis Echeverría to continue the prosecution. In early 2008, an appeal on this ruling was pending.

[Sources: AI, *Report 2008* (2008) 16, 205; HRW, *World Report 2008* (2008), 220–21.]

MOLDOVA

Last *Annual Report* entry: see NCH #32 (2003).

MONGOLIA

Last *Annual Report* entry: see NCH #49 (2007).

MONTENEGRO

Last *Annual Report* entry: see NCH #49 (2007) under Serbia & Montenegro.

No progress was made in the investigations of six former police officers indicted in February 2006 for the enforced disappearance of 83 Bosniak (Bosnian Muslim) civilians in 1992. In related civil proceedings, in 25 out of 38 first instance decisions, Montenegro was found responsible for the enforced disappearances or deaths of the Bosniak civilians, and compensation was awarded to survivors or to family members for the deaths of their relatives. The state appealed each decision. The court rejected claims that the authorities had violated the relatives' rights under Article 3 (prohibition of torture) of the *European Convention on Human Rights* in failing to provide information on the fate and whereabouts of the disappeared.

[Source: AI, *Report 2008* (2008) 210–11.]

MOROCCO/WESTERN SAHARA

Last *Annual Report* entry: see NCH #49 (2007).

The Equity and Reconciliation Commission (ERC), established in 2004 to inquire into enforced disappearances, arbitrary detentions, and other grave human rights violations committed during the reign of Hassan II (1956–99), had completed its work in 2005. Despite ERC recommendations, authorities took no steps to bring to trial those implicated in past abuses, including some who continued to hold high government posts. Nor had the government implemented the ERC's recommendations to ratify the International Criminal Court statute and abolish the death penalty. In August 2007, the Human Rights Advisory Board (CCDH), charged with continuing the work of the ERC, said that 23,676 people had received compensation for human rights violations committed in 1956–99.

[Sources: AI, *Report 2008* (2008) 214; HRW, *World Report 2008* (2008), 514.]

In 2007, the Polisario Front took no steps to address the impunity of those accused of human rights abuses in their camps in the 1970s and 1980s.

[Source: AI, *Report 2008* (2008) 214.]

On 19 June 2008, at the request of CCDH head Ahmed Herzenni, a Rabat court ordered Arabic-language daily *Al Jarida Al Oula* to stop publishing hitherto unpublished testimony about human rights abuses under King Hassan II (1956–99). Senior officials close to the late king had given this information to the ERC, but in 2005 the CCDH had replaced the ERC and taken charge of the latter's archives. Herzenni cited a law for the protection of government archives and declared that the

testimony was “intended to be a rich resource for serious researchers and not the subject of competition between journalists seeking a scoop”. Before the court order, a total of four previously unpublished testimonies had been published in *Al Jarida Al Oula*.

[Source: Reporters Without Borders, *Ifex Update* (20 June 2008).]

MYANMAR (BURMA)

Last *Annual Report* entry: see NCH #45 (2006).

On 26 March 2007, **Ko Kyaw Thu Moe Myint**, a teashop owner, was arrested for having written a book of poems and distributed it to his family and friends. Two of the eleven poems referred to independence hero Aung San.

[Source: *IOC*, 3/07: 109.]

On 25 May 2007, a biography of former Prime Minister U Nu (1907–95) by journalist **Than Win Hlaing** was banned. In 2000, Than had been sentenced to seven years’ imprisonment for having written about opposition leader Aung Sang Suu Kyi (1945–) and her father Aung San (1915–47). On 3 January 2007, he had been released after a pardon.

[Source: *IOC*, 1/07: 112; 3/07: 109.]

On 8 August 2008, the twentieth anniversary of a student-led uprising popularly referred to as “8-8-88” was commemorated. The 1988 protests led to the downfall of dictator Ne Win (ruled 1962–88), but a new group of Burmese generals crushed the protests, killing an estimated 3,000 people. Anticipating anniversary protests on the streets, the junta put a heavy military and police presence on every main road. Although many Rangoon residents were dressed in black to commemorate the anniversary, protests were limited. In Taunggok, northwest Myanmar, forty-eight activists who had organized a silent commemoration march, were arrested.

[Sources: Article 19, “Burma: 20 Years of Suffering” (8 August 2008); *Ifex Communiqué* 17–31 (13 August 2008); *NRC Handelsblad* (9 August 2008) 4.]

NAMIBIA

Last *Annual Report* entry: see NCH #49 (2007).

The National Society for Human Rights (NSHR) requested that the International Criminal Court (ICC) investigate human rights abuses carried out in SWAPO (South West Africa People's Organization) camps in exile prior to independence in 1990, and in the north-east of the country in the 1990s. The NSHR cited Sam Nujoma, Namibia's first President (1990–2005), and retired army Lieutenant General Solomon Hawala as responsible for the detention, torture, and enforced disappearance of thousands of SWAPO members in Angola in the 1980s. NSHR's demand was strongly condemned by the ruling party SWAPO as a threat to the policy of national reconciliation. The ICC does not have jurisdiction for crimes committed prior to July 2002 and therefore the NSHR request would not be admissible.

[Source: AI, *Report 2008* (2008) 219.]

NEPAL

Last *Annual Report* entry: see NCH #49 (2007).

Both the government and the Communist Party of Nepal (Maoist) (CPN (M)) largely failed to implement commitments to human rights in the Comprehensive Peace Accord (CPA), signed in November 2006, after the civil war (1996–2006). Measures to address impunity for past violations and abuses were grossly inadequate. The Red Cross estimated that there were 1,042 cases of enforced disappearances attributable either to the Nepalese Army or CPN (M) forces. Although the CPA had committed the government and Maoists to make public the whereabouts of disappeared people within 60 days of its signing, there was no progress. On 1 June 2007, the Supreme Court called for setting up a commission of inquiry to investigate the disappearances, and commissioners were appointed by October 2007, but in early 2008 the commission had yet to start work. In June 2007, a draft Truth and Reconciliation Commission bill was tabled. It proposed establishing a commission with a mandate to investigate gross human rights violations and crimes against humanity committed during 1996–2006. More than 12,000 people were killed in the conflict, many of them civilians. The United Nations, several international NGOs, and local NGOs raised concerns about provisions granting amnesty to perpetrators of gross human rights violations.

[Sources: AI, *Report 2008* (2008) 220–21; HRW, *World Report 2008* (2008), 294–95.]

NETHERLANDS

Last *Annual Report* entry: see NCH #49 (2007).

On 7 August 2008, summary proceedings were started against the Koninklijk Instituut voor de Tropen (Royal Tropical Institute), Amsterdam. A person [name unknown] had complained that the exhibition “Palestina 1948, herinneringen aan een verdwenen vaderland” (Palestine 1948: Remembering a Past Homeland) (1 March 2008–4 January 2009), about the Palestinian view on the 1948 events (called *Nakba* or *Catastrophe*), was one-sided and therefore intentionally distorting with the aim of delegitimizing Israel, which amounted to an act of anti-Semitism and incitement to hatred against the Jews. The judge ruled that the exhibition was not objectionable, came under the right of free expression, and rejected the demand to amend it.

[Source: Amsterdam Court, *Kort Geding (Summary Proceedings) 402248 / KG ZA 08–1291* Pee/MV (7 August 2008), at http://www.concernedhistorians.org/content_files/file/le/89.pdf.]

NEW ZEALAND

Last *Annual Report* entry: see NCH #49 (2007).

NICARAGUA

Last *Annual Report* entry: see NCH #10 (1998).

NIGERIA

Last *Annual Report* entry: see NCH #45 (2006).

In 2007, federal authorities had not taken any action to ensure accountability for past atrocities such as the military’s complete destruction of the Bayelsa state town of Odi in 1999 or its massacre of several hundred civilians in Benue state in 2001.

[Source: HRW, *World Report 2008* (2008), 137.]

PAKISTAN

Last *Annual Report* entry: see NCH #45 (2006).

See Bangladesh.

PALESTINIAN AUTHORITY

Last *Annual Report* entry: see NCH #27 (2002).

At the end of July 2008, **Abd al-Sattar Qassim** (Abdul Sattar Qassem) (?1949–), professor of history or political science at An-Najah National University, Nablus [*See NCH #15; NCH Annual Reports 2000–2001*], was arrested by a group of 50 or 60 policemen and briefly detained. No reason was given, nor was he questioned. Qassim had publicly said that the Palestinian factions had to break the stalemate.

[Source: Palestine News Network, “Detained Palestinian professor: We must break the internal stalemate” (2 August 2008).]

See also Lebanon, Syria, United States.

PANAMA

Last *Annual Report* entry: see NCH #32 (2003).

In 2007, the Supreme Court ruled that enforced disappearances committed in the late 1960s and early 1970s by state agents were covered by the statute of limitations.

[Source: AI, *Report 2008* (2008) 15.]

PARAGUAY

Last *Annual Report* entry: see NCH #49 (2007).

PERU

Last *Annual Report* entry: see NCH #49 (2007).

In November 2006, the Inter-American Court of Human Rights ruled on a case involving the indiscriminate killing in 1992 of 41 Shining Path prisoners at a prison in Lima. The court ordered the government to pay compensation of about \$20 million to the families of the dead and to individuals tortured during the operation. President Alan García said that he could not accept paying compensation to “terrorists,” and said he would ask the court for an “interpretation” of its decision.

[Source: HRW, *World Report 2008* (2008), 226.]

In September 2007, the efforts of Peruvian prosecutors to bring former President Alberto Fujimori to justice in Peru finally bore fruit, when the Chilean Supreme Court, in a landmark decision, authorized his extradition on charges of human rights abuses and corruption, including the killing of 15 people in 1991 and the enforced disappearance and killing of nine students and a professor in 1992. It was the first time anywhere in the world that a former president was extradited to stand trial in his home country for human rights violations. Fujimori’s trial was continuing at the end of 2007. A bill to ratify the *Rome Statute* of the International Criminal Court stalled when the Constitutional Court, ruling on a petition by a group of opposition senators, declared it unconstitutional. A bill to reform the constitution to allow ratification of the *Rome Statute* has been in the Senate since April 2002.

[Sources: AI, *Report 2008* (2008) 15, 93, 238; HRW, *World Report 2008* (2008), 196, 224.]

While authorities had made some progress toward holding accountable those responsible for abuses committed during the armed conflict (1980–2000), most perpetrators continued to evade justice. In 2003, the official Truth and Reconciliation Commission (TRC) had estimated that almost 70,000 people had died or disappeared during the armed conflict. Many were victims of atrocities committed by the Shining Path (Sendero Luminoso) and another insurgent group, and others of human rights abuses by state agents. In early 2008, only 17 former military officers and civilians had been convicted for abuses attributed to state actors by the TRC. The military often failed to provide information needed to identify potential key witnesses who served in rural counterinsurgency bases during the conflict. It also declined to identify military officials known to witnesses only by their aliases. An effective programme for protecting those who survived human rights abuses during the conflict, their relatives as well as witnesses and lawyers had not been implemented by the end of 2007. The National Council for Reparations, established in 2006 to oversee reparations to victims of human rights abuses documented by the TRC, began its work. By the end of 2007, it had registered

cases in more than 800 communities. In November 2007, the Supreme Court of Justice ruled that those responsible for the crime of enforced disappearance included not only those who carry out the killing and hide the body, but also those higher up in the chain of command.

[Sources: AI, *Report 2008* (2008) 238; HRW, *World Report 2008* (2008), 224–25.]

In November 2005, Congress member Rafael Rey, later Minister for Production, sued **Nelson Manrique**, historian and columnist for the newspaper *Perú 21*, for defamation. Initially Manrique was acquitted, but Rey appealed the decision and on 9 January 2007, a court in Lima found Manrique guilty and ordered him to pay damages. Manrique appealed the decision. In April-May 2005, Manrique had written in his columns that Rey and his party, CODE-Renovación, forged signatures in order to be able to register for the 2000 general elections.

[Source: IPYS, *Ifex Alert* (27 June & 17 July 2007).]

On 21–22 June 2007, officials of the Instituto Nacional de Cultura (INC, National Institute for Culture) ordered three of the ninety drawings of an exhibition by political cartoonist **Piero Quijano** to be withdrawn. The drawings illustrated articles that had been published in the newspapers *Perú 21*, *La República* and the magazine *Somos*, about the Truth and Reconciliation Commission report, the possible privatization of the Machu Picchu ruins, and the President's paternity respectively. Quijano and director Armando Williams of the José Carlos Mariátegui Museum decided to cancel the exhibition altogether. A 30 June 2007 press release from the office of President Alan García read: "The Chief of State said the National Culture Institute had censored artist Piero Quijano's exhibition because it cannot be permitted that the Armed Forces be insulted in a public place."

[Source: IPYS, *Ifex Alert* (29 June & 17 July 2007).]

POLAND

Last *Annual Report* entry: see NCH #49 (2007).

In July 2008, medievalist **Bronisław Geremek** (1932–2008) died [See *NCH Annual Report 2007*].

ROMANIA

Last *Annual Report* entry: see NCH #49 (2007).

On 31 January 2008, the Constitutional Court limited the authority of the CNSAS (Council for the Study of the Securitate Archives) as it ruled the law that established it in 2000 unconstitutional, particularly the part allowing the CNSAS to name former Securitate collaborators. The judgment came after a legal challenge from Dan Voiculescu, founder of the Conservative Party, whom the CNSAS in 2006 declared to have been a Securitate informer. On 6 February 2008, a government decree changed the law: the CNSAS was still allowed to study the files but had to hand any incriminating information to the courts.

[Sources: *Keesings historisch archief*, 2008: 273–74; *NRC Handelsblad* (7 February 2008) 4; “Romania Court Rules on Secret Files” (BalkanInsight.com, 1 February 2008).]

RUSSIA

Last *Annual Report* entry: see NCH #45 (2006).

In April 2006, Rector Leonid Kossovich of Saratov State University, central Russia, dismissed historian **Velikhan Mirzekhanov** ([1963]–), a former dean of the university’s history faculty who had been criticized by a State Duma member of parliament for the pro-Kremlin party United Russia for alleged “anti-government attitudes” and undermining academic authority. When Kossovich called a meeting to announce the dismissal—without any reference to established disciplinary procedures—the historians present walked out. Later, an impromptu meeting of the faculty’s 2,000 students and 120 staff, called to defend the dean, was broken up by security men, some of whom were armed. In the end, Mirzekhanov kept his position.

[Source: N. Holdsworth, “Russia: Freedom under Threat”, *University World News* (13 January 2008).]

In 2007, the European Court of Human Rights (ECHR) ruled that Russia was responsible for enforced disappearances, torture and extrajudicial executions in 15 judgments relating to the second Chechen conflict (1999–2006). The ECHR sharply criticized the ineffectual investigations. The European Committee for the Prevention of Torture highlighted gross inadequacies in many of the investigations opened into allegations of torture. There was no single comprehensive list of

disappeared persons, no work to collect DNA from relatives of the disappeared, no work to exhume the mass graves, and no fully functioning forensic laboratory carrying out autopsies. Very few cases were actually tried.

[Source: AI, *Report 2008* (2008) 248–50.]

In July 2007, two new manuals for teachers, intended as a basis for developing new textbooks in 2008, were alleged to gloss over the state terror, the labor camps, and the forced starvation during the Soviet era (1917–91) and of including propaganda to promote President Vladimir Putin’s vision of a strong state. One manual for social studies teachers, edited by Leonid Polyakov, presented as fact Putin’s view that the collapse of the USSR was “the greatest geopolitical catastrophe of the twentieth century” and described the United States as bent on creating a global empire. In June 2007, at a conference he hosted for teachers, and in late October 2007, at a memorial liturgy in Butovo, Putin had described Joseph Stalin’s Great Purge of 1937, in which 1.5 million people had been imprisoned and 700,000 killed, as terrible, while adding “Regarding the problematic pages in our history, yes, we do have them, as does any state. We have fewer such pages than do some countries, and they are less terrible than in some countries”. He reportedly suggested that the repression was an ideological error rather than a structural part of despotism. The second manual, *A Modern History of Russia, 1945–2006: A Book for the Teacher*, was edited by Alexander Filippov, a deputy head of a research institute linked to the Kremlin. Its final chapter, written by Pavel Danilin ([1977]–) (a project manager at the Effective Policy Foundation, a think-tank with close links to the Kremlin) was entitled “Sovereign Democracy”, a term officially used to justify Putin’s authoritarian rule. The book called Stalin a “contradictory” figure and stated that while some consider him evil, others recognized him as a “hero” for his role in World War II and his territorial expansion. His mass repression was reportedly dismissed as “necessary” to make the country great.

[Sources: D.W. Benn, “Review Article: The Teaching of History in Putin’s Russia”, *International Affairs*, 84, no. 2 (2008), 365–70; T. Halpin, “Textbooks Rewrite History to Fit Putin’s Vision”, *Times* (30 July 2007); *IOC*, 1/08: 105–115; President of Russia, “Excerpts from Transcript of Meeting with Participants in the National Russian Conference of Humanities and Social Sciences Teachers” (21 June 2007); Idem, “Opening Address at a Meeting with History Scholars” (27 November 2003); S. Walker, “Vladimir Putin Rewrites Russia’s History Books to Promote Patriotism”, *Independent* (20 August 2007).]

In late 2007 or early 2008, extreme Russian nationalists broke up a famine exhibition at a Ukrainian cultural centre in Moscow. This happened after the Ukrainian parliament had condemned the Holodomor (the famine that as a result of Stalin’s farm collectivization program killed possibly as

many as 7.5 to 10 million people in 1932–33) as genocide and after a law was tabled in November 2007 to make it illegal to deny the Holodomor. Ukrainian President Viktor Yushchenko had launched an international campaign to have the Holodomor recognized as genocide by the United Nations in time for the 75th anniversary in November 2008.

[Source: M. Foley, “Ukraine: The politics of hunger” (WWW-text).]

In August 2008, writer **Aleksandr Solzhenitsyn** (1918–2008), 1970 Nobel Prize winner for Literature, died. On 6 September 1973, Solzhenitsyn had declared that he would publish *The Gulag Archipelago 1918–1956: An Experiment in Literary Investigation* (Russian: 1973–74; English: London/New York 1973–78), a historical account of life in the labor camps based on personal testimonies and reports, memoirs, and letters by 227 witnesses and written secretly in 1958–68. The decision was triggered by the suicide of typist Elizaveta Voronyanskaya (?1903–73) in Leningrad in August 1973. She had hidden part of the manuscript but revealed its whereabouts after the KGB had interrogated her for five days, enabling the KGB to seize it. Solzhenitsyn’s harassment had begun in February 1945 when, as a commander of the reconnaissance artillery battery, he was arrested for anti-Stalinist remarks in some of his intercepted letters, tried, and sentenced to eight years’ imprisonment (1945–53)—most of it spent in the government research facility for imprisoned scientists near Moscow, during which he memorized 12,000 verses composed in his head—and three years of internal exile (1953–56). He was rehabilitated in March 1957. He wrote many literary works about his camp experiences. Pressed by his editor, he removed chapter 20 of his novel *V krughe pervom* (1968; *The First Circle*) containing a critical survey of Stalin’s life, including his early revolutionary years. Despite constant threats, harassment, confiscation of many of his papers, and censorship by the KGB, the press, and the Writers’ Union (from which he was expelled in 1969), the circulation of KGB forgeries of his work to undermine his reputation, and, finally, a failed assassination attempt in 1971, he was a leading dissident emphasizing traditional cultural values and freedom of expression and religion, until he was arrested on 12 February 1974, stripped of his citizenship, and deported to the FRG, Switzerland, and the United States, where he settled in Vermont (1976–90). It was reportedly the first deportation of a dissident since Leon Trotsky’s in 1929. In exile, Solzhenitsyn wrote the historical tetralogy *The Red Wheel* (started in 1968), on life in Russia in 1914–18 and containing a critical treatment of Lenin. The first volume, *August 1914*, had already appeared abroad (Russian; Paris 1971). Further KGB forgeries, doctored memoirs, and a two-volume hostile novel commissioned by the Soviet authorities appeared while he lived abroad. Many Soviet citizens ran into trouble for possessing or circulating copies of *The Gulag Archipelago* or other works of Solzhenitsyn. In June 1989, *Novy Mir* (New World) began publishing *The Gulag Archipelago* (under the supervision of historian and editor Vadim Borisov). In August 1990, Solzhenitsyn’s citizenship was

restored. In May 1994 he returned to Russia. [See also *NCH Annual Report 2006*].

[Sources include: S.P. de Boer, E.J. Driessen & H.L. Verhaar, eds., *Biographical Dictionary of Dissidents in the Soviet Union 1956–1975* (The Hague 1982) 542–45; *IOC*, 2/72: 96; 4/73: 31–45; 2/74: viii–ix, 65–74 ; 3/74: xiv; 1/75: 19–20; 1/78: 77–78; 1/80: 74; 1/89: 5; 2/89: 41; 5/89: 41; 3/90: 41; 9/90: 41; 10/90: 41; 1/91: 40; 3/91: 41; 3/98: 93; 2/04: 200–7; D. Jones, ed., *Censorship: A World Encyclopedia* (London/Chicago 2001) 2084, 2110, 2275–79; Y. Maltsev, “Farewell to Aleksandr Sozhenitsyn” (WWW-text; 6 June 2008); M. Tucker, ed., *Literary Exile in the Twentieth Century: An Analysis and Biographical Dictionary* (Westport 1991) 632–40.]

RWANDA

Last *Annual Report* entry: see NCH #49 (2007).

The Rwandan government continued to struggle with the consequences of the 1994 genocide that killed about three-quarters of the Tutsi population. In 2001, Rwanda established a system of community-based *gacaca* courts to try all but the most egregious genocide-related crimes. As the number of persons accused of genocide increased to 818,000, in March/May 2007 the government reformed the *gacaca* jurisdictions for the third time, seeking to expedite the trials. While the provisions of the 2007 law speeded up the *gacaca* trials, this was at the expense of the fairness and quality of the rulings. Early 2007, the government announced the provisional release of 8,000 detainees, many of whom had reportedly confessed to participation in the genocide; this was the third wave of mass releases since 2003 in an attempt to address prison overcrowding. By October 2007, some 47,000 persons were sentenced to community service and some 10,000 were carrying it out. Rwandans continued to flee to neighboring countries to escape from the *gacaca* system. Some were afraid that the tribunals would expose their involvement in the genocide. Others fled for fear of false accusations. Rwandan sources also reported throughout the year that *gacaca* judges and witnesses (for the prosecution and the defence alike) had been threatened and in some cases killed. In 2006–7, several survivors of the genocide and judges involved in *gacaca* jurisdiction were murdered.

[Sources: AI, *Report 2008* (2008) 6, 252–54; HRW, *World Report 2008* (2008), 144–46.]

On 28 November 2007, in a trial known as “the media case,” the Appeal Court of the International Criminal Tribunal for Rwanda (ICTR) partly upheld the conviction of (historian) Ferdinand Nahimana for inciting genocide [See *NCH Annual Report 2004*], but reduced his sentence from life to thirty years’ imprisonment. The ICTR was due to end trials in 2008 and began its exit strategy by

proposing to transfer cases to national courts, including to Rwanda. Since its inception, the ICTR has only tried crimes committed by members and supporters of the government in power in April 1994, but not those by the now ruling Rwandan Patriotic Front (RPF). In April 2007, President Paul Kagame pardoned former President Pasteur Bizimungu, imprisoned for fifteen years on charges of forming a criminal association and inciting rebellion after attempting to form a political party to rival the dominant RPF. In October 2007, the Rwandan Commission of Inquiry to investigate the role of the French military in the genocide presented its report to Kagame.

[Sources: AI, *Report 2008* (2008) 6, 252–54; HRW, *World Report 2008* (2008), 146–47; IOC, 1/08: 205–6; ICTR, “La Chambre d’appel réduit les peines d’emprisonnement de Nahimana, Barayagwiza et Ngeze” (28 November 2007).]

SAUDI ARABIA

Last *Annual Report* entry: see NCH #45 (2006).

See United Kingdom.

SENEGAL

Last *Annual Report* entry: see NCH #45 (2006).

See Chad.

SERBIA

Last *Annual Report* entry: see NCH #49 (2007) under Serbia & Montenegro.

On 26 February 2007, the International Court of Justice (ICJ) rendered judgment in the case of *Bosnia and Herzegovina v. Serbia and Montenegro*, the first-ever ruling on the application of the 1948 Genocide Convention. While finding that Serbia was not directly responsible for genocide during the Bosnian war, the ICJ determined that it had breached the convention by failing to prevent and punish genocide at Srebrenica, including its failure to arrest Ratko Mladić and cooperate fully with the ICTY. Bosnian victims' associations were dismayed at the verdict and staged a number of peaceful protests.

[Sources: AI, *Report 2008* (2008) 71, 260; HRW, *World Report 2008* (2008), 374, 422. Complete text of judgment at http://www.concernedhistorians.org/content_files/file/le/18.pdf.]

The government formed in May 2007 signaled a greater willingness to address accountability for war crimes. Indicted war crimes suspect and Bosnian Serb General Ratko Mladić, however, remained at large in Serbia, despite repeated commitments from Belgrade that he would be brought to justice. Nevertheless, Serbia improved its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). Prosecutions continued at the ICTY in a number of high-profile cases involving former Yugoslav and Serbian army and government officials. Between 32 and 35 cases of war crimes were reportedly under investigation by the War Crimes Chamber of the Belgrade District Court,

although few prosecutions were completed. In May 2007, Milorad “Legija” Luković-Ulemek and Žveždan Jovanović were convicted and sentenced to forty years’ imprisonment for their roles in the murder of former Prime Minister Zoran Đinđić, along with ten others.

[Sources: AI, *Report 2008* (2008) 260–61; HRW, *World Report 2008* (2008), 421–22.]

The United Nations Interim Administration in Kosovo (UNMIK) failed to implement measures ensuring access to redress and reparations for violations of rights by members of the international community. In February 2007, the former international Ombudsperson in Kosovo was appointed chair of the Human Rights Advisory Panel (HRAP), which had been set up in March 2006 to provide remedies for acts and omissions by UNMIK; the HRAP did not convene until November 2007. In May 2007, the Grand Chamber of the European Court of Human Rights ruled inadmissible two complaints against member states of the NATO-led Kosovo Force (KFOR), considering that acts and omissions by UNMIK and KFOR could not be attributed to those states, as they did not take place on their territory, or through any decision taken by their authorities.

There was little progress in determining the fate of missing persons. Seven years after the investigations opened, indictments had still not been issued in connection with the transfer to Serbia of the bodies of at least 900 ethnic Albanians in 1999. As of August 2007, 2,047 persons, the majority of whom were Kosovo Albanian, remained missing. All known remains exhumed in Serbia have been transferred to Kosovo. Exhumations of 73 bodies or parts of bodies were conducted by the Office of Missing Persons and Forensics. Some 455 exhumed bodies remained unidentified. Proceedings continued against six senior Serbian political, police and military officials jointly indicted for crimes against humanity and violations of the laws and customs of war in Kosovo. They include former Serbian president Milan Milutinović.

[Sources: AI, *Report 2008* (2008) 261–62; HRW, *World Report 2008* (2008), 428–29.]

At the ICTY in March 2007, the trial began of Ramush Haradinaj, former Kosovo Liberation Army leader and former Kosovo Prime Minister. Haradinaj had been indicted with others for crimes against humanity and violations of the law or customs of war. He had returned to The Hague the previous month for the start of the trial, after spending more than a year on provisional release with the unprecedented ability to engage in political activities. Haradinaj was permitted by UNMIK to top the list of his Alliance for the Future of Kosovo party in the November 2007 elections. The total number of domestic war crimes prosecutions remained low.

[Sources: AI, *Report 2008* (2008) 260–62; HRW, *World Report 2008* (2008), 428–29.]

See also Bosnia-Herzegovina, Croatia.

SIERRA LEONE

Last *Annual Report* entry: see NCH #49 (2007).

The 2005 report of the Truth and Reconciliation Commission (TRC) attributed the civil war (1991–2002) largely to decades of corrupt rule by the political elite and recommended abolishing the death penalty, repealing laws that criminalize seditious libel, increasing the transparency of the mining industry, improving good governance, and establishing a reparations fund for war victims. On 13 and 14 November 2007, a conference initiated by the Human Rights Commission of Sierra Leone (HRCSL) and attended by representatives of civil society, United Nations agencies and the government, discussed the implementation of TRC recommendations. The Task Force on Reparations presented a report to the government on setting up a Special Fund for War Victims and a Reparations Programme. The Vice President publically committed himself to ensuring justice and full reparations for the tens of thousands of Sierra Leonean women victims of sexual violence.

[Sources: AI, *Report 2008* (2008) 265; HRW, *World Report 2008* (2008), 152–53.]

The United Nations-mandated Special Court for Sierra Leone (SCSL) made progress on achieving accountability for war crimes. The SCSL, established after the civil war (1991–2002) to bring justice to victims of atrocities, handed down its first five judgments in 2007. In June 2007, three members of the rebel Armed Forces Revolutionary Council (AFRC) were convicted for, inter alia, the recruitment and use of child soldiers, the first such conviction by an international tribunal. They were each acquitted of three other charges, including those of causing sexual slavery and forced marriage. In August 2007, two members of the Sierra Leonean Civil Defense Forces (CDF) were convicted of war crimes including murder and pillage. A third CDF indictee, former interior minister Chief Sam Hinga Norman, died in custody in February 2007. In May 2007, the defence cases for the Revolutionary United Front (RUF) accused—Issa Sesay, Morris Kallon and Augustine Gbao—opened and were expected to last until April 2008. In June 2007, the trial of former Liberian president Charles Taylor—charged with eleven counts of war crimes and crimes against humanity for supporting Sierra Leonean rebel groups—started, but was postponed after Taylor boycotted the trial and dismissed his lawyers. Taylor was appointed new counsel and the trial was expected to resume in January 2008. For security reasons, it took place at The Hague, Netherlands.

[Sources: AI, *Report 2008* (2008) 6, 191, 263–64; HRW, *World Report 2008* (2008), 153–54.]

See also Liberia.

SINGAPORE

Last *Annual Report* entry: see NCH #10 (1998).

SLOVAKIA

Last *Annual Report* entry: see NCH #49 (2007).

SLOVENIA

Last *Annual Report* entry: see NCH #49 (2007).

The Slovenian authorities failed to restore the status of permanent residents to a group of people known as the “erased” or to ensure that they had full access to economic and social rights. The “erased” included at least 18,305 individuals unlawfully removed from the Slovenian registry of permanent residents in 1992. They were mainly people from other former Yugoslav republics, many of them Roma, who had been living in Slovenia and had not acquired Slovenian citizenship after Slovenia became independent. In October 2007, the government presented to Parliament a draft constitutional law, which was intended to resolve the status of the “erased” but maintained discriminatory treatment of the “erased”, provided new legal grounds for more discriminatory actions by the authorities, and failed to restore retroactively the status of permanent residents of all the “erased”. The draft also disclaimed responsibility of state bodies for the “erasure” and explicitly excluded the possibility of compensation for the human rights violations suffered by the “erased”.

[Source: AI, *Report 2008* (2008) 268-69.]

SOMALIA

Last *Annual Report* entry: see NCH #45 (2006).

See Canada.

SOUTH AFRICA

Last *Annual Report* entry: see NCH #49 (2007).

In July 2007, relatives of victims of human rights violations committed during the era of apartheid (1948–94), the Khulumani Support Group and two other NGOs launched proceedings in Pretoria High Court to declare invalid amendments to the National Prosecution Policy which would have the effect of allowing impunity for perpetrators who had not cooperated with the Truth and Reconciliation Commission or had been refused amnesty by it. Proceedings were continuing at the end of 2007.

[Source: AI, *Report 2008* (2008) 274.]

In October 2007, the Ministry of Justice and Constitutional Development issued a statement reiterating the government's opposition to a lawsuit brought in the United States by victims of human rights violations. The victims were seeking damages from fifty American, European, and Canadian corporations for alleged complicity in abuses during the Apartheid era. The statement was made in response to the decision of the New York Circuit Court of Appeal to reverse the decision of a lower court to dismiss the suit. The minister stated that the responsibility for rehabilitation and redress lay with the South African government and not foreign courts.

[Source: AI, *Report 2008* (2008) 274.]

SPAIN

Last *Annual Report* entry: see NCH #49 (2007).

In November 2007, Parliament passed the Law of Historic Memory concerning the victims of the civil war (1936–39) and Franco era (1939–75). Despite some positive features, the law fell short of international standards on the rights to remedy and reparations for the victims of gross human rights violations. The law denounced “the use of violence to impose political views”, repeatedly described the Franco regime as a “dictatorship”, and declared “illegitimate” the summary trials of Franco's opponents. Among its provisions were a ban on political meetings at the Valle de los Caídos (Valley of the Fallen), a monument built by General Francisco Franco in memory of the fallen Nationalists in the Civil War and the site of his tomb. Symbols from the Franco era (statues, plaques) would be removed and venerations of Franco banned. On 18 November 2007, members of the Fascist Falange

party held a mass at Franco's tomb and the far right Frente Nacional paid homage there for the last time on 20 November 2007, the anniversary of Franco's death in 1975.

[Sources: AI, *Report 2008* (2008) 278; IOC, 1/08: 207; S. Kingstone, "Franco Bill Divides Spaniards", *BBC News* (20 November 2007).]

On 16 January 2008, proposed new lyrics to the national anthem were dropped after complaints that they failed to reflect regional differences and were reminiscent of Franco's dictatorship. Written in 1761, *The Royal March* had no official lyrics, and verses used during Franco's rule were dropped after his death.

[Source: IOC, 2/08: 192.]

In August 2008, the very restrictive Official Secrets Act (1968, amended 1978) was criticized as Minister of Defense Carme Chacón announced her intention to declassify thousands of secret files with a historical value.

[Sources: *El País* (10 August 2008); *Frankfurter Rundschau* (20 August 2008).]

See also Guatemala.

SRI LANKA

Last *Annual Report* entry: see NCH #37 (2004).

Several hundred cases of enforced disappearances were reported in the first six months of 2007. The Human Rights Council's Working Group on Enforced or Involuntary Disappearances expressed concern about the high number of such cases in Sri Lanka.

[Source: AI, *Report 2008* (2008) 278–79.]

See also India.

SUDAN

Last *Annual Report* entry: see NCH #49 (2007).

On 27 April 2007, the International Criminal Court's (ICC) Pre-Trial Chamber issued arrest warrants against two individuals involved in the conflict in Darfur: State Minister for Humanitarian Affairs Ahmad Muhammad Harun and Janjaweed militia leader Ali Kushayb. Both were accused of war crimes and crimes against humanity. The government publicly refused to cooperate with the ICC, and instead of handing Harun over to the court, in September 2007 they appointed him co-chair of a committee authorized to respond to human rights complaints, including those on Darfur. Kushayb, who had been arrested in connection with other crimes, was, according to the Foreign Minister, released from custody in October 2007.

[Sources: AI, *Report 2008* (2008) 6, 281; HRW, *World Report 2008* (2008), 166–67.]

On 11 December 2007, the security authorities arrested **Abdel Fattah Al-Sadany** ([1977–]) and **Mahrous Mohammed Abdul Azim** ([1977–]) of Madbouly Publishing House (Egypt) at the Khartoum International Book Fair on charges of insulting Islamic religion for distributing a book entitled “*The Prophet’s Wife Eats Her Children Up*” (London: Dar al-Jamal), by Syrian writer **Nabil Fayyad**. The book includes sentiments considered critical of Al-Sayeda Aisha (the Prophet Mohammed’s wife). Eyewitnesses declared that the agents who arrested him were accompanied by members of the fundamentalist group of Ansar Al-Sunna. On 16 December 2007, the two were sentenced to six months’ imprisonment. The Book Fair also witnessed the confiscation of several books about Shiite beliefs and a book on the crisis in Darfur, *Darfur, History of War and Genocide* (Horizons House).

[Source: Arabic Network for Human Rights Information, *Ifex Alert* (17 December 2007).]

See also Uganda.

SURINAME

Last *Annual Report* entry: see NCH #37 (2004).

SWEDEN

Last *Annual Report* entry: see NCH #10 (1998).

SWITZERLAND

Last *Annual Report* entry: see NCH #49 (2007).

On 12 December 2007, the Federal Court found **Doğu Perinçek** (1942–), President of the Turkish Workers' Party, guilty of racial discrimination and fined him. It was the first time that a supreme court ruled in a case of Armenian genocide denial. Under the penal code, any act of denying, belittling, or justifying genocide was a violation of the anti-racism legislation. In May, July, and September 2005, Perinçek had asserted in Lausanne, Zürich, and Bern that the Armenian genocide was an "international lie". He had distributed a tract in German entitled "The Great Powers and the Armenian Question" in which he denied the Armenian genocide. On 15 July 2005, the Swiss-Armenian Association had filed a suit. In the March 2007 trial before the district court in Lausanne, several historians had acted as witnesses in favor and against the accused in the Perinçek trial, including Justin McCarthy (1945–), Jean-Michel Thibaux (1949–), Paul Leidinger (1932–), Yves Ternon (1932–), and Norman Stone (1941–). The district court found Perinçek guilty of racial discrimination and ordered him to pay a fine, but Perinçek appealed the verdict. In 2001, twelve Turks prosecuted in Switzerland on similar charges had been acquitted. In 2003, the parliaments in the canton of Vaud and Geneva had adopted laws criminalizing genocide denial. In October 2006, Christoph Blocher, leader of the right-wing Swiss Popular Party and Minister of Justice opposing the law, had suggested, during a visit to Turkey, that the Swiss law should be changed. Perinçek reportedly intended to apply to the European Court of Human Rights in Strasbourg.

[Sources: "Court Confirms Verdict against Perinçek" (Swissinfo.ch; 19 December 2007); "Swiss 'Genocide' Trial for Turk", *BBC News* (6 March 2007); Tribunal d'arrondissement de Lausanne, *Jugement rendu par le Tribunal de Police le 9 mars 2007 à 11:45 heures dans la cause Dogu Perincek* (2007). Complete judgment at:

http://www.concernedhistorians.org/content_files/file/le/70.pdf.]

SYRIA

Last *Annual Report* entry: see NCH #49 (2007).

The fate of an estimated 17,000 persons remained unknown. The disappeared persons were mostly Islamists (Muslim Brotherhood members) who were victims of enforced disappearance after they were detained in the late 1970s and early 1980s, and hundreds of Lebanese and Palestinians who

were detained in Syria or abducted from Lebanon by Syrian forces or Lebanese and Palestinian militias.

[Sources: AI, *Report 2008* (2008) 291; HRW, *World Report 2008* (2008), 522.]

On 7 August 2008, **Aref Dalila** (1943–), professor and dean of the faculty of economics at Damascus University, journalist, and writer of many books on economics, politics, and social history [*See NCH Annual Report 2006*], was released unexpectedly.

See also Lebanon, Sudan.

TAIWAN

Last *Annual Report* entry: see NCH #23 (2001).

In January 2007, Prime Minister Su Tseng Chang defended changes to new high school history textbooks in the face of strong criticism. The textbooks, intended to be used from February 2007, referred to the “mainland” or “our country” simply as “China”. Sun Yat-sen was referred to only by name without explaining that he was also the nation’s founding father. Opposition politicians said that the changes were an attempt to downplay the island’s cultural and historic links with China. The government in Beijing declared that the changes were politically motivated and accused Taiwanese officials of introducing independence ideologies into the classroom.

[Source: *BBC News Online*, 31 January 2007.]

In February 2007, public events were organized to commemorate the 60th anniversary of the “228 incident” (the military suppression of public protests in February 1947 which resulted in thousands of deaths and injuries).

[Source: AI, *Report 2008* (2008) 291.]

In May 2007, it was announced that the Chiang Kai-shek Memorial Hall was to be officially renamed the Taiwan Democracy Memorial Hall. The renaming was one of the efforts by President Chen Shui-bian to remove reminders of Taiwan’s authoritarian past under Chiang, who led Taiwan’s first government after fleeing mainland China in 1949 (1949–75), and its links to mainland China. Chiang’s statues and name were removed in many places.

[Sources: *BBC News Online*, 19 May 2007; *IOC*, 2/08: 182; *Keesings historisch archief*, 2008: 287.]

THAILAND

Last *Annual Report* entry: see NCH #49 (2007).

In May 2007, a court found three military personnel responsible for the deaths of 32 people during the attack on the Krue Se mosque in April 2004, in which more than 100 people were killed during clashes with security forces. None were prosecuted and one of them was subsequently appointed to the Internal Security Operations Command (ISOC) in charge of combating violence in the south.

[Source: AI, *Report 2008* (2008) 295.]

On 2 October 2007, the Special Branch Police banned and confiscated copies of *Seventy-Five Years of Thai Democracy: A Thorn-Filled Path*, a book by social critic **Sulak Sivaraksa** (1933–) [See *NCH Annual Report 1995*] about politics, democracy, and the monarchy. The police alleged that the material might “cause unrest and degrade good morals” in Thai society.

[Sources: *IOC*, 1/08: 209; Southeast Asian Press Alliance, *Ifex Alert* (4 October 2007).]

On 15 February 2008, the radio program *Chirmsak's Viewpoints*, was taken off the air after the show's host, **Chirmsak Pinthong**, contested Prime Minister Samak Sundaravej's claim that only one student was killed in the 1976 pro-democracy demonstrations.

[Source: *IOC*, 2/08: 193.]

TIMOR-LESTE

Last *Annual Report* entry: see NCH #49 (2007).

The government continued to ignore the recommendations of the Commission on Reception, Truth and Reconciliation regarding past crimes committed during Indonesia's occupation (1975–99).

[Source: HRW, *World Report 2008* (2008), 344.]

The United Nations Integrated Mission in Timor-Leste (UNMIT) re-established the Serious Crimes Investigation Team to complete investigations into outstanding cases from the events surrounding the independence referendum of 1999 when serious human rights violations were committed. However, the prosecution branch was not reinstated. Both the Timorese and Indonesian governments resisted further initiatives to bring to justice all perpetrators of the 1999 crimes.

[Source: AI, *Report 2008* (2008) 297.]

In February 2007, the Commission of Truth and Friendship (CTF) established jointly by Indonesia and Timor-Leste to document crimes committed in Timor-Leste in 1999 and to promote reconciliation, began its fact-finding work through public and closed hearings. In July 2007, the United Nations (UN) Secretary General Ban Ki-moon instructed UN officials not to testify before the CTF because the CTF could recommend amnesty for serious crimes. Concerns were also expressed by national and international observers about the CTF's treatment of victims during hearings and possible biased assessment of the testimonies of military officials, militia members, and bureaucrats over those given by victims. In September 2007, the CTF held its fifth and final public hearing in

Dili. The hearings were poorly attended and accompanied by demonstrations, protesting it as a mechanism to perpetuate impunity. The CTF mandate was extended until early 2008.

[Sources: AI, *Report 2008* (2008) 156, 297; HRW, *World Report 2008* (2008), 286, 347.]

TOGO

Last *Annual Report* entry: see NCH #27 (2002).

Throughout 2007, a collective of more than a hundred victims of human rights abuses committed during the 2005 presidential elections filed several complaints. Although the Togolese authorities had publicly committed themselves to put an end to impunity, no progress was known to have been made in the examination of these complaints.

[Source: AI, *Report 2008* (2008) 297–98.]

TUNISIA

Last *Annual Report* entry: see NCH #23 (2001).

TURKEY

Last *Annual Report* entry: see NCH #49 (2007).

In early March 2006, a trial was initiated against **Sýrrý Öztürk** (Sirri Öztürk), owner of Sorun Publishing House, and **Osman Tiftikçi**, a former army officer who served during the 1971 coup and author of the history book *Osmanli dan Günümüze Ordunun Evrimi* (The Evolution of the Army from Ottoman Times Until Today). The trial was brought to court by the General Staff on charges of “degrading the army”. It was postponed several times but would continue in 2008. Tiftikçi lived abroad but an arrest warrant was issued against him. The book had been subject to legal scrutiny before publication.

[Sources: Bianet (IPS Communication Foundation), *Ifex Alert*, 13 July 2007; PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 63.]

In April 2006, **Ali Rıza Vural**, publisher of Doz Publishing House, **Ahmet Zeki Okçuoglu** (1950–), owner of Doz Publishing House, **Vahdettin Ince**, translator, and **Bedri Vatanserver**, owner of Can Printshop, faced charges related to the publication of a book entitled *Barzani and the Kurdish National Movement* (February 2003); the former was charged with insulting the Turkish state; the others with separatist propaganda. The two-volume book focuses on Mulla Mustafa Barzani (1903–79), the founder of the Kurdistan Democrat Party (KDP) and father of current KDP leader, Masoud Barzani. The initial 2003 case had been dismissed but was relaunched after a reprint in May 2005. Excerpts from the book leading to the charges referred to Atatürk’s suppression of the Kurds and to his failure to keep promises made to the Kurdish community in return for their compliance with the creation of the Turkish state. The book is also said to touch upon the Armenian genocide. One excerpt read: “Kurds organized uprisings one after the other, they rebelled against imperialists and the local states that seized their rights. All uprisings were brutally crushed. Mustafa Kemal in Turkey crushed Kurds heavily”. The trial continued in March 2008.

[Source: PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 64.]

In [June] 2006, **Ahmet Önal**, owner of Peri Publishing House [See *NCH Annual Report 2007*], was charged with insulting Atatürk when he published *Dersim’de Alevilik* (Alawitism in Dersim), a book written by **Munzur Cem** and **Huseyin Baysulun** (Hüseyin Beysülen). In February 2007, the case was dropped due to a statute of limitations. Önal has had a total of twenty-six cases brought against him in connection with various books he published.

[Sources: *IOC*, 3/06: 83 ; PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 62–63.]

On 19 January 2007, the day after the murder of journalist Hrant Dink [See *NCH Annual Reports 2006–7*], writer **Temel Demirer** read a press statement during a protest gathering in central Ankara, saying that Dink had been killed not only for being Armenian, but also because he had spoken of an “Armenian genocide”. He called on others to recognize the fact of an Armenian genocide. Charged with “denigrating the Turkish Republic” and “inciting to hatred and hostility”, Demirer was tried on 6 March 2008.

[Source: Bianet (IPS Communication Foundation), *Ifex Alert*, 5 March 2008 (Demirer).]

On 10 March 2007, journalist **Hacı Bogatekin** wrote an article entitled “Turkey has made mistakes” in his local newspaper *Gerger Firat* in Adiyaman, southeastern Turkey, in which he called the state responsible for “the deaths of millions of Armenians and Syriac Christians in the east and south-east regions of the country, as well as for the deaths of the Alevi in Dersim, the Greek Orthodox with the September movement in Istanbul, and more recently, the deaths of hundreds of people in Maras,

Malatya, Corum and Sivas”. On 26 September 2007, he went on trial for “degrading Turkishness, the Republic, state institutions or its organs”, under Article 301 of the Penal Code. A subsequent hearing was scheduled for 6 November 2007.

[Source: Bianet (IPS Communication Foundation), *Ifex Alert*, 1 October 2007.]

On 15 June 2007, **Sarkis Seropyan**, license owner of *Agos*, and Hrant Dink’s son **Arat Dink**, also an editor of *Agos* [See *NCH Annual Report 2007*], were charged with “insulting the Turkish identity” for republishing a 2006 interview with Hrant Dink [See *NCH Annual Reports 2006–7*], in which the latter had declared that the Armenian genocide had taken place and that he would not remain silent on this issue. Other newspapers who also reported on Hrant Dink’s utterances were not tried. On 11 October 2007, both were sentenced to one-year suspended prison terms. They appealed the sentence. When, on 9 November 2007, Seropyan and editor **Aris Nalci** criticized the sentence, both were tried for “attempting to influence the judiciary”.

[Sources: AI, *Report 2008* (2008) 10, 302; Bianet (IPS Communication Foundation), *Ifex Alert*, 2 October 2007 & 4 March 2008; HRW, *World Report 2008* (2008), 438; IOC, 2/07: 15–17, 21, 27–28, 32–42, 202; 3/07: 136; PEN, *Ifex Update* (15 October 2007); PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 57, 62, 65; Reporters without Borders, *Ifex Alert*, 13 July 2007; World Press Freedom Committee, *Ifex Alert* (26 June 2007).]

In July 2007, **Taner Akçam**, a refugee and visiting professor of history at the University of Minnesota, United States [See *NCH Annual Report 2007*] announced that he had decided “to take Article 301 of the Penal Code, which has put around one hundred academics, journalists and writers on trial since it entered law in June 2005, to the European Court of Human Rights” in protest against the law’s threat to academic research. He argued that Article 301 contravened articles 7 (punishment without law), 10 (freedom of expression), and 14 (prohibition of discrimination) of the *European Convention of Human Rights*. “Facing history and human rights violations of the past cannot be a crime. Rather, they are a precondition for peace and regional rapprochement,” he said. Also in July 2007, a court in Ankara accepted part of the court case filed by Sükrü Elekdag, retired ambassador and Member of Parliament, against *Agos* and Akçam. Akçam wrote an article entitled “Gündüz Aktan and the Saik Problem in the Genocide”, which was first published in the *Birikim Journal* (November 2005) and then as a six-part series in *Agos* (in January and February 2007). Elekdag claimed that the article “violated” his personal rights and “insulted” him. The court awarded his compensation claim of approximately US\$7,676. The defendants planned to appeal the ruling. On 8 November 2007, another case was brought by Elekdag against the publisher of Pencere Publishers **Muzaffer Erdogan**, translator **Ahmet Güner**, and Akçam, for the publication of Akçam’s book, *Treatment of*

the Armenians in the Ottoman Empire. The trial continued in 2008.

[Sources: Bianet (IPS Communication Foundation), *Ifex Alert* (12 July & 30 July & 10 August 2007); *Ifex Communiqué 16–42* (16 October 2007); PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 59, 61

On 13 July 2007, **Eren Keskin**, journalist for the daily *Birgün*, lawyer and former president of the Istanbul chapter of the Human Rights Association [*See NCH Annual Report 2007*], was sentenced to one-year of imprisonment reduced to a fine. Another trial against her continued.

[Sources: AI, *Report 2008* (2008) 303; Bianet (IPS Communication Foundation), *Ifex Alert* (13 July 2007); PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 62.]

On 13 August 2007, **Yasin Yetisgen**, editor of the newspaper *Çoban Atesi* (Shepherd's Fire) in Gaziantep, southeastern Turkey, was arrested for “damaging the unity and integrity of the state” for using the term “North Kurdistan” in an article. On 19 November 2007, a second court case was initiated against him on charges of “alienating the people from military service and insulting the memory of Atatürk”. He faced up to seven and a half years’ imprisonment for publishing an article in issue no. 32 containing references to Atatürk. On 9 November 2007, copies of the issue had been confiscated. The article, written by journalist **Berkant Coskun**, who lived abroad, was entitled “Mother, Don’t Send Me to Military Service” and contained the following sentences: “Unfortunately, Turkey has been the arena for dirty wars throughout history. Starting with Mustafa Kemal’s [Atatürk’s] massacre order in Dersim [now Tunceli]...” and “If today’s Kurdish movement is called terrorist, that means that the movement which Mustafa Kemal started was no different. The only difference is that Mustafa Kemal was not arrested.” The trial was scheduled to begin on 9 May 2008.

[Sources: Bianet (IPS Communication Foundation), *Ifex Alert*, 11 January 2008; *IOC*, 2/08: 194; PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 64–65]

On 28 January 2008 in Izmir, **Attila Yayla**, a professor of politics, political philosophy, and political economy at Gazi University, Ankara, and head of the Association for Liberal Thinking [*See NCH Annual Report 2007*], was sentenced to fifteen months’ suspended imprisonment. He would be on probation and subjected to police supervision for two years. Yayla appealed against the verdict. He lived in exile in the United Kingdom. Others reportedly on trial for defaming Atatürk included the translators Lütfi Taylan Tosun and Aysel Yildirim, Zehra Comakli Türkmen of the Özgür-Der Children’s Club, and journalists Mehmet Terzi and Oral Calislar. Writer Mustafa Islamoglu had been imprisoned under the law.

[Sources: American Association of University Professors, “Letter to Turkish Minister of Justice

Mehmet Ali Şahin” (30 January 2008); *BBC News Online*, 29 January 2008; Bianet (IPS Communication Foundation), *Ifex Alert*, 19 March 2008; D. Butler & G. Jones, “Turkish academic convicted of insulting Atatürk” (Reuters, 28 January 2008; *Ifex Communiqué* 16–42 (16 October 2007) ; *Ifex Alert* (15 October 2007); *IOC*, 2/08: 194.]

In June 2008, prosecutors launched an inquiry after **Nuray Bezirgan**, a student, said on the popular television show *Teke Tek* that she did not like Mustafa Kemal Atatürk, the founder of the modern Turkish state. She also expressed admiration for the leader of Iran’s Islamic revolution, Ayatollah Khomeini. She possibly faced charges for “crimes committed against Atatürk”.

[Source: R. Tait, “Turkish student faces jail over anti-Atatürk TV remarks”, *Guardian* (16 June 2008).]

On 17 June 2008, **Ragip Zarakolu** (1948–), co-founder and owner of *Belge* publishers and one of the founders of the History Foundation [See *NCH Annual Reports 2005–7*], was sentenced to six, later reduced to five, months’ imprisonment commuted to a fine for the first charge (insulting the state) and was acquitted for the other (insulting Atatürk). Zarakolu planned to appeal the sentence.

[Sources: Bianet (IPS Communication Foundation), *Ifex Update* (19 June 2008); *Ifex Communiqué* 16–42 (16 October 2007); *IOC*, 1/08: 209; PEN American Center, “PEN, Publishers Decry Conviction of Ragip Zarakolu in Turkey” (19 June 2008); PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 64–65; PEN, *Ifex Alert* (2 April & 10 May 2007 & 19 March 2008).]

See also Switzerland.

TURKMENISTAN

Last *Annual Report* entry: see NCH #37 (2004).

UGANDA

Last *Annual Report* entry: see NCH #49 (2007).

Peace talks between the government and the rebel Lord's Resistance Army (LRA) continued in southern Sudan. In April 2007, both parties agreed to extend the cessation of hostilities, and in May 2007 both signed a document entitled *Comprehensive Solutions to the Northern Uganda Conflict*. On 29 June 2007, the parties signed an agreement on "reconciliation and accountability", an agreement purportedly establishing a framework to address crimes committed during the conflict in northern Uganda (1986–2006). Negotiations reportedly focused on bringing about the withdrawal of the International Criminal Court's (ICC) arrest warrants for four senior LRA leaders—Joseph Kony, Vincent Otti (died October 2007), Okot Odhiambo and Dominic Ongwen—by setting up alternative national processes. In 2005, the ICC charged the men with crimes against humanity and war crimes. The ICC's statute allowed national trials of its cases where possible. However, ICC judges would have the final say in deciding whether national trials were an adequate alternative.

[Sources: AI, *Report 2008* (2008) 6, 307; HRW, *World Report 2008* (2008), 172.]

UKRAINE

Last *Annual Report* entry: see NCH #5 (1996).

UNITED KINGDOM

Last *Annual Report* entry: see NCH #49 (2007).

There were continued failures of accountability for past human rights violations, including in relation to alleged state collusion in killings in Northern Ireland.

[Source: AI, *Report 2008* (2008) 313, 316.]

On 26 November 2007, a debate at the Oxford Union, in which Nick Griffin and David Irving [*See NCH Annual Reports 1996–7, 2000, 2003, 2006–7*] were invited to talk about free speech, was disrupted when thirty protesters forced their way into the building. Five hundred people had staged a sit-down demonstration outside the building. In 1998, British National Party leader Griffin had been

convicted for incitement to racial hatred because he had denied the Holocaust. In 2000, Irving was convicted as a Holocaust denier; in February 2006, he was imprisoned in Austria for three years after pleading guilty to Holocaust denial. He served thirteen months of the sentence before being released on probation and was banned from Austria.

[Sources: *BBC News*, 27 November 2007; *IOC*, 1/08: 210.]

In [2008], Cambridge University Press reportedly pulped a book, *Alms for Jihad: Charity and Terrorism in the Islamic World*, by **Robert Collins**, a professor emeritus of history at the University of California, and **J. Millard Burr**, a former United States State Department employee, on the threat of a libel suit in the United Kingdom by Sheik Khalid bin Mahfouz, a wealthy Saudi businessman accused of financing terrorist groups.

[Source: Article 19 & Freedom House, *Ifex Alert* (22 May 2008).]

In March 2008, the National Union of Teachers (NUT) accused the Ministry of Defense of breaching the 1996 Education Act (which prescribed that all political issues had to be treated in a balanced way) over a lesson plan drawn up to teach pupils about the war in Iraq since 2003. NUT claimed that the lesson plan, commissioned by the ministry to the organization Kids Connections, was a “propaganda” exercise and made no mention of the lack of United Nations backing for the war or civilian casualties as a result of the war. NUT also argued that the instructions—designed for use during classroom discussions in general studies, or personal, social and health education (PSE) lessons—were an attempt to rewrite the history of the invasion of Iraq.

[Source: “Iraq: Teachers Told To Rewrite History; MoD Accused of Sending Propaganda to Schools” (*Independent*, 14 March 2008).]

UNITED NATIONS

Last *Annual Report* entry: see NCH #49 (2007).

UNITED STATES

Last *Annual Report* entry: see NCH #49 (2007).

In March 2007, during Black History Month, a charter school in Los Angeles forbade its seventh-

grade students from reciting a poem about Emmett Till, a black boy lynched in the 1950s, because it deemed the story unsuitable for young children. Two teachers who signed a protest letter written by the students were dismissed.

[Source: *IOC*, 3/07: 139.]

On 1 June 2007, **Norman Finkelstein** (1953–) [*See NCH Annual Report 2007*], a Jewish political scientist at DePaul University, Chicago (2001–7), was denied tenure. The political science department and a college-level personnel committee both voted in favor of tenure, but the dean of the College of Liberal Arts and Sciences wrote a memorandum against it, and the University Board on Promotion and Tenure voted against granting tenure. The final decision rested with the University President, Dennis Holtschneider, who declared that he had found “no compelling reasons to overturn” the tenure board’s recommendation. He also added that Finkelstein had displayed a lack of “collegiality” and engaged in “ad hominem attacks” on scholars with opposing views. On 24 August 2008, Finkelstein was denied access to his office, his courses were canceled, and he was put on paid administrative leave for his final year. **Mehrene Larudee**, an assistant professor of international studies, who had supported Finkelstein, was also denied tenure. The American Association of University Professors protested against the lack of appeal in both cases. On 5 September 2007, Finkelstein announced that he had reached an agreement with DePaul University and would resign immediately. On 23 May 2008, he was detained by the Israeli security service, Shin Bet, at the airport of Tel Aviv, deported and banned from Israel for ten years. Shin Bet interrogated him for 24 hours about his contact with the Lebanese Islamic militia, Hizbullah, when he travelled to Lebanon earlier in 2008 and expressed solidarity with the group which waged war against Israel in 2006. He was also accused of having contact with al-Qaeda. Finkelstein rejected the accusations.

[Sources: American Association of University Professors, Letters to Dennis Holtschneider, President of DePaul University (10 July & 20 August & 27 August 2007); *Chronicle of Higher Education*, 25 May & 4 June & 8 June & 15 June & 25 June & 27 August & 6 September 2007; Middle East Studies Association, Letters to Dennis Holtschneider, President De Paul University, Chicago (10 April & 4 September 2007); T. O’Loughlin, “US Academic Deported and Banned for Criticising Israel”, *Guardian* (26 May 2008); *Washington Post*, 9 October 2006: A03.]

On 28 November 2001, the American Historical Association, the Organization of American Historians, the National Security Archive, historian **Stanley Kutler**, professor emeritus of history and law, University of Wisconsin, and other public interest groups filed a suit in a District Court in Washington, D.C., to stop implementation of President George W. Bush’s 1 November 2001 Executive Order (EO) no. 13233 which gave former Presidents and their heirs or designees (as well

as former Vice Presidents) broad authority to withhold or delay release of White House records, and was thought to violate the 1978 Presidential Records Act. The suit requested to prevent the Archivist of the United States from implementing the EO and to compel the release of 68,000 pages of records from former President Ronald Reagan's files withheld since January 2001 despite the requirements of the Act. On 1 October 2007, a federal district court judge ruled that the EO was, in part, invalid. The judge struck down the EO section that allowed former presidents to delay the release of records indefinitely. The court did not address the issue, however, of whether it was permissible for Bush to extend the authority over disclosure of presidential papers to a former president's heirs or to former vice presidents. On 31 December 2007, amendments to the 1976 Freedom of Information Act were signed into law. In 2008, the House of Representatives passed legislation to revoke EO no. 13233 and the Senate held hearings on overturning it.

[Sources: National Coalition for History, "Federal Judge Invalidates Order Allowing Former Presidents to Withhold Records" (2 October 2007); National Security Archive, "Historians, Public Interest Groups Sue to Stop Bush Order; Say New Restrictions on White House Files Violate Presidential Records Act" (press release; Washington 28 November 2001); Idem, *Update* (1 October 2007); M.J. Sherwin & L. White, "Democracy Requires a Past", *Chronicle of Higher Education* (13 June 2008).]

In August 2007, archivist of the United States Allan Weinstein said that the Central Intelligence Agency (CIA) had lost documents concerning its investigation of the murder of CBS reporter **George Polk** by unknown assailants at the height of the Greek civil war in 1948, and destroyed its file on requests for Polk documents based on the Freedom of Information Act.

[Source: National Security Archive, *Updates* (Washington), 10 August 2007 (Polk).]

On 5 September 2007, the National Security Archive (NSA) and Citizens for Responsibility and Ethics in Washington (CREW) sued the White House and the National Archives and Records Administration (NARA) seeking the recovery and preservation of more than 5 million White House e-mail messages that were apparently deleted from White House computers between March 2003 (the invasion of Iraq) and October 2005 (the aftermath of Hurricane Katrina). White House officials acknowledged that e-mail was missing from the White House archive, and that the Executive Office of the President (EOP) in 2002 abandoned the electronic records management system put in place under his predecessor Bill Clinton. In November 2007 and January 2008, a federal judge ordered the EOP to preserve all e-mail backup media under its custody or control and to answer questions about the location of the missing e-mails. From 2004, NARA had reportedly warned the White House repeatedly about the risk of lost e-mails. In October 2005, the EOP first discovered that potentially

millions of e-mail messages were missing. The loss of White House e-mail first surfaced on 23 January 2006 in conjunction with the investigation into the leak of Valerie Plame's identity by vice presidential aide Scooter Libby when prosecutors were unable to provide copies of e-mail records. After several contradictory statements, the White House admitted on 6 May 2008 that it had no e-mail back-up tapes with data written between March and May 2003 (the invasion of Iraq). An earlier lawsuit had produced landmark rulings in the early 1990s that e-mail had to be treated as government records. Those rulings led to the preservation of more than 30 million White House e-mail messages from the 1980s and 1990s.

[Sources: National Security Archive, *Updates* (Washington) 5 September & 29 October & 13 November & 14 December 2007 & 8 January & 16 January & 26 February & 18 March & 17 April & 24 April & 6 May & 29 July 2008.]

On 2 November 2007, American-born assistant professor of anthropology **Nadia Abu El-Haj**, of Palestinian descent, was awarded tenure at Barnard College (a liberal arts college for women affiliated with Columbia University), New York, despite a controversy about petitions supporting and opposing her candidacy. In her first book, *Facts on the Ground*, she had contended that Israeli archeologists searched for an ancient Jewish presence to help build the case for a Jewish state, and that they sometimes used bulldozers, destroying the remains of Arab and other cultures.

[Source: A. Finder, "Embattled Barnard Anthropologist Is Awarded Tenure", *New York Times* (3 November 2007).]

In December 2007, President George Bush signed into law the United States Genocide Accountability Act of 2007, which permits the investigation and prosecution of genocide if the alleged offender is brought into, or found in the United States, even if the crime occurred outside the country.

[Source: AI, *Report 2008* (2008) 16.]

On 20 December 2007, the American Historical Association wrote a letter to the Office for Human Research Protections, the official agency that oversees Institutional Review Boards (IRB's) which review experiments with human subjects, including, since 1998, oral history projects. It requested that oral history, including the use of oral history archives, be exempted from review. The letter noted that IRB's were typically comprised of faculty with no expertise in oral history who insisted on specific sets of questions (thereby suppressing the opportunity for dialogue), on the confidentiality of sources (even though the interviewee's particular knowledge was often the purpose of the interview), or on the potential harm of interviews (in some cases, the trauma of reliving a bad experience was

cited, in others, the potential personal or legal jeopardy to interviewees or their surviving relatives). The letter stated that such regulations conflicted with the essential canons of historical practice.

[Source: American Historical Association, “Letter to Office for Human Research Protections” (20 December 2007).]

In 2008, Florida legislators introduced SB 2692, the Academic Freedom Act, to protect teachers and students from retaliation for discussing the scientific evidence for and against evolutionism.

[Source: Discovery Institute, “Anti-Freedom Activists Try to Censor Science Education in Florida” (2008).]

On 22 April 2008, the Society of American Archivists and the Association of Canadian Archivists stated their deep concern about the whereabouts, custody, and fate of records captured or otherwise obtained by the United States, and those removed by private parties, during the First (1990–91) and Second (2003–) Gulf Wars. The records under consideration comprised five sets: records seized by the U.S. military and intelligence agencies during the Second Gulf War (millions of pages); records seized from non-governmental combatants (especially those seized in Sinjar, northern Iraq, from an al-Qaeda affiliate in the fall of 2007); millions of pages from 1991 and 2003 obtained by the United States-based non-governmental organization Iraq Memory Foundation; records seized by Kurds during the First Gulf War (an estimated eighteen tons of records seized in northern Iraq); and Iraqi Jewish archives.

[Source: *SAA/ACA Joint Statement on Iraqi Records* (22 April 2008).]

On 22 July 2008, a federal court in New York decided that the government must release most of the sealed grand jury records from the 1951 indictment of alleged Soviet spies Julius and Ethel Rosenberg. In response to a petition filed in January 2008 by the National Security Archive, the American Historical Association, the American Society for Legal History, the Organization of American Historians, the Society of American Archivists, and *New York Times* reporter Sam Roberts, the government stated in a June 2008 filing that the Rosenberg case was of “significant historical importance” and therefore it would not contest the release of testimonies of witnesses who had passed away or consented to the disclosure. Thus the materials were covered by an exception to the rule that grand jury records must remain secret indefinitely.

[Source: National Security Archive, *Update* (26 June & 22 July 2008).]

See also Russia, South Africa, United Kingdom.

URUGUAY

Last *Annual Report* entry: see NCH #49 (2007).

The authorities failed to provide redress to relatives of the victims of human rights abuses during the military government (1973–85). The Expiry Law of 1986, which grants members of the security forces immunity from prosecution for crimes committed during the period, remained in force. Draft legislation which would provide reparations to relatives of the victims was before Congress at the end of 2007. In July 2007, the anthropology team from the Humanities Faculty of the University of the Republic began excavations in the Tablada military compound, searching for the remains of detainees who were the victims of enforced disappearance during the period. A total of 47 cases of victims of human rights violations have been excluded from the Expiry Law by the current administration. In September 2007, the appeals court confirmed the trial and detention of former President Juan Maria Bordaberry (1971–76) as co-author of ten homicides. In December 2007, former President General Gregorio Álvarez (1981–85) was arrested and charged with being co-responsible for the enforced disappearances of more than thirty people.

[Source: AI, *Report 2008* (2008) 15–16, 322.]

UZBEKISTAN

Last *Annual Report* entry: see NCH #49 (2007).

The Uzbek government rejected numerous and repeated calls for an independent international inquiry into the May 2005 Andijan massacre when hundreds of unarmed protestors were killed by government forces. The circumstances surrounding the massacre have not been clarified, and those responsible for the killings have not been held accountable. The government continued to persecute anyone who was thought to have any connection to or information about the events. Refugees who fled in the immediate aftermath of the massacre but returned later, as well as their families, were targets of government pressure. Refugees had to fear for their security even abroad, because Uzbek security services were operating in areas geographically close to the Uzbek border, such as in Osh (Kyrgyzstan).

[Source: HRW, *World Report 2008* (2008) 455.]

VATICAN

Last *Annual Report* entry: see NCH #37 (2004).

See Italy.

VENEZUELA

Last *Annual Report* entry: see NCH #45 (2006).

VIETNAM

Last *Annual Report* entry: see NCH #45 (2006).

YEMEN

Last *Annual Report* entry: see NCH #32 (2003).

ZIMBABWE

Last *Annual Report* entry: see NCH #45 (2006).

In March 2008, **Takavafira Zhou**, history lecturer at Great Zimbabwe University (2004–8) and president of the Progressive Teachers' Union of Zimbabwe, was dismissed after the university labeled him an "academic terrorist" and declared that his teaching and university service were unsatisfactory. Zhou clashed with the Great Zimbabwe University Vice Chancellor Obert Maravanyika a number of times, including the occasion when he led a strike at the university in 2006. Zhou instituted legal action to challenge his dismissal. His court documents reportedly included a letter to the university's chairman, Honour Mkushi, which was copied to President Robert Mugabe in his capacity as Chancellor, in which Zhou alleged that he had been victimized because he failed a history student, Precious Chitapi, whom he said was "protected" by Maravanyika on several occasions, among others by changing university regulations.

[Source: S. Makshori, "'Academic Terrorist' Lecturer Sacked", *Financial Gazette* (Harare) 20 March 2008.]

For three years, an archaeologist [name unknown] had been a curator for a state organization of museum sites and monuments; this included working with local communities to assess their relationship to the cultural heritage sites in their areas and to educate them about their rights and their role in protecting historic cultural sites. She also worked primarily at an archaeological site in southern Zimbabwe dating from the twelfth century. She focused her research on the impact of land reform on cultural and historic sites in Zimbabwe. This was sensitive work, both because all community-organizing activities were closely watched by the ruling ZANU-PF government, and because of the extreme sensitivity of any issues relating to land use. She was also assaulted and threatened because of her involvement with the opposition party, the Movement for Democratic Change. She went into exile in the United States, where she became a fellow at the Smithsonian Anacostia Community Museum, Washington D.C.

[Source: Scholar Rescue Fund, *SRF Grantee Update* (May 2008) 11.]

See Ethiopia.

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; IOC [IOC, London]; the Network of Education and Academic Rights [NEAR, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; and other sources. It reports about the censorship of history, the persecution of historians around the globe, and related topics. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

This *Annual Report* and previous *Annual Reports* were compiled by Antoon De Baets and revised by Ingrid Sennema.

July 2007 (revised August 2007)

AFGHANISTAN

Last Annual Report entry: see NCH #45 (2006).

In March 2006, Assadullah Sarwari, head of the intelligence agency during the communist period (1978–88), was sentenced to death after an unfair trial for war crimes committed between 1978 and 1992.

During 2006, the government took a few steps to implement the Transitional Justice Action Plan, a five-year plan to gather information about Afghanistan’s legacy of warfare and violence and to consider methods of achieving accountability. A mechanism for vetting political appointments was established, and in December 2006, President Hamid Karzai officially launched the action plan.

[Sources: AI, *Report 2007* (2007) 48; HRW, *World Report 2007* (2007) 240–41.]

ALBANIA

Last Annual Report entry: see NCH #5 (1996).

See Greece, Macedonia.

ALGERIA

Last Annual Report entry: see NCH #45 (2006).

In 2006, no steps were taken to clarify the fate of thousands of victims of enforced disappearance between 1993 and 2002. Dozens of court cases brought by their families had not led to full judicial investigations or prosecution of the alleged perpetrators. The February 2006 laws on “national reconciliation” barred courts from investigating complaints against those responsible (see below). In March 2006, the United Nations Human Rights Committee found that the state had failed to protect the rights and life of Salah Saker and Riad Boucherf who had “disappeared” in 1994 and 1995 respectively, and that the treatment by the authorities of their relatives, who remained without news of their fate or whereabouts, amounted to ill-treatment.

The laws on “national reconciliation” (see below) included provisions to compensate families of victims of enforced disappearance, but no payments had been made by the end of 2006. In the absence of any investigations or judicial proceedings, many families rejected the compensation offer, fearing that the payments were intended to silence their calls for truth and justice. Several dozens of families

of victims of enforced disappearance who had appealed to the authorities for help in previous years were summoned by security forces and given written notification of the death of their loved ones, a prerequisite for any compensation claims. The documents, however, refuted the families' claims that their "disappeared" relatives had been arrested by security forces, stating instead that they had been killed by unidentified men or while participating in an armed group. Families of victims of enforced disappearance were intimidated and some were prosecuted in connection with documentation they had produced and their campaigning activities on behalf of the victims or because of their peaceful protests against the government's national reconciliation policies.

[Source: AI, *Report 2007* (2007) 52.]

On 27 February 2006, a presidential "Decree Implementing the Charter for Peace and National Reconciliation" containing blanket amnesty provisions for perpetrators of human rights abuses during the internal conflict (1992–2000)—estimated to have claimed as many as 200,000 lives—also criminalized public discussion about it. Its article 46 stated: "Anyone who, by speech, writing, or any other act, uses or exploits the wounds of the National Tragedy to harm the institutions of the Democratic and Popular Republic of Algeria, to weaken the state, or to undermine the good reputation of its agents who honorably served it, or to tarnish the image of Algeria internationally, shall be punished by three to five years in prison and a fine of 250,000 to 500,000 dinars." Human rights groups and associations of victims staged public demonstrations to protest against the new legislation, describing it as unconstitutional.

[Sources: AI, "Algeria: New Amnesty Law Will Ensure Atrocities Go Unpunished" (London 2006); AI, *Report 2007* (2007) 39, 50–52.]

See also Morocco/Western Sahara.

ANGOLA

Last Annual Report entry: see NCH #32 (2003).

See Namibia.

ARGENTINA

Last Annual Report entry: see NCH #45 (2006).

In June 2005, the Supreme Court declared the 1986 “Full Stop” law (which halted the prosecution of human rights abuses under the military dictatorship [1976–83]), and the 1987 “Due Obedience” law (which granted immunity in such cases to the military except those in positions of command) unconstitutional. In 2006, several former members of the security forces accused of committing human rights abuses at the time went on trial. Judges, prosecution witnesses, non-governmental organizations and relatives of former victims involved in the trials were attacked and threatened in the last four months of 2006. Since 2005 several federal judges have also struck down presidential pardons decreed by President Menem in 1989 and 1990, but the Supreme Court has not yet ruled on the constitutionality of these pardons.

[Sources: AI, *Report 2007* (2007) 55; HRW, *World Report 2007* (2007) 180–81.]

On 22 March 2006, Minister of Defence Nilda Garré requested the armed forces to make their secret archives about the military dictatorship (1976–83) accessible for research.

[Source: *Keesings Historisch Archief* (2006) 544.]

See also Uruguay.

ARMENIA

Last Annual Report entry: see NCH #45 (2006).

See also France, Turkey.

AUSTRALIA

Last Annual Report entry: see NCH #32 (2003).

In February 2007, a coroner’s court in New South Wales opened an investigation into the murder of cameraman Brian Peters, one of five journalists working for Australian television stations who filmed the Indonesian army’s attack on the East Timorese village Balibo on 16 October 1975 in the lead-up to the invasion of East Timor (now Timor-Leste). There is evidence that the “Balibo Five” were killed

by Indonesian forces. In 2000, the Historical Crime Unit formed by the United Nations (UN) Transitional Administration in East Timor (UNTAET) had begun an investigation into their deaths, which resulted in the UN issuing international arrest warrants for three Indonesians, including former cabinet minister Yunus Yosfiah, on 3 February 2001. The warrants were never executed. (See also NCH #23).

[Sources: *Ifex Communiqué*, 6 & 14 February 2007; IOC (2007 no.2) 194.]

See also Timor-Leste.

AUSTRIA

Last Annual Report entry: see NCH #45 (2006).

On 20 December 2006, a Vienna Court ruled that British author David Irving, convicted of Holocaust denial, should serve the rest of his sentence (three years' imprisonment reduced to two) on probation, among other reasons because he had meanwhile admitted that the Holocaust had taken place. Having served thirteen months, Irving returned to the United Kingdom. (See NCH #45).

[Sources: PEN, *Half-Yearly Caselist* (London 2006b) 43; IOC (2007 no.1) 110.]

See also France.

AZERBAIJAN

Last Annual Report entry: see NCH #10 (1998).

BAHRAIN

Last Annual Report entry: see NCH #37 (2004).

BANGLADESH

Last Annual Report entry: see NCH #45 (2006).

BELARUS

Last Annual Report entry: see NCH #45 (2006).

On 27 April 2006, five leading members of the Belarusian opposition were tried and convicted for “organizing an unsanctioned meeting”. The charges related to a peaceful march to commemorate the twentieth anniversary of the Chernobyl nuclear disaster on 26 April 1986. The marchers had received permission to march to Bangalore Square in Minsk where speeches were to take place. However, **Alyksandr Milinkevich** reportedly addressed the crowd before the march began. He and four others were sentenced to fifteen days’ imprisonment.

[Source: AI, *Report 2007* (2007) 63.]

In September 2006, the Information Ministry suspended the monthly historical magazine *Arche* (established 1997) for three months on the grounds that the September issue violated the terms of its licence by including political articles. The September issue cover photo showed police dispersing an anti-government demonstration in March 2006, and one of its articles was a detailed account of a 1995 crackdown on opposition parliamentarians objecting to a referendum imposed by President Aleksandr Lukashenka that would have made Russian one of Belarus’s official languages. The October and November issues were available on *Arche*’s website. The editor, **Valer Bulhakau**, had repeatedly requested authorization to cover politics but without success. On 8 November 2006, the Supreme Court for Economic Affairs rejected the appeal by the *Arche* editor.

[Sources: IOC (2006 no.4) 185; Reporters without Borders, “Court Upholds Three-month Suspension for Cultural Magazine” (16 November 2006); Idem, “Information Ministry Suspends Opposition Monthly” (22 November 2006).]

BELGIUM

Last Annual Report entry: see NCH #45 (2006).

BOLIVIA

Last Annual Report entry: see NCH #45 (2006) under United States.

In December 2006, the Attorney General's Office charged former President Gonzalo Sánchez de Lozada and two former ministers with the killing of at least sixty people during demonstrations in October 2003. The authorities were seeking Sánchez's extradition from the United States to try him for the killings.

[Source: AI, *Report 2007* (2007) 66.]

BOSNIA AND HERZEGOVINA

Last Annual Report entry: see NCH #45 (2006).

During 2006, the specialized war crimes chamber within the Bosnian State Court began to hear eighteen cases referred from the International Criminal Tribunal for the former Yugoslavia (ICTY), some involving multiple suspects, including 11 Bosnian Serbs charged with genocide relating to Srebrenica. The district courts in Republika Srpska (RS) continued to try war crimes cases, albeit at a slow pace. In the Federation of Bosnia and Herzegovina (FbiH), war crimes trials continued at a faster pace, with half of its ten cantonal courts hearing cases during 2006. The non-availability of suspects remained the biggest impediment to accountability. Many war crimes suspects were Bosnian Serbs and Croats now resident as citizens in Serbia and Croatia and the constitutions of these countries prohibited extradition of their citizens. Bosnia refused to sign up to a September 2006 agreement between Croatia and Serbia that would facilitate prosecutions in the country of residence, insisting that defendants be tried in the country where the crimes took place. During 2006, the Bosnian authorities had not apprehended any persons indicted by the ICTY. Five indictees remain at large, including Radovan Karadzic and Ratko Mladic.

[Sources: AI, *Report 2007* (2007) 67–68; HRW, *World Report 2007* (2007) 365–66.]

In 2006, the ICTY continued to try alleged perpetrators of serious violations of international humanitarian law. On 11 March 2006, former Serbian President Slobodan Milosevic died at the ICTY

Detention Unit following a heart attack. He had been on trial before ICTY for war crimes and crimes against humanity in Bosnia-Herzegovina, Croatia and Kosovo, and for genocide in Bosnia-Herzegovina. [Source: AI, *Report 2007* (2007) 67–68.]

According to estimates of the International Commission on Missing Persons (ICMP), approximately 13,000 people who went missing during the war (1992–95) were still unaccounted for. Many of them were victims of enforced disappearances, whose perpetrators enjoyed impunity. Progress was slow in transferring competencies from the missing persons commissions of the FBiH and RS to the national Missing Persons Institute. The Institute's directors were appointed in March 2006, and Steering and Supervisory Board members in December 2006. Approximately 2,500 sets of human remains were exhumed from various locations in Bosnia-Herzegovina. In August 2006, the exhumation of a mass grave in Kamenica, near Zvornik, uncovered 1,009 incomplete and 144 complete skeletons. The site is believed to contain the remains of victims killed by Bosnian Serb forces in Srebrenica in 1995, and was reportedly the biggest mass grave excavated since the end of the war in 1995.

[Source: AI, *Report 2007* (2007) 68.]

On 27 September 2006, ICTY sentenced **Momčilo Krajišnik**, a former member of the Bosnian Serb leadership, to 27 years' imprisonment for crimes against humanity (persecution, extermination, murder, deportation and forced transfer of non-Serb civilians during the conflict in Bosnia and Herzegovina in 1992–95). These crimes included his government's deliberate policy of destroying or heavily damaging, without overriding military necessity more than 200 cultural or religious sites (museums, archives, libraries, mosques, Catholic churches) of importance to the Muslim and Croat populations in 26 municipalities, including Banja Luka, Bosanski Novi, Prijedor, and Zvornik, in order to wipe out traces of Croat and Muslim culture and religion. In Banja Luka, all traces of mosques and minarets on photos from the 1920s and 1930s were airbrushed out for an exhibition at the local regional archives and the regional museum, celebrating 65 years of Banja Luka as regional capital. ICTY found that the destruction of cultural monuments and sacred sites could be considered a form of persecution and thus a crime against humanity. It was the first sentence in history in which destruction of cultural property formed major evidence for the intent to persecute particular groups. Krajišnik was acquitted of genocide and complicity in genocide charges. [Complete text of judgment at http://www.concernedhistorians.org/content_files/file/le/kr.pdf.]

[Sources: AI, *Report 2007* (2007) 67; HRW, *World Report 2007* (2007) 365–66; ICTY, *Prosecutor v. Momčilo Krajišnik; Case no. IT-00-39-T: Judgement* (<http://www.un.org/icty>; 2006), paragraphs 780–83; 836–40; Idem, *The Prosecutor of the Tribunal against Momčilo Krajišnik and Biljana Plavsic (Case no. IT-00-39 & 40-PT): Amended Consolidated Indictment* (The Hague, 7 March 2002), Schedule D; “Law Report: War, Cultural Cleansing and the Courts” [Interview with archivist Andras Riedlmayer on ABC Radio National] (October 2006).]

BRAZIL

Last Annual Report entry: see NCH #45 (2006).

On 30 September 2006, Reporters Without Borders requested Brazil's presidential candidates to amend the law regulating access to government archives. Article 23, section 2 of Law No. 8.159 of 8 January 1991 (which was complemented by Law No. 11.111 of 5 May 2005), stated that "access to secret documents relating to the security of society and the state shall be restricted for a maximum period of 30 years from the date of their creation, a period that may be extended once for an equal period." Article 23 section 3 stated that "access to secret documents relating to the honor and image of persons shall be restricted for a maximum period of 100 years from the date of their creation." Reporters Without Borders declared that these periods were much too long and concealed information of general interest from the public. The provisions could also be a source of abuse in the absence of precise criteria about the "honor" and "image" of persons. They wanted the next Congress to approve provisions to speed up the declassification of government documents.

[Source: Reporters Without Borders, *Ifex Alert* (3 October 2006).]

See also Paraguay.

BULGARIA

Last Annual Report entry: see NCH #45 (2006).

BURKINA FASO

Last Annual Report entry: see NCH #38 (2005).

BURUNDI

Last Annual Report entry: see NCH #45 (2006).

In March 2005, the United Nations (UN) Security Council had recommended the establishment of a Truth and Reconciliation Commission (TRC) and a special chamber in the Burundian judicial system to try human rights abuses, both to be staffed by Burundian and international personnel. An ad hoc

commission, established under the terms of the Arusha peace accords of 2000, identified over 4,000 persons as “political prisoners” and in early 2006 ordered the release of most of them. Most were convicted of crimes related to the violence following the assassination of President Melchior Ndadaye in 1993 or had been held for years without trial. Although the government declared that the releases were provisional and that the persons involved would face the TRC, some citizens brought a case before the Constitutional Court, arguing that the release violated the constitution. The court ruled in favor of the government. In early February 2006, the government issued a memorandum in order to commence talks with the UN on the TRC and the special chamber. However, the memorandum contained proposals which could hinder efforts to overcome impunity. For example, it proposed a “procedure of reconciliation” which could prevent or limit the investigation and prosecution of crimes under international law. In June 2006 in Dar es-Salaam, Tanzania, the government and the Forces nationales de libération (FNL) signed an agreement to achieve lasting peace, security and stability in Burundi. It stated that the TRC (not yet established) would be renamed the “Truth, Pardon and Reconciliation Commission”. Its mandate would be to establish the facts surrounding “the dark period of Burundi history” and various protagonists’ responsibilities, with a view to achieving forgiveness and national reconciliation.

[Sources: AI, *Report 2007* (2007) 76; HRW, *World Report 2007* (2007) 94.]

CAMBODIA

Last Annual Report entry: see NCH #45 (2006).

In July 2006, the thirty international and Cambodian judges and prosecutors for the tribunal to prosecute the leaders of the Khmer Rouge regime (1975–79), established as the Extraordinary Chambers in the Courts of Cambodia (ECCC), were sworn in. Many of the ECCC officials have poor track records in terms of judicial independence and competence. The ECCC was expected to commence its trial phase in mid-2007. In July 2006, Khmer Rouge leader Chhit Chhoeun (Ta Mok) died. He had been detained without trial since 1999, along with Kaing Guek Iev (Duch), chief of the Khmer Rouge’s S-21 (Tuol Sleng) prison. Other senior Khmer Rouge leaders, including Ieng Sary, Khieu Samphan, and Nuon Chea, continued to live freely in Cambodia. The United States continued to withhold direct funding for the ECCC, largely because of concerns about the incompetence and bias of the Cambodian judges. Some were on the ruling party’s central committee while others lacked basic legal training.

[Sources: AI, *Report 2007* (2007) 78; HRW, *World Report 2007* (2007) 255–56.]

University lecturer **Teang Narithwas** was charged with “criminal disinformation” and arrested on 4 September 2006 for distributing a controversial book he had written on the political history of Cambodia.

[Source: World Press Freedom Committee, *It’s a Crime: How Insult Laws Stifle Press Freedom: A 2006 Status Report* (Reston, VA 2006).]

CANADA

Last Annual Report entry: see NCH #45 (2006).

CENTRAL AFRICAN REPUBLIC

Last Annual Report entry: see NCH #45 (2006).

In 2006, the government made no progress in bringing to justice those responsible for serious human rights abuses, including hundreds of rapes, during the conflict of late 2002 and early 2003. The International Criminal Court (ICC) continued to conduct a preliminary analysis of crimes committed during the period, following a referral by the government in 2005. At the end of 2006, the ICC had

not announced whether it would launch a full investigation.

[Source: AI, *Report 2007* (2007) 81.]

CHAD

Last Annual Report entry: see NCH #45 (2006).

In 2006, the Senegalese Council of Ministers announced that it would prosecute former Chadian President Hissène Habré, under house arrest in Senegal since 2000, on charges of torture and crimes against humanity during his rule (1982–90). However, the Senegalese Supreme Court later ruled that Habré could not stand trial in Senegal for crimes allegedly committed elsewhere, leading the Senegalese government to ask the African Union (AU) to decide where he should be tried. In July 2006, citing Senegal's obligation under the 1984 United Nations Convention against Torture to either prosecute or extradite alleged torturers who enter its territory, the AU Assembly of Heads of State and Government asked Senegal to prosecute Habré. In 2005, a Belgian judge had issued an international arrest warrant against Habré. In December 2006, the government set up a working group responsible for organizing the trial.

[Sources: AI, *Report 2007* (2007) 19, 225, 321; HRW, *World Report 2007* (2007) 101.]

CHILE

Last Annual Report entry: see NCH #45 (2006).

As of October 2006, courts had convicted 109 individuals for human rights abuses under General Pinochet's military rule (1973–90). Thirty-five former generals were convicted or were facing trial. These advances were achieved in spite of a 1978 amnesty law exempting military personnel from punishment for crimes committed between 1973 and 1978. In cases of enforced disappearance, the Supreme Court generally held this amnesty law to be inapplicable, considering them to be kidnappings that were ongoing until the victim's death could be proven. Several judges, however, did consider the amnesty applicable to killings that took place in 1973–78. In contrast, other judges ruled that international human rights law invalidated the amnesty in all cases of grave human rights abuses. The Supreme Court had yet to issue a ruling on this problem. In October 2006, however, in response to a September 2006 ruling of the Inter-American Court of Human Rights that the amnesty law was incompatible with the American Convention on Human Rights and therefore without legal effect, President Michelle Bachelet announced that she would present a bill to prevent the amnesty law from

being applied in cases of grave human rights abuses. In December 2006, former dictator Augusto Pinochet died. Just weeks before his death he had faced new charges in connection with 35 kidnappings (including the Prats case, Villa Grimaldi, Operation Colombo and the Caravan of Death), one homicide and 24 cases of torture. He never attended judicial hearings in any Chilean court.

[Sources: AI, *Report 2007* (2007) 25, 84–85; HRW, *World Report 2007* (2007) 190–91.]

See also Peru.

CHINA

Last Annual Report entry: see NCH #45 (2006).

In February 2005, **Gendun**, a Tibetan monk who studied Buddhist doctrine and philosophy and a teacher of traditional monastic dance (Cham) from the Tibetan area of Amdo, was arrested and in January 2006 sentenced to four years' imprisonment after he had lectured on Tibetan history and culture at a teacher training college in Tsolho (Chinese: Hainan) Tibetan Autonomous Prefecture, Qinghai province. His current whereabouts are unknown (he may be held in a "reform through labor" facility [laogai]) and there are concerns for his safety. More than twenty monks, students and teachers were also detained in connection with his case but released soon afterwards.

[Sources: HRW, *World Report 2007* (2007), 265–66; International Campaign for Tibet, "Tibetan Monk Imprisoned after Talking about Tibetan Culture" (7 April 2006).]

In March 2006, in spite of an open letter from 48 intellectuals and former officials, the government banned any commemorations of the Cultural Revolution (1966–76) and ignored calls for a memorial hall. The Chinese Communist Party Central Propaganda Department issued a directive banning media commentary, retrospectives or exhibitions on the topic. National security police also prevented several top scholars from attending the conference "Historical Truth and Collective Memory", organized by Song Yongyi (see NCH #16) at New York City University in May 2006 to mark the anniversary. A search on popular websites available in China using the keywords "Cultural Revolution 40th anniversary" reportedly yielded no results.

[Source: Radio Free Asia, "Forty Years On, China's Cultural Revolution Still a Forbidden Zone" (15 May 2006).]

In May 2006, after film director **Lou Ye** ([1967]–) submitted *Summer Palace*, a story of love between two Chinese students against the background of the 1989 Tiananmen Square massacre, for its première to the Cannes Film Festival, France, without permission of the Chinese state administration

for radio, film and television, he and producer **Nai An** were banned from film-making for five years, probably both for political reasons and because of the nudity scenes in the film. Twenty prints of the film had already been sold abroad. In Serbia, after strong criticism, Serb Film Festival officials reinstated *Summer Palace*, after it had been taken off the program at the request of the Chinese embassy.

[Sources: *Guardian* (9 September 2006); IOC (2006 no.4) 186; IOC (2007 no.1) 126.]

Zhao Ziyang: Captive Conversations, a book of interviews with purged Prime Minister (from 1987 CCP Secretary-General) Zhao Ziyang (1919–2005) compiled by former state council member **Zong Fengming**, was published in Hong Kong despite attempts by the central authorities to ban it. The book was banned on the mainland.

On 31 August 2006, the Hong Kong-based **Ching Cheong** (1950–), a journalist for the *Straits Times* in Singapore (1996–) who was under house arrest in Guangzhou since 22 April 2005, was tried *in camera* and sentenced to five years' imprisonment on charges of espionage. He had allegedly passed on information on Chinese economic, political, and military affairs to two Taiwanese spies. Ching's wife declared, however, that Ching had apparently fallen into a trap set by an intermediary as he tried to obtain manuscripts of secret interviews of Zhao Ziyang with his confidant Zong Fengming (see above) during the former's banishment since 1989. The authorities were reportedly worried that Zhao's inside knowledge of the decision to order troops to open fire during the 1989 Tiananmen Square demonstrations might become public. On 24 November 2006, Ching's appeal was rejected. His sentence was confirmed and, in addition, he was deprived of his political rights for a year and his personal property was confiscated. Transferred in January 2007 from Beijing, where he had been "educated", to Guangzhou, near Hong Kong, he was temporarily refused family visits.

[Sources: *Ifex Alert* (27 November 2006); IOC (2007 no.2) 190–91; Reporters without Borders, "Hong Kong Journalist Ching Cheong Accused of Spying" ([September] 2006); *The Standard: China's Business Newspaper*, 31 May 2005; *Times*, 31 May 2005.]

On 10 September 2006, a new draft law stipulated that news and information released in China by foreign news agencies should not contain anything that served to, *inter alia*, "undermine...the fine cultural traditions of the Chinese nation."

[Sources: IOC (2006 no.4) 178; IOC (2007 no.2) 192.]

On 12 January 2007, the Central Propaganda Department of the State Administration of Radio, Film and Television imposed new "pre-censorship" rules forcing the media to seek permission to cover "significant historical events" or politically sensitive anniversaries. Among the areas in which media attention would be limited and censored were: the Anti-Rightist Campaign (June 1957 until 1958); the 90th anniversary of the Bolshevik Revolution of October 1917; the 1989–91 collapse of the Soviet

Union and its Eastern European allies; the Cultural Revolution of 1966–76.

[Sources: AI, *People's Republic of China: The Olympics Countdown—Repression of Activists Overshadows Death Penalty and Media Reforms* (London 2007); IOC (2007 no.1) 113; IOC (2007 no.2) 190–92.]

In March 2007, the World Association of Newspapers rejected a request by the China Newspaper Association to withdraw a press freedom prize awarded to Shi Tao (see NCH #38). Also in March 2007, Hong Kong's privacy commission cleared Internet company Yahoo! Hong Kong Ltd of any liability for sharing Shi's account user information with the Chinese authorities apparently because there was "insufficient evidence" to hold the company liable under Hong Kong privacy laws. Meanwhile, Shi's mother is suing Yahoo! for helping officials imprison her son.

[Sources: AI, *People's Republic of China: The Olympics Countdown—Repression of Activists Overshadows Death Penalty and Media Reforms* (London 2007) 11; *Ifex Communiqué 16–24* (12 June 2007); IOC (2006 no.4) 186; World Association of Newspapers, *Ifex Update* (9 March 2007).

In June 2007, the newspaper *Chengdu Wanbao* in Chengdu, southwest China, dismissed three editors and four employees from the advertising department for letting through a one-line ad on 4 June paying tribute to mothers of protesters killed in the 1989 Tiananmen Square massacre. The ad, on the lower right corner of page 14 of the paper, read: "Paying tribute to the strong(-willed) mothers of 4 June victims."

[Source: *Ifex Communiqué 16–24* (12 June 2007).]

See also Netherlands.

COLOMBIA

Last Annual Report entry: see NCH #45 (2006).

In 2006, prosecutors announced that they had obtained new evidence in a case involving the "disappearances" of ten people in the 1985 retaking by security forces of Colombia's Palace of Justice (which housed the Supreme Court), after its invasion by the M-19 guerrilla group. In addition, the Inter-American Court of Human Rights issued rulings on cases such as the Pueblo Bello massacre of 1990 in which 43 civilians were killed or forcibly disappeared, and the La Granja and El Aro massacres of 1996 and 1997, in which 19 people were killed. In both cases, the Court held the Colombian state partly responsible and ordered it to make reparations to the victims and their families.

[Sources: AI, *Report 2007* (2007) 89; HRW, *World Report 2007* (2007), 198.]

In 2006, more than 80 mass graves were found containing the remains of some 200 people killed by paramilitary groups over the course of the internal armed conflict that started in 1948. The Justice and Peace Unit of the Office of the Attorney General claimed that the remains of some 3,000 victims of enforced disappearance were still to be located, although this was thought to be a substantial underestimate. Concerns were raised that some exhumations and the storage of remains in official custody jeopardized forensic evidence. Paramilitaries had reportedly removed remains from some mass graves.

[Source: AI, *Report 2007* (2007) 89.]

On 11 September 2006, army colonel Julio Cesar Becerra Avellaneda demanded alterations to *Why Did the General Cry?*, a documentary about the 1997 massacre at Mapiripán in which 49 civilians died, a few hours before its screening. Upon refusal, the documentary was banned.

[Source: IOC (2006 no.4) 187.]

CONGO (Democratic Republic)

Last Annual Report entry: see NCH #45 (2006).

In March 2006, Thomas Lubanga Dyilo, leader of an Ituri armed group, the Union of Congolese Patriots (Union des Patriotes Congolais, UPC), was arrested and charged with war crimes—specifically with enlisting and recruiting child soldiers. He was subsequently transferred to the International Criminal Court (ICC) in The Hague, the Netherlands. He became the first person to be arrested and surrendered to the ICC.

[Source: AI, *Report 2007* (2007) 19, 124, 321.]

CONGO (Republic)

Last Annual Report entry: see NCH #45 (2006).

COUNCIL OF EUROPE

In its resolution 1481 of 25 January 2006, the Parliamentary Assembly of the Council of Europe

condemned the massive human rights violations committed by totalitarian communist regimes and expressed sympathy to the victims of these crimes. It called on all communist or postcommunist parties in its member states which had not yet done so to reassess the history of communism and their own past, to clearly distance themselves from the crimes committed by totalitarian communist regimes and condemn them without any ambiguity.

[Sources: Parliamentary Assembly of the Council of Europe (<http://assembly.coe.int>), “Need for International Condemnation of Crimes of Totalitarian Communist Regimes: Resolution 1481” (25 January 2006); Idem, “Need for International Condemnation of Crimes of Totalitarian Communist Regimes: Report” (16 December 2005; Doc. 10765); Idem, “Measures To Dismantle the Heritage of Former Communist Totalitarian Systems: Resolution 1096”; (27 June 1996); Idem, “Measures To Dismantle the Heritage of Former Communist Totalitarian Systems: Report”; (3 June 1996; Doc. 7568).]

In its resolution 1736 of 17 March 2006, the Parliamentary Assembly of the Council of Europe condemned the extensive human rights abuses committed by the Franco regime in Spain (1939–75) and called on the Committee of Ministers, inter alia, to adopt an official declaration for the international condemnation of the Franco regime and to mark 18 July 2006 as the official day of condemnation of the Franco regime; to continue to make available to all historians and researchers all civilian and military archives which may contain documents that can contribute to establishing the truth regarding repression.

[Sources: (1) Parliamentary Assembly of the Council of Europe (<http://assembly.coe.int>), “Need for International Condemnation of the Franco Regime: Recommendation 1736” (17 March 2006); (2) Idem, “Need for International Condemnation of the Franco Regime: Report” (November 2005; Doc. 10737).]

CROATIA

Last Annual Report entry: see NCH #45 (2006).

In 2006, impunity for war crimes allegedly committed by Croatian army and police officers in the war (1991–95) remained widespread and the Croatian judicial system failed to adequately address wartime human rights violations, regardless of the ethnicity of the victims or of the perpetrators. Minorities suffered discrimination. Of at least 300,000 Croatian Serbs displaced by the conflict, approximately 125,000 were officially registered as having returned home, a figure widely considered to be an overestimate.

[Source: AI, *Report 2007* (2007) 95.]

In September 2006, the Croatian government sought the status of *amicus curiae* (adviser to the court on points of law) in the adjoined cases of Generals Ante Gotovina, Ivan Cermak and Mladen Markac (three former Croatian army commanders charged with crimes against humanity and war crimes against Croatian Serbs, including persecutions, deportation and forcible transfers, and murder) at the International Criminal Tribunal for the former Yugoslavia (ICTY) in order to “correct historical and political inaccuracies” in the indictment against them for crimes committed against Serbs during the 1995 Croatian Army action “Operation Storm.” This was opposed by the ICTY chief prosecutor, who said that Croatia was seeking to influence the outcome of the proceedings. In October 2006, ICTY rejected the application as not being in the interests of justice.

[Sources: AI, *Report 2007* (2007) 95; HRW, *World Report 2007* (2007) 373.]

See also Bosnia and Herzegovina.

CUBA

Last Annual Report entry: see NCH #45 (2006).

See United Kingdom.

CYPRUS

Last Annual Report entry: see NCH #38 (2005).

See Greece.

CZECH REPUBLIC

Last Annual Report entry: see NCH #17 (2000).

DENMARK

Last Annual Report entry: see NCH #45 (2006).

In December 2006, three investigative journalists were acquitted of all charges in connection with the publication of classified information about Iraq and the extent of the government's knowledge, in the run-up to the Iraq war, about the existence of weapons of mass destruction in Iraq. The prosecuting authorities stated that they did not intend to appeal against the acquittals.

[Source: AI, *Report 2007* (2007) 103–4.]

See also Iran.

EAST TIMOR

See Timor-Leste.

ECUADOR

Last Annual Report entry: see NCH #45 (2006).

In May 2007, the government of President Rafael Correa set up a four-member Truth Commission to investigate alleged human rights abuses committed over the last 27 years, particularly during the right-wing administration of former President Leon Febres Cordero (1984–88). Interior Minister Gustavo Larrea said that there had been 327 cases of political assassinations, torture and “disappearances” that remained unresolved and unpunished.

[Source: Gonzalo Solano, “Ecuador to investigate rights abuses”, Associated Press (May 2007).]

EGYPT

Last Annual Report entry: see NCH #45 (2006).

In September 2006, Information Minister Anas el-Feki banned the French newspaper *Le Figaro* and the German newspaper *Frankfurter Allgemeine Zeitung* for articles that contained commentaries on the Prophet Muhammad and violent aspects of Islamic history which were deemed insulting to Islam.

[Source: IOC (2007 no.1) 114–15.]

In October 2006, Tal’at Sadat, nephew of the assassinated former President Anwar Sadat, was sentenced to one year’s imprisonment with labour and a fine for defaming the armed forces and spreading false rumours. He had given a series of media interviews in which he alleged that senior army officers had been implicated in the killing of the former president by Islamist soldiers in 1981. He also suggested that President Hosni Mubarak—then Vice-President—had been involved. Although a civilian, he was tried and convicted by a military court, after being stripped of his parliamentary immunity.

[Source: AI, *Report 2007* (2007) 108.]

In January 2007, the feudal Aziz Al-Fiki family demanded the confiscation of the book *From the Papers of Shahenda Mekled* and filed a defamation claim against its authors, academic **Sherin Abu**

El Naga and political activist **Shahenda Mekled**, and its publisher, **Mohamed Hashem** from Dar Merit Publishing House. The book documented feudal practices in Kamshich village, Menoufia Governorate, before and after the revolution of July 1952—including the murder of Shahenda Mekled's husband and political activist Salah Hussein in 1966. It discussed abuses of the Aziz Al-Fiki family against poor peasants at that time and resistance against this.

[Source: Arabic Network for Human Rights Information, *Ifex Alert* (10 January 2007).]

EL SALVADOR

Last Annual Report entry: see NCH #45 (2006).

In 2006, impunity for past human rights violations, including enforced disappearances, persisted. There was increasing concern among civil society organizations at the possible re-emergence of death squads which had been active during the 1980–1991 armed conflict.

[Source: AI, *Report 2007* (2007) 109, 110.]

ESTONIA

On 15 February 2007, President Toomas Hendrik Ilves refused to sign a controversial law (approved in parliament with 46 to 44 votes) that prohibited the display of monuments glorifying Soviet occupation (1940–41, 1944–91), during which tens of thousands of Estonians were killed. The law would have enabled the removal of the bronze statue of a Soviet soldier erected in 1947 from the center of the capital Tallinn to a less controversial location (a military cemetery on its outskirts). The statue, under which the coffins of twelve Red Army soldiers were buried, was regarded by the ethnic Russians (more than a quarter of the Estonian population of 1,3 million) as an anti-Nazi symbol but by many others as a symbol of Soviet occupation. On 27 April 2007, the statue and remains were indeed relocated. One person died, more than 153 people were injured, and 300 arrested during clashes at the site as police used tear gas to disperse mainly ethnic Russian demonstrators. Visiting Russian members of parliament called the relocation a provocation. Protests against the relocation took place before the Estonian embassies in Russia and the Ukraine. Russia temporarily suspended oil supplies by rail through Estonia.

[Sources: *BBC News Online*, 12 January, 15 February, 27 & 30 April, 3 May 2007; IOC (2007 no.1) 115.]

ETHIOPIA

Last Annual Report entry: see NCH #45 (2006).

In December 2006, the trial of members of the military government known as the Dergue (1974–91) ended after 12 years. Of the 72 people originally charged, 33 had been in custody since 1991, 14 others had died in custody, and 25 were tried in their absence, including former President Mengistu Hailemariam, who had asylum in Zimbabwe. Zimbabwean President Robert Mugabe had refused to extradite him for trial. All were found guilty of capital offences including genocide and mass killings, with sentencing due in 2007. The long series of other trials of officials of the former government for killings during the “Red Terror” campaign against “anti-revolutionaries” in 1977–79 was nearly completed. Many defendants were imprisoned for long periods (which most had already served, leading to their release) and several death sentences were imposed.

[Source: AI, *Report 2007* (2007) 19, 114–15, 116.]

EUROPEAN UNION

Last Annual Report entry: see NCH #38 (2005).

FIJI

Last Annual Report entry: see NCH #45 (2006).

FRANCE

Last Annual Report entry: see NCH #45 (2006).

On 4 January 1994, the newspaper *Le quotidien de Paris* published an article by the Austrian historian and journalist **Paul Giniewski** (1926–), entitled “The obscurity of error” concerning the papal encyclical *Veritatis Splendor* (1993; *The Splendour of Truth*). In it, Giniewski wrote that “... Many Christians have recognized that scriptural anti-Judaism and the doctrine of ‘fulfilment’ of the Old Covenant in the New lead to anti-Semitism and prepared the ground in which the idea and implementation of Auschwitz took seed”. On 18 March 1994, the Alliance générale contre le racisme et pour le respect de l’identité française et chrétienne (AGRIF; General Alliance against Racism and for Respect for the French and Christian Identity) brought proceedings against the newspaper, its director, and Giniewski on charges of racially defamatory statements against the Christian community. Giniewski was convicted before domestic courts. On 31 January 2006, however, the European Court of Human Rights (ECHR) said that it did not accept the argument of the domestic courts that Giniewski’s words amounted to accusing Catholics and Christians in general of being responsible for the Nazi massacres, and that Christians were therefore victims of defamation on account of their religious beliefs. The ECHR considered that Giniewski had sought to develop an argument about a specific doctrine and its possible links with the origins of the Holocaust. In so doing, he had made a serious contribution to a wide-ranging and ongoing debate. The article in question did not contain attacks on religious beliefs as such, but a view which Giniewski expressed as a journalist and historian. As in the *Chauvy* case (2004), the Court declared that “it is an integral part of freedom of expression to seek historical truth”, and that “it is not its role to arbitrate” the underlying historical issues. Giniewski’s article did not incite to disrespect or hatred nor did it cast doubt in any way on clearly established historical facts. The Court ruled unanimously that Giniewski’s freedom of expression had been violated.

[Source: ECHR, *Case of Giniewski v. France: Judgement* (Strasbourg 31 January 2006).]

On 12 October 2006, the National Assembly approved on first reading a draft law that would make it a crime to deny the 1915 Armenian genocide. The proposed law, awaiting approval by the Senate and the President, made it an offence to deny the existence of the 1915 Armenian genocide, punishable by up to one year of imprisonment and/or a fine of up to 45,000 euro. The proposal complements

France's recognition of the Armenian genocide in a law passed in 2001. Reporters without Borders rejected the measure on the grounds that it attempts to create "an official historical truth—a practice typical of totalitarian regimes." The organisation adds that the law could have "incalculable consequences for all historians as well as for press freedom." Article 19 declared that "[t]his sort of law, whereby the State effectively elevates history to dogma, has no place in a democracy. Laws prohibiting incitement to hatred—so-called hate speech laws—are a more appropriate means of addressing problems of racism." It considered "all laws prohibiting the denial of genocide—including Holocaust denial laws—to breach international guarantees of freedom of expression. It [wa]s inherently illegitimate for the State to impose a blanket ban on discussion of historical matters." Six hundred historians signed a petition against the proposed law.

[Sources: AI, *Report 2007* (2007) 5–6, 119; A19, "French Should Scrap Armenian Genocide Law" (London 13 October 2006); *Ifex Communiqué* (17 October 2006); IOC (2007 no.1) 115.]

See also China, Egypt, Rwanda, United States.

GEORGIA

Last Annual Report entry: see NCH #32 (2003).

GERMANY

Last Annual Report entry: see NCH #45 (2006).

In November 2006, a criminal complaint was filed against United States (US) former Secretary of Defense Donald Rumsfeld and other high-ranking US officials for alleged crimes under international law committed in Iraq and at Guantánamo Bay. The complaint was based on the Code of Crimes against International Law. This law allows German courts to exercise universal jurisdiction in cases of alleged crimes against humanity, war crimes or genocide, irrespective of where they were committed or the nationality of the accused and the victims.

[Source: AI, *Report 2007* (2007) 123.]

See also Egypt, Poland, United Kingdom.

GHANA

Last Annual Report entry: see NCH #45 (2006).

In October 2006, the government began paying reparations to some 2,000 Ghanaians who had suffered human rights abuses under former governments. The reparation payments were recommended by the National Reconciliation Commission, which addressed human rights violations committed under various governments since independence (1957–93).

[Source: AI, *Report 2007* (2007) 124.]

GREECE

Last Annual Report entry: see NCH #45 (2006).

In April 2006, a controversy started over the new history textbook *Modern and Contemporary Times* (2006) and its accompanying educational material used in the sixth class of the primary school

(twelve-year olds). The book, written by **Maria Repoussi** (1954–), working at the Aristotelian University of Thessaloniki School of Education, **Chara Andreadou**, **Aris Poutachidis** and **Armodios Tsivas**, was published by the Official organization for the publication of textbooks OESB. It came under attack from the Archbishop of the Orthodox Church and from nationalists across the political scene from the extreme right to the extreme left. As the book was also available in Greek Cypriot schools, Greek Cypriot groups carrying the slogan “I do not forget” demanded an official protest. After a debate in the Cypriot parliament, the Minister of Foreign Affairs and later the Minister of Education urged the Greek government to have the textbook authors revise the account of the “Cypriot Question”. Meanwhile in Greece, the opposition against the textbook converted into a group (with a website, a petition, parliamentary questions, and demonstrations) and demanded the Greek Minister of Education and Religious Affairs, Marieta Giannakou, to withdraw it. The minister ruled out withdrawing it, invited the Academy of Athens to investigate the book, and declared that the textbook authors would be able to expand it during a forthcoming review. The academy made recommendations for a revised version. Meanwhile, the first edition of 175.000 copies was out of print and a second edition was in preparation. According to Repoussi, the accusations against the textbook included downplaying the role of the Orthodox Church in the awakening of national consciousness and the struggle for national independence; painting a rosy picture of the coexistence of Greek-speaking and Turkish-speaking populations during the almost 400 years of Ottoman domination of Greece (1456–1821); overrating the role of women; underrating the role of national heroes (such as the fighters of the 1821 independence); overemphasizing the dark side of history such as civil wars and internecine conflicts; serving foreign interests; and seeking to impose de-Hellenization. In addition, the Communist Party denounced the book as a tool of globalization. complained that the history of the working class was not adequately covered in it, and asked for its withdrawal. On a press conference on 5 March 2007, several history and social science journals defended the textbook. On 24 March 2007, about thirty Greek neo-Nazis, members of the *Chryssi Avgghi* (Golden Dawn) group, burned copies of the textbook and threw it onto the road at the end of a traditional parade for the anniversary of independence day (25 March 1821) in Athens. Riot police dispersed militants who yelled anti-Turkish slogans and who distributed anti-Turkish pamphlets. The controversy continued.

[Sources: “Greek Neo-Nazis Burn Controversial History Textbook” (*Middle East Times*, 24 March 2007); *International Herald Tribune/Kathimerini*, 5 April 2007: 1; Repoussi, M., “Debates on Greek History Textbooks” (Paper presented to the International Conference of the International Society for History Didactics, Tallinn, September 2006), 3–5; Idem, personal communication, December 2006 & July 2007); “Where History Isn’t Bunk”, *The Economist*, 15 March 2007.]

In June 2006, preparations for a conference on the Greek Civil War (1946–49) in Kastoria, scheduled for July 2006, were interrupted when local authorities withdrew their financial support and the venue

was canceled. Shortly before, Nina Gatzoulis, vice-president of the Panmacedonian Association of the United States, had given a lecture in Thessaloniki in which she had attacked various scholars—including **Riki Van Boeschoten**, a Dutch social anthropologist working at the University of Thessaly, Vólos, who co-organized the conference—involved in research on ethnic minorities. The lecture was reprinted in the Kastoria press. A new venue was found.

[Source: Boeschoten, R. van, personal communication, June 2006.]

See also Macedonia, Netherlands.

GRENADA

In June 2006, the Truth and Reconciliation Commission (TRC) presented its report about the ‘Grenada 17’ in Parliament. In 1986, the “Grenada 17” were convicted following unfair trials of the murder of Prime Minister Maurice Bishop and others in 1983. The TRC also called for efforts to be made to find the bodies of those who died during the coup and United States invasion and to pay compensation to their families. The government had failed to take any steps to implement the TRC’s recommendations by the end of 2006. In December 2006, the United Kingdom Judicial Committee of the Privy Council, Grenada’s highest court of appeal, heard a constitutional motion presented by the 13 members of the “Grenada 17” who remained in prison challenging the constitutionality and fairness of their detention. A decision was expected in early 2007. In December 2006, three of the “Grenada 17” were released for good behavior after completing twenty years in prison. Another was released in 2000 for health reasons.

[Source: AI, *Report 2007* (2007) 126.]

GUATEMALA

Last Annual Report entry: see NCH #45 (2006).

Of the 626 massacres documented by the Truth Commission sponsored by the United Nations (UN) in 1999, only two cases had been successfully prosecuted in the Guatemalan courts. During the last decade, there had been an alarming number of attacks and threats against Guatemalans seeking justice for past abuses. Targets included human rights advocates, justice officials, forensic experts, and plaintiffs and witnesses involved in human rights cases, and furthermore journalists, labor activists, and others who denounced the abuses. Guatemalan human rights organizations reported that 161 such acts of violence or intimidation took place between January and August 2006. Members of the

Fundación de Antropología Forense de Guatemala (FAFG; Guatemalan Foundation for Forensic Anthropology) continued to receive death threats in 2006 and 2007, in connection with their work exhuming bodies buried in clandestine cemeteries throughout Guatemala. There was widespread consensus among local and international observers that those responsible for the threats were affiliated with private, secretive, and illegally armed networks (commonly referred to in Guatemala as “clandestine groups”) with links to both government officials and organized crime. (See also NCH #31[v].)

[Sources: HRW, *World Report 2007* (2007) 206–8.]

In June 2006, a Spanish judge and prosecutor, investigating a case of alleged genocide, visited Guatemala to interview witnesses and suspects. They were prevented from pursuing the case, but in July the judge issued international arrest warrants for the five accused, including former President General Efraín Ríos Montt. However, Ríos Montt remained free after the Guatemalan authorities considered only part of the case presented by the Spanish National Court.

[Source: AI, *Report 2007* (2007) 25, 127.]

In October 2006, a Mexican court authorized the extradition of former President Alfonso Portillo, who left the presidency in January 2004, to face charges of corruption. An appeal was lodged. In December 2006, the government signed an agreement with the UN to establish the International Commission Against Impunity in Guatemala. The Commission would support the Public Prosecutor's Office in prosecuting the activities of illegal security forces and clandestine security organizations. The agreement had not been submitted to Congress for ratification by the end of 2006.

[Source: AI, *Report 2007* (2007) 126.]

On 19 March 2007, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, reported that in December 2005 the Department of Prehispanic and Colonial Monuments of the Ministry of Culture and Sports had given permission to a construction firm to build houses on the archeological site of Tulan Tzu, which was considered by the Maya as a sacred place. The project would destroy all the relics and graves of the site.

[Source: Stavenhagen, R., *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People: Addendum—Summary of Cases Transmitted to Governments and Replies Received* (A/HRC/4/32/Add.1; New York 2007) 42.]

GUINEA

On 4 October 2006, **Ibrahima Sory Dieng**, managing director of the state-owned newspaper *Horoya*, and chief editor **Alhassane Souare**, were suspended indefinitely for not publishing a photograph of President Lansana Conté alongside his speech commemorating the 48th anniversary of independence in 1958.

[Source: IOC (2007 no.1) 116.]

GUINEA-BISSAU

Last Annual Report entry: see NCH #14 (1999).

GUYANA

Last Annual Report entry: see NCH #6 (1997).

HAITI

Last Annual Report entry: see NCH #45 (2006).

HONDURAS

Last Annual Report entry: see NCH #27 (2002).

HUNGARY

Last Annual Report entry: see NCH #37 (2004).

In September 2006, police and protesters clashed after it came out that Prime Minister Ferenc Gyurcsány had admitted in May that he had lied during the election campaign. There was further violence on 23 October 2006 at the commemoration of the start of the 1956 uprising.

[Source: AI, *Report 2007* (2007) 132.]

In the night of 1 to 2 May 2007, vandals desecrated the grave of János Kádár, the last Communist ruler (1956–89), and took his skull and several bones. Graffiti reading “a murderer and traitor may not rest in holy ground” was found nearby.

[Source: *BBC News Online* (London), 3 May 2007.]

See also United States.

INDIA

Last Annual Report entry: see NCH #45 (2006).

In February 2005, the Commission headed by Justice G.T. Nanavati to probe the 1984 anti-Sikh riots submitted its report to the government. The riots in Delhi had followed the assassination of Prime Minister Indira Gandhi by two of her Sikh bodyguards and led to a massacre of nearly 3,000 Sikhs. Although two senior Congress leaders blamed for their part in organizing the riots resigned their posts in the government, those responsible for planning and instigating the riots were yet to be prosecuted.

[Sources: AI, *Report 2007* (2007) 134; HRW, *World Report 2007* (2007) 274.]

In Punjab, a majority of police officers responsible for serious human rights violations during civil unrest between 1984 and 1994 continued to evade justice. In response to 2,097 reported cases of human rights violations during this period, the National Human Rights Commission (NHRC) ordered Punjab state to provide compensation in 1,051 cases concerning people who died in police custody and appointed a commissioner to decide on compensation for 814 additional cases. Findings of the Central Bureau of Investigation on these deaths in custody were not made public and the NHRC did not actively pursue the outstanding cases of impunity.

[Source: AI, *Report 2007* (2007) 134.]

In 2006, a new report indicated that some 10,000 people in Jammu and Kashmir had been victims of enforced disappearance since 1989. The Association of the Parents of Disappeared People reported that the authorities failed to provide information to the families of the victims about their whereabouts.

[Source: AI, *Report 2007* (2007) 134.]

In 2006, there was still no accountability for the deaths of at least 1,100 Muslims in the western state of Gujarat during communal violence that erupted after a train carrying Hindu pilgrims in 2002 caught fire, killing 59 passengers. The Gujarat High Court did not follow up a Union government order to appoint another commission to investigate the cause of the train fire. In October 2006, the National Commission of Minorities declared that 5,703 riot-affected Muslim families were yet to be properly compensated and rehabilitated. There continued to be few successful prosecutions relating to the violence. However, 1,594 cases closed by the state police were reopened on the orders of the Supreme Court and 41 police officials were prosecuted for their alleged role. New evidence on the riots emerged, in the form of details of mobile phone calls made between those leading the attacks and politicians belonging to the then ruling Bharatiya Janata Party, a Hindu nationalist party ruling between 1998 and 2004.

[Sources: AI, *Report 2007* (2007) 134–35; HRW, *World Report 2007* (2007) 274.]

Twenty-two years after the Union Carbide Corporation (UCC) pesticide plant in Bhopal leaked toxic gases that devastated countless lives and the environment, survivors continued to struggle for adequate compensation, medical aid and rehabilitation. After a sustained campaign, including a survivors' march from Bhopal to Delhi in April 2006, the government agreed to clean up toxic waste, provide safe drinking water and set up a commission for rehabilitation of the victims. However, there was little progress by the end of 2006. UCC and Dow Chemicals (which took over UCC in 2001) continued to reiterate that they had no responsibility for the gas leak or its consequences.

[Source: AI, *Report 2007* (2007) 135.]

In January 2007, cinemas in Gujarat refused to screen *Parzania*, a film co-written and directed by **Rahul Dholakia** ([1967]–) about the communal violence in 2002. Although the censor board approved the film in August 2005 and it was shown in several Indian cities, Gujarat cinema theater owners feared that it could inflame tensions among Hindus and Muslims by resurrecting recent history.

[Sources: IOC (2007 no.2) 194; Sengupta, S., “In India, Showing Sectarian Pain To Eyes That Are Closed”, *New York Times*, 20 February 2007.]

See also Thailand.

INDONESIA

Last Annual Report entry: see NCH #45 (2006).

Indonesia made little progress in addressing the human rights crimes of the Soeharto era (1965/67–98). No charges were brought against the former president for human rights violations committed under his regime, or for the violence instigated by pro-Soeharto forces in a failed attempt to stave off his fall from power in 1998.

[Sources: HRW, *World Report 2007* (2007) 277.]

Trials of senior Indonesian officers at an ad hoc human rights court in Jakarta failed to give a credible judicial accounting for atrocities committed in East Timor (now Timor-Leste) in 1999. In July 2006, the United Nations Secretary-General, while reporting on justice and reconciliation for Timor Leste, called the ad hoc court “manifestly deficient”. In 2006, the Commission of Truth and Friendship established jointly by Indonesia and Timor-Leste to document crimes committed in Timor-Leste in

1999 and to promote reconciliation began its work. Its mandated ability to recommend amnesty for perpetrators of gross human rights violations had been widely criticized. In December 2006, the Constitutional Court annulled Law 27/2004 which mandated an Indonesian Commission of Truth and Reconciliation. The annulment of the law left victims of past human rights violations without a compensation mechanism.

[Source: AI, *Report 2007* (2007) 136, 257.]

On 11 July 2006, Indonesia's National Parliament passed the Aceh Governance Bill, which implemented the peace agreement of August 2005 between the government and rebels of the Free Aceh Movement (Gerakan Aceh Merdeka, or GAM). Although the law established a human rights court for the province, the court could not address any of the past human rights crimes that accompanied three decades of armed conflict in the province (1976–2005). The law also established a truth and reconciliation commission to examine events of the past. In September 2006, local organizations submitted information to Komnas HAM (the National Human Rights Commission) about mass graves excavated in Aceh since the signing of the 2005 peace agreement. The organizations urged Komnas HAM to conduct thorough investigations and to prevent further excavations from taking place without the presence of the necessary medical and legal experts.

[Sources: AI, *Report 2007* (2007) 137; HRW, *World Report 2007* (2007) 278.]

On 5 March 2007, the Attorney General's Office banned thirteen history textbooks (published by ten different publishers) that were based on the 2004 junior and senior high school curricula because they allegedly played down the role of the Communist Party of Indonesia (PKI) in the 1948 uprising in Madiun, East Java, and in the September 1965 coup attempt and murdering of six army generals in Jakarta. In some of the textbooks, the official acronym of the 1965 coup attempt was shortened from "G30S/PKI" to "G30S" (the September 30th movement). Attorney General Abdul Rahman Saleh declared that since a military court had proven that the PKI was involved in the 1965 events, the omission of these facts in the textbooks was unacceptable and could create public disorder. One banned history textbook for the final year of high school gave five possible explanations for the 1965 events. Others did not treat contemporary history (including a textbook for seventh graders by **Tugiyono** about pre-modern history of kingdoms in the archipelago). Still others did indicate the 1965 events as "G30S/PKI", thus coinciding with the official view. A group of 127 historians signed a petition to protest the ban. The Indonesian Legal Aid and Human Rights Association planned to take legal action against the ban.

[Sources: "The Attorney General Office's banning of some history books" (*Indonesia Matters*, 2007); Febrina, A., "Academics, Activists Join Forces to Defy Ban: The Fight Surrounds Textbooks that Do Not Mention a 1965 Coup d'Etat," *Jakarta Post*, 20 March 2007.]

Authorities on the island of Bali banned screenings of *The Long Road to Heaven* for fear of creating tension. The film, about the 2002 nightclub bombings in which 202 people were killed, examined the motivation of the Indonesian and Malaysian Islamic militants for carrying out the attacks. It had been shown in cinemas everywhere else in Indonesia.

[Source: IOC (2007 no.2) 194.]

See also Australia, Malaysia, Netherlands, Timor-Leste.

INTERNATIONAL CRIMINAL COURT

Last Annual Report entry: see NCH #45 (2006).

See Central African Republic, Congo (Democratic Republic), Ivory Coast, Rwanda, Sudan, Uganda.

IRAN

Last Annual Report entry: see NCH #45 (2006).

In December 2006, President Mahmoud Ahmadinejad called for a debate to promote the denial of the Holocaust. A conference denying the Holocaust was staged, apparently as in retaliation for the Danish cartoons.

[Sources: AI, *Report 2007* (2007) 5; IOC (2007 no.2) 85.]

In 2007, editor and investigative journalist **Roozbeh Mir Ebrahimi** ([1980–]) received a Human Rights Watch Hellman-Hammett grant. In September 2004, he had been detained and held in solitary confinement for two months. He wrote two books on contemporary Iranian political history for which he did not receive government permission for publication.

[Source: HRW, *45 Writers from 22 Countries Receive Hellman/Hammett Grants* (2007).]

On 3 February 2007, the Press Monitoring Commission closed the conservative daily newspaper *Siassat Rouz* for publishing an article deemed offensive to Sunni Muslims on 1 February. The article reportedly criticized the second Caliph Omar Ibn al-Khattab (634–44 CE). The newspaper said that a typographical error had occurred. It apologized the next day.

[Source: IOC (2007 no.2) 195.]

On 4 February 2007, historian **Hashem Aghajari** (1957–) was prevented from attending a conference

on political reform in Iran at the Massachusetts Institute of Technology, Boston, United States. Officials from the Information Ministry confiscated his passport and told him that the Revolutionary Court had imposed a travel ban on him. (See also NCH #28.)

[Sources: Ifex, *Communiqué* (13 February 2007); IOC (2007 no.2) 195.]

IRAQ

Last Annual Report entry: see NCH #45 (2006).

Among the more than 250 professors who were killed in Iraq since 30 April 2003 were the following historians: **Khalid M. al-Janabi**, PhD. in Islamic history, faculty member at the College of Art, Babylon University (date of assassination unknown); **Essam Sharif Mohammed** (?–2003) (also spelled Hissam Sharif), Ph.D in History, assistant professor at the College of Art, Baghdad University, assassinated on 25 October 2003; **Mahfoudh al-Qazzaz** (?–2004), PhD. in Islamic history, faculty member at the College of Art, Mosul University, killed by a death squad in front of his family at his home in Mosul on 20 December 2004; **Jamhour Karim Kammas Al Zargani** (?–2005), PhD. in history, head of department at the College of Education at Al-Basrah University, abducted for two days, tortured, and killed; his family found the dead body with broken arms and legs in a nearby street in Basra on 19 August 2005; **Kemal Nassir** (?–2006), professor of history, lecturer in Mustansiriya and Kufa, assassinated on 1 October 2006. In addition, on 22 May 2005, **Abd-Asalam Ali Hussein**, PhD. in Islamic History, was arrested. (See also NCH #47.)

[Source: Russell Tribunal, *List of killed, threatened or kidnapped Iraqi Academics* (2006).]

On 22 February 2006, a bomb attack by extremists demolished the dome of the al-Askariya shrine in Samarra, north of Baghdad, one of the four key Shi'ite holy sites that contains the tombs of the tenth and eleventh of twelve revered Shia imams (reputed to be direct descendants of the Prophet Muhammad), Ali al-Hadi (–868 CE) and al-Hassan al-Askari (–874 CE). It sparked retaliatory sectarian violence across Iraq, in which thousands died and dozens of Sunni mosques were attacked. On 13 June 2007, the shrine's two minarets were also destroyed.

[Source: *Keesing's Record of World Events*, February 2006; *BBC News Online*, 13 June 2007.]

In March 2006, Kurds in northern Iraq destroyed the Halabja Monument, which commemorated some 5,000 Kurds killed in a 1988 chemical warfare attack, because they felt that the Patriotic Union, which governed the eastern section of Iraq's Kurdish region, had used the monument to gather money for its own purposes.

[Source: Barsalou, J., & V. Baxter, "The Urge To Remember: The Role of Memorials in Social

Reconstruction and Transitional Justice,” *United States Institute of Peace Stabilization and Reconstruction Series*, no. 5 (January 2007) 9.]

In July 2006, the first trial before the Supreme Iraqi Criminal Tribunal (SICT), which began in October 2005, came to an end. Eight defendants, including former president Saddam Hussein, were tried on charges of crimes against humanity in connection with the arbitrary detention and forced displacement of 800 persons from the town of al-Dujail in 1982, 148 of whom were executed or died in detention. On 5 November 2006, Saddam Hussein and six other defendants were convicted; Saddam Hussein and two others were sentenced to death by hanging. On 30 December 2006, Saddam Hussein was executed. There was a widespread sense within the region and beyond that the trial represented no more than “victor’s justice” and an act of vengeance. In August 2006, a second trial opened, with Saddam Hussein and six other defendants facing charges in connection with the 1988 Anfal campaign against the Kurdish population in northern Iraq, involving the systematic and deliberate murder of at least 50,000 and possibly as many as 100,000 Kurds. In September 2006, the presiding judge was forced to step down following accusations of bias by the Iraqi government. After his replacement, the trial continued but had not been concluded by the end of 2006. After the execution of Saddam Hussein, the trial against the other defendants was expected to continue.

[Sources: AI, *Report 2007* (2007) 37–38, 42, 142, 144; HRW, *World Report 2007* (2007) 472, 474.]

In August 2006, **Donny George**, director-general of the Iraqi museums and president of the State Board of Antiquities and Heritage, went into hiding in Damascus, Syria, and later into exile in the United States, where he became a professor at New York State University. He had received death threats because he cooperated with the American forces. As a Christian, he was also forced into early retirement as his post had been assigned to a Shia Muslim. George said that this interference of supporters of the radical Shia cleric Moqtada al-Sadr in the Ministry for Antiquities and the State Board had made his position intolerable. He accused them of only being interested in Islamic sites and not in Iraq’s earlier heritage. Excavation and conservation projects had stalled and all foreign archeologists had left Iraq.

[Source: *Guardian*, 26 August 2006.]

See also Denmark, Germany, United States.

IRELAND

Last Annual Report entry: see NCH #37 (2004).

See United Kingdom.

ISRAEL

Last Annual Report entry: see NCH #32 (2003).

See also South Africa, United Kingdom, United States.

ITALY

Last Annual Report entry: see NCH #32 (2003).

IVORY COAST (Côte d'Ivoire)

Last Annual Report entry: see NCH #45 (2006).

Throughout 2006 neither the government nor the rebel leadership took significant steps to discipline, investigate, or hold accountable those responsible for past atrocities during the 2002–2003 civil war. Despite repeated threats to impose sanctions, the United Nations (UN) Security Council only imposed travel and economic sanctions against three mid-level individuals from the Young Patriots and New Forces. The Security Council has yet to make public or discuss the findings of the 2004 Commission of Inquiry report into human rights abuses since September 2002. The report contained a secret annex listing people accused of human rights abuses who could eventually face trial. Although in September 2003 the Ivorian government had lodged a declaration with the International Criminal Court (ICC) accepting ICC's jurisdiction over serious crimes committed since September 2002, the ICC prosecutor had not yet determined whether to open an investigation.

[Source: HRW, *World Report 2007* (2007) 107.]

JAPAN

Last Annual Report entry: see NCH #45 (2006).

In 2006, survivors of Japan's system of sexual slavery before and during World War II continued to be denied full reparations. Japanese courts have repeatedly rejected lawsuits seeking compensation, and the government continued to argue that compensation claims were settled by post-war treaty arrangements. On 1 March 2007, Prime Minister Abe Shinzo denied the role of the military in the system, thus contradicting the official Kono declaration of 1993. Abe declared that there was no evidence of coercion. The United States Congress considered passing a resolution demanding that the 1993 declaration be observed.

[Sources: AI, *Report 2007* (2007) 153; IOC (2007 no.2) 195, 198.]

On 29 January 2007, Tokyo's High Court confirmed that the public television network NHK had effectively bowed to political pressure and censored a 40-minute documentary about "comfort women" from 2001 (see NCH #38). It could not prove, however, that NHK had been under specific instructions. It ordered NHK and two television production firms to pay 2 million yen (approximately 16,400 US dollar) for breach-of-contract damages to Violence Against Women in War Network - Japan.

[Source: International Federation of Journalists, *Ifex Alert* (15 February 2007).]

See also Korea, North.

JORDAN

Last Annual Report entry: see NCH #37 (2004).

KAZAKHSTAN

Last Annual Report entry: see NCH #23 (2001).

On 31 July 2006, **Zhasaral Kuanyshalin** was sentenced in Almaty for insulting President Nursultan Nazarbayev in an October 2005 statement and in a report filed to the Office of the General Prosecutor seeking treason charges against the president. In the report, he had claimed that Nazarbayev had betrayed Kazakhstan by saying that “Kazakhs were historically a borderless nation, lacking statehood” in his annual address to the nation. Kuanyshalin was sentenced to two years’ imprisonment but was released on amnesty.

[Source: World Press Freedom Committee, *It’s a Crime: How Insult Laws Stifle Press Freedom: A 2006 Status Report* (Reston, VA 2006) 86.]

In 2007, three private citizens, Almaz Dzhambulov, Zhenis Zhambylov and Katshibek Abdykalykova, sued the opposition newspaper *Svoboda slova* and one of its journalists, **Yerbol Kurmabayev** for defamation and sought huge damages. Calling themselves descendants of national poet and folk singer Dzhambul Dzhabayev (1846–1945) and national hero Karasai Batyr, they claimed that Kurmabayev had distorted Kazak history and defamed both historical figures in an article of 25 January 2007 in which the latter had reported that the historical role of both was exaggerated and mythologised.

[Source: Adil Soz, *Ifex Alert* (15 June 2007).]

Last Annual Report entry: see NCH #23 (2001).

KENYA

Last Annual Report entry: see NCH #38 (2005).

In October 2006, a group of former Mau Mau insurgents launched a suit against the government of the United Kingdom, seeking compensation for human rights abuses including rape, beatings and other torture committed during the so-called Mau Mau rebellion (an uprising in 1952–56 of members of the Gikuyu, Kenya’s largest ethnic group, against British colonial rule in order to obtain land and freedom). According to the Kenya Human Rights Commission, tens of thousands of people were tortured by the British authorities at the time.

[Source: AI, *Report 2007* (2007) 158.]

KOREA, NORTH

Last Annual Report entry: see NCH #45 (2006).

According to the Korea Institute for National Unification (based in South Korea), a total of 3,790 South Koreans were kidnapped and taken to North Korea between 1953 and 1995, 485 of whom remained in detention. Some of the abductees were used in propaganda broadcasts to South Korea, while others were used to train North Korean spies. In spite of its admissions regarding 13 Japanese abductees (five of whom were allowed to return home in 2002, while the others were said to have died), North Korea rejected repeated requests from families of the South Korean abductees to confirm their existence, to return them, or, in the case of the deceased, to return their remains.

[Source: HRW, *World Report 2007* (2007) 298.]

KOREA, SOUTH

Last Annual Report entry: see NCH #45 (2006).

See also Korea, North.

KUWAIT

Last Annual Report entry: see NCH #38 (2005).

LATVIA

Last Annual Report entry: see NCH #45 (2006).

LEBANON

Last Annual Report entry: see NCH #45 (2006).

In September 2006, the United Nations (UN) International Independent Investigation Commission submitted its fifth interim report on its investigation into the killing of former Prime Minister Rafiq al-Hariri and 22 others in February 2005. On 13 November 2006, the Cabinet approved a UN draft for an international tribunal to try those suspected of involvement in the killings, but it was unclear whether the absence of the six ministers who resigned invalidated the vote. The decision also required ratification by Parliament and the President. Syria denied high-level Syrian involvement in the assassination.

[Sources: AI, *Report 2007* (2007) 167, 168; HRW, *World Report 2007* (2007) 250, 489.]

Despite campaigning by families and nongovernmental organizations, the fate of approximately 17,000 Lebanese and other nationals who became victims of enforced disappearance in the civil war (1975–90) remained unknown.

[Sources: AI, *Report 2007* (2007) 10–11, 168; HRW, *World Report 2007* (2007) 489.]

See also Syria.

LIBERIA

Last Annual Report entry: see NCH #45 (2006).

In February 2006, seven commissioners were inaugurated to the Truth and Reconciliation Commission (TRC). The TRC was mandated to investigate gross human rights violations and economic crimes that occurred in 1979–2003, could recommend amnesty in less serious cases and prosecution for the most serious cases. After a three-month preparatory period, the TRC started work in June 2006 and in September its work plan was made public. Nearly 200 people were recruited by the end of September to take witness statements, a process which began on 10 October. However, public hearings due to take place at the end of 2006 were delayed. Civil society demanded a

mechanism to call to account perpetrators of war crimes and crimes against humanity in Liberia's wars. Points of debate were whether the trials of alleged perpetrators should take place before or after the TCR had completed its task, whether TCR officials would use their power to recommend individuals for prosecution, and whether the Liberian judicial system should and could handle the trials. Concerns were raised about the safety of witnesses, the role of civil society in the TRC process, and how the TRC should respond to public concerns. By the end of 2006, the TRC had received approximately US\$2.2 million of the estimated US\$14 million required.

[Sources: AI, *Report 2007* (2007) 169, 170; HRW, *World Report 2007* (2007) 133.]

On 17 March 2006, President Johnson-Sirleaf made an official request to the Nigerian government for former Liberian President Charles Taylor to be handed over to Liberia. On 25 March, the Nigerian President Olusegun Obasanjo officially agreed to the request. Taylor temporarily escaped from his place of refuge in Nigeria but was later arrested. He arrived in Liberia on 29 March, where he was arrested by the United Nations Mission in Liberia (UNMIL), mandated by United Nations Security Council Resolution 1622, and immediately transferred to the Special Court for Sierra Leone (SCSL) to face trial on charges of war crimes and crimes against humanity committed during the civil war in Sierra Leone (1991–2002). Taylor supported the rebel Revolutionary United Front (RUF) during that war. Due to security concerns, Taylor's trial was relocated to The Hague in June 2006. His trial was expected to begin in 2007. In October 2006, Taylor's supporters appealed to the Supreme Court to stop the TRC from hearing testimony against him, arguing that it would prejudice his trial at the SCSL.

[Source: AI, *Report 2007* (2007) 12, 19, 169, 170, 199, 229, 321.]

In December 2006, reporter **Rufus Paul** of the *Daily Observer* was assaulted, allegedly on the orders of the director of the National Archives. The journalist was investigating alleged misappropriation of funds by the said director.

[Source: AI, *Report 2007* (2007) 171.]

LIBYA

Last Annual Report entry: see NCH #45 (2006).

28 June 2006 marked the tenth anniversary of the large-scale killings in Tripoli's Abu Salim prison, run by the Internal Security Agency. Security forces reportedly killed "around 1,200 people". The government failed to announce the exact number of people killed or the names of the dead.

[Source: HRW, *World Report 2007* (2007) 497–98.]

On 19 March 2007, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, reported that on 30 January 2006 he had received information that the Libyan education system and schoolbooks did not take into account the Berber component in Libya's geography, history and culture.

[Source: Stavenhagen, R., *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People: Addendum—Summary of Cases Transmitted to Governments and Replies Received* (A/HRC/4/32/Add.1; New York 2007) 63.]

LITHUANIA

Last Annual Report entry: see NCH #38 (2005).

MACEDONIA

Last Annual Report entry: see NCH #45 (2006).

A controversy erupted after *Understanding Current History*, a program of workshops to promote ethnic reconciliation, was started in 2002. This program, in which twenty-five Macedonian Slav and Albanian history teachers of primary and high schools participated, was directed by psychologist **Violeta Petroska-Beska** and legal expert **Mirjana Najcevska** of the Center for Human Rights and Conflict Resolution, Sts. Cyril and Methodius University, Skopje. The project's history lecture included three versions of the armed conflict of 2001, in which ethnic Albanian guerrillas confronted the Macedonian police and army: the opposing Macedonian and Albanian nationalist versions of events and a third version aiming to provide a synthesis. Several leading professional historians, including Blaze Ristevski, head of the Macedonian Academy of Science and Arts History Department, Todor Cepreganov, director of the National History Institute, and Ljupco Jordanovski, speaker of the Macedonian parliament, were skeptical about the attempt which they considered premature.

[Sources: Blazeovski, I., "Macedonia: Reworked History Lessons Cause Storm", *Balkan Insight* (9 February 2006); Petroska-Beska, V., & M. Najcevska, "Macedonia: Understanding History, Preventing Future Conflict", *United Nations Institute of Peace Special Report 115* (February 2004).]

MALAYSIA

Last Annual Report entry: see NCH #27 (2002).

In December 2006, *March 8*, a Tamil-language book by **K. Arumugam** that chronicled the 15 days of racial clashes that killed six people and injured more than forty in Kampung Medan (a slum area near the capital Kuala Lumpur) in 2001, was banned. The majority of the casualties were Indian. The Centre for Independent Journalism said that the government engaged in whitewashing history by prohibiting the publication of research on the Kampung Medan incident. Other publications banned by the Internal Security Ministry in December 2006 included *Sepintas Sejarah Islam* (Islam: A Short History) by **Ira Puspito Rini** and the Indonesian translation of Charles Darwin's *Origin of Species*.

[Source: Southeast Asian Press Alliance, *Ifex Alert* (1 March 2007).]

On 12 February 2007, the Malaysian Film Censorship Unit banned *Apa Khabar Orang Kampung* (Village People Radio Show), an independent documentary by film director **Amir Muhammad** about the lives of former Malay Muslim members of the now defunct Communist Party of Malaya. After

World War II, the communists wanted to liberate the Malay peninsula from British rule. The censors objected to the film's alleged theme of "a noble communist struggle" and to its apparent portrayal of the Malaysian government as being unfair for not appreciating the communists' struggle and for not offering them a decent rehabilitation arrangement as was done in Thailand. The film was also accused of distorting history in equating the communist struggle with that of the Malay warriors who fought British rule in the nineteenth century. The film was the sequel to *Lelaki Komunis Terakhir* (The Last Communist), which was banned in 2006. In an appeal against the ban, Amir Muhammad argued for a "limited viewing" rating for his film, since it had been ruled "inappropriate for general viewing".

[Source: Southeast Asian Press Alliance, *Ifex Alert* (26 February & 1 March 2007).]

MALDIVES

Last Annual Report entry: see NCH #45 (2006).

MAURITANIA

Last Annual Report entry: see NCH #27 (2002).

MEXICO

Last Annual Report entry: see NCH #45 (2006).

In April 2004, **Jaime Lagunez Otero**, a biologist working at the National Autonomous University of Mexico's (UNAM) Chemistry Institute, was dismissed after twelve years. He was denied access to his personal possessions, archives, and computational infrastructure. Lagunez sued UNAM but in October 2006 his case was still pending. He and others suspect that he was dismissed in retaliation for his role in human rights activism outside of UNAM. Lagunez has been a long-time supporter of efforts to protect Mexican cultural heritage. He openly criticized the official support for the construction of warehouses on important cultural sites. The construction reportedly endangered UNESCO World Heritage sites, such as the 1,200 year-old ruins of Teotihuacan. Besides being involved in local protests, Lagunez's environmental and cultural group had internationalized opposition by joining a coalition of other non-governmental organizations to petition the U.S.-based TIAA-CREF pension fund to withdraw its investments from companies that disregarded cultural heritage sites, abuse human rights or promote unsafe products. Lagunez was unable to find other work

in his field in Mexico. He believed that authorities blocked university positions he could otherwise obtain.

[Source: American Association for the Advancement of Science Human Rights Action Network, *Case me0706_ote* (13 October 2006).]

In February 2006, a draft report compiled by the historical truth unit of the FEMOSPP (The Special Federal Prosecutor's Office, established in 2001 to secure justice for grave human rights violations committed during Mexico's "dirty war" [1960s–1980s]), was leaked to an Internet website. It identified more than 700 cases of enforced disappearance, more than 100 extrajudicial executions and more than 2,000 cases of torture committed by the armed forces and security agencies. In the final days of the administration of President Vicente Fox, a weakened version of the report was officially circulated on the Internet, but the government failed to endorse it, publicize its findings or ensure that victims and their relatives would have access to truth, justice or reparations. The government stated that the work of the FEMOSPP was complete and ordered its closure in November 2006. In the same month, a federal court determined on appeal that the statute of limitations had not expired on the genocide charges faced by former President Luis Echeverría (ruled 1970–76), in connection with the 1968 Tlatelolco Square massacre (at the time, Echeverría had been Minister of Internal Affairs). A federal court ordered his rearrest.

[Sources: AI, *Report 2007* (2007) 25, 183–84; HRW, *World Report 2007* (2007) 215, 218.]

On 1 September 2006, **Ricardo Delfín Quezada Domínguez**, a historian and anthropologist at the Faculty of Anthropology of the Autonomous University of Yucatán, was arrested in Mérida on the charge that he had participated in a grenade attack on the newspaper *Por Esto!* with which he collaborated. On 3 September 2006, he was released because of lack of evidence. His arrest was possibly linked with his articles in which he had criticized the government's environmental policy, especially in petroleum-rich areas.

[Sources: Academia Solidaria de Historia a Debate (Santiago de Compostela 2006); Giordano, A., "Atacan al periódico 'Por Esto!'" (September 2006).]

See also Guatemala.

MOLDOVA

Last Annual Report entry: see NCH #32 (2003).

MONGOLIA

Last Annual Report entry: see NCH #27 (2002) under China.

From January 2006, the Police Enquiry Department undertook an investigation of **G. Dashrentsen**, political commentator for the national newspaper *Udriin Sonin* (Daily News) after Buddhist Lama Purevbat had brought defamation charges against him in November 2005. In October 2005, Dashrentsen had called Purevbat a “yaschin” (a bone dealer) in an article, “N. Enkhbayar’s Black Spot Moves Ahead in Mongolia”, published in the weekly *Deedsiin Hureelen*. Dashrentsen claimed that the criticism in the article was not aimed at Purevbat but at the Mongolian President Nambaryn Enkhbayar, who had given an award to Purevbat. In May 2003, at Hambiin Ovoo, near the capital Ulaanbaatar, the bones of more than 600 lamas were uncovered and, in a project initiated by Purevbat, a memorial stupa was to be built, destroying these bones. The bones were considered evidence of mass killings committed during the repression period of the 1930s.

[Source: World Press Freedom Committee, *It’s a Crime: How Insult Laws Stifle Press Freedom: A 2006 Status Report* (Reston, VA 2006) 95.]

MOROCCO/WESTERN SAHARA

Last Annual Report entry: see NCH #45 (2006).

On 30 November 2005, Morocco’s Equity and Reconciliation Commission (ERC), launched in 2004 by King Mohamed VI, issued its report on grave human rights violations committed in 1956–99, particularly cases of enforced disappearance and arbitrary detention. It provided an official acknowledgement of past repression and elucidated many individual cases. In January 2006, King Mohamed VI gave a speech to mark the publication of the ERC report. He expressed his sympathy for the victims of the violations, but stopped short of offering an apology. He instructed the national human rights institution, the Human Rights Advisory Board (HRAB), to follow up ERC work. In June 2006, Prime Minister Driss Jettou set up joint working committees comprising government officials and former ERC members to examine ERC recommendations, particularly on reparations and institutional and legal reforms. The HRAB began informing victims and their families of the results of research into 742 cases of enforced disappearance that it said it had been resolved. It continued ERC investigations into 66 unresolved cases. The HRAB said that a detailed list of the enforced disappearance cases examined by the ERC would be published in mid-2006, but this had not happened by the end of 2006. No progress was made on providing victims with effective access to justice and holding accountable individual perpetrators, issues not addressed by the ERC.

[Sources: AI, *Report 2007* (2007) 39, 188; HRW, *World Report 2007* (2007) 505–6.]

In May 2006, a mission of the Office of the United Nations High Commissioner for Human Rights visited the refugee camps in Tindouf in south-western Algeria. Its leaked confidential report recommended closer monitoring of the human rights situation in the camps. Those responsible for human rights abuses in the camps in previous years continued to enjoy impunity. The Polisario Front took no steps to address this legacy.

[Source: AI, *Report 2007* (2007) 190.]

See also Netherlands.

MYANMAR (BURMA)

Last Annual Report entry: see NCH #45 (2006).

NAMIBIA

Last Annual Report entry: see NCH #45 (2006).

A cabinet committee appointed to deal with mass graves from the 1966–89 liberation war had not taken a decision on the matter by end of 2006. An opposition call to debate the imprisonment and torture of hundreds of members of SWAPO (South West African Peoples' Organisation) in SWAPO camps in Angola before independence was rejected by the ruling party in October 2006. SWAPO used its parliamentary majority to dismiss the Congress of Democrats' motion before it could be debated, claiming that such a discussion could undermine the policy of national reconciliation.

[Source: AI, *Report 2007* (2007) 193.]

NEPAL

Last Annual Report entry: see NCH #14 (1999) under United States.

In May 2006, the SPA (Seven Party Alliance) government appointed a Commission of Inquiry chaired by a former Supreme Court judge to investigate human rights violations committed in the suppression of the People's Movement (the popular protests in April 2006 which led to a political transition). In November 2006, the Commission delivered its report to the SPA government but its findings were not made public. The Commission reportedly recommended action against more than 200 people, including King Gyanendra, senior ministers and security officials. The SPA government formed a committee to study the report. In early June 2006, the Home Ministry established a one-person Disappearances Committee without the capacity to investigate the hundreds of unresolved cases of enforced disappearance. The Peace Agreement signed on 21 November 2006 contained significant human rights commitments, including an end to impunity for human rights abuses. It provided for a Truth and Reconciliation Commission to investigate "serious violations of human rights and crimes against humanity" committed during the armed conflict (1996–2006) and a National Peace and Rehabilitation Commission to provide assistance to conflict victims. The Peace Agreement also included pledges to publicize the whereabouts of victims of enforced disappearances within sixty days and to create an environment conducive to the return of internally displaced people. Marginalized groups were under-represented in the peace process. Measures to address past violations and abuses were inadequate. Neither the security forces nor the CPN (Communist Party of Nepal–Maoist) took concrete steps to strengthen accountability within their ranks.

[Source: AI, *Report 2007* (2007) 195.]

NETHERLANDS

Last Annual Report entry: see NCH #38 (2005).

In January or February 2003, after historian **Pieter Drooglever** (1941–), working at the Instituut voor Nederlandse Geschiedenis (ING; Institute for Netherlands History), The Hague, and at Radboud University, Nijmegen, had started research for his book *Een daad van vrije keuze: De Papoea's van westelijk Nieuw-Guinea en de grenzen van het zelfbeschikkingsrecht* (The Hague/Amsterdam 2005; An Act of Free Choice: The Papuas of Western New Guinea and the Limits of Self-Determination), commissioned in December 1999 by the Dutch Ministry of Foreign Affairs at the request of the parliament, he was forbidden entry into Indonesia by the new government of President Megawati Sukarnoputri to interview witnesses and to do archival research. In his book, Drooglever described that, despite vague concessions from the Dutch regarding self-determination to the Papuas during the period 1963–69, the Netherlands and the United Nations did not protest when Indonesia in 1969 manipulated a referendum held among the Papua population in the former Dutch New Guinea (Western New Guinea; West Irian Jaya from 1973, Papua Barat from 2000) about self-determination (“the act of free choice”) for, and managed to transform the referendum results into unanimous support for Indonesian hegemony over, and incorporation of, the region. The book was seen as fomenting separatism and lending support to Papuan independence claims. When it was published in November 2005, the Dutch Minister of Foreign Affairs Ben Bot refused to receive the book publicly in order not to harm Dutch-Indonesian relations. In the summer of 2006, Drooglever was again refused entry in Indonesia.

[Sources: Drooglever, P.J., personal communication (August 2007); Drooglever, P.J., “Een paar bedenkingen”, *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden*, 2007: 91–104; Meijer, H., “‘Geschiedenis is nu eenmaal altijd politiek’: De studie-Drooglever als symptoom van de moeizame omgang van Nederland met het koloniaal verleden en de complexe relatie met Indonesië”, *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden*, 2007: 72–90; *NRC Handelsblad*, 15 November 2005: 1, 7; 16 November 2005: 7; *NWO Hypothese*, December 2006, 15.]

In May 2006, there was a controversy about the extent to which the Nederlandsche Handel-Maatschappij (NHM; Dutch Trading Company, predecessor of the ABN-AMRO bank) had participated in the slave trade after the American organization History Associates Incorporated had published a commissioned history of the LaSalle Bank Corporation in Chicago in which ties of the NHM to the slave era were uncovered.

[Source: History Associates Incorporated, *Predecessors of ABN AMRO Bank N.V. and Connections to African Slavery in the United States and the Americas* (Rockville, MD, April 2006).]

In early June 2006, officials of the Chinese embassy visited the Wereldmuseum in Rotterdam and asked to change some texts for the exhibition *Tibet and the Fourteen Dalai Lamas*. “China occupied Tibet” had to be changed into “Tibet is a province of China” and “The Dalai Lama went into exile” into “The Dalai Lama left China voluntarily.” The museum refused to comply with the demand.

[Source: *Telegraaf*, 5 June 2006.]

Between October and December 2006, problems arose concerning four essays about Ottoman history written by Dutch turkologists, including **Jan Schmidt** and **René Bakker** from the University of Leiden, for the catalog of the exhibition *Istanbul, The City and the Sultan*, organized by the Nieuwe Kerk in Amsterdam. The complete essays were censored without consulting the authors after pressure from the Turkish Ministry of Culture and Tourism. The ministry objected to passages on, inter alia, the foundation of Byzantium (later Istanbul) by Greeks, the presence of Kurds in Istanbul, homosexuality in Ottoman bathhouses, and the ethnic cleansing of the Armenian minority in and after 1915. In 2004, there had been a similar affair. The catalog of the exhibition *Morocco: 5000 Years of Culture* in the Nieuwe Kerk had been adapted: the country map of Morocco was adapted so it incorporated the Western Sahara, which conformed to the official (and incorrect) representation.

[Sources: *Volkskrant*, 13 February 2007: 1; 15 February 2007: 12; 26 February 2007: 1, 10.]

On 1 November 2006, the Raad van State (Council of State; the highest administrative court, whose president is the Queen) decided that historian **Lambert Giebels** (1935–), former socialist Member of Parliament and biographer of President Sukarno, could not access the Royal House Archive for his biography about former Prime Minister Louis Beel entitled *De Greet Hofmans-affaire: hoe de Nederlandse monarchie bijna ten onder ging* (Amsterdam 2007; The Greet Hofmans affair: or how the Dutch monarchy nearly collapsed). It ruled that the archive had a private, not a public, character, that Queen Beatrix was allowed to decide herself whom she gave access, and that, therefore, Giebels’s 1993 request based on the Freedom of Information Act (Wet Openbaarheid Bestuur) to gain access to documents about the so-called Greet Hofmans affair in the archive was not appropriate. In 1948–56, the influence of mystic healer Hofmans on Queen Juliana almost led to a constitutional crisis and the latter’s divorce from Prince Bernhard. In 1956, Beel had presided an enquiry commission that produced a report about the affair that was kept in the Royal House Archive but sealed for one hundred years. Giebels wanted to consult the document. In August 2005, the Queen had granted privileged access to the archives, including the Beel report, to another historian, Cees Fasseur (1938–), official biographer of Queen Wilhelmina, for his book about the Hofmans affair scheduled to be published in 2009. In January 2005, the Parliament had adopted a motion that those records in the Royal House Archive which referred to the function of head of state or were otherwise of public interest should be transferred to the National Archives in The Hague. According to Giebels, the Beel

report was such a record; he suggested that, as a princess, Queen Beatrix might have made controversial statements before the Beel commission at the time.

[Sources: *NRC Handelsblad*, 13 December 2004: 1; 1 November 2006: 1; Raad van State (Council of State) (Afdeling Bestuursrechtspraak), “Uitspraak op het hoger beroep van dr. L.J. Giebels, wonend te Breda, zaaknummer 200602809/1” (1 November 2006).]

See also Greece, Turkey.

NEW ZEALAND

Last Annual Report entry: see NCH #38 (2005).

In 2006, chief film censor Bill Hastings consulted families of the 13 victims of the 1990 Aramoana massacre to see whether a new documentary on the subject, *Out of the Blue* by **Robert Sarkies**, should be banned.

[Source: IOC (2006 no.4) 195.]

NICARAGUA

Last Annual Report entry: see NCH #10 (1998).

NIGERIA

Last Annual Report entry: see NCH #45 (2006).

See Liberia.

PAKISTAN

Last Annual Report entry: see NCH #45 (2006).

PALESTINIAN AUTHORITY

Last Annual Report entry: see NCH #27 (2002).

See Syria, United States.

PANAMA

Last Annual Report entry: see NCH #32 (2003).

PARAGUAY

Last Annual Report entry: see NCH #38 (2005).

In August 2006, former President Alfredo Stroessner died in exile in Brazil. Requests for his extradition were unsuccessful and he was never brought to trial for the many human rights violations committed during his rule (1954–89), including in the context of Operation Condor, a joint plan by Southern Cone military governments in the 1970s and 1980s to eliminate opponents.

[Source: AI, *Report 2007* (2007) 25, 207.]

PERU

Last Annual Report entry: see NCH #45 (2006).

In 2003, the Truth and Reconciliation Commission had reported that left-wing insurgents and government forces had committed grave human rights abuses in 1980–2000. Peru made significant progress in prosecuting former members of insurgent groups for their past crimes. In 2003, after annulling the sentences of more than 700 prisoners convicted without due process for crimes under the antiterrorism law, the state conducted new trials that resulted in the conviction of more than 450

people for violent crimes. In October 2006, the National Criminal Court sentenced Abimael Guzmán, leader of the Shining Path, an armed group notorious for atrocities, to life imprisonment. Nine other Shining Path leaders received lesser prison sentences. Peru also made some progress in bringing to justice those responsible for abuses committed by state agents during the rule of Alberto Fujimori (1990–2000). More than 1,780 individuals implicated in abuses and corruption during this period were facing charges. Based on evidence collected by an ad hoc solicitor, numerous charges of corruption and human rights violations were brought against Fujimori himself, who was arrested in Chile in November 2005. In May 2006, a Chilean Supreme Court panel granted Fujimori pre-trial release on bail, but barred him from leaving Chile. The court was expected to make a final decision on the extradition request in 2007. Progress in the prosecution of former military and police personnel for human rights violations committed during the first decade of the conflict (1980–90) was more modest. Peru's new president, Alan García Pérez, who took office in July 2006, served an earlier term in 1985–90, at the height of Peru's political violence. During his first presidency, killings and "disappearances" were widespread and went almost completely unpunished. For the third time, the Special Attorney's Office on Forced Disappearance, Extrajudicial Execution and Exhumations of Mass Graves closed the investigation into the alleged responsibility of García, former members of his cabinet and top-ranking military officers in the killing of at least 118 inmates by navy officers during a riot in 1986 at the El Frontón prison in Lima. No legal aid was granted to victims of violations and their relatives, despite reports that nearly 70 per cent of victims had no access to legal representation. Congress passed the Regulation of the Comprehensive Reparation Plan to provide redress to victims of human rights violations during the 20-year armed conflict. In October 2006, the National Council of Reparations, responsible for creating an official registry of victims, was established. Human rights defenders, including victims of human rights violations and their relatives, witnesses, prosecutors and forensic experts, continued to be threatened and intimidated because of their activities. Threats were rarely investigated and none of the perpetrators were brought to justice (See also NCH #41).

[Sources: AI, *Report 2007* (2007) 25, 84, 208–9; HRW, *World Report 2007* (2007) 222, 224–25.]

POLAND

Last Annual Report entry: see NCH #38 (2005).

In 2006, protesters called for the closure of a German art exhibition, organized by **Erika Steinbach**, on the displacement of Poles after World War II.

[Source: IOC (2006 no.4) 196.]

In April 2007, historian **Bronisław Geremek** (1932–) refused to observe a new "lustration" law (a

law obliging Poles in positions of responsibility in politics, the media or teaching to declare whether they had ever collaborated with the communist political police) from 15 March 2007 that required him to submit to the National Remembrance Institute (established in September 1998) a declaration that he had not cooperated with the former communist secret police. Geremek declared that he had already made such declarations in 1997 (as Minister of Foreign Affairs) and 2004 (as member of European Parliament), and that the new law was unconstitutional, inter alia because the National Remembrance Institute, not a judge, was entrusted with the screening. He was quoted as saying: "I believe that the law of lustration in its present form violates moral rules and threatens freedom of expression, media independence and the autonomy of universities. It spawns a kind of 'Ministry of Truth' and 'Memory Police'. It disarms the citizen confronted with campaigns of calumnies by weakening the legal protection of citizens' rights". He received a warning that his mandate could be revoked. On 11 May 2007, the Constitutional Court annulled the law.

[Sources: *BBC News Online*, 25 April 2007; *Le Monde*, 26 April 2007.]

ROMANIA

Last Annual Report entry: see NCH #38 (2005).

In an open letter published in the review 22 in Bucharest, historian **Sorin Antohi** (1957–), head of the history department at the Central European University in Budapest, Hungary (1998–2006) and of the *Pasts, Inc.* Institute for Historical Studies, admitted to having collaborated as an informer of the Securitate from 1976 until the 1980s. On 20 October 2006, the Romanian press further reported that official records and university officials denied that he had earned a Ph.D. from the University of Iași in 1995. Instead, his status as a doctoral student had been terminated in 2000. Several of the books he listed as publications could reportedly not be located. On the same day, Antohi admitted that he did not have the academic credentials that he had formerly claimed to have and he resigned from all his academic positions and most of his functions, including his membership of the Presidential Committee for the Analysis of the Communist Dictatorship in Romania and his membership of the International Committee of Historical Sciences.

[Sources include: “Sorin Antohi’s Case: The Documents” (<http://cyberculture.ro>; October 2006); “Interview with Antohi” (<http://interviewwithantohi.blogspot.com>; 28 March 2007).]

RUSSIA

Last Annual Report entry: see NCH #45 (2006).

See also Council of Europe.

RWANDA

Last Annual Report entry: see NCH #45 (2006).

Trials of prominent genocide suspects continued before the International Criminal Tribunal for Rwanda (ICTR), which held 56 detainees at the end of 2006. Ten trials were ongoing. Eighteen suspects indicted by the ICTR were still at large. The ICTR was mandated by the United Nations Security Council to complete all trials by the end of 2008. Since its inception, the ICTR has tried only members and supporters of the government in place in April 1994. However, it failed to indict or prosecute leaders of the former Rwandese Patriotic Front (RPF), the dominant political force in

Rwanda, widely believed to have authorized, condoned, or carried out war crimes and crimes against humanity in 1994.

[Source: AI, *Report 2007* (2007) 19, 221.]

In April 2006, the Commission of Inquiry set up in April 2005 to investigate the alleged role of the French military in the genocide started work. Rwandan officials stated that, depending on the Commission findings, they might lodge a complaint against French military personnel before the International Criminal Court. In November 2006, a French judge investigating the shooting down of former President Habyarimana's plane in 1994 issued international arrest warrants for nine high-ranking Rwandan officials. He also requested that the ICTR issue an indictment for President Paul Kagame's arrest for his involvement. The investigation by a Spanish judge into the murder of Spanish nationals and other crimes committed between 1990 and 2002 in Rwanda was reportedly completed. The investigation focused on the direct involvement of 69 RPF members, some of whom were high-ranking figures in the military.

[Source: AI, *Report 2007* (2007) 221.]

In July 2006, gacaca jurisdictions (a community-based system of tribunals established in 2002 to try people suspected of crimes during the 1994 genocide), previously engaged in gathering information about the genocide, began trials nationwide. There were serious concerns about the impartiality and fairness of the gacaca system. Establishment of appeals courts lagged behind. Among the estimated 700,000 persons accused, more than 47,000 held local administrative posts and 45,000 were themselves gacaca judges. Officials aimed to have completed all trials by 2007, and some courts spend only a few hours hearing each case. Some 50,000 persons confessed their crimes in the hope of receiving reduced sentences. The system remained very controversial. Because gacaca courts did not hear accusations of crimes committed by soldiers of RPF, the system appeared to deliver one-sided justice.

[Sources: AI, *Report 2007* (2007) 19, 220–21; HRW, *World Report 2007* (2007) 142–43.]

In 2006, the authorities compiled a list of hundreds of persons suspected of “divisionism” and “genocidal ideology”. Banned by the constitution, “divisionism” was vaguely and broadly defined in a 2001 law. In September 2006, a priest was sentenced to twelve years' imprisonment for minimizing the genocide. In a sermon he had suggested that it was wrong to call persons who participated in genocide “dogs”. During the trial, the prosecutor allegedly said that those convicted of genocide were not human and should properly be called “dogs”.

[Source: HRW, *World Report 2007* (2007) 143.]

See also United Nations.

SAUDI ARABIA

Last Annual Report entry: see NCH #45 (2006).

SENEGAL

Last Annual Report entry: see NCH #45 (2006).

See Chad.

SERBIA

Last Annual Report entry: see NCH #45 (2006).

Serbia's cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) came to a virtual standstill in 2006, after moderate progress during 2005. It led to the suspension of talks on a Stabilization and Association Agreement with the European Union (EU). The failure to locate, arrest, and extradite Ratko Mladic remained the most serious shortcoming. In March 2006, Slobodan Milosevic, former Serbian and Federal Republic of Yugoslavia president, on trial at the ICTY for genocide, crimes against humanity and war crimes, died at ICTY's detention unit in the Netherlands. In June 2006, Carla del Ponte, ICTY Chief Prosecutor, reported to the United Nations (UN) Security Council that Serbia's co-operation with the Tribunal remained "difficult and frustrating", although access to archives and documents was improved. She expressed serious concerns at the lack of co-operation by the UN Interim Administration Mission In Kosovo (UNMIK). The ICTY further restricted the conditions under which former Kosovo Prime Minister Ramush Haradinaj could engage in domestic politics. Indicted for crimes against humanity and war crimes in February 2005, he had been provisionally released from the ICTY in June 2005. In May 2006, he was re-elected leader of the Alliance for the Future of Kosovo.

[Sources: AI, *Report 2007* (2007) 226, 228; HRW, *World Report 2007* (2007) 411–12.]

Progress was made in bringing Serbs suspected of war crimes to justice in domestic proceedings at the special War Crimes Chamber of the Belgrade District Court, although the Supreme Court continued to overturn war crimes verdicts and send cases back for retrial.

[Source: AI, *Report 2007* (2007) 226.]

On 27 February 2006, the International Court of Justice opened public hearings on genocide charges filed by Bosnia and Herzegovina against Serbia and Montenegro. [Complete text of judgment at http://www.concernedhistorians.org/content_files/file/le/icjgeno.pdf.]

[Source: AI, *Report 2007* (2007) 226.]

In March 2006, at the request of the Special Representative to the UN Secretary-General in Kosovo, an Interpol warrant requested by Serbia, for the arrest on suspicion of war crimes of Kosovo Prime Minister Agim Çeku, former Kosovo Liberation Army (KLA) chief of staff and commander of the Kosova Protection Corps, was withdrawn.

Despite some progress in determining the fate of those who went missing during and after the armed conflict in Kosovo (1999), more than 2,200 cases remained, the majority ethnic Albanians. In February 2006, human rights groups called for a parliamentary inquiry into an alleged official cover-up of the transfer from Kosovo to Serbia of the bodies of ethnic Albanians killed in 1999. Some were hidden in mass graves, others allegedly burned. In June 2006, the last of the bodies of more than 700 ethnic Albanians exhumed from mass graves were returned to Kosovo. Police investigations were opened, according to reports in September, but no indictments were published by the end of 2006.

[Sources: AI, *Report 2007* (2007) 226–27; HRW, *World Report 2007* (2007) 418.]

See also Bosnia and Herzegovina, China, Croatia.

SIERRA LEONE

Last Annual Report entry: see NCH #45 (2006).

In 2006, trials continued before the Special Court for Sierra Leone (SCSL), established in 2002 to bring justice for victims of atrocities committed during part of the civil war (1996–2001). Charges included murder, mutilation, rape and other forms of sexual violence, sexual slavery, conscription of child soldiers, abductions and forced labor. In December 2006, the United Nations Secretary-General appointed Stephen Rapp, a United States national and Chief of Prosecutions at the International Criminal Tribunal for Rwanda, as the new SCSL Prosecutor. Of 11 people indicted, 10 were in custody, but Johnny Paul Koroma, former Chairman of the Armed Forces Revolutionary Council (AFRC), remained at large. Although individually charged, the trials were conducted in three groups. In the Revolutionary United Front (RUF) trial of three men including Issa Sesay, the prosecution closed on 2 August 2006 and the defence was due to start in 2007. In the Civil Defence Forces trial of three men including Moinina Fofana, closing arguments began in late November 2006. In the AFRC trial, the defence was concluded in December. For the case of Liberian President Charles Taylor, see

Liberia.

Implementation of the recommendations of the 2005 report of the Truth and Reconciliation Commission (TRC) was minimal. During 2006, a TRC task force developed a comprehensive action plan for the government to implement the TRC recommendations and identified a government agency, the National Commission for Social Action, to assist in the process.

[Sources: AI, *Report 2007* (2007) 229–30; HRW, *World Report 2007* (2007) 148.]

See also Liberia.

SINGAPORE

Last Annual Report entry: see NCH #10 (1998).

SLOVAKIA

Last Annual Report entry: see NCH #27 (2002).

In March 1992, pursuant to the 1991 Lustration Act, the Ministry of the Interior of the Czech and Slovak Federal Republic searched the archives of the former State Security Agency (StB) for information about **Ivan Turek** (1944–), who occupied a high administrative position in the state school system, and issued a negative security clearance. According to the ministry, Turek had been registered as an StB collaborator in 1984–89 and, consequently, was disqualified from holding a post in public administration. Turek resigned and applied for another job. Although he alleged that his registration as a StB collaborator had been wrong and that a negative security clearance with all its effects was an interference with his integrity and reputation, the Slovakian courts dismissed his appeal. However, on 14 February 2006, the European Court of Human Rights (ECHR) held by 6 votes to 1 that Turek’s right to privacy was violated because he was not given full access to a crucial piece of evidence, namely a secret 1972 guideline used for the accusation, which defined the category of StB “agent” and established rules of cooperation with StB agents, including rules for their recruitment.

[Source: ECHR, *Case of Turek versus Slovakia* (Strasbourg 14 February 2006).]

SLOVENIA

The authorities failed to resolve the problems relating to the so-called “erased”, some 18,300 individuals unlawfully removed from the Slovenian registry of permanent residents in 1992. The “erased” were people from other former Yugoslav republics who had been living in Slovenia but had not acquired Slovenian citizenship after Slovenia became independent in 1991. The authorities failed to ensure that the “erased” had full access to economic and social rights, including the right to work and access to health care. Although the Slovenian Constitutional Court had ruled in 1999 and 2003 that the removal of these individuals from the registry of permanent residents was unlawful, approximately one third of the “erased” still did not have Slovenian citizenship or a permanent residence permit. Many were living in Slovenia “illegally” as foreigners or stateless persons; others were forced to leave Slovenia. Those who managed to obtain Slovenian citizenship or permanent residency—often after years—continued to suffer from the consequences of their past unregulated status and had no access to full reparation, including compensation. In June 2006, 11 “erased” people filed an application with the European Court of Human Rights claiming that the “erasure” resulted in violations of their rights, including the right to private and family life, the right to be free from inhuman or degrading treatment or punishment, the right to freedom of movement, and the right to be free from discrimination.

[Source: AI, *Report 2007* (2007) 233.]

SOMALIA

Last Annual Report entry: see NCH #45 (2006).

SOUTH AFRICA

Last Annual Report entry: see NCH #45 (2006).

There was concern about the legality of prosecution guidelines approved by the Cabinet in 2005 and presented to Parliament in January 2006. The guidelines would give the National Directorate of Public Prosecutions (NDPP) the administrative discretion to allow immunity from prosecution for crimes “emanating from the conflicts of the past” for people who failed to apply for or were refused amnesty by the Truth and Reconciliation Commission (TRC)’s Amnesty Committee. While the applicant would have to disclose all the circumstances of the alleged offence, and the NDPP would have to obtain the views of any victims before arriving at a decision, there was no obligation to take into

account the victims' views or no provision for judicial assessment of the truthfulness of the evidence. The guidelines did not explicitly exclude from consideration for immunity crimes such as torture, crimes against humanity and war crimes. As of 30 September 2006, the government had paid reparations of R30,000 (approximately US\$4,200) to 15,520 individuals identified by the TRC as eligible because of human rights abuses before May 1994.

[Source: AI, *Report 2007* (2007) 238.]

After publishing an op-ed commentary criticizing Intelligence Minister **Ronnie Kasril**'s opinions on Israel, the weekly *Jewish Report* refused to print his response in which he compared Israel's treatment of the Palestinians with the Nazis' anti-Jewish policies prior to "the Final Solution". The weekly said that this might constitute hate speech, but this view was criticized by the South African Freedom of Expression Institute.

[Source: IOC (2007 no.1) 127.]

SPAIN

Last Annual Report entry: see NCH #45 (2006).

In the autumn of 2006, traditional festivals celebrating the expulsion of the Moors from Spain in 1492 were toned down because of increased sensitivity over relations with the Muslim community.

[Source: IOC (2007 no.1) 127.]

On 15 February 2007, the family of the late Manuel Gutiérrez Torres, local leader of the Falange (the Spanish Fascists) during the civil war (1936–39) and mayor of Cerdedo (Pontevedra), Galicia, in the 1940s and 1950s, sued historian **Dionisio Pereira González**, a specialist in the history of the Galician workers' movement, for defamation because in his book *A Ila República e a Represión franquista no Concello de Cerdedo* (The Second Republic and the Francoist Repression in Cerdedo; 2006; Verbo Xido publishers), he had concluded from numerous oral sources that Gutiérrez Torres, his brothers and other falangistas probably participated in the harsh repression at the time.

[Source: Academia Solidaria de Historia a Debate (Santiago de Compostela 2007).]

See also Council of Europe, Guatemala, Rwanda.

SRI LANKA

Last Annual Report entry: see NCH #37 (2004).

SUDAN

Last Annual Report entry: see NCH #45 (2006).

In February and June 2006, the Prosecutor of the International Criminal Court visited Khartoum. He did not visit Darfur, however, or issue any indictments in 2006. He presented six-monthly reports to the United Nations Security Council. In December 2006, he said his Office was seeking to finalize submissions to the judges to be made in February 2007.

[Source: AI, *Report 2007* (2007) 243.]

On 1 February 2007, the Arabic-language newspaper *Al-Sudani* was closed because it had reported on the case of the assassinated journalist **Mohamed Taha Mohamed Ahmed** ([1956]–2006) (See NCH #45.) The staff lodged an appeal against the decision.

[Source: IOC (2007 no.2) 202.]

SURINAME

Last Annual Report entry: see NCH #37 (2004).

SWEDEN

Last Annual Report entry: see NCH #10 (1998).

SWITZERLAND

Last Annual Report entry: see NCH #37 (2004).

On 6 and 11 March 1997, the Télévision Suisse Romande (TSR; French-speaking Swiss television) showed *L'Honneur perdue de la Suisse* (Switzerland's Lost Honor), a documentary by journalist **Daniel Monnat** (1951–), as part of his series *Temps présent*. The documentary treated the importance of wartime economic collaboration between Nazi Germany and Switzerland. The program critically examined some historical “myths” and concluded that the Swiss political and economic elites had accommodated themselves “a bit too well” to the circumstances. On 24 October 1997, after complaints against the documentary, the Autorité indépendante d'examen des plaintes en matière de radio-télévision (AIEP; Independent Authority to Examine Complaints concerning Radio and Television)

ruled that the program was biased and had violated the Federal Law on Radio and Television. It invited the Société suisse de radiodiffusion et télévision (SSR) to take measures to remedy the violation. The film, in which nine historians participated, was called a piece of “committed journalism” that illustrated theses and opinions, not facts, without this being acknowledged. According to the AIEP, Monnat had lacked journalistic diligence. The SSR retorted that it had not been consulted by the AIEP and that it had had no access to two expert reports about the documentary written for the AIEP by historians Jean-Claude Favez and Georg Kreis. A court order enabled the SSR to organize a hearing with the two historians in June 1999. In August 1999, however, the AIEP confirmed its earlier decision. Public sale of the documentary tape was banned. In January 2000, the SSR, Monnat and a historian involved in the program initiated proceedings against the AIEP which would eventually be submitted to the European Court of Human Rights (ECHR). On 21 September 2006, the ECHR considered that the documentary was part of a public debate about a serious and controversial question of general interest (the role of Switzerland during World War II) and that criticism expressed in it was not directed at the Swiss population but at the Swiss leadership during World War II. No complaints came from persons mentioned in the documentary or from their heirs nor from the state. The ECHR added that the passage of time had to be taken into account and that discussions about events of more than fifty years ago had to be judged less severely than those of ten or twenty years ago. Monnat had fulfilled his journalistic responsibility. The sanction, including the ban, had had a chilling effect. The ECHR unanimously ruled that Monnat’s freedom of expression had been violated. On 12 November 2006, TSR broadcast Monnat’s documentary again.

[Source: ECHR, *Affaire Monnat c. Suisse* (Strasbourg 2006).]

In early March 2006, a new, facultative 150-page history textbook for 14- to 18-year-olds in Zürich, *Hinschauen und Nachfragen: Die Schweiz und die Zeit des Nationalsozialismus im Licht aktueller Fragen* (Observing and questioning: Switzerland and the Nazi era in the light of recent questions), written by **Barbara Bonhage**, historian at the Federal Polytechnic in Zürich (ETH Zürich), **Peter Gautschi**, expert on history didactics, **Jan Hodel**, and **Gregor Spuler**, was the object of some controversy. It summarized large parts of the 25-volume report of the Swiss Independent Expert Commission on the Second World War presided by historian Jean-François Bergier (December 1996–March 2002) that had investigated the conduct of Switzerland during wartime. Bonhage and Spuler had participated in the work of the Bergier Commission. In the Great Council of Zürich, Rolf André Siegenthaler called the textbook “indoctrination”. Another politician, Luzi Stamm, spoke of its “self-accusatory” tone. One of the five experts guiding its authors, legal scholar Franz Muheim, declared that his criticism was not dealt with in the textbook, which he called one-sidedly negative. Most historians welcomed the textbook.

[Sources: *Informationen Georg-Eckert Institut*, no. 51, July 2006: 48–50; *Le Temps*, 10 March 2006.]

In February 2007, the ECHR started a reinvestigation of the case of **Martin Stoll**, journalist of *Sonntags Zeitung*, versus the Swiss federal government. In January 1997, Stoll had written two stories that contained leaks from a “confidential” report by the then Swiss ambassador in Washington, Carlo Jagmetti, on negotiations with the World Jewish Congress about unclaimed Jewish assets in Swiss banks. In 1999, Stoll was fined 800 Swiss francs (approximately 648 US dollar) for publishing “official confidential deliberations”. In 2001, he had appealed to the ECHR which ruled in April 2006 by four votes to three that the Swiss authorities had violated Stoll’s right to freedom of expression.

[Source: Reporters Without Borders, *Ifex Alert* (15 February 2007).]

SYRIA

Last Annual Report entry: see NCH #45 (2006).

There was increased discussion within civil society over the issue of combating past impunity, particularly with regard to mass human rights abuses committed since the late 1970s. The fate of more than 17,000 people, mostly Islamists, who “disappeared” after they were detained in the late 1970s and early 1980s, and hundreds of Lebanese and Palestinians who were detained in Syria or abducted from Lebanon by Syrian forces or Lebanese and Palestinian militias, remained unknown.

[Source: AI, *Report 2007* (2007) 252.]

See also Iraq, Lebanon.

TAIWAN

Last Annual Report entry: see NCH #23 (2001).

THAILAND

Last Annual Report entry: see NCH #38 (2005).

In June 2006, the National Reconciliation Commission, appointed by the Thaksin Shinawatra government in 2005 to help resolve the crisis in the south, submitted its final report. Recommendations included making the local Bahasa dialect, spoken by Muslims, a working language. Some 1900 people were killed in the last three years in ongoing violence in the Songkla, Pattani, Yala, and Narathiwat Provinces in the south.

[Source: AI, *Report 2007* (2007) 255.]

On 16 November 2006, Ministry of Culture officials forced Bangkok Opera to change the final scene in *Ayodhya*, an opera retelling the Ramayana epic and written by composer **Somtow Sucharitkul**. The scene depicted the violent death of demon king Thotsakan (also called Ravan). Contrary to custom, it was originally planned to be shown on-stage rather than off-stage. But the ministry said scenes depicting death were traditionally discouraged in the classical dance of “khon” for fear of provoking misfortune. The opera’s premiere was allowed after Somtow signed a contract stating that the production would not harm local culture and morals.

[Sources: IOC (2007 no.1) 128; Southeast Asian Press Alliance, *Ifex Alert* (24 November 2006).]

TIMOR-LESTE

Last Annual Report entry: see NCH #45 (2006).

Following the closure in May 2005 of the United Nations (UN) tribunal in Dili—comprising an investigator’s office (the Serious Crimes Unit or SCU) and courts (the Special Panels for Serious Crimes)—there was a significant lack of efforts to provide accountability and justice for victims of the Indonesian invasion, occupation, and withdrawal (1975–99). In July 2006, the UN Secretary-General issued a report in which he recommended the resumption of the investigative functions of the SCU but not the judicial functions of the Special Panels (The Special Panels were set up by the UN to conduct trials in alleged cases of crimes against humanity committed by Indonesian military and local

militias against at least one thousand civilians in Timor-Leste between 1 January and 25 October 1999, in the run-up to Timor-Leste's popular consultation and vote on independence in August 1999). [Sources: AI, *Report 2007* (2007) 257; HRW, *World Report 2007* (2007) 336–37.]

In November 2005, the Comissão de Acolhimento, Verdade e Reconciliação de Timor Leste (CAVR; Commission for Reception, Truth, and Reconciliation) submitted its 2,000-page report to Parliament. The CAVR had received 8,000 individual statements and listened to hundreds of victims' testimonies through public hearings. The report found that at least 102,800 Timorese people had died as a result of the Indonesian occupation and accused Indonesian authorities of crimes against humanity and war crimes. It added that the crimes committed in connection with the independence referendum in 1999, while egregious, "were far outweighed by those committed during the previous 24 years of occupation." President Xanana Gusmão distanced himself from its findings and over 200 recommendations. The report was largely ignored by the Timorese government and the international community.

[Sources: AI, *Report 2007* (2007) 257; HRW, *World Report 2007* (2007) 334, 336–37.]

In riots in late May 2006, after Australian and other peacekeepers landed, a mob attacked the SCU archives in Dili. The attorney general's office storing the records was looted, the databases were stolen, and other records, including the files on top Indonesian military commanders like General Wiranto, were stolen. Fortunately, the UN Security Council had required that a copy of the SCU records be made. Another mob threatened the CAVR records, containing, inter alia, interviews with more than 8,000 East Timorese, about human rights violations in East Timor in 1974–99. After archivists informed the Australian government and the UN, guards were instituted and the CAVR records saved.

[Sources: Huskamp Peterson, T., "Temporary Courts, Permanent Records", *United States Institute of Peace Special Report*, no. 170 [August 2006] 2, 3, 6; "Law Report: War, Cultural Cleansing and the Courts" [Interview with archivist Andras Riedlmayer on ABC Radio National] (17 October 2006).]

See also Australia, Indonesia.

TOGO

Last Annual Report entry: see NCH #27 (2002).

TUNISIA

Last Annual Report entry: see NCH #23 (2001).

TURKEY

Last Annual Report entry: see NCH #45 (2006).

In 2006, writer **Elif Shafak**, her publisher Metis and her translator were charged with “insulting Turkishness” because in her novel *Baba ve Pic* (Father and Bastard; English translation: *The Bastard of Istanbul*) one of the characters had referred to the massacre of Armenians in 1915 as genocide. One character said: “I am the grandchild of a family whose children were slaughtered by the Turkish butchers.” and “I was brought up having to deny my roots and say that genocide did not exist.” On 21 September 2006, she was acquitted because of lack of evidence (and possibly because the charge could harm negotiations between Turkey and the European Union).

[Sources: *Ifex Communique 15–37* (19 September 2006); IOC (2006 no.3) 82–83; IOC (2006 no.4) 200; IOC (2007 no.2) 27.]

In 2006, author **İpek Çalışlar** and **Necdet Tatlıcan**, chief editor of the newspaper *Hürriyet* were accused of insulting the memory of Atatürk (Mustafa Kemal Atatürk, founder of the Turkish Republic and its first president, 1923–38) in a newspaper interview of 4 June 2006 about Çalışlar’s bestselling biography *Latife Hanım* (Lady Latife). The book, about Atatürk’s first wife Latife Uşaklıgil, referred to an anecdote told by Latife’s sister Vecihi—reported in various sources but not substantiated by evidence—about how Atatürk had donned his wife’s hijab (headscarf) once in 1923 to escape assassination by an armed rival. On 19 December 2006, Çalışlar and the others were acquitted. On 13 November 2006, the prosecutor dismissed a complaint against **Ecevit Kilic**, a reporter for *Yeni Aktuel*. The complaint related to an interview with Çalışlar about her book.

[Sources: HRW, *World Report 2007* (2007), 426; IOC (2007 no.2) 27; PEN, *Defamation and “Insult”*: *Writers React* (15 November 2006); PEN, *Half-Yearly Caselist* (London) 2006b: 55.]

In [June] 2006, **Ahmet Önal**, owner of Peri Publishing House, was charged with insulting Atatürk for publishing *Alawitism in Dersim*, a book written by **Munzur Cem** and **Huseyin Baysulun**. In the same month, he was sentenced to thirteen months’ imprisonment on a 2003 charge that writer **Evin Cicek**’s Turkish-language book *Passions and Captives* insulted Atatürk. Önal has had in total 26 cases brought against him in connection with various books he has published.

[Sources: Amnesty International, *Turkey: Article 301—How the Law on “Denigrating Turkishness” is*

an Insult to Free Expression (WWW-text; London; March 2006) 5; IOC (2006 no.3) 83.]

On 6 October 2006, **Taner Akçam**, a refugee and a visiting professor of history at the University of Minnesota, United States, wrote an article in *Agos* to defend Hrant Dink (see below). He asserted that he, rather than Dink, had consistently used the term “genocide” to describe the Armenian deportations and massacres of 1915–17 and he urged readers, whether they agreed with the use of the term or not, to protect the right of others who do so and to decriminalize the studying and writing of history. In January 2007, Akçam was charged with “insulting Turkishness”, “instigation to commit a crime”, “praise of a crime and criminal”, and “instigating public animosity and hatred”.

In March 1976, Akçam, then an assistant lecturer in the department of economics at the Middle East Technical University and the editor of the magazine *Devrimçi Gençlik*, had been arrested on six charges arising out of articles he had published. Reportedly sentenced to 750 years’ imprisonment, he had escaped to Germany and the United States.

[Sources: IOC (1976 no. 3) 86; Middle East Studies Association, Letter to Prime Minister Recep Tayyip Erdogan (25 January 2007).]

On 12 October 2006, Orhan Pamuk (see NCH #40) received the Nobel Prize for Literature. After the January 2007 murder of Hrant Dink (see below), he temporarily left Turkey.

[Source: IOC (2007 no.2) 15, 17, 19, 25–29.]

On 1 November 2006, **Muazzez İlmiye Çig** ([1914–]), an archeologist of the Sumerian and Hittite cultures, and **Ismet Ogutcu**, publisher of the Kaynak Publishing House, were acquitted of charges of “inciting hatred by insulting people based on their religion” for which Çig risked eighteen months’ imprisonment. In her book, *Vatandaşlık Tepkilerim (My Reactions as a Citizen)*, Çig had claimed that traditional headscarves were worn first around 3.000 BCE (during the Sumerian period) by women who worked as prostitutes in temples to differentiate them from women who worked primarily as priestesses.

[Sources: IOC (2007 no.2) 27; “Ninety-two-year-old Turkish archaeologist acquitted in headscarf case” (Cihan News Agency-National, 2 November 2006); PEN, *Half-Yearly Caselist* (London) 2006b: 55.]

On 18 November 2006, **Attila Yayla**, a professor of politics, political philosophy, and political economy at Gazi University, Ankara, spoke on a panel of Izmir organized by the local branch of the governing Justice and Development Party (AKP). He maintained that, despite widespread official propaganda, the single-party era between 1925 and 1945, led mainly by Atatürk, was backward in some respects. He was accused of treason in the press and on television for insulting Atatürk. The Rector of Gazi University, Kadri Yamaç, denounced Yayla’s exercise of freedom of expression and

summarily dismissed him. In March 2007, the Izmir Public Prosecutor's office charged him with insulting Atatürk.

[Sources: "Atilla Yayla: What Happened When I Criticized Atatürk, *International Herald Tribune*, 6 December 2006; Middle East Studies Association, Letter to Prime Minister Recep Tayyip Erdogan (7 February 2007).]

On 7 December 2006, **Eren Keskin**, lawyer and former president of the Istanbul chapter of the Human Rights Association, was tried on charges of "insulting Turkishness" for making a speech in 2004 saying that "the official history of Turkey is a dirty history".

[Sources: Amnesty International, *Turkey: Article 301—How the Law on "Denigrating Turkishness" is an Insult to Free Expression* (WWW-text; London; March 2006) 7; World Press Freedom Committee, *It's a Crime: How Insult Laws Stifle Press Freedom: A 2006 Status Report* (Reston, VA 2006) 43.]

On 19 January 2007, **Hrant Dink**, who had received innumerable death threats (thousands, according to some writers in the Turkish press), was murdered. Perhaps as many as 100,000 mourners attended his funeral on 23 January. After his death, charges against him were dropped but not those against **Serkis Seropyan**, co-editor of *Agos*, and **Aydin Engin**, journalist and author. Investigation into Dink's assassination revealed that it was an organized crime. In June 2007, Hrant Dink's son **Arat Dink**, editor of *Agos*, was charged with insulting the Turkish identity for republishing an interview in which his father recognized the Armenian genocide. (See also NCH #48).

[Sources: AI, *Report 2007* (2007) 262; HRW, *World Report 2007* (2007), 426; IOC (2007 no.2) 15–17, 21, 27–28, 32–42, 202; PEN, *Ifex Update* (2 April 2007); PEN, "Statement on the Murder of Hrant Dink in Turkey (19 January 2007); World Press Freedom Committee, *Ifex Alert* (26 June 2007).]

On 7 March 2007, an Istanbul court ordered the national telecommunications company Turk Telecom to block access to the United States video-sharing website **YouTube** because some contributions were considered insulting to Atatürk. In some of the offending videos, Atatürk and the Turkish people were referred to as homosexuals. In others, insults had been affixed to the Turkish flag and Atatürk's portrait. Thousands of emails were reportedly sent to YouTube by Turkish Internet users protesting against the videos. Access was restored two days later after YouTube removed the offending videos. On 22 May 2007, a bill passed by Parliament on 4 May 2007 and allowing the authorities to block websites which violated the 1951 law on insults to Atatürk's memory became law.

[Source: Reporters without Borders, *Ifex Alert* (9 March & 24 May 2007).]

In March 2007, British publisher HarperCollins received a letter from the publisher in Istanbul of the Turkish translation of *The Great War for Civilisation*, a book by British journalist **Robert Fisk**, announcing that they would not organize a press campaign for the book. The reason was that it

contained a chapter entitled “The First Holocaust” about the 1915 Armenian genocide. In an article for *The Independent*, Fisk wrote that the Turkish-language edition of *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility* (first German edition 1996; first Turkish edition 1999), a book by **Taner Akçam** (see above), was likewise received without publicity and without a single book review.

[Source: Fisk, R., “The Truth Should Be Proclaimed Loudly”, *Independent*, 17 March 2007.]

In April 2007, it was revealed that the Turkish-language edition of the Dutch-language book *De Brug* (The Bridge), entitled *Köprü*, a book about the Galata bridge in Istanbul written by Dutch historian and author **Geert Mak**, had been doctored. Changes included “migration” for the 1915 “deportation” of Armenians and deletion of a sentence about the “legendary cruelty” of Sultan Mehmet II. Although 20,000 copies were already distributed, the Foundation Collective Propaganda for the Dutch Book in Amsterdam who had published the book in Dutch offered buyers to replace the doctored version by an accurate one.

[Source: *NRC Handelsblad*, 7–8 April 2007: 1, 7; 10 April 2007: 9; 11 April 2007: 7.]

Ragip Zarakolu’s trial in relation to publication of a translated version of *The Truth Will Set Us Free: Armenians and Turks Reconciled* (also translated as *History Will Free Us All: Turkish-Armenian Conciliation*), a book by Armenian writer **George Jerjian** about the 1915 Armenian genocide, was postponed several times, the last time until May 2007 (see NCH #45). In the light of Hrant Dink’s murder (see above), Zarakolu, temporarily residing in the United States, decided not to attend a court hearing on 15 March 2007. On 3 May 2007, Zarakolu was acquitted, but the book’s translator, **Attila Tuygan**, was found guilty of “insulting the state and the memory of Atatürk”.

[Source: PEN, *Ifex Update* (2 April & 10 May 2007).]

See also France, Netherlands, United Nations.

TURKMENISTAN

Last Annual Report entry: see NCH #37 (2004).

UGANDA

Last Annual Report entry: see NCH #45 (2006).

In 2006, President Yoweri Museveni offered to grant amnesty to the top five leaders of the rebel group Lord's Resistance Army (Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen and Raska Lukwiya), if a peace deal was reached. The offer was made despite arrest warrants against them for crimes against humanity and war crimes issued by the International Criminal Court in 2005.

[Source: AI, *Report 2007* (2007) 12, 19, 266.]

UKRAINE

Last Annual Report entry: see NCH #5 (1996).

UNITED KINGDOM

Last Annual Report entry: see NCH #45 (2006).

In 2006, Sinn Fein leader Gerry Adams had his invitation to the opening of an exhibition of images of Che Guevara in a London museum withdrawn after museum authorities decided that the presence of politicians would not be "relevant." Adams noted that "it would appear that if Che was alive, he would be barred from his own exhibition."

[Source: IOC (2006 no.3) 118–19.]

On 14 March 2007, a controversial lecture at Leeds University by German political scientist **Matthias Kuentzel** (1955–), research associate (2004–) at the Vidal Sassoon International Centre for the Study of Antisemitism (SICSA), Hebrew University, Jerusalem, was abruptly canceled due to security concerns. According to Kuentzel, three emails from Muslim students had triggered a change of the title of the lecture (from "Hitler's legacy: Islamic Antisemitism in the Middle East" to "The Nazi Legacy: Export of Antisemitism into the Middle East") and shortly thereafter the cancellation of the lecture altogether. The Head of the German Department who had invited Kuentzel had concluded that the initial title of the lecture was potentially inflammatory given the University's large Muslim population.

[Source: Kuentzel, M., "'Freedom of Expression' at Leeds University", *Scholars for Peace in the Middle East* (3 April 2007).]

See also Austria, Grenada, Kenya, United States.

UNITED NATIONS

A United Nations photo exhibition on the 1994 Rwanda genocide, scheduled to be opened on 9 April 2007 by Secretary-General Ban Ki-moon, was dismantled because of Turkish objections to a reference which read: "During World War I, a million Armenians were murdered in Turkey." The reference was intended to explain the word "genocide", coined by Raphael Lemkin in 1944 with, inter alia, the Armenian massacres in mind. Although after diplomatic consultations the words "in Turkey" were removed, the exhibition was postponed.

[Source: *International Herald Tribune*, 9 & 10 April 2007.]

UNITED STATES

Last Annual Report entry: see NCH #45 (2006).

The French embassy in New York canceled a party in honor of **Carmen Callil**'s new book *Bad Faith*, an account of the deportation of thousands of French Jews to Auschwitz, because it could not endorse Callil's opinion in the postscript that Israeli Jews were oppressing Palestinians in a way that could be equated with the treatment of Jews in Nazi-occupied France.

[Source: IOC (2007 no.1) 131.]

In 2006, the family of high school student Candice Hardwick, 15, was suing school officials in South Carolina who barred her from wearing a t-shirt illustrated with the Confederate flag. The school did not ban the flag, but did ban "potentially disruptive" clothing. Some believe that flying the flag was an endorsement of the support by the pre-1865 Confederacy for black slavery.

[Source: IOC (2006 no.3) 119.]

In 2006, a secret Central Intelligence Agency (CIA) *Clandestine Service History*, written in 1958, was declassified (after censorship) after a FOIA request by **Charles Gati**, professor at Johns Hopkins University, Washington, for his book *Failed Illusions: Moscow, Washington, Budapest, and the 1956 Hungarian Revolt* (2006). It revealed that the CIA had only one Hungarian-speaking officer stationed in Budapest at the time and did not foresee either the uprising or the Soviet invasion.

[Source: National Security Archive, "CIA Had Single Officer in Hungary 1956" (Update; 31 October

2006).]

In June 2006, the Federal Government released a heavily censored version of a 40-page affidavit that the Federal Bureau of Investigation (FBI) used to obtain the warrant for an unsuccessful search of a farm for the remains of labor leader Jimmy Hoffa (1913–75?), who “disappeared” in July 1975. In the released copy, twelve pages were completely blacked out and some other pages were partially blacked out.

[Source: IOC (2006 no.3) 119]

In June 2006, the Governor of Florida Jeb Bush approved the Education Omnibus Bill for Florida public schools which reportedly contained the following passage: “The history of the United States shall be taught as genuine history and shall not follow the revisionist or postmodernist viewpoints of relative truth...American history shall be viewed as factual, not as constructed.” American historians were very critical of the law. Shortly after the U.S.-led coalition forces invaded Iraq in 2003 and again on Veterans Day in 2005, his brother, President George W. Bush, attacked “revisionist historians” who questioned his justification for the invasion. “It is deeply irresponsible,” President Bush declared, “to rewrite the history of how the war began.”

[Source: Zimmerman, J., “A Florida Law Banning Relativism in Classes Ignores Reality and 75 Years Of Academic Tradition”, *Los Angeles Times* (7 June 2006).]

On 4 October 2006, the Polish consulate in New York annulled a meeting where British-Jewish historian **Tony Judt** (1948–), professor of European history and director of the Erich Remarque Institute, New York University, was scheduled to speak for the Network 20/20 about “The Israel Lobby & US Foreign Policy,” after telephone calls from the Anti-Defamation League (ADL) and the American Jewish Committee. Judt himself also canceled a speech entitled “War and Genocide in European Memory Today” at Manhattan College in the Bronx later the same month after a different Jewish group complained and the organizers had asked him not to refer directly to Israel. Over the past years, Judt wrote essays in *The New York Review of Books* (NYRB), the *London Review of Books*, the *New York Times* and the Israeli newspaper *Haaretz* arguing that religious and territorial fundamentalism prevailed in Israel, which, combined with Zionism, this would lead to an unviable communal Jewish state, and that the only solution was a binational, secular state. He was also critical of the American-Israeli lobby. In 2003, Judt was reportedly removed from the editorial board of *The New Republic* after he wrote a critical essay about Israel in the NYRB. In support of Judt, the NYRB published an open letter to the ADL signed by over hundred intellectuals.

[Sources: IOC (2007 no.1) 131; Lila, M., & R. Sennett, “The Case of Tony Judt: An Open Letter to the ADL”, *New York Review of Books* (16 November 2006); *Washington Post*, 9 October 2006: A03.]

In 2006, according to some sources, the ADL had also accused **Norman Finkelstein** (1953–), a Jewish political scientist at DePaul University, Chicago, strongly opposed to Israeli policies and author of *The Holocaust Industry: Reflections On the Exploitation of Jewish Suffering* (2000, 2003) of being a “Holocaust denier”, but the charges proved unfounded. After Finkelstein publicly attacked *The Case for Israel* (2003), a book by Alan Dershowitz, Harvard University Law School, Dershowitz attempted to prevent a written version of the attack, *Beyond Chutzpah: On the Misuse of Anti-Semitism and the Abuse of History* (2004) by sending threatening letters to the University of California Press, and to block Finkelstein’s candidacy for tenure by sending a critical dossier to members of DePaul’s Law School and of its political science department.

[Sources: Middle East Studies Association, Letter to Dennis Holtschneider, President De Paul University, Chicago (10 April 2007); *Washington Post*, 9 October 2006: A03].

In 2007, Human Rights Watch reported that the Bush administration was more hostile to releasing information to the press than prior administrations, moving to reclassify information that had been in the public domain, to reverse the presumption toward disclosure under the Freedom of Information Act, and to greatly restrict public access to presidential papers, an important source of information on public policy.

[Source: HRW, *World Report 2007* (2007) 65.]

On 1 January 2007, the administration of Harker School, San José, California, abruptly canceled a talk, scheduled for 19 January, by **Joel Beinin**, historian of the modern Middle East and of Jewish history, member of the faculty of Stanford University for more than a quarter century, former president of the Middle East Studies Association of North America, and director of the Center for Middle East Studies at the American University in Cairo. When revoking the invitation, the administration cited pressures (reportedly including the executive director of the Jewish Community Relations Council of Silicon Valley) that threatened to undermine its financial position and public reputation. Beinin was a scholar critical of United States foreign policy and the policies of the Israeli government.

[Source: Middle East Studies Association, Letter to Christopher Nikoloff, Head of School, Harker School, San José, California (14 February 2007).]

In March 2007, the American Historical Association (AHA) adopted a “Resolution on United States Government Practices Inimical to the Values of the Historical Profession” with 1,550 (75.61%) in favor and 498 (24.29%) against. The number of voting members represented 14.67% of the AHA membership.

[Source: American Historical Association at <http://www.historians.org>.]

See also Bolivia, Cambodia, China, Germany, Grenada, Iran, Iraq, Japan, Mexico, Netherlands, Sierra Leone, Switzerland, Turkey.

URUGUAY

Last Annual Report entry: see NCH #45 (2006).

In late August 2006, **Carlos Demasi**, professor of national history at the Instituto de Profesores Artigas, associate professor in the Centro de Estudios Interdisciplinarios Uruguayos, coordinator of the project “The Uruguay of Crisis and Dictatorship (1967–85)”, and former president of the Asociación de Profesores de Historia del Uruguay, was publicly criticized by some military and politicians. Among them was former President Luis Hierro López who said that Demasi’s view was the view of the left-wing political party Frente Amplio (Broad Front). The aim of the intervention was reportedly to influence the work of the commission (of which Demasi was a member) that edited a new history textbook on Uruguay in the late twentieth century for secondary schools. In the weekly *Búsqueda* and during a lecture to secondary-school history teachers at the Colegio San José de la Providencia, Demasi had commented on his research about the period of the military dictatorship (1973–85), said that the democracy deteriorated gradually between 1968 and the 1973 coup, criticized the cooperative attitude of the political parties (blancos and colorados) and their leaders to the army during that period, and discussed the question whether the guerrilla (active since 1963) or the army was primarily responsible for the violence leading to the coup. On 19 September 2006, 500 historians from Europe and the Americas signed an open letter to President Tabaré Vázquez Rosas in support of Demasi.

[Sources: Academia Solidaria de Historia a Debate (Santiago de Compostela 2006); *Diario La República* (Montevideo), 26 August 2006: 3; 15 September 2006: 32; 22 September 2006: 35; *Espectador* (Montevideo), 26 November 2006.]

Journalists **Pablo Meléndrez**, **Leonardo Pérez**, **María José Pino** and **Soledad Acuña** were attacked at the Military Club, Montevideo, by people dressed as civilians after they had begun questioning former President General Gregorio Álvarez (ruled 1981–85) about human rights violations during the military dictatorship (1973–85).

[Source: IOC (2006 no.4) 202.]

Although the Expiry Law of 1986 preventing legal proceedings against members of the security forces from the military period (1973–85) remained in force, some judicial decisions revealed progress in the fight for justice for victims of past human rights violations. In September 2006, a

Penal Judge in Montevideo found six military officers and two former policemen guilty of organized crime and of kidnapping Uruguayan members of the opposition group Partido por la Victoria del Pueblo (Party for People's Victory) in Argentina in 1976 as part of Operation Condor. They had not been sentenced by the end of 2006. In November 2006, the 11th Penal Judge ordered the detention and trial of former President Juan María Bordaberry (ruled 1971–76) and former Minister of Foreign Affairs Juan Carlos Blanco. They were charged with the murders of parliamentarians Zelmar Michelini and Hector Gutierrez Ruiz, along with two members of the Tupamaro guerrilla group Movement of National Liberation (Movimiento de Liberación Nacional), Rosario Barredo and William Whitelaw, in Argentina in 1976. The decision was under appeal at the end of 2006.

[Source: AI, *Report 2007* (2007) 25, 277.]

UZBEKISTAN

Last Annual Report entry: see NCH #45 (2006).

Since Uzbek government forces killed hundreds of unarmed protestors in the city of Andijan on 13 May 2005, no one was held accountable for the killings. The authorities rejected numerous calls for an independent international inquiry into the massacre. Instead, they conducted closed trials and continued their campaign to silence critics of the government's version of events. Some of those tried were convicted of terrorism, the courts finding that the defendants had been plotting to set up an Islamic caliphate in Uzbekistan. But the trials appeared largely to have been staged to support the government's version of events and to provide justification for the crackdown that followed. On 8 September 2006, Dadakhon Khasanov, a well-known singer and songwriter, was given a suspended three-year prison sentence for writing and performing a song about the Andizhan events.

[Sources: AI, *Report 2007* (2007) 123, 278, 279; HRW, *World Report 2007* (2007) 442, 444.]

VATICAN

Last Annual Report entry: see NCH #37 (2004).

VENEZUELA

Last Annual Report entry: see NCH #45 (2006).

VIETNAM

Last Annual Report entry: see NCH #45 (2006).

YEMEN

Last Annual Report entry: see NCH #32 (2003).

ZIMBABWE

Last Annual Report entry: see NCH #45 (2006).

See Ethiopia.

Network of Concerned Historians	NCH
<i>Annual Report 2006</i>	http://www.concernedhistorians.org

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; the Network of Education and Academic Rights [NEAR, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

AFGHANISTAN

Last Annual Report entry: see NCH #38 (2005).

In January 2005, the Afghanistan Independent Human Rights Commission published the results of its consultation with the Afghan people about human rights violations during armed conflicts since 1979-80. In December 2005, the government passed the Transitional Justice Action Plan, which calls for the commemoration of victims, vetting of state employees to exclude human rights violators, the creation of a truth-seeking mechanism, the promotion of national reconciliation and the establishment of mechanisms to bring perpetrators of past crimes to justice. Some regional officials and commanders -- often called warlords -- continued to maintain links with armed groups that were active in the conflicts.

[Sources: AI, *Report 2006* (2006), 51; HRW, *World Report 2006* (2006), 225-26.]

ALBANIA

Last Annual Report entry: see NCH #5 (1996).

In April 2005, the Cold War International History Project reported continued problems with access to files from the communist era, including access to Communist Party records.

[Source: D. Banisar, *Freedom of Information Around the World 2006: A Global Survey of Access to Government Records Laws* (2006) 5.]

See also Serbia and Montenegro.

ALGERIA

Last Annual Report entry: see NCH #38 (2005).

In March 2005, the authorities ordered a ban on import sales of *Afrique Magazine* after they discovered that the March issue carried a report on political disappearances in Algeria in the 1990s. In the internal conflict (1992-2000), thousands of persons disappeared.

[Source: IOC 2/05: 86.]

At the end of March 2005, the mandate of an official commission on disappearances, set up with a narrow mandate in 2004, expired. The head of the commission publicly excluded criminal prosecution of those responsible for the disappearances and proposed compensation payments to the families. He declared that the commission had concluded that 6,146 individuals had disappeared at the hands of security officers between 1992 and 1998. However, media reports later quoted him contradicting this by saying that half of these were “terrorists”, rather than victims of state abuses. The commission’s confidential report to the President had not been made public by the end of 2005. In September 2005, the government held a national referendum to win support for its Charter for Peace and National Reconciliation which would extend an amnesty to perpetrators of human rights violations (security forces, state-armed militias and armed groups) committed during the internal conflict (1992-2000). President Abdelaziz Bouteflika officially stated that some 200,000 people were believed to have been killed since 1992, but there was no commitment to establishing the truth about these killings and other gross human rights abuses. Regarding the amnesty, although perpetrators of certain serious abuses were not to be exempt from prosecution, no details were provided concerning the process of determining who would be eligible. Similar measures introduced in 1999 were applied arbitrarily and resulted de facto in wide-ranging impunity for abuses committed by armed groups.

[Source: AI, *Report 2006* (2006), 44, 54-56.]

See also France.

ANGOLA

Last Annual Report entry: see NCH #32 (2003).

ARGENTINA

Last Annual Report entry: see NCH #38 (2005).

On 14 June 2005, the Supreme Court of Justice declared the Full Stop (1986) and Due Obedience (1987) laws unconstitutional, by a 7-1 majority, with one abstention, upholding an earlier decision by Congress from August 2003. The laws attempted to institutionalize impunity in cases of human rights violations committed during the military governments (1976-83). The ruling allowed the reopening of dozens of trial proceedings in Argentina.

[Sources: AI, “Argentina: Historical Ruling Opens the Way for Justice in the Country” (Press Release; 15 June 2005); AI, *Report 2006* (2006), 32, 59; HRW, *World Report 2006* (2006), 162, 164-66.]

On 18 November 2005, Mariano Saravia, journalist of the Córdoba daily newspaper *La Voz del Interior* and author of a book on police brutality during the military dictatorship (1976-83), complained of death threats. He also said to be a victim of “judicial persecution” because he was sued by former members of the military.

[Source: IOC 1/06: 104.]

See also Chile, Cuba, Uruguay.

ARMENIA

Last Annual Report entry: see NCH #38 (2005).

In January 2002, Turkish born Armenian journalist Murad Bojolyan (1950-) was arrested and charged with espionage. A historian and oriental specialist graduated at the Department of Oriental Studies of Yerevan State University (1972) and author of a book about the Ottoman Empire (published in

Russian), he worked at the Institute of Oriental Studies of the National Academy of Sciences (1972-91) and for the public radio as an announcer and translator into Turkish (1980-91). In 1991-98, he worked at the Ministry of Foreign Affairs, the National Assembly and in the administration of President Levon Ter-Petrossian as chief translator for the President (1991-98). He was dismissed due to a staff reduction shortly after Robert Kocharyan became President in 1998. Since 1998, he had been working as a journalist, reporting for a number of Armenian and Turkish mass media. He was charged with spying for the Turkish National Intelligence Organization MIT and communicating to them information in exchange for payment concerning Armenia's and Nagorno Karabakh's military, economic and political affairs, particularly about the Russian troops based in Armenia. Retracting an earlier confession, Bojolyan said that any information he had, were public press reports. In December 2002, a court in Yerevan found Bojolyan guilty of treason and sentenced him to ten years' imprisonment with confiscation of all property. His various appeals were dismissed. In October 2005, the European Court of Human Rights rejected most of Bojolyan's complaints but wanted to look into the charge that his freedom of expression had been violated.

[Source: European Court of Human Rights, *Partial Decision as to the Admissibility of Application no. 23693/03 by Murad Bojolyan against Armenia* (Strasbourg, 6 October 2005).]

On 17 June 2005, Yektan Turkyilmaz (?1972-), a Turkish citizen of Kurdish origin, a doctoral student of cultural anthropology and a fellow at the John Hope Franklin Humanities Institute, Duke University, Durham (North Carolina, United States), was arrested at Yerevan airport and imprisoned for attempting to smuggle culturally valuable antique books out of Armenia. On his fourth research trip to Armenia, Turkyilmaz had conducted research on the history of Eastern Anatolia during the interwar period. He had acquired around 88 books dating from the 17th to the 20th century from Armenian second-hand bookstores, an open-air market, and as gifts, in order to build up a research collection and a library of Armenian books that would otherwise be lost. However, he was apparently unaware that he was required to declare seven of the 88 books, which were over fifty years old, at customs. Turkyilmaz was questioned on his archival work and political beliefs, and digital copies of his archival research were confiscated. His official request to be released on bail until his trial date (9 August 2005) was rejected. He faced up to eight years' imprisonment. On 16 August 2005, Turkyilmaz, was released but given a suspended sentence of two years' imprisonment. The judge upheld the confiscation of all 88 books, though ordered the return of his electronic research materials. The court had convicted Turkyilmaz on charges of smuggling, but commuted the sentence, as he was cooperative during investigations and partially admitted his guilt. Turkyilmaz was the first Turkish scholar to ask for and receive access to the Armenian National Archives, where he did research in May and June 2005. He was one of the few Turkish scholars who had critically examined the events of 1915 and Armenian claims of genocide, and other instances of political violence in Anatolia and

the South Caucasus. He received several foreign scholarships. His dissertation “*Imagining ‘Turkey’, Creating a Nation: the Politics of Geography and State Formation in Eastern Anatolia, 1908-1938*” won him several awards. Turkyilmaz also studied in the Masters Program at the Atatürk Institute for Modern Turkish History at Bogazici University, Istanbul. (See NCH #39.)

[Sources: AAAS Case, *ar0510-tur* (5 & 18 August 2005); HRW, *World Report* (2006) 327; PEN, *Rapid Action Network* 31/05 (4 & 5 & 22 August 2005); Social Science Research Council, “Yektan Turkyilmaz” (2005).]

AUSTRALIA

Last Annual Report entry: see NCH #32 (2003).

See also Japan.

AUSTRIA

Last Annual Report entry: see NCH #38 (2005).

On 21 February 2006, British writer David Irving (1938-) was sentenced to three years’ imprisonment after pleading guilty to charges of Holocaust denial. The charges stemmed from two lectures he delivered in Austria in 1989. In Austria Holocaust denial is punishable by up to ten years’ imprisonment. While in custody, Irving reportedly found a copy of his *Hitler’s War* (1977), banned for defending the thesis that Hitler had no knowledge of the Holocaust, in the prison of Graz.

[Sources: IOC 1/06: 104; IOC 2/06: 178.]

AZERBAIJAN

Last Annual Report entry: see NCH #10 (1998).

BAHRAIN

Last Annual Report entry: see NCH #37 (2004).

BANGLADESH

Last Annual Report entry: see NCH #38 (2005).

In August 2005, the High Court declared the Fifth Amendment to the Constitution unlawful. The amendment had legitimized the imposition of martial law in 1975-79. Following an appeal by the government, the Supreme Court suspended the High Court ruling.

[Source: AI, *Report 2006* (2006), 65.]

BELARUS

Last Annual Report entry: see NCH #38 (2005).

In April 2005, special forces of the police beat and detained peaceful demonstrators who had gathered on the 19th anniversary of the Chernobyl nuclear accident.

[Source: AI, *Report 2006* (2006), 67.]

BELGIUM

Last Annual Report entry: see NCH #37 (2004).

Although the law on universal jurisdiction was amended in 2003 so that victims could lodge complaints directly with an investigating magistrate only if the case had a direct connection with Belgium, a limited number of cases were pursued. One of these was the case of former President of Chad, Hissène Habré (see under Chad).

[Source: AI, *Report 2006* (2006), 69.]

See also Chad.

BOLIVIA

Last Annual Report entry: see NCH #27 (2002).

See United States.

BOSNIA AND HERZEGOVINA

Last Annual Report entry: see NCH #38 (2005).

Under a “completion strategy” laid down by the United Nations (UN) Security Council, the International Criminal Tribunal for the former Yugoslavia (ICTY) was expected to conclude all cases, including appeals, by 2010. Between February and April 2005, the last indictments before the closing down of ICTY were confirmed and unsealed. Impunity for war crimes and crimes against humanity during the 1992-95 war was widespread. Thousands of disappearances were still unresolved. According to estimates of the International Commission on Missing Persons (ICMP), between 15,000 and 20,000 people who went missing during the war were still unaccounted for. In August, the Council of Ministers of Bosnia and Herzegovina became the co-founder, with the ICMP, of a federal Missing Persons Institute. Lack of full cooperation with ICTY, particularly by the Republika Srpska (RS), remained an obstacle to justice. Efforts to tackle impunity in proceedings before domestic courts remained largely insufficient, although some war crime trials were conducted. The first convictions for war crimes committed by Bosnian Serbs were passed by RS courts.

[Sources: AI, *Report 2006* (2006), 14, 71-73; HRW, *World Report 2006* (2006), 342.]

In July 2005, the tenth anniversary of the massacre of around 8,000 Bosnian Muslims after the UN “safe area” of Srebrenica fell to the Bosnian Serb Army in 1995 took place. While crimes committed in Srebrenica have been recognized as amounting to genocide by the ICTY, the women of Srebrenica whose husbands and sons were killed were still waiting for most of the perpetrators to be brought to justice. During an anniversary ceremony, the remains of 610 victims were buried at the Potocari Memorial. At the end of 2005 the remains of approximately 5,000 victims had been recovered and over 2,800 victims had been identified. In January 2005, implementing a decision by the High Representative, the RS had appointed a working group to study documentation produced by the Srebrenica Commission (established by the RS authorities to investigate the massacre), with a view to identifying those implicated. In its first report in March 2005, the working group had presented a list of 892 suspects reportedly still employed in RS and national institutions. The High Representative, however, expressed concern at the failure to provide specific data on individuals deployed in Srebrenica in July 1995, and urged the ministries involved to provide all information necessary to

complete the list so that it could be forwarded to ICTY and the Prosecutor of Bosnia and Herzegovina. A further report and list were presented by the working group in September 2005, by which, according to the High Representative, the obligations of the RS were met.

[Source: AI, *Report 2006* (2006), 14, 72-73.]

See also Greece, Serbia and Montenegro.

BRAZIL

Last Annual Report entry: see NCH #38 (2005).

The federal government made efforts to open files from the military archives and opened a reference center on political repression during Brazil's military government (1964-85), which would contain documents, films, and victims' statements from the period. Human rights groups protested against the fact that only selected archives relating to disappearances and killings of political prisoners would be opened.

[Sources: AI, *Report 2006* (2006), 76; HRW, *World Report 2006* (2006), 171.]

BULGARIA

Last Annual Report entry: see NCH #27 (2002).

In 2005, an Italian parliamentary investigation into communist Bulgaria's role in a 1981 attempt to assassinate Pope John Paul II claimed that the Bulgarian authorities had censored 75 percent of the information on the case held in the former secret police's files. Declassified East German files suggested that the Bulgarian secret police indeed recruited the assassin, the Turkish right-wing gunman Mehmet Ali Agca.

[Source: IOC 3/05: 99-100.]

In January 2005, the government proposed to amend the Law for the Protection of Classified Information to make it easier to destroy documents including the files of the former secret police without declassifying or releasing them. The provisions were withdrawn following public criticism that the amendment would allow the mass destruction of important files about Bulgarian history.

[Source: D. Banisar, *Freedom of Information Around the World 2006: A Global Survey of Access to*

Government Records Laws (2006) 24-25.]

In five different rulings (October 2001, October 2005, January [twice] and February 2006), the European Court of Human Rights ruled that the ban on the commemorative meetings of the Obedinena Makedonska Organizatsiya “Ilinden” (United Macedonian Organization Ilinden) was not necessary in a democratic society and, hence, that the authorities had violated Ilinden’s right of peaceful assembly and association. (See also NCH #5, #27.)

[Sources: European Court of Human Rights, *Case of Stankov and the United Macedonian Organisation Ilinden versus Bulgaria: Judgment* (Strasbourg, 2 October 2001); *Case of the United Macedonian Organisation Ilinden and Ivanov versus Bulgaria: Judgment* (Strasbourg, 20 October 2005); *Case of the United Macedonian Organisation Ilinden and Others versus Bulgaria: Judgment* (Strasbourg, 19 January 2006); *Case of the United Macedonian Organisation Ilinden-Pirin and Others versus Bulgaria: Judgment* (Strasbourg, 20 January 2006); *Case of Ivanov and Others versus Bulgaria: Judgment* (Strasbourg, 24 February 2006).]

BURKINA FASO

Last Annual Report entry: see NCH #38 (2005).

BURUNDI

Last Annual Report entry: see NCH #38 (2005).

Legislation establishing a National Truth and Reconciliation Commission (NTRC), passed in December 2004, mandated the NTRC to establish the truth about acts of violence committed in the course of the conflict since 1962 (including those which occurred in 1972 and 1988 and in the violence following the 1993 assassination of former President Melchior Ndadaye), specify which crimes had been committed, other than genocide, and identify both perpetrators and victims of such crimes. In a report published in March 2005, the United Nations (UN) Secretary-General raised doubts about the credibility and impartiality of the NTRC and addressed the feasibility of establishing an international judicial commission of inquiry. It recommended amending the composition of the NTRC by including an international component (originally it was to comprise 25 members, all Burundians) and setting up a special chamber within the court system of Burundi. This chamber would be competent to prosecute those bearing the greatest responsibility for genocide,

crimes against humanity, and war crimes, and would be composed of national and international judges. In November 2005, the new government designated a delegation of eight members to establish an NTRC in collaboration with the UN.

[Sources: AI, *Report 2006* (2006), 80; HRW, *World Report 2006* (2006), 83.]

CAMBODIA

Last Annual Report entry: see NCH #38 (2005).

In April 2005, the agreement between Cambodia and the United Nations to set up a criminal tribunal to prosecute suspected major perpetrators of gross human rights violations during the Khmer Rouge rule (1975-79) took effect. The tribunal was expected to try no more than half a dozen people, while tens of thousands of others continued to benefit from a national amnesty.

[Source: AI, *Report 2006* (2006), 14, 81.]

CANADA

Last Annual Report entry: see NCH #38 (2005).

On 1 March 2005, German born Holocaust denier Ernst Zündel (1939-) was deported to Germany to face charges of Holocaust denial. On 3 March 2005 he was arrested. After a two-year legal battle, a Canadian judge had ruled his anti-Semitic hate speech “not only a threat to Canada’s national security, but also a threat to the international community of nations.”

[Source: IOC 3/05: 102-3.]

The screening of a 30-minute film, *Temporal Transmissions*, by Lebanese-Canadian videographer Jayce Salloum, which covered native Canadian history, was canceled by authorities in the city of Kelowna, British Columbia, because it was “not celebratory enough”.

[Source: IOC 3/05: 100.]

See also Iran.

CENTRAL AFRICAN REPUBLIC

Last Annual Report entry: see NCH #27 (2002) under Belgium.

The judiciary failed to investigate the rape of hundreds of women and other human rights abuses which had occurred during the armed conflict in 2002-3, as well as those that took place after President François Bozizé took power in March 2003. However, in January 2005, the government formally requested the International Criminal Court (ICC) to investigate and prosecute war crimes and other human rights abuses which had occurred in the country during the armed conflict. The ICC had not started investigations by the end of 2005.

[Source: AI, *Report 2006* (2006), 85.]

CHAD

Last Annual Report entry: see NCH #38 (2005).

In September 2005, Belgium issued an international arrest warrant against former President of Chad, Hissène Habré. He was accused of human rights violations including torture, murder of at least 40,000 people and disappearances during his rule (1982-90). In November 2005, Habré was arrested by the authorities in Senegal, where he had taken up residence after being ousted from power in 1990. Although Chadian President Idriss Déby appealed to the Senegalese President to extradite Habré to Belgium, the Senegalese authorities stated that he would remain in detention until January 2006 when his extradition would be discussed at the summit of the African Union.

[Sources: AI, *Report 2006* (2006), 14, 27, 69, 87, 223; HRW, *World Report 2006* (2006), 31.]

See also Belgium.

CHILE

Last Annual Report entry: see NCH #38 (2005).

In January 2005, the Supreme Court put a time limit of six months on judicial investigations into disappearances and other human rights violations by the military government of Augusto Pinochet (1973-90), but suspended the ruling in May. This allowed investigations to continue into more than 150 cases of human rights violations. In March 2005, the Supreme Court upheld Pinochet's immunity

against charges relating to the 1974 assassination in Buenos Aires of former army commander General Carlos Prats and his wife. In June 2005, an appeals court decided that Pinochet was not fit to stand trial on nine charges of kidnapping and one of murder during “Operation Cóndor”, a joint plan by Southern Cone military governments in the 1970s and 1980s to eliminate opponents. In September 2005, the Supreme Court upheld the ruling. In contrast, in September and October 2005, the Supreme Court lifted Pinochet’s immunity in the so-called “Operation Colombo” and Riggs Bank cases. In November 2005, Pinochet was charged and placed under house arrest. The charges against him included the murder of 119 people and the disappearance of 15 others in 1975 as part of “Operation Colombo”. Other charges included homicide, torture, kidnapping, money laundering, tax evasion and falsifying documents. This was the first time prosecutors in Chile had successfully cleared all the legal hurdles and indicted him.

[Sources: AI, *Report 2006* (2006), 32, 88; HRW, *World Report 2006* (2006), 174-75.]

In March 2005, a group of academics, appointed by the rector of the Universidad de Chile (University of Chile) to restructure the Faculty of Social Sciences, dismissed 54 faculty members. Amongst those dismissed was archeologist María Antonia Benavente Aninat, elected director of the anthropology department with an international reputation in her field. Her dismissal would leave her with her salary cut and without medical coverage or pension. Later, a judge annulled the dismissal but the university appealed that decision.

[Sources include “Fifty-four Academics Unfairly Dismissed at the University of Chile”, *NEAR Alert* (14 July 2005).]

In 2006, postcards sold in the new cultural center at the presidential palace were banned because they showed national leaders since 1970, including Salvador Allende (1970-73) and Ricardo Lagos (2000-2006), but omitting Augusto Pinochet (1973-90). Visitors had complained about the omission. The center’s spokesman said that the cards were an “artistic project” without any “political message”.

[Source: IOC 2/06: 181.]

See also Argentina, Mexico, Peru.

CHINA

Last Annual Report entry: see NCH #38 (2005).

In 2005, Amnesty International called on the Chinese authorities to stop the detention and harassment

of the Tiananmen Mothers, a group of 130 human rights defenders - mainly women - seeking accountability and redress for the killing of their children and other close relatives during the suppression of peaceful protests around Tiananmen Square in June 1989.

[Source: AI, *Report 2006* (2006), 296.]

On 16 January 2005, Tashi Gyaltzen (1964-), a monk from Drakar Trezong monastery, Qinghai province (northwestern China), was arrested together with four other monks. Reportedly, he was administratively sentenced to three years' "reeducation through labor." The monks were allegedly detained for publishing from mid- to late 2004 a journal called "*The Charm of Sun and Moon*", which contained poems and political writings. Gyaltzen reportedly edited this and other magazines at the monastery and wrote "The Past and Present History of Trezong Monastery" and other articles.

[Sources: AI, *Report 2006* (2006), 91; PEN, *Half-Yearly Caselist 2005*: 36-38, 40-41.]

On 9 March 2005, writer Dolma Kyab (pen-name Lobsang Kelsang Gyatso) (1976-), a history teacher at a middle school in Lhasa, Tibet, was arrested, charged with "endangering state security", and on 16 September 2005 was sentenced to ten years' imprisonment for his critical writings. On 30 November 2005, the sentence was upheld on appeal. After his studies at a university in Beijing and in India, he returned to Tibet in May 2004. While a history teacher, he wrote a manuscript in Chinese, entitled *Sao dong de Ximalayashan*, reportedly a compilation of 57 chapters covering various topics including democracy, the sovereignty of Tibet, Tibet under communism, colonialism, and religion. Allegedly, he also started another, shorter, manuscript on the geographical aspects of Tibet, which touched on sensitive topics about the location and number of Chinese military camps in the Tibet Autonomous Region (TAR). Dolma Kyab is said to be in bad health. (See also NCH #44.)

[Source: PEN, *Rapid Action Network* (2 August 2006).]

In late March 2005, Beijing University journalism lecturer Jiao Guobiao was reportedly dismissed, six months after he had refused to be relocated to a job in the Center for Ancient Chinese Classics and Archives of Beijing University to study classical Chinese texts as punishment for his criticism of official censorship by China's Publicity Department (formerly known as the Propaganda Department). Jiao had written a pamphlet accusing censors of "obstructing the civilized growth of Chinese society" and comparing them to Nazis.

[Sources include IOC 3/05: 100-101; Reporters without Borders, "Pro-democracy Lecturer Sacked at Beijing University" (1 April 2005).]

In August 2005, Wang Wan[g]xing (?1949-) was released and expelled to Germany with his family. (See NCH #17.)

[Source: AI, *Wordt Vervolgd*, December 2005-January 2006: 22-24.]

On 26 September 2005, ehoron.com, a website created by Mongolian students in September 2004 to replace a closed website (nutuge.com), was also closed by the Chinese authorities. It was a platform of discussion for about 1,300 Mongolian students and covered a range of subjects affecting Inner Mongolia. The reason for closure was reportedly its “separatist” content, a reference to messages on the website criticizing a Chinese Television cartoon that portrayed Genghis Khan as a mouse with a pig’s snout.

[Source: Reporters Without Borders, “Chinese Shut Down ‘Separatist’ Student Website” (2005).]

Computer firm Microsoft complied with Chinese demands that it censor “subversive” words like “4 June” (date of the 1989 Tiananmen Square massacre) on its weblog facility MSN Spaces.

[Source: IOC 2/04: 123, 125; IOC 3/05: 101.]

On 29 January 2006, the Publicity Department closed *Bingdian* (Freezing Point), the liberal weekly supplement of *Zhongguo Qingnian Bao* (China Youth Daily) created in 1995 and with a print run of 400,000. In its justification, the department singled out an article by historian Yuan Weishi published on 18 January 2006 and entitled “Modernization and History Textbooks”, which criticized the nationalistic bias in history textbooks glorifying the Boxer Rebellion against foreigners (1898-1900). The department found Yuan’s view “dangerous” and accused *Bingdian* of hurting national sentiment by romanticizing the foreign presence in China at the end of the nineteenth century. *Bingdian* was required to print a criticism of the offending article. On 2 February 2006, leading personalities signed an open letter to President Hu Jintao to protest the closure. On 17 February 2006, it was announced that *Bingdian* could reappear from 1 March 2006 onward. Editor Li Datong and journalist Lu Yuegang, however, were reportedly dismissed, inter alia for their contacts with democracy activists and journalists abroad and for having covered the death of journalist Liu Binyan (1925-2005) in December 2005, and were transferred to the newspaper’s News Research Institute.

[Sources include IOC 2/06: 183; Reporters without Borders, “Weekly Supplement Closed Due to Article on History Textbooks” (25 & 30 January 2006).]

In April 2006, the State Administration of Radio, Film and Television announced that local authorities would be required to verify the content of television series. Scripts would have to be approved every month to prevent “errors” of a political and historical nature.

[Source: *Ifex Communiqué 15-15* (18 April 2006).]

The government banned *Memoirs of a Geisha*, a Hollywood film about the life of a geisha in Tokyo

during World War II for fear that it would fuel anti-Japanese sentiment.

[Source: IOC 2/06: 181, 183.]

See also Japan, United States.

COLOMBIA

Last Annual Report entry: see NCH #37 (2004).

On 21 March 2006, Jaime Enrique Gómez Velásquez ([1950]-2006) historian and political scientist at Pontificia Universidad Javeriana, Bogotá, trade union leader, leading member of the opposition Movimiento Poder Ciudadano (Movement for Citizen Power), disappeared in Bogotá, probably for political reasons. He was assassinated. On 23 April 2006, his mutilated remains were discovered.

[Source: Academia Solidaria de Historia a Debate (Santiago de Compostela 2006).]

See also United States.

CONGO (Democratic Republic)

Last Annual Report entry: see NCH #38 (2005).

Two years after the Prosecutor of the International Criminal Court (ICC) announced that the ICC would look into the hundreds of thousands of crimes committed in Congo since July 2002, investigations had yet to result in any international arrest warrants. In January 2006, however, the first arrest warrant was issued against Thomas Lubanga Dyilo. He was alleged to have been involved in the commission of war crimes, namely, enlisting and conscripting children under the age of fifteen and using them for active participation in hostilities.

[Sources: AI, *Report 2006* (2006), 14, 27, 97; International Criminal Court, “Issuance of a Warrant of Arrest against Thomas Lubanga Dyilo” (17 March 2006).]

See also Congo (Republic).

CONGO (Republic)

Last Annual Report entry: see NCH #38 (2005).

In July 2005, the trial of fifteen members of the security forces and a civilian began in Brazzaville. They were charged with genocide and crimes against humanity for their alleged role in the disappearance in mid-1999 of more than 350 refugees returning from neighboring Congo (formerly Zaire). They were not suspended from their positions before or during the trial. When the trial was concluded in August 2005, the court found the state responsible for the disappearances of at least 80 people, but acquitted all the defendants on the grounds that they bore no responsibility for them. Human rights organizations expressed concern that the court had only pursued the case to prevent the trial of the alleged perpetrators by an independent foreign court.

[Source: AI, *Report 2006* (2006), 98.]

CROATIA

Last Annual Report entry: see NCH #38 (2005).

The legacy of the 1991-95 war continued to overshadow human rights in Croatia. Trials for war crimes and crimes against humanity continued or started before local courts, often in absentia. In some cases these trials did not meet internationally recognized standards of fairness. There continued to be widespread impunity for crimes allegedly committed by members of the Croatian Army and police forces. Of at least 300,000 Croatian Serbs displaced by the conflict, approximately 120,000 were officially registered as having returned home. In December 2005, former Croatian Army General Ante Gotovina was arrested in Spain, apparently after the Croatian authorities had provided the International Criminal Tribunal for the former Yugoslavia (ICTY) with information on his whereabouts. Gotovina was indicted by ICTY on seven counts.

[Source: AI, *Report 2006* (2006), 100-101.]

CUBA

Last Annual Report entry: see NCH #27 (2002).

On 18 February 2006, the Argentinian writer, columnist and historian José Ignacio García Hamilton was barred from entering Cuba. He had scheduled meetings with Cuban intellectuals and several

gatherings to publicize his new book, *Simón: Vida de Bolívar*, a biography of Simón Bolívar (1783-1830), the liberator of Latin America. In 1996 and 2005, García Hamilton had reportedly met with dissidents in visits to Cuba. One of his books (published in 1997), which analyzed authoritarian governments in Latin America, includes a preface by Carlos Montaner, an opponent of the Castro regime. His deportation was believed to be related to the book and its preface.

[Source: Committee to Protect Journalists, *Ifex Alert* (22 February 2006).]

CYPRUS

Last Annual Report entry: see NCH #38 (2005).

CZECH REPUBLIC

Last Annual Report entry: see NCH #17 (2000).

DENMARK

Last Annual Report entry: none.

Flemming Rose, the cultural editor of the daily newspaper *Jyllands-Posten* who commissioned twelve controversial cartoons of the Prophet Mohammed and published them in September 2005, was sent “on leave” after he vowed (a promise subsequently retracted) to republish cartoons commissioned by an Iranian newspaper lampooning Holocaust victims.

[Source: IOC 2/06: 184.]

EAST TIMOR

See Timor-Leste.

ECUADOR

Last Annual Report entry: see NCH #38 (2005).

On 5 March 2005, historian Enrique Ayala Mora (1950-), rector of the Ecuadorian branch of the Universidad Andina Simón Bolívar (1997-) and socialist member of parliament (2003-), was shot at while driving his car home after a political meeting in Quito. He was injured. Although his party belonged to the majority, his recent criticism of government policy was believed to have been the reason for the assault.

[Source: "Atentan contra Enrique Ayala Mora," *La Hora* (Ecuador), 8 March 2005.]

EGYPT

Last Annual Report entry: see NCH #32 (2003).

On 25 October 2005, religious authorities banned a book by Natana DeLong-Bas about Wahhabism on the grounds that it was offensive to Islam. The book, probably *Wahhabi Islam: From Revival and Reform to Global Jihad* (New York 2004), was largely based on an analysis of the writing of Muhammad Ibn Abd al-Wahhab, eighteenth-century founder of Wahhabism.

[Source: IOC 1/06: 109.]

See also Sudan.

EL SALVADOR

Last Annual Report entry: see NCH #38 (2005).

Impunity for past human rights violations, including disappearances, persisted. In March 2005, the Inter-American Court of Human Rights ruled that El Salvador had to set up a National Search Commission to trace disappeared children.

[Source: AI, *Report 2006* (2006), 110.]

ETHIOPIA

Last Annual Report entry: see NCH #38 (2005).

The trial continued of 33 former senior government officials during the rule of the Dergue (1974-90) on charges of genocide, torture and other crimes. They had been in detention for 14 years. Other trials continued in the absence of the defendants, including former President Mengistu Hailemariam, whose extradition had been refused by the Zimbabwe government.

[Source: AI, *Report 2006* (2006), 117.]

EUROPEAN UNION

Last Annual Report entry: see NCH #38 (2005).

FIJI

Last Annual Report entry: see NCH #37 (2004).

The government proposed legislation to establish a Reconciliation and Unity Commission with the power to recommend amnesty for “politically motivated” crimes committed in connection with the May 2000 coup and to grant compensation to those affected by such crimes. The proposed legislation promoted impunity for human rights violations and acts of treason, and was opposed by the military, the political opposition, and many areas of civil society for this reason. In late 2005, a parliamentary committee recommended that the amnesty proposal be amended to reflect constitutional principles.

[Source: AI, *Report 2006* (2006), 118.]

FRANCE

Last Annual Report entry: see NCH #38 (2005).

In April 2005, more than 1,000 history teachers and other historians, writers, and intellectuals signed a petition demanding the repeal of a new law requiring school history teachers to stress the “positive aspects” of French colonialism. The law of 24 February 2005 was intended to rehabilitate the harkis (the 200,000 Algerians who fought with French colonial troops during the Algerian independence war of 1954-62 and of whom 130,000 were executed as traitors after independence) but its article 4 read: “School courses should recognize in particular the positive role of the French presence

overseas, notably in north Africa.” The signatories objected that this imposed an official version of history, obliterating the suffering caused by the French empire. Algerian President Abdelaziz Bouteflika reportedly spoke of “revisionism” and “negationism”. On 8 December 2005, Prime Minister Dominique de Villepin declared that politicians should not determine the contents of history teaching. On 12 December 2005, nineteen historians publicly protested against the increasing judicialization of history in France. In January 2006, the controversial article was repealed.

[Sources include *Figaro*, 14 December 2005; *Guardian*, 15 April 2005; *Libération*, 13 December 2005.]

On 30 November 2005, historian Olivier Pétré-Grenouillau, professor at the University of Lorient and member of the Institut universitaire de France, was brought before the court in Paris. The Collectif des Antillais, Guyanais et Réunionnais accused him of denying that the slave trade was a crime against humanity (whereas the Taubira law of 10 May 2001 had given it that status) in an interview with the *Journal du Dimanche* (Sunday Newspaper) of 12 June 2005. In the interview, however, Pétré-Grenouillau did not deny that the slave trade was a crime against humanity but, rather, denied that it was genocide since the European slave traders’ intent was not to destroy the slaves but to keep them as cheap labor. Observers thought that the real motive behind the accusation was Pétré-Grenouillau’s book *Les Traités négrières: Essai d’histoire globale* [The Black-Slave Trade: Essay in Global History] (Paris 2004), which viewed the slave trade as a phenomenon of thirteen centuries on five continents, of which the European slave trade (1500-1900) was one part. The book had been awarded several prizes.

[Sources: *Figaro*, 14 December 2005; *Libération*, 30 November 2005; *Le Monde*, 15 December 2005.]

See also Lebanon.

GEORGIA

Last Annual Report entry: see NCH #32 (2003).

GERMANY

Last Annual Report entry: see NCH #32 (2003).

On 25 January 2005, a brief reference to the Armenian genocide, inserted in a history curriculum in the state of Brandenburg in 2002, was deleted following Turkish diplomatic protests. A chapter entitled “Enthumanisierung (Kriegsalltag)” (“Dehumanization: everyday life in war”) included a text that cited “z.B. Genozid an der armenischen Bevölkerung Kleinasiens” (“for example, the genocide of the Armenian population of Anatolia”). After a wave of protests, Prime Minister of Brandenburg Matthias Platzeck announced on 9 February 2005 that the reference would be reinserted.

[Sources: IOC 2/05: 91; *Informationen Georg-Eckert Institut*, no. 49 (August 2005) 6-9.]

In October 2005, under much protest German authorities tore down a monument at the former crossing point called Checkpoint Charlie. The controversial monument, erected earlier that month by a private museum, included more than 1,000 crosses, each devoted to someone who died while trying to escape the former German Democratic Republic. The move came after supporters lost a case in court to save the monument and failed to meet a deadline to raise the money to buy the land where it stands.

[Source: *BBC News Online* (3 November 2005).]

The United States wanted the Holocaust files at the International Tracing Service (ITS), Bad Arolsen, Hessen, containing information on 17,5 million people, to be open to scholars. Germany resisted this request on the grounds that the archives contained sensitive information such as who was subjected to cruel medical experiments, who were thought to be gay, and which Jews allegedly collaborated with the Nazis. On 18 April 2006, during a visit to Washington, Minister of Justice Brigitte Zypries declared that the archives would be opened. The ITS was established at the end of World War II to trace missing persons. From 1955 the Red Cross had been responsible for it.

[Sources: D. Banisar, *Freedom of Information Around the World 2006: A Global Survey of Access to Government Records Laws* (2006) 50; IOC 2/06: 185; *Keesings Historisch Archief*, 2006: 268.]

See also Austria, Bulgaria, Canada, China, Denmark, Iraq.

GHANA

Last Annual Report entry: see NCH #38 (2005).

On 22 April 2005, the report of the National Reconciliation Commission, investigating past human rights abuses during Ghana’s periods of unconstitutional government between 1957 and 1993, was made public by the government, together with a white paper accepting some of the recommendations.

The report had concluded that the majority of human rights abuses had to be attributed to the unconstitutional governments. The recommendations included a formal presidential apology to victims of abuses by state agents. The government issued an apology to all those who had been wronged by past governments. However, no other recommendations had been implemented by the end of 2005.

[Source: AI, *Report 2006* (2006), 124.]

GREECE

Last Annual Report entry: see NCH #38 (2005).

On 10 May 2005, Riki Van Boeschoten, a Dutch social anthropologist working at the University of Thessaly, Vólos, and Loring Danforth, anthropologist at Bates College (Maine, United States), gave a lecture about refugee children from the Greek Civil War (1946-49) in Eastern Europe at the Hellenic Studies Program of Princeton University (United States). Based on 130 life stories and on archival documents, the lecture explored the mass evacuation of thousands of children during the civil war. In 1948 about 25,000 children were moved by the left-wing Democratic Army to Eastern Europe and a similar number were evacuated by the National Army and settled in “child-towns” run by Queen Frederica. Before the lecture, the program director received threatening phone calls and e-mails from members of the Greek diaspora -- including the Panmacedonian Association of the United States, some Greek members of the Modern Greek Association mailing list, and author Nicholas Gage -- in an attempt to cancel it. They also sent e-mails to the University of Thessaly in order to jeopardize Van Boeschoten’s position. Judging from the title and abstract of the lecture and on previous work of the lecturers, their main complaints were that the removal of children from Greece in 1948 was called an “evacuation” instead of “abduction” (“pedomázoma”, the Greek government’s position during the civil war) and the use of the epithet “Macedonian” for members of the Slav-speaking community and their language. The attacks continued for some time after the lecture but had no effect on Van Boeschoten’s position.

[Sources include *NRC Handelsblad*, 8 June 2005: 4.]

On 2 and 3 June 2005, all Greek television stations cut the opening scene of a video about the 1995 Srebrenica genocide. It featured a Serbian Orthodox priest blessing paramilitaries who were later seen to execute six Bosnian Muslim men. The stations presented the cut version to the public as being the complete version. Links between the Greek and Serbian Orthodox Churches underpinned pro-Serb sentiments in Greece during the Balkan wars (1991-95).

[Sources: Greek Helsinki Monitor, *Ifex Alert*, 23 June 2005; IOC 3/05: 105.]

On 1 July 2005, Takis Alexiou, academic, writer and artist, also founder of the Greek Rumi Committee and former President (1994-96) of the Panhellenic Historical and Philosophical Society, was sentenced to 25 months' imprisonment in Rhodes, despite the court prosecutors requesting his acquittal. Charges were brought against him after a Greek Orthodox monk, Arsenios Vliagoftis, member of the Greek Ecclesiastical Commission against Heresies, had declared that the Greek Rumi Committee was a sect. The committee studies the work of Mevlana Celaleddin Rumi, a thirteenth-century philosopher, poet and humanist whose writings were included on the United Nations 1989 list of worldwide literary treasures. An appeal trial was scheduled to take place in March 2006.

[Source: PEN, *Half-Yearly Caselist 2005*: 52.]

See also Turkey.

GUATEMALA

Last Annual Report entry: see NCH #38 (2005).

Of the 626 massacres documented by the United Nations sponsored truth commission in 1999, only one case was successfully prosecuted in the courts. In 2004, a lieutenant and thirteen soldiers were found guilty of the 1995 Xamán massacre and each sentenced to forty years' imprisonment. The government issued public apologies in four cases of past human rights violations committed during the internal armed conflict. One public apology, for the 1982 Plan de Sánchez massacre of more than 250 indigenous villagers by state forces, had been ordered by the Inter-American Court of Human Rights. The prosecution of former military officers in this case, however, has been held up for years. In February 2005, the Constitutional Court halted the trial and determined that due process had been violated. The case was pending at the end of 2005.

[Sources: AI, *Report 2006* (2006), 127-28; HRW, *World Report 2006* (2006), 192.]

Over the past four years, there have been an alarming number of attacks and threats against Guatemalans seeking justice for past abuses. The targets included human rights advocates, justice officials, forensic experts, and plaintiffs and witnesses involved in human rights cases. In August 2005, members of the Guatemalan Foundation for Forensic Anthropology received repeated death threats due to their work consisting in the exhumation of bodies buried in clandestine cemeteries throughout the country. There were new incidents of threats and intimidation of forensic

anthropologists in September 2005, and in January and March 2006. There was a widespread consensus among observers that the people responsible for the intimidation were affiliated with clandestine groups. These groups appeared to have links to both state agents and organized crime -- which gave them access to considerable political and economic resources. (See also NCH #31[iii], #31[iv].)

[Source: HRW, *World Report 2006* (2006), 193.]

In July 2005, 75 million pages of National Police files (covering a century of police operations) were discovered. It was reportedly the largest and most revealing collection of documentation on the “dirty war” (1960-96) ever unearthed in Latin America.

[Sources: K. Doyle, “The Guatemalan Police Archives” (National Security Archive; November 2005); IOC 1/06: 113 .]

In September 2005, the Spanish Constitutional Court ruled that the case for alleged genocide against Guatemalan General Ríos Montt (President in 1982-83), and other officers, could proceed in Spain.

[Source: AI, *Report 2006* (2006), 32, 128, 239.]

GUINEA-BISSAU

Last Annual Report entry: see NCH #14 (1999).

GUYANA

Last Annual Report entry: see NCH #6 (1997).

HAITI

Last Annual Report entry: see NCH #32 (2003).

In 2005, a significant decline in the domain of accountability for past abuses occurred. Former military leaders accused of human rights violations during the 1991-94 military government continued to enjoy impunity.

[Sources: AI, *Report 2006* (2006), 32, 133; HRW, *World Report 2006* (2006), 199.]

HONDURAS

Last Annual Report entry: see NCH #27 (2002).

HUNGARY

Last Annual Report entry: see NCH #37 (2004).

INDIA

Last Annual Report entry: see NCH #38 (2005).

After they were committed for retrial in another state, hearings in two cases related to the 2002 attacks upon Muslims in the western state of Gujarat were nearing completion. Otherwise, there was little accountability for the deaths of more than 2,000 Muslims in Gujarat during the communal violence that erupted after a train carrying Hindu pilgrims caught fire, killing 59 passengers.

[Sources: AI, *Report 2006* (2006), 136; HRW, *World Report 2006* (2006), 265.]

In February 2005, a commission headed by Justice G.T. Nanavati to probe the 1984 anti-Sikh riots in Delhi and elsewhere in the aftermath of Prime Minister Indira Gandhi's assassination submitted its report. After initially refusing to take action against Congress leaders named in the report -- a decision that led to widespread protests -- Prime Minister Manmohan Singh offered a public apology to the Sikh community and the government promised to reopen some of the riot cases. Some senior Congress leaders accused of involvement in organizing the anti-Sikh riots resigned from their posts.

[Sources: AI, *Report 2006* (2006), 137; HRW, *World Report 2006* (2006), 265.]

Proceedings regarding the 1992 demolition of the Babri Mosque at Ayodhya, Uttar Pradesh, in which senior leaders of the Bharatiya Janata Party (BJP) were facing trial, made little progress during 2005.

In July 2005, there was an attack on the disputed site.

[Source: AI, *Report 2006* (2006), 136-37.]

In Punjab, the vast majority of police officers responsible for serious human rights violations during

the period of civil unrest in the mid-1990s continued to evade justice, despite the recommendations of several judicial inquiries and commissions.

[Source: AI, *Report 2006* (2006), 137.]

INDONESIA

Last Annual Report entry: see NCH #38 (2005).

30 September 2005 marked the fortieth anniversary of the alleged coup attempt that precipitated former Indonesian President Soeharto's rise to power. The Indonesian Communist Party remained banned for allegedly plotting that attempt in 1965. After the attempt, at least half a million people were killed in anti-communist purges after the coup attempt, and hundreds of thousands more were imprisoned without charge or trial. To date there has been no accountability for these atrocities. There has also been no legal accounting for the majority of atrocities committed during Soeharto's rule (1965/67-98), or for the violence instigated by pro-Soeharto forces in a failed attempt to stave off his 1998 fall from power. Trials for the 1984 killing of civilians by Indonesian security forces at Tanjung Priok, Jakarta, ended in July 2005 with the appeals court overturning the convictions of twelve of the fourteen defendants.

[Source: HRW, *World Report 2006* (2006), 272.]

There were concerns that past human rights violations committed during the 29-year conflict between the government and the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) would not be prosecuted and that impunity could undermine prospects for a lasting peace. Despite provisions in the Memorandum of Understanding, signed between the parties in August 2005, that a human rights court would be set up, the government announced that the court would not have powers to hear cases from the past.

[Source: AI, *Report 2006* (2006), 139.]

In a report submitted to the United Nations (UN) Security Council, a Commission of Experts (CoE), appointed by the UN Secretary-General to review the prosecution of serious violations of human rights in Timor-Leste (then East Timor) in 1999, concluded that the judicial process before the Indonesian ad hoc Human Rights Court for Timor-Leste was "manifestly inadequate with respect to investigations, prosecutions and trials". The CoE pointed to provisions in the terms of reference of the Truth and Friendship Commission (TFC), officially established by the governments of Indonesia and Timor-Leste in March 2005 to reveal the truth about the 1999 events, which "contradict

international standards on denial of impunity for serious crimes". In particular, the CoE stated that the TFC should not allow amnesties for cases of genocide, crimes against humanity and other grave human rights violations. Despite such criticism, the TFC was set up in August 2005 without appropriate changes to its mandate.

[Source: AI, *Report 2006* (2006), 139-40.]

See also Saudi Arabia, Timor-Leste.

INTERNATIONAL CRIMINAL COURT

See Central African Republic, Congo (Democratic Republic), Ivory Coast (Côte d'Ivoire), Liberia, Sudan, Uganda.

IRAN

Last Annual Report entry: see NCH #38 (2005).

On 27 April 2004, leading Shi'a religious leader and scholar Grand Ayatollah Yasub al-Din Rastgari (1927-), author of over a hundred works, was reportedly detained in Qom after publication of his *Reality of Religious Unity*, a book on Islamic religious history allegedly critical of the policies of some historic Wahhabi sect personalities. In poor health, Rastgari was held incommunicado by the secret service without access to his family. His two sons were also arrested with him and the book's publisher closed down. Rastgari was probably secretly charged with "insulting Islam" and "causing schism" and sentenced to four years' imprisonment by the Special Court for the Clergy. He was previously detained on several occasions, most recently in 1996, when he was sentenced to three years' imprisonment and a period of internal exile for his activities against the regime. (See also NCH #42.)

[Sources: PEN, *Rapid Action Network 45/05* (19 October 2005); PEN, *Half-Yearly Caselist 2005*: 67-68.]

On 27 April 2006, Ramin Jahanbegloo, of Iranian and Canadian nationality, adjunct professor of philosophy at the University of Toronto (1999-2001) with doctorates from the Sorbonne (Paris, France) and Harvard University (Massachusetts, United States), author of more than twenty books, and director of Contemporary Studies at the privately run Cultural Research Bureau, Tehran, was

reportedly detained at Tehran Airport while attempting to travel to a conference in Europe. Held incommunicado, he was not charged but possibly accused of espionage, violating security measures and of having links to monarchist and other opposition groups. His imprisonment was probably also connected with an article in which he challenged President Mahmoud Ahmadinejad's contention that the Holocaust had not taken place. On 3 July 2006, Minister of Intelligence Gholam Hossein Mohseni Ejeie accused Jahanbegloo of "taking part in a United States attempt to carry out a velvet revolution in Iran." On 30 August 2006, he was released on bail.

[Source: Ifex, *Action Alert Network*, 4, 5, 19 and 23 May, 12 July 2006.]

See also Denmark.

IRAQ

Last Annual Report entry: see NCH #38 (2005).

On 25 November 2005, Susanne Osthoff (1962-), a German archeologist involved in preserving Iraq's archeological treasures, was abducted by unknown kidnappers who demanded that Germany stopped cooperating with the United States-backed Iraqi government. Released on 18 December 2005, she declared that her captors demanded German humanitarian aid for Iraq's Sunni Arabs.

[Sources: *BBC News Online*, 29 November 2005; *International Herald Tribune*, 30 November 2005; "My Kidnappers Were Not Criminals" (*Aljazeera*, 26 December 2005).]

The Statute of the Iraqi Special Tribunal, established in December 2003 to try members of the former Iraqi government for genocide, crimes against humanity, and war crimes, was amended and adopted by Iraq's Transitional National Assembly in October 2005, one week before the first trial was scheduled to begin. The Assembly renamed the tribunal the "Supreme Iraqi Criminal Tribunal" (SICT). Serious doubts remained about the capacity of SICT to conduct fair trials. After the opening of the first trial on 19 October 2005, two defense counsels were assassinated. As of October 2005, the Multi-National Force retained physical custody of over 90 "high value detainees", including members of the former Iraqi government awaiting trial before SICT. Former Iraqi President Saddam Hussain was brought to trial together with seven others, including former Vice-President Taha Yassin Ramadhan. Charges related to executions on orders of the government of 148 people from al-Dujail, following an assassination attempt against Saddam when he visited the village.

[Sources: AI, *Report 2006* (2006), 14, 43, 46, 145; HRW, *World Report 2006* (2006), 451-52.]

IRELAND

Last Annual Report entry: see NCH #37 (2004).

The report on clerical sex abuse in the diocese of Ferns (the Ferns Inquiry), published in October 2005, was critical of Catholic Church authorities, the Garda (police) and the health authority in their handling of more than 100 allegations of child sexual abuse made between 1962 and 2002.

[Source: AI, *Report 2006* (2006), 147.]

See also United Kingdom.

ISRAEL

Last Annual Report entry: see NCH #32 (2003).

ITALY

Last Annual Report entry: see NCH #32 (2003).

See also Bulgaria, Somalia.

IVORY COAST (Côte d'Ivoire)

Last Annual Report entry: see NCH #37 (2004).

Throughout 2005, neither the government nor the rebel leadership took concrete steps to discipline, investigate or hold accountable those responsible for ongoing crimes, much less past atrocities which took place during the 2000 election violence, 2002-3 civil war, and violent crackdown on an opposition demonstration in March 2004. The United Nations (UN) Security Council had yet to make public or discuss the findings of the Commission of Inquiry report, which was handed to the UN Secretary General in November 2004. The report contained a secret annex listing people accused of human rights abuses. Similarly, the Security Council refused to implement sanctions authorized under

resolution 1572, passed in November 2004. While the prosecutor for the International Criminal Court (ICC) announced in January 2005 that he would send a team to Ivory Coast to prepare a possible investigation into war crimes, this had still not taken place by the end of 2005. The prosecutor was acting on an ad hoc request to the ICC by the Ivorian government made in September 2003.

[Source: HRW, *World Report 2006* (2006), 85.]

JAPAN

Last Annual Report entry: see NCH #38 (2005).

On 9 and 10 April 2005, a protest march with about ten thousand participants was organized in Beijing against the publication and use of a new history textbook which downplayed Japan's atrocities in China during the Pacific War (1931-45), including the 1937 Nanking Massacre and the question of some 200,000 "comfort women". The Japanese embassy was attacked, rallies were also held outside Beijing, and Japanese flags were burned. The unofficial history textbook was approved by a local education authority and was reportedly taken up by a small proportion of schools in Japan. On 4 May 2005, the Parliament of Hong Kong adopted a motion in which it criticized official Japanese approval of the textbook. In July 2005, the "Korean Historical Societies United", a platform of 48 historical societies in South Korea, protested against official Japanese approval of the textbook at the 20th International Congress of Historical Sciences in Sydney, Australia. In particular, it criticized the textbook's view that from time immemorial and until 1910 Korea had always been a country dependent on China, and that only in its capacity as a Japanese colony (1910-45) Korea had been able to achieve modernization. The platform also criticized the way the textbook ignored or justified the violence during the Japanese occupation. The controversial textbook was reportedly updated later.

[Sources: *BBC News Online*, 9-11 April 2005; *Keesings Historisch Archief*, 2005: 310-11, 357, 370; The Korean Historical Societies United, "Dear Historians of the World" (Pamphlet distributed at the *20th International Congress of Historical Sciences*; Sydney 1 July 2005).]

In 1993, Takashima Nobuyoshi (?1942-), former teacher of social studies in Tokyo and writer of many textbooks, later professor at the University of the Ryukyus, Okinawa, sued the state because after revision the Education Ministry had proposed to change almost the entire text of his four-page manuscript about Emperor Hirohito, the Japanese army, Japanese colonialism, and the Gulf War (1991), to be included in a reader. He had already faced problems with textbook certification in 1989 and 1992. In April 1998 a district court ruled that two changes in his textbook demanded by the

ministry were illegal. One passage quoted philosopher Fukuzawa Yukichi (1835-1901), who described other Asian nations as “savage”, the other stated that Japan should have consulted other Asian countries before sending minesweepers to the Persian Gulf in 1991. The court ordered the ministry to pay damages to Takashima. The Tokyo High Court, however, overturned that ruling on appeal. In May 2005, the Supreme Court rejected his appeal against that decision. On 22 November 2005, the Supreme Court reportedly also ruled that Takashima’s testimony had to be heard on appeal. (See NCH #10.)

[Sources: IOC 3/98: 49; IOC 4/98: 115; IOC 1/06: 115; *Elsevier* (11 December 1993) 54-61 (interview with Takashima); “Nobuyoshi Takashima: Japan’s Top Court Turns Down Professor’s Censorship Claim” (History News Network reproducing *Chronicle of Higher Education*, 12 May 2005).]

Classified Japanese government documents discovered in a United States archive in [2005] showed how a December 1941 provisional law aimed at suppressing freedom of speech was enacted in Japan. The law was abolished by the Supreme Commander for the Allied Powers (SCAP) who ruled Japan from 1945 to 1952.

[Source: IOC 3/05: 110.]

The government was criticized for its continued failure to apologize adequately and provide full reparations for crimes committed against girls and women condemned to sexual slavery - so-called “comfort women” -- in countries occupied by Japan before and during World War II. For over sixty years, the now elderly survivors of an estimated 200,000 victims have been denied justice and adequate reparation from the Japanese government, which only belatedly acknowledged responsibility for the crimes. Courts continued to argue that compensation claims were settled by postwar treaty arrangements. Contrary to international law, some applied statutes of limitation. In June 2005, a United States federal appeals court rejected, for the second time, a suit for damages filed by fifteen survivors. The court cited Japan’s immunity from such lawsuits in the United States. In February 2005, the Supreme Court rejected a compensation claim by seven Taiwanese survivors (the case had begun with nine but two died). In March 2005, a Tokyo High Court also rejected a case by Chinese survivors.

[Source: AI, *Report 2006* (2006), 17, 37, 154-55, 293.]

See also China, Germany, Korea (North), Peru.

JORDAN

Last Annual Report entry: see NCH #37 (2004).

KAZAKHSTAN

Last Annual Report entry: see NCH #23 (2001).

KENYA

Last Annual Report entry: see NCH #38 (2005).

KOREA, NORTH

Last Annual Report entry: see NCH #23 (2001).

According to South Korea's Unification Ministry, a total of 3,790 South Koreans were kidnapped and taken to North Korea in 1953-95, 486 of whom remain detained. Some of the abducted had been used in propaganda broadcasts to South Korea, while others had been used to train North Korean spies. North Korea had rejected repeated requests from families of the abducted to confirm their existence, to return them, or, in the cases of the dead, to return their remains. Separately, North Korea admitted to having abducted thirteen Japanese citizens in the 1970s and 1980s.

[Source: HRW, *World Report 2006* (2006), 294.]

See also Japan, Korea (South), United States.

KOREA, SOUTH

Last Annual Report entry: see NCH #32 (2003).

In December 2005, Kang Jeong-koo, sociology lecturer at Dongguk University, was suspended by the board of directors after posting an article on the Internet earlier in 2005, which described the Korean War (1950-53) as a "war for reunification". The board claimed that Kang's alleged pro-North Korean remarks disgraced the school's prestige. Kang was also accused of the fact that he had written a

commemorative message saying “let’s achieve the great task of national unification by inheriting the spirit of Mankyongdae” during a 2001 visit to Pyongyang, when he went to Mangyongdae, birthplace of North Korea’s founding leader Kim Il-sung. In addition, Kang was indicted for violating the National Security Law. Thirty-three professors from the United States, Norway and New Zealand reportedly sent a letter to the university and to the minister of education, demanding that Kang be allowed to continue teaching and researching. In the letter, they also criticized Seoul’s National Security Law, which forbids pro-North Korean activities.

[Source: “Korean Professor Suspended over Controversy”, *Korean Times*, 9 February 2006.]

See also Japan, Korea (North), United States.

KUWAIT

Last Annual Report entry: see NCH #38 (2005).

LATVIA

Last Annual Report entry: see NCH #10 (1998).

On 16 June 2006, President Vaira Vike-Freiberga vetoed a controversial law which would have allowed the disclosure of the names of more than 4,000 alleged collaborators of the former Soviet secret police KGB.

[Source: *Keesings Historisch Archief*, 2006: 404.]

LEBANON

Last Annual Report entry: see NCH #32 (2003).

In February 2005, former Prime Minister Rafiq al-Hariri and 22 others were killed in bomb attacks against civilians in Beirut. A United Nations (UN) inquiry suggested that senior Lebanese and Syrian officials were implicated in the attack on al-Hariri. On 15 December 2005, the UN Security Council endorsed a six-month extension of the investigation, but did not vote on the Lebanese authorities’ request to establish an international court to try suspects in the case.

[Source: AI, *Report 2006* (2006), 43, 46, 167-68.]

In May 2005, a joint Syrian-Lebanese committee was established to investigate the fate of more than 600 Lebanese who disappeared during and after the 1975-90 Lebanese civil war, apparently while in the custody of Syrian forces. The findings of two previous Lebanese investigations were never fully disclosed and no perpetrators were ever prosecuted. In 1992 the Lebanese government had stated that a total of 17,415 people disappeared during the civil war, but no criminal investigations or prosecutions had been initiated by the end of 2005.

[Source: AI, *Report 2006* (2006), 46, 168.]

On 2 June 2005, columnist Samir Kassir (?1961-) was killed in a car bombing in Beirut. A writer and historian with French and Lebanese citizenship and a professor of political science at Beirut's St Joseph University, Kassir had been writing columns for the past ten years for *An-Nahar* (The Day), a moderate daily newspaper with a circulation of 55,000. Well-known for his anti-Syrian opinions and his criticism of the "Lebanese police state," he had been harassed and threatened for years by Lebanese and Syrian intelligence agents. Kassir was one of the founders of the opposition Movement of the Democratic Left.

[Source: Reporters without Borders, *Ifex Alert*, 2 June & 21 July 2005.]

See also Canada, Syria.

LIBERIA

Last Annual Report entry: see NCH #38 (2005).

On 10 June 2005, a law establishing a Truth and Reconciliation Commission (TRC) was adopted. The TRC was mandated to investigate gross human rights violations and economic crimes that occurred between January 1979 and 14 October 2003. The TRC was set to begin work in early 2006. While the TRC was empowered to recommend prosecution for the most serious cases, there was no indication as to whether the Liberian judicial system would be able and willing to try these crimes. In October 2005, five men and four women were selected as commissioners.

[Sources: AI, *Report 2006* (2006), 169-71; HRW, *World Report 2006* (2006), 113-14.]

Throughout 2005, ignoring calls from the international community, Nigeria continued, with the apparent support of the African Union, to refuse to surrender former Liberian President Charles

Taylor to the Special Court for Sierra Leone, where he has been charged with crimes against humanity and war crimes against the population of Sierra Leone. President Olusegun Obasanjo of Nigeria maintained his refusal to surrender Taylor on the grounds that it would disrupt Liberia's transition process. In March 2006, Taylor was arrested. He was later transferred to the International Criminal Court in The Hague to be tried.

[Source: AI, *Report 2006* (2006), 14, 27, 117, 200, 227.]

LIBYA

Last Annual Report entry: see NCH #38 (2005).

In 2005, the authorities announced a belated investigation into the killing or disappearance of possibly hundreds of prisoners at Tripoli's Abu Selim Prison in 1996.

[Sources: AI, *Report 2006* (2006), 43; HRW, *World Report 2006* (2006), 469.]

LITHUANIA

Last Annual Report entry: see NCH #38 (2005).

MACEDONIA

Last Annual Report entry: see NCH #14 (1999).

In June 2005, the Public Prosecutor was reportedly still waiting for a date from the International Criminal Tribunal for the former Yugoslavia (ICTY) for a joint review of war crime cases under ICTY's jurisdiction involving suspects who may not have benefited from a 2002 amnesty. A March 2002 law amnestied those whose offences in the 2001 conflict came under national jurisdiction. No review had taken place by the end of 2005.

[Source: AI, *Report 2006* (2006), 174.]

See also Greece.

MALAYSIA

Last Annual Report entry: see NCH #27 (2002).

MALDIVES

Last Annual Report entry: see NCH #37 (2004).

On 1 May 2005, journalist, historian, and politician Mohamed Nasheed returned to the Maldives to establish and lead the country's first opposition political party Maldivian Democratic Party (MDP). On 12 August 2005, he was arrested during a peaceful MDP demonstration in the capital Malé and on 27 October 2005 sentenced on charges of terrorism and sedition. He was detained until 1 November 2005, when he was transferred to house arrest. (See NCH #27, #32, #37.)

[Sources: AI, *Report* (London) 2006: 179; IOC 4/05: 141; IOC 1/06: 116.]

MAURITANIA

Last Annual Report entry: see NCH #27 (2002).

MEXICO

Last Annual Report entry: see NCH #38 (2005).

Despite five years in office, the Special Prosecutor assigned to bring to justice those responsible for widespread human rights violations committed during the "dirty war" in the 1960s, 1970s and 1980s achieved virtually no progress. In November 2003, the Special Prosecutor won a landmark decision from the Supreme Court holding that statutes of limitations did not apply to old disappearance cases as long as the victims' bodies had not been found. However, he made only limited progress in uncovering the fate of hundreds of people who were disappeared in the 1970s. His most ambitious move -- the indictment of former President Luis Echeverría (1970-76) for genocide -- was thrown out by a trial judge on the grounds that the statute of limitations had expired. However, he won an appeal before the Supreme Court, which ruled in June 2005 that the statute of limitations had not expired in Echeverría's case because he had been shielded by immunity during his presidency. But the case was

rejected again by a lower court in July 2005, on the grounds that the 1971 “Corpus Cristi” massacre did not constitute genocide. The Special Prosecutor subsequently sought to indict Echeverría again on genocide charges for the October 1968 massacre of student protesters at Tlatelolco, Mexico City, but in September 2005 a lower court once again rejected his argument. At the end of 2005, a ruling by the Supreme Court was awaited on the appeal against this decision.

[Sources: AI, *Report 2006* (2006), 32, 182; HRW, *World Report 2006* (2006), 203.]

On 4 May 2006, Mario Alberto Aguirre Tomic, a Chilean student at the Escuela Nacional de Antropología e Historia (National School for Anthropology and History), and Valentina Palma Novoa ([1976-]), a Chilean producer of documentaries living in Mexico since 1995 and a former student at the same school, were arrested together with others when they witnessed massive police violence in the village of San Salvador Atenco. They were held incommunicado for a few days and expelled to Chile.

[Source: Academia Solidaria de Historia a Debate (Santiago de Compostela 2006).]

MOLDOVA

Last Annual Report entry: see NCH #32 (2003).

MONGOLIA

Last Annual Report entry: see NCH #27 (2002) under China.

See also China.

MOROCCO/WESTERN SAHARA

Last Annual Report entry: see NCH #38 (2005).

In 2005, the Equity and Reconciliation Commission (ERC), appointed by King Mohamed VI in January 2004 and the Arab world’s first truth commission, completed its research into grave human rights violations committed in 1956-99 and submitted its final report. Between December 2004 and May 2005, it received information from more than 16,000 people. Many had appeared in person

before the ERC. Several dozens had spoken about their experiences at seven televised hearings held in six regions of Morocco. A planned hearing in Laayoune, Western Sahara, was cancelled without official explanation. The ERC report recommended that compensation be paid to more than 9,000 victims of human rights abuses. It also announced that it had resolved 742 disappearance cases and that 66 outstanding cases would be investigated further by a follow-up committee. The ERC indicated, however, that it had often not obtained the testimonies and documents it had requested from state officials, who were under no compulsion to cooperate. Critics pointed out that the ERC could not publicly name or sanction individual perpetrators, and would thus contribute little to ending impunity. Impunity for past crimes remained a serious concern, particularly since some alleged perpetrators continued to be members, or even high-ranking officials, of the security forces. The independent Moroccan Human Rights Association, meanwhile, organized its own informal public hearings in which some victims named individuals they held responsible for past violations against them.

[Sources: AI, *Report 2006* (2006), 43, 44, 46, 187; HRW, *World Report 2006* (2006), 474-75.]

MYANMAR (BURMA)

Last Annual Report entry: see NCH #38 (2005).

In 1996, a group of political prisoners in Insein Prison were given additional sentences for attempting to send information about human rights violations to the United Nations and circulating news in prison. Among them was Aung Kyaw Oo, a history student and student union organizer. In [2005], he was accused of distributing a weekly bulletin with transcripts of broadcasts of overseas radio stations in prison.

[Source: AI, *Myanmar: Imprisoned for Telling the Truth about Human Rights: Freedom of Expression on Trial in Insein Prison* (London 1 March 2005).]

NAMIBIA

Last Annual Report entry: see NCH #2 (1995).

A series of mass graves, believed to contain the remains of members of SWAPO (the former guerrilla movement which became the ruling party after Namibia's independence in 1989) from the 1966-89 liberation war, were uncovered in the north of the country. While opposition and civil society groups

called for a truth and reconciliation commission, the government maintained that those who had information about such graves should come forward because the policy of national reconciliation would protect them from recrimination. SWAPO has rejected calls for a truth and reconciliation commission since independence.

[Source: AI, *Report 2006* (2006), 193.]

NETHERLANDS

Last Annual Report entry: see NCH #38 (2005).

See also Greece.

NEW ZEALAND

Last Annual Report entry: see NCH #38 (2005).

See also Korea, South.

NICARAGUA

Last Annual Report entry: see NCH #10 (1998).

NIGERIA

Last Annual Report entry: see NCH #38 (2005).

In January 2005, the findings of the judicial commission of inquiry into human rights violations between 1966 and 1999 (known as the Oputa Panel) were published by civil society organizations, but the government did not announce plans to implement the report's recommendations.

[Source: AI, *Report 2006* (2006), 199, 200.]

On 30 October 2005, State Security Services in Port Harcourt began seizing more than eight

newspapers and magazines carrying stories on the secessionist state of Biafra (1967-70).

[Source: IOC 1/06: 117.]

See also Liberia.

NORWAY

See Korea, South.

PAKISTAN

Last Annual Report entry: see NCH #37 (2004).

In May 2005, the Film Censor Board announced that it intended to lift the ban on *Mughal-e-Azam*, an Indian film by Karimuddin Asif (1924-71) based on the life and times of Anarkali, dancer at the court of Mughal Emperor Akbar the Great. The film had been prohibited in Pakistan since its release in August 1960.

[Sources: *Daily Times*, 12 May 2005; IOC 3/05: 113.]

PALESTINIAN AUTHORITY

Last Annual Report entry: see NCH #27 (2002).

See also Syria.

PANAMA

Last Annual Report entry: see NCH #32 (2003).

PARAGUAY

Last Annual Report entry: see NCH #38 (2005).

PERU

Last Annual Report entry: see NCH #38 (2005).

According to the National Human Rights Coordinating Group, there were 45 incidents involving attacks, threats, and intimidation against witnesses and relatives, judges, prosecutors, forensic staff, and human rights activists from January through October 2005. In September 2005, Salomón Lerner, former president of the Truth and Reconciliation Commission (TRC) which investigated human rights abuses during Peru's armed conflict (1980-2000), received death threats, probably for his efforts to have former military figures involved in the armed conflict prosecuted. Previously, Lerner had received a series of insulting and anti-Semitic e-mails. Other TRC members had also received insulting messages accusing them of attacking the armed forces. The threats coincided with efforts to discredit the TRC following the second anniversary of the publication of the TRC Final Report. At that occasion, President Alejandro Toledo made a commitment to fund collective reparations and to consider individual reparations. Remembrance events and memorials were organized to mark the anniversary. Several critical articles, however, appeared in the press signed by retired soldiers implicated in abuses. The commissioners faced nine lawsuits from senior retired officers who claimed that they had distorted the facts. Also in September 2005, the nongovernmental Comisión de Derechos Humanos (COMISEDH, Human Rights Commission), whose lawyers represent torture victims and relatives of the "disappeared," suffered two anonymous attacks. Prosecutors and forensic experts working on human rights cases also received threats. Cristina Olazábal, the special human rights prosecutor in Ayacucho, received several intimidating messages from anonymous callers while investigating extrajudicial executions at Accomarca and the Los Cabitos military base in Ayacucho.

[Sources: AI, *Report 2006* (2006), 207-8; HRW, *World Report 2006* (2006), 210-11.]

On 28 February and 9 and 11 August 2005, three forensic experts of the Medical Legal Institute (the forensic branch of the public ministry), Ayacucho, archaeologist Luis Alberto Rueda Curimania, odontologist Carlos Alberto Suarez Canlla, and anthropologist Máximo Angel Banda Roca, who were participating in the Los Cabitos investigation, received death threats on their cell phones. They identified remains of those killed during Peru's internal conflict (1980-2000) by conducting exhumations at a military base in Ayacucho, and analyzing the human remains and associated evidence recovered from it. Several human rights violations and extrajudicial killings on the part of both the Shining Path and the Peruvian government's antiterrorist campaign had occurred in

Ayacucho. In April 2006, there was a marked increase in hostile acts (including intimidation, harassment and death threats) committed against forensic anthropologists and experts working on clandestine mass graves in Peru. (See NCH #41.)

[Source: AAAS, *Case pe0514-for* (18 October 2005; 14 June 2006).]

In November 2005, having arrived unexpectedly in Santiago from Japan where he had lived in self-imposed exile since 2000, former president Alberto Fujimori (ruled 1990-2000) was arrested in Chile. He had been shielded from prosecution for extrajudicial executions and disappearances by Japan, which refused to extradite him to Peru. There has also been progress in cases dating from the presidencies of Fernando Belaúnde (1980-85) and Alan García (1985-90). Leaders of the armed opposition group Shining Path (Sendero Luminoso), who had been tried in military courts in the 1990s, were put on trial again, this time in civil courts.

[Sources: AI, *Report 2006* (2006), 14, 32, 154, 207-8; HRW, *World Report 2006* (2006), 207-9.]

Women's organizations expressed concern about the lack of resources provided to the Human Rights Prosecutor's Office investigating forced sterilizations under the former government of Alberto Fujimori (1990-2000).

[Source: AI, *Report 2006* (2006), 208.]

POLAND

Last Annual Report entry: see NCH #38 (2005).

ROMANIA

Last Annual Report entry: see NCH #38 (2005).

RUSSIA

Last Annual Report entry: see NCH #38 (2005).

The once-banned novel *The First Circle* (1968), written by former dissident and exile Aleksandr Solzhenitsyn (1918-), was adapted by its author into a television series. The story is a fictionalized

version of the author's imprisonment in the Gulag camps after criticizing Stalin (1945-53).

[Source: IOC 2/06: 193.]

On 28 June 2005, the state prosecutor ruled that a Russian-language translation of the *Shulhan Arukh*, a code of Jewish morality and halakhic law compiled by rabbi Yoseif Karo (1488-1575), did not incite religious hatred against Christians.

[Source: IOC 3/05: 114.]

On 3 February 2006, archeologist Stanislav Dmitrijevski (?1967-), from Nizjny Novgorod, was given a suspended sentence of two years on charges of inciting ethnic violence. In 2004, he had published in *Pravozasjtsjita* (Legal Protection), the magazine of the Russian-Chechnyan Friendship Association (a non-governmental organization founded in 2000), statements of Chechnyan rebel leaders, including Chechen President Aslan Maskhadov (died 2005) and Ahmed Zakayev, spokesman of the Chechen fighters. In the statements the latter had called upon the international community to help end the war in Chechnya and upon the Russians to contribute to a solution of the conflict by not voting for President Putin in the forthcoming elections. Dmitrijevski was ordered to resign from the organization before 1 April 2006, otherwise it would be dissolved. At the end of February 2006, the office of the public prosecutor gave a warning to human rights organization Memorial because it had published on its website an analysis by a Russian civil servant of a handbook of the radical Islamic organization Hizb-ut-Tahrir. Memorial was accused of inciting religious hatred and transgressing the law against extremism. Both steps came after the Russian Parliament adopted a law strictly regulating nongovernmental organizations.

[Sources: IOC 1/06: 118; *Wordt Vervolgd*, April 2006: 13-15.]

RWANDA

Last Annual Report entry: see NCH #38 (2005).

At the beginning of 2005, more than 80,000 detainees awaited trial for their alleged participation in the 1994 genocide. The authorities had predicted that, given the capacity of the judicial system, it would take several decades to process all the cases. In August 2005, 36,000 of the detainees were provisionally released on the grounds that they had confessed their involvement in the genocide. In 2005, the gacaca system (meant to combine customary practices of conflict resolution with punitive justice) officially began to gather information on crimes committed between 1 October 1990 and 31 December 1994. The department of gacaca jurisdiction declared that more than 760,000 people could

be prosecuted (one in four of the adult population) and that the process should be completed by 2007. There was widespread distrust of the gacaca system. Some Rwandans feared being exposed for their involvement in the genocide by the gacaca tribunals. Others feared that the tribunals could be used by individuals to resolve personal conflicts or to make economic gain. Trials of prominent genocide suspects continued before the International Criminal Tribunal for Rwanda (ICTR) in Arusha, which held 60 detainees at the end of 2005. ICTR continued to work under a United Nations Security Council deadline to finish trials by the end of 2008 and appeals by 2010. ICTR might transfer some case files to the Rwandan authorities to meet this deadline. The ICTR's President estimated that 65-70 cases would be completed by 2008.

[Sources: AI, *Report 2006* (2006), 27, 218-20; HRW, *World Report 2006* (2006), 123-24.]

SAUDI ARABIA

Last Annual Report entry: see NCH #23 (2001).

In April 2006, Fawaz Turki, journalist and columnist with the English-language Saudi daily newspaper *Arab News* (1997-2006) was dismissed, inter alia because he wrote about the atrocities committed by Indonesia during its occupation of East Timor (1975-99). Writing about atrocities committed by an Islamic government, even those already documented in publications, was reportedly a taboo.

[Source: *Washington Post*, 15 April 2006.]

See also Egypt, Iran.

SENEGAL

Last Annual Report entry: see NCH #37 (2004).

In January 2005, parliament passed a law that provided an amnesty for "politically motivated" offences committed between 1983 and 2004.

[Source: AI, *Report 2006* (2006), 27, 223.]

See also Chad.

SERBIA AND MONTENEGRO

Last Annual Report entry: see NCH #38 (2005).

In 2005, the trial by the International Criminal Tribunal for the former Yugoslavia (ICTY) of former President Slobodan Milosevic, accused of responsibility for genocide, crimes against humanity, and war crimes in Croatia, Bosnia and Herzegovina, and Kosovo, continued. Milosevic died in March 2006. By mid-2006, neither Radovan Karadzic nor Ratko Mladic had surrendered.

[Sources: AI, *Report 2006* (2006), 224; HRW, *World Report 2006* (2006), 388-89, 392-93.]

In July 2005, Milorad “Legija” Ulemek-Lukovic was sentenced to 40 years’ imprisonment for the murder of former Serbian President Ivan Stambolic in August 2000; Radomir Markovic, former head of Serbian state security, was sentenced to 15 years in prison for failing to prevent the murder. Another trial against Ulemek-Lukovic still continued: he was also accused of involvement in the murder of Prime Minister Zoran Dindic in March 2003.

[Source: AI, *Report 2006* (2006), 225.]

Despite the resumption of talks, little progress was made in bringing to justice those responsible for both the disappearances of ethnic Albanians and the abduction of Serbs, Roma and other minorities in Kosovo. In March 2005, the ICTY indicted former Prime Minister of Kosovo Ramush Haradinaj for his involvement in the “intimidation, abduction, imprisonment, beating, torture and murder” of Serb, Albanian, and Roma civilians while he was a commander in the Kosovo Liberation Army in 1998-99. Haradinaj resigned and surrendered to the ICTY the same month and was granted conditional release in June 2005.

[Sources: AI, *Report 2006* (2006), 224, 226; HRW, *World Report 2006* (2006), 396.]

In areas of southern Serbia bordering Kosovo and mainly inhabited by ethnic Albanians, the authorities made initial steps to incorporate Albanian culture and history in the local school curriculum.

[Source: HRW, *World Report 2006* (2006), 390.]

See also Bosnia and Herzegovina, Greece.

SIERRA LEONE

Last Annual Report entry: see NCH #38 (2005).

In 2005, the Special Court for Sierra Leone (SCSL), established in 2002 to bring justice for victims of atrocities committed during the civil war (1991-2002), advanced in three trials involving nine suspects charged with war crimes and crimes against humanity. In 2005, the Nigerian government refused to surrender former Liberian President Charles Taylor to the SCSL, which in 2003 indicted him on seventeen counts of war crimes (see Liberia entry). However, the Sierra Leonean government took no steps to end an amnesty, part of the 1999 Lomé peace accord, which prevented prosecution of all those responsible for crimes under international law. In mid-2005, the Truth and Reconciliation Commission's 2004 report was released and distributed as part of a nationwide program to raise awareness of human rights. The report noted that decades of corrupt rule by Sierra Leone's political elite largely created the conditions which led to civil war. In June 2005, months after promising to respond to the TRC report, the government of Sierra Leone published its proposals for the implementation of the report's recommendations. This "white paper" was widely criticized by civil society groups, who said it lacked deadlines for implementation, was largely devoid of concrete steps to improve governance or address corruption, and in some cases rejected recommendations, such as the abolition of the death penalty.

[Sources: AI, *Report 2006* (2006), 14, 227-28; HRW, *World Report 2006* (2006), 31, 130-31.]

On 30 November 2005, Paul Kamara was released on appeal. (See NCH #38.)

[Sources: AI, *Report* (2006) 228; IOC 2/05: 102; IOC 1/06: 119; PEN, *Rapid Action Network 47/04* (19 October 2005).]

See also Liberia.

SINGAPORE

Last Annual Report entry: see NCH #10 (1998).

SLOVAKIA

Last Annual Report entry: see NCH #27 (2002).

SOMALIA

Last Annual Report entry: see NCH #32 (2003).

In January 2005, several warlords and others who were alleged to have committed war crimes, crimes against humanity or gross human rights violations, either under the pre-1991 Siad Barre government or during the subsequent civil wars, were appointed as ministers in the Transitional Federal Government or to other federal posts and continued to benefit from impunity.

[Source: AI, *Report 2006* (2006), 233.]

In 2005, Adan Hashi Ayro, military leader of the Ifka Halane court (an Islamic court), gained a reputation as an extremist, when his fighters dug up the graves of Italian colonists in an old cemetery and dumped the remains on the beach.

[Source: K. Lindijer, "Somalia, the new Afghanistan?" (6 June 2006).]

SOUTH AFRICA

Last Annual Report entry: see NCH #37 (2004).

In late February 2006, the South African History Archive (SAHA) started court proceedings against the Department of Defence because the latter had transferred military intelligence records concerning international military relations and operations during the Apartheid era to their country of origin, Zimbabwe, without the National Archivist's authorization. The records probably contained names of those who had been engaged in military intelligence operations throughout the region. SAHA was concerned that these were not adequately masked prior to the transfer and asked for the records to be returned.

[Sources: *Press Release: South African History Archive Seeks Return of Historical Military Intelligence Records* (7 March 2006); D. Banisar, *Freedom of Information Around the World 2006: A Global Survey of Access to Government Records Laws* (2006) 113.]

SPAIN

Last Annual Report entry: see NCH #38 (2005).

The government failed to present a report on the situation of victims of the 1936-39 civil war and of Francoism, despite a 2004 request by parliament. In November 2004, an interministerial commission had been set up to this end. In December 2005, President José Luis Rodríguez Zapatero promised to present the results of the commission's work within six months.

[Source: AI, *Report 2006* (2006), 239.]

See also Croatia, Guatemala.

SRI LANKA

Last Annual Report entry: see NCH #37 (2004).

SUDAN

Last Annual Report entry: see NCH #32 (2003).

In 2005, the African Commission on Human and Peoples' Rights did not make public the report of its July 2004 mission to Sudan, apparently because it was waiting for the Sudanese government to respond, despite the government's previous failure to cooperate on this issue.

[Source: AI, *Report 2006* (2006), 27, 243.]

In January 2005, a commission of inquiry appointed by the United Nations (UN) reported that war crimes and crimes against humanity had been committed in Darfur and that the Sudanese justice system was unable and unwilling to address the situation. In March 2005, the UN Security Council passed Resolution 1593, referring the situation in Darfur to the International Criminal Court (ICC). The resolution required Sudan and all other parties to the conflict to cooperate fully with the Court. As part of a compromise to ensure the support of the United States, the resolution included a provision to exempt nationals of states not party to the Rome Statute of the ICC (other than Sudan) from ICC jurisdiction. The ICC began investigations, but by the end of 2005 had not been granted access to Sudan.

[Sources: AI, *Report 2006* (2006), 14, 27, 243; HRW, *World Report 2006* (2006), 29.]

In early May 2005, Mohamed Taha Mohamed Ahmed ([1956]-2006), a journalist and chief editor of

the private daily newspaper *Al-Wifaq*, a member of the Muslim Brothers movement and former member of the National Islamic Front, was charged with blasphemy for insulting the Prophet Mohammed in an article in *Al-Wifaq* that sparked a religious dispute. The public prosecutor and thousands of demonstrators who disrupted the trial demanded the death penalty. The article was about an Islamic manuscript, “The Unknown in the Prophet’s life,” possibly written by Egyptian historian Taqil-Din Ahmad Al-Maqrizi (1364-1442), a student of Ibn Khaldun. It raised doubts about Mohammed’s parentage and claimed that the real name of Mohammed’s father was not Abdallah but Abdel Lat, or “Slave of Lat,” an idol of the pre-Islamic era. Mohamed Taha Mohamed Ahmed reportedly apologized in a press statement but continued to deny the charges. He had also written critically about the political opposition and armed groups in Darfur. In March 2006, unidentified assailants had set fire to *Al-Wifaq*’s offices. On 6 September 2006, Taha was kidnapped and beheaded by masked gunmen near the capital Khartoum.

[Sources: Reporters without Borders, *Ifex Alert* (12 May 2005); Committee to Protect Journalists, *Ifex Update* (7 September 2006); L. Boia, ed., *Great Historians from Antiquity to 1800: An International Dictionary* (Westport 1991) 227-29.]

SURINAME

Last Annual Report entry: see NCH #37 (2004).

SWEDEN

Last Annual Report entry: see NCH #10 (1998).

SWITZERLAND

Last Annual Report entry: see NCH #37 (2004).

See also Turkey.

SYRIA

Last Annual Report entry: see NCH #38 (2005).

In 2005, the government provided no information about thousands of Syrians, Lebanese and other nationals who disappeared in the custody of Syrian forces in previous years. These included some 17,000 people, mostly Islamists who disappeared after they were detained in the late 1970s and early 1980s, and hundreds of Lebanese and Palestinians who were detained in Syria or abducted from Lebanon by Syrian forces or Lebanese and Palestinian militias. In September 2005, however, the government named one judge and two generals as its representatives on a joint Syrian-Lebanese committee intended to address the disappearances issue.

[Source: AI, *Report 2006* (2006), 250.]

On 9 September 2001, Aref Dalila (1943-), professor and dean of the faculty of economics at Damascus University and writer of many books on economics, politics and social history, was arrested and in early 2002 sentenced to ten years' imprisonment with hard labor for a lecture in which he had called for democracy and transparency, and alleged official corruption. He had been arrested together with nine other members of the Civil Society Movement during the "Damascus Spring", a short period of greater openness to public debate and calls for reform. In July 2005, he reportedly started a hunger strike in protest against his solitary confinement and ill-treatment.

[Source: PEN, *Half-Yearly Caselist 2004*: 76.]

See also Lebanon.

TAIWAN

Last Annual Report entry: see NCH #23 (2001).

See also Japan.

THAILAND

Last Annual Report entry: see NCH #38 (2005).

TIMOR-LESTE

Last Annual Report entry: see NCH #38 (2005).

In May 2005, the legal process, mandated by the United Nations (UN) to investigate and try those responsible for serious crimes committed in Timor-Leste (then East Timor) during 1999 (including the killings of 1,400 East Timorese), terminated, although the job had not been completed. The UN Special Panels convicted a total of 84 people of serious crimes, including crimes against humanity, and acquitted three. Over 300 people indicted for serious crimes were not tried because they could not be brought within the jurisdiction of the Special Panels before the mandate ended. The majority of the Indonesians indicted, including General Wiranto (the former Indonesian defense minister and armed forces commander), remained at large in Indonesia with no prospect of trial. By the end of 2005, there were concerns that those indicted living in West Timor, Indonesia, were returning to Timor-Leste, and that there were no clear arrangements within the under-resourced judiciary to replace the Special Panels. In June 2005, the report of a UN-sponsored Commission of Experts (CoE) mandated to review the prosecution of serious violations of human rights committed in Timor-Leste in 1999 was submitted to the UN Security Council. It concluded that accountability of those who bore the “greatest responsibility” for the violations had not been achieved, and recommended the continuation of the criminal proceedings (See also Indonesia entry). The Security Council had not acted on the CoE’s recommendations by the end of 2005. There has been no judicial accounting for previous atrocities committed during Indonesia’s occupation (1975-99). In October 2005, the Comissao de Acolhimento, Verdade e Reconcilio de Timor Leste (CAVR; Commission for Reception, Truth and Reconciliation in East Timor) submitted its final report to President Jose-Alexandre “Xanana” Gusmao. It contained a detailed account of human rights violations in Timor-Leste between 1974 and 1999. Its recommendations echoed those of the CoE report and called for the continuation of the UN-sponsored legal process and consideration of the setting up of an international tribunal under UN auspices if justice failed to be delivered.

[Sources: AI, *Report 2006* (2006), 255-56; HRW, *World Report 2006* (2006), 32, 257-59, 272.]

See also Indonesia, Saudi Arabia.

TOGO

Last Annual Report entry: see NCH #27 (2002).

TUNISIA

Last Annual Report entry: see NCH #23 (2001).

TURKEY

Last Annual Report entry: see NCH #38 (2005).

In December 2004, legal proceedings were initiated against writer and journalist Zülküf Kisanak for his book *Lost Villages*, which depicted the destruction and forceful evacuation of 3,5000 Kurdish villages by the Turkish armed forces between 1990 and 1995. He was charged with “insulting the Turkish state” and sentenced to five months’ imprisonment -- reduced in December 2005 to a fine of 2000 euros.

[Sources: PEN, *Half-Yearly Caselist 2005b*: 60-61; PEN, “Statement on the Trial of Orhan Pamuk” (16 December 2005).]

In February 2005, charges were filed against Turkish novelist Orhan Pamuk (1952-), author of six novels translated into twenty languages, for “anti-Turkish” statements about the 1915 Armenian genocide in an interview with *Das Magazin*, the weekly supplement of the Swiss daily newspaper *Tagesanzeiger*, on 6 February 2005. Pamuk declared that “thirty thousand Kurds and a million Armenians were killed [in Turkey] and nobody but me dares to talk about it.” He referred to the killings by Ottoman Empire forces of Armenians in 1915-17 without, however, calling it a genocide. Turkey denies that the killings amount to a genocide. The “30,000” Kurdish deaths referred to those killed since 1984 in the conflict between Turkish forces and Kurdish separatists. Pamuk had to interrupt his tour of lectures in Germany. In February-April 2005, he was under threat from extremist groups who had objected to the article. It was also reported that a local official in the southern town of Isparta ordered the seizure and burning of all Pamuk’s works in Isparta’s libraries, only to discover that none existed. In a demonstration there, trade unionists tore his photograph to pieces. During a “Respect the Flag” rally in Bilecek, copies of his books were burned in protest at the burning a few days earlier of the Turkish flag during Kurdish new year festivities. In December 2005, Pamuk’s trial for “public denigration of the Turkish identity”, which gained worldwide attention, was suspended until February 2006 because the Ministry of Justice needed more time to decide on the legal basis of the trial (particularly whether Pamuk had to be tried under the old penal code that had been repealed on 1 June 2005). He faced up to three years’ imprisonment and an additional penalty for having made the statement abroad. Over four hundred writers signed a petition to protest Pamuk’s trial. On 22

January 2006, proceedings against Pamuk were dropped. On 8 February 2006, Murat Yetkin, journalist for *Radikal*, charged for an article criticizing the Pamuk trial, had his case postponed to a later date. (See NCH #40.)

[Sources: IOC 4/05: 145; IOC 1/06: 121, 123; IOC 2/06: 196; PEN *Half-Yearly Caselist 2005b*: 60-61; PEN, *Rapid Action Network 11/05* (5 April & 2 September 2005; 23 January 2006); PEN, “PEN Observers Describe ‘Ugly and Violent’ Scenes Trial of Orhan Pamuk” (16 December 2005); PEN, “Statement On the Trial of Orhan Pamuk” (16 December 2005).]

On 20 June 2005, Turkish preacher Metin Kaplan (1953-) was sentenced to life imprisonment, a sentence annulled on 30 November 2005. (See also NCH #38.)

[Source: HRW, *World Report* (New York) 2005: 380.]

In November 2005, an expert committee was appointed to assess whether the book published by Ragip Zarakolu was insulting or not. The trial was postponed several times, the last time until June 2006. (See NCH #38).

[Sources: PEN, *Rapid Action Network 39/05* (15 & 26 September & 24 November 2005, 15 February 2006); PEN, *Rapid Action Network 48/05* (18 November 2005).]

An international conference about the 1915 Armenian genocide, due to be held on 25-27 May 2005 at Bosphorus University, Istanbul, and organized by members of the history, sociology and comparative literature faculties of both Bosphorus and Sabanci universities, was postponed. On 24 May 2005 Minister of Justice Cemil Cicek had said in parliament that the conference was a “stab in the back of the Turkish people” and that “we must end this treason, the spreading of propaganda against Turkey by the people who belong to it.” On 23 September 2005, after it was postponed again, the organizers circumvented the suspension by relocating the venue to Bilgi University, where it took place on 25 September 2005. It was reportedly the first public discussion of the 1915 events between Armenian and Turkish scholars. On 2 December 2005, five journalists (Ismet Berkan, Erol Katirciolgu, Haluk Sahin, Hasan Cemal, Murat Belge) were charged with insulting the judiciary for having criticized the September court decision to ban the conference, and with publicly denigrating “Turkishness” and the institutions of the Turkish state. In April 2006, the trial against the first four journalists was discontinued, but the case against Belge, a columnist for *Radikal*, was continued but adjourned until June 2006.

[Sources: AI, *Report 2006* (2006), 261; IOC 4/05: 6, 145; IOC 2/06: 196; *Ifex Communiqué 15-5* (9 February 2006); PEN, *Rapid Action Network 06/06* (9 February 2006); PEN, *Rapid Action Network 17/06* (3 May 2006); A. J. Yackley, “Turkey Postpones Conference on Armenian Killings” (Reuters, 25 May 2005).]

On 6 September 2005, extremist nationalists attacked an exhibition of photographs in Istanbul and destroyed some of the photographs. The exhibition commemorated the anti-Greek pogrom of 6-7 September 1955, leading to the exodus from Turkey of thousands of Greeks. The group reportedly spread the false rumor that the Greeks had set fire to Atatürk's house of birth in Thessaloniki.

[Source: *Historisch Nieuwsblad*, October 2005: 6.]

On 7 October 2005, journalist Hrant Dink, editor-in-chief of the Turkish-Armenian weekly *Agos*, Istanbul, was given a six-month suspended sentence for "insulting and weakening Turkish identity through the media". In February 2004, Dink wrote a series of articles dealing with the collective memory of the Armenian genocide and its impact on the present-day Armenian diaspora. He called on Armenians to overcome their historical anger toward Turks and "turn to the new blood of independent Armenia." On 1 May 2006, his appeal was overturned. In December 2005 new charges had been opened against Dink and three others writing for *Agos* for an article that challenged Dink's October conviction.

[Sources: IOC 4/05: 145; IOC 1/06: 122; IOC 2/06: 196; *Ifex Communiqué 14-47* (22 November 2005); PEN, *Rapid Action Network 06/06* (9 February 2006); PEN, *Rapid Action Network 17/06* (3 May 2006); "When history hurts: Times are tough for outspoken scholars", *Economist*, 4 August 2005.]

On 10 November 2005, a trial was launched against Erkan Akay, editor of *Yeni Dünya İcin Çağrı* (Call for a New World), in Istanbul for his article on the Armenian massacres, "1915-2005 Forgetting or Denial?" He was charged with "denigrating the Turkish national identity". On 14 December 2005, Akay was sentenced to one year's imprisonment -- reduced to a fine of 2,000 euros.

[Source: PEN, *Half-Yearly Caselist 2005b*: 60-61.]

On 17 November 2005, Fatih Tas, owner of Aram Publishing House, was brought before the court because earlier in 2005 he had published a Turkish edition of *Spoils of War: the Human Cost of America's Arms Trade* (1997), a book by American academic John Tirman, executive director of MIT's Center for International Studies. Tirman alleged that the Turkish army had used American weapons against Kurdish civilians as well as the rebel group PKK. The charges against Tas (insult to the army, the Turkish state, "Turkishness", and to the memory of Kemal Atatürk) referred to the accusations of human rights violations, to Atatürk's nationalism being labeled as "fascism", and to suggestions that the policy in the Kurdish southeast in the early 1990s amounted to a "genocide". His trial was adjourned to April 2006. On 9 December 2005, Tas was convicted to six months' imprisonment for publishing another book, this time accusing the Turkish army of complicity in the

disappearance of a journalist in the early 1990s. Tas remained free pending appeal. In 2002, Tas had already appeared in court after publishing a book by Noam Chomsky.

[Sources: IOC 1/06: 121; IOC 2/06: 196; PEN, *Rapid Action Network* 48/05 (18 November 2005); PEN, *Half-Yearly Caselist 2005*: 60; PEN, *Half-Yearly Caselist 2005b*: 60-61.]

In early April 2006, the editor of the Literatür publishing house, Abdullah Yildiz, would be brought to trial for publishing *The Witches of Smyrna*, a novel by Greek writer Mara Meimaridi. Set in the last years of Ottoman rule in Izmir (known in Greek as Smyrna), passages describing parts of Izmir's Turkish quarter as dirty were seen to be "denigrating to Turkish national identity". The book had already been printed for a year, selling 50,000 copies in Turkey, and 100,000 in Greece, with a film adaptation under way.

[Sources: *Ifex Communiqué* 15-5 (9 February 2006); PEN, *Rapid Action Network* 11/05 (23 January 2006).]

See also Armenia, Bulgaria, Germany.

TURKMENISTAN

Last Annual Report entry: see NCH #37 (2004).

UGANDA

Last Annual Report entry: see NCH #38 (2005).

In October 2005, the International Criminal Court (ICC) announced its first ever arrest warrants for five members of the Lord's Resistance Army (LRA), including leader Joseph Kony and second in command Vincent Otti, for crimes against humanity and war crimes committed in northern Uganda since July 2002. The LRA is a rebel group, established in the 1980s, that had built a military force by kidnapping children and forcing them to commit atrocities.

[Sources: AI, *Report 2006* (2006), 14, 27, 264-65; HRW, *World Report 2006* (2006), 40-41.]

UKRAINE

Last Annual Report entry: see NCH #5 (1996).

UNITED ARAB EMIRATES

See Iraq.

UNITED KINGDOM

Last Annual Report entry: see NCH #37 (2004).

The government took two initiatives described as moves to address the legacy of past human rights abuses in Northern Ireland. In April 2005, a Historical Enquiry Team (HET) was set up with the view to the Police Service of Northern Ireland investigating unresolved conflict-related deaths. This gave rise to concern about a lack of independence in the investigation. In November 2005, the Northern Ireland (Offences) Bill was introduced in parliament which, if enacted, would sanction impunity for past human rights abuses committed by state agents and paramilitaries, and deprive victims of effective redress.

[Source: AI, *Report 2006* (2006), 269, 271.]

See also Austria.

UNITED STATES

Last Annual Report entry: see NCH #38 (2005).

Since 1999 or earlier, and scheduled to continue until 2007, a secret historical documents reclassification program has been conducted at the National Archives and Records Administration (NARA) by the Central Intelligence Agency (CIA), the Department of Defense (DOD), and other government agencies. In March 2002, a secret Memorandum of Understanding had been signed between NARA and the Air Force, the CIA, and other federal agencies to reclassify documents in secret. This resulted in the withdrawal of possibly as many as 55,000 publicly available records (dating back to the World War II era) taken from NARA's open shelves (an operation already begun in 1999), while disguising the results to mislead researchers. The records included a complaint from

the CIA director about the bad publicity the CIA was receiving after its failure to predict anti-American riots in Bogotá, Colombia, in 1948, and a report that the CIA and other federal agencies were unable to predict whether Communist China would intervene in the Korean War in the fall of 1950. The reclassification program was justified with the argument that during the implementation of Executive Order 12958 (President Clinton's program for bulk declassification of historical federal records), many sensitive intelligence-related documents that remained classified were inadvertently released at NARA, especially in State Department files. On 14 March 2006, NARA and Defense Department officials acknowledged the existence of the Memorandum.

[Sources: National Security Archive, *Update* (21 February and 11 & 26 April 2006); IOC 2/06: 197.]

A 2005 proposal to amend the 1990 Native American Graves Protection and Repatriation Act (NAGPRA) enabling tribes to claim ancient remains even if no genetic or cultural affiliation with them could be established, was not approved.

[Source: R. Dalton, "Law Change Imperils Studies of Ancient Human Remains", *Nature* (14 April 2005) 810; C. Holden, "U.S. Government Shifts Stance on Claims to Ancient Remains," *Science*, 309 (5 August 2005) 861.]

On 15 February 2005, the chancellor of the New York Department of Education barred historian Rashid Khalidi, specialist in the history of nationalism in the Arab world, and Edward Said professor of Middle East Studies and director of the Middle East Institute, Columbia University, New York (2003-), from giving lectures as part of a training program on Middle East history and culture for New York public school teachers. The dismissal came after the newspaper *New York Sun* published a story the same day attacking Khalidi for his criticism of Israeli government policies. The university protested the dismissal and withdrew from the program entirely.

[Sources: B. Doumani, ed., *Academic Freedom after September 11* (New York 2006) 29, 53, 222-23, 258-59; A. Humm, "Academic Freedom, Intimidation, and Mayoral Politics: The Case of Rashid Khalidi", *Gotham Gazette*, April 2005; Middle East Studies Association, *Letter to Michael R. Bloomberg, Mayor of New York* (7 April 2005).]

On 11 July 2005, a judge accepted that presidential privilege still applied to two of the President's Daily Briefs (PDBs) given to President Lyndon Johnson during the war in Vietnam because they qualified as protected intelligence "methods" that the director of the Central Intelligence Agency had authority to keep secret. In January 2006, Larry Berman appealed the decision. He was supported by several history and political science associations. In the Nixon tapes cases, the Supreme Court had ruled that presidential privilege eroded over time and Congress had found in the 1978 Presidential Records Act that the privilege no longer applied twelve years after the president had left office. (See

NCH #38.)

[Source: National Security Archive, *Professor Sues CIA for President's Daily Briefs* (17 December 2004, 6 May & 15 July 2005, 19 & 27 January 2006).]

On 28 July 2005, Ralph Begleiter's case was dismissed after the Pentagon agreed to release the uncensored images of war casualty honor guards and to process further Freedom of Information Act requests. (See NCH #38.)

[Sources: National Security Archive, *Update* (4 October 2004; 28 April 2005; 4 August 2005); IOC 3/05: 118.]

Alan Leshner of the American Association for the Advancement of Science criticized managers of United States science centers who submitted to demands of Christian fundamentalist groups not to show films "promoting" evolutionary theory.

[Source: IOC 3/05: 118.]

In August 2005, Bolivian historian Waskar Ari was prevented from taking up a post as assistant professor of History and Ethnic Studies at the University of Nebraska-Lincoln because he had been placed on a list of individuals under "conspicuous revision" and thus subjected to extensive background checks due to alleged security concerns (an approval process without time limit). As a member of the Aymara indigenous people of Bolivia and an authority on religious beliefs and political activism among indigenous Bolivians, Ari served as a consultant with the World Bank and the Inter-American Development Bank, and obtained a doctoral degree in history at Georgetown University in 2004 (the first Aymara scholar to do so). He was a visiting assistant professor at Western Michigan University and a postdoctoral fellow at the University of Texas. Within the Aymara community of Bolivia, he was widely recognized as a voice of moderation unrelated to extremist groups. According to the State Department, cancellation of his old student visa was done under a terrorism-related section of United States legislation on the granting of visas. It was believed that Ari's ethnicity formed the basis for denying him a new visa. (See NCH #43.)

[Sources: AAAS, *Case bo0603-ari* (20 March 2006); American Historical Association, "Letter to Secretary of State Condoleezza Rice" (13 February 2006); American Historical Association, "Press Release: American Historical Association expresses concern about denial of visa to Georgetown University PhD from Bolivia" (13 February 2006).]

On 27 December 2005, a federal judge found four leaders of the Hawaiian group Hui Malama I Na Kupuna O Hawaii Nei in contempt for refusing to disclose where they had buried 83 native Hawaiian funerary artifacts borrowed from the Bishop museum in 2000. Hui Malama director Edward

Halealoha Ayau was taken into custody. Hui Malama said that the artifacts had been looted from a cave by an American archeologist in 1905 and illegally sold to the museum and that they had put the items back. Thirteen other groups, however, also claimed ownership of the objects. Two of them, Na Lei Alii Kawanakoa and the Royal Hawaiian Academy of Traditional Arts, and the museum had sued Hui Malama for the objects' return.

[Sources: "Hawaiians Refuse To Hand over Artifacts", *Taipei Times*, 29 December 2005: 7; *Washington Post*, 3 January 2005.]

Beshara Doumani (1957-), associate professor of history, University of California at Berkeley, and editor of the book *Academic Freedom after September 11* (New York 2006), was reportedly harassed and his lectures were watched. He was accused of anti-Americanism and anti-Semitism because of his criticism of American Middle East policy and the Patriot Act (passed in October 2001). His work focused on the social and cultural history of the Middle East during the late Ottoman period.

[Source: *NRC Handelsblad*, 4 April 2006: 8.]

See also Armenia, Germany, Greece, Japan, Korea (South), Sudan, Turkey.

URUGUAY

Last Annual Report entry: see NCH #38 (2005).

The new government of President Tabaré Vázquez Rosas initiated investigations to establish the fate and burial places of victims of disappearances from the period of the military government (1973-85). The investigation sites included military barracks where a number of human remains were discovered. Although no attempts were made to abolish the 1986 Expiry Law, the government interpreted its scope as limited to human rights violations committed after the June 1973 military coup. This interpretation opened up the possibility of legal action against some 600 active and former members of the armed forces in connection with crimes committed before the coup. The government also excluded from the Expiry Law cases that took place in Argentina; they were subsequently brought before the courts. In June 2005, former President Juan Maria Bordaberry and former Minister of Foreign Affairs Juan Carlos Blanco were charged with involvement in the murders of legislators Zelmar Michelini and Héctor Gutiérrez Ruiz and activists Rosario Barredo and William Whitelaw. All four had been killed in Argentina in 1976.

[Source: AI, *Report 2006* (2006), 276.]

UZBEKISTAN

Last Annual Report entry: see NCH #38 (2005).

On May 13, 2005, government forces killed hundreds of unarmed protesters as they fled a demonstration in Andijan (Andizhan) in eastern Uzbekistan. Since the massacre, government authorities have refused demands for an international inquiry and engaged in a concerted campaign to rewrite the history of the events. They denied responsibility for the deaths, blaming them instead on Islamic extremists who were intent on overthrowing the government and creating an Islamic state in the Fergana valley. The government detained hundreds -- perhaps thousands -- of people in Andijan and coerced them into giving evidence about the events. On 20 September 2005, a trial began of fifteen defendants charged with more than thirty crimes relating to the May events. All fifteen were convicted and sentenced to prison terms ranging from fourteen to twenty years.

[Sources: AI, *Report 2006* (2006), 276-77; HRW, *World Report 2006* (2006), 423-24.]

VATICAN

Last Annual Report entry: see NCH #37 (2004).

See also Bulgaria.

VENEZUELA

Last Annual Report entry: see NCH #37 (2004).

There were concerns over the safety of members of the human rights organization COFAVIC (Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989; Committee of Relatives of Victims of the Events of February-March 1989), after their police protection was withdrawn in March 2005. The organization had made a public statement which criticized the authorities for not bringing to justice the perpetrators of human rights violations committed during civil disturbances in 1989 known as the Caracazo. In November 2002, the Inter-American Court of Human Rights had ordered Venezuela to protect COFAVIC members after they had suffered threats and acts of intimidation.

[Source: AI, *Report 2006* (2006), 280.]

See also Cuba.

VIETNAM

Last Annual Report entry: see NCH #38 (2005).

In 2005, the United Nations Working Group on Arbitrary Detention declared Thich Quang Do (1928-), an author of, inter alia, several studies of Buddhist history and the secretary-general of the unofficial Unified Buddhist Church of Vietnam (UBCV), a victim of arbitrary detention. (See NCH #10, #14, #17, #37, #38.)

[Sources: HRW, *World Report 2006* (2006), 323; United Nations Working Group on Arbitrary Detention, *Opinion 18/2005 on Arbitrary Detention of Thich Huyen Quang and Thich Quang Do* (26 May 2005).]

YEMEN

Last Annual Report entry: see NCH #32 (2003).

ZIMBABWE

Last Annual Report entry: see NCH #37 (2004).

A report of a fact-finding mission to Zimbabwe in 2002 by the African Commission on Human and Peoples' Rights, which was officially made public in February 2005, concluded that human rights violations had occurred in Zimbabwe.

[Source: AI, *Report 2006* (2006), 27.]

See also Ethiopia, South Africa.

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; the Network of Education and Academic Rights [NEAR, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

AFGHANISTAN

In 2004, little progress was made in bringing to justice those responsible for war crimes, including mass killings and rape, committed during the armed conflicts since 1978. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 36.]

See also United States.

ALBANIA

Last Annual Report entry: see NCH #5 (1996).

ALGERIA

In 2004, no concrete steps were taken to establish the fate of thousands of “disappearances” in the conflict started in 1992. In August and September, many families of the “disappeared” were summoned by a special commission set up in September 2003 to serve as an intermediary between the families and the authorities. The commission’s mandate did not empower it to view information held in the archives

of the security forces. Complaints filed in Algerian courts for abduction and illegal detention were not followed up. The remains of victims of killings discovered in mass graves were generally not identified, and the available evidence was not used to establish responsibility for the killings. The authorities continued to deny that state agents had been responsible for a pattern of “disappearances”. The United Nations Working Group on Enforced or Involuntary Disappearances expressed its “deep concern that there have been no clarifications of the more than 1,100 outstanding cases” which it had transmitted to the government. In November 2004, President Abdelaziz Bouteflika announced plans for a general amnesty for all perpetrators of human rights abuses. In the same month, the Permanent People’s Tribunal - an international panel of experts set up to examine human rights issues in the absence of formal commissions of inquiry - met in Paris to examine evidence of human rights abuses committed in Algeria since 1992. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 39-40.]

On 26 May 2004, Hafnaoui Ghoul, a local correspondent for the weekly *El Youm* in Djelfa, south of Algiers, a historian who runs the regional office of the Ligue algérienne des droits de l’homme (Algerian League of Human Rights), and a spokesperson for the unofficial political group Movement of Citizens of the South, was placed in preventive detention and sentenced to a total of eight months’ imprisonment in a series of court cases, mostly defamation cases filed by local officials after he reported allegations of torture, public mismanagement and corruption. Ghoul had been under house arrest since 15 February 2003 and had received death threats because of his investigations. On 25 November 2004, he was provisionally released.

[Sources: IOC 3/04: 98; IOC 1/05: 92; AI, *Report 2005* (2005) 40; Reporters sans frontières, “Journalist Hafnaoui Ghoul receives six-month prison sentence for defamation” (WWW-text; 31 May 2004); PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 4; PEN, “Reporters without Borders Urges French Foreign Minister To Raise Press Freedom Issues with Algerian Authorities” (WWW-text; 12 July 2004)].

See also Morocco/Western Sahara.

ANGOLA

Last Annual Report entry: see NCH #32 (2003).

ARGENTINA

Following the congressional annulment in August 2003 of the “full stop” and “due obedience” laws - which had obstructed prosecutions of those responsible for human rights abuses committed during military rule (1976-83) - the Néstor Kirchner government continued to press for accountability. Several key trials were underway, including the one of ex-junta leader General Jorge Videla, for his involvement in Operation Condor (a secret criminal plan devised by six Southern Cone military governments in the 1970s and 1980s to kidnap, exchange, or “disappear” political refugees from neighboring states). A final judicial decision on the constitutionality of the annulment of the “full stop” and “due obedience” laws was still pending: in October 2003, the Supreme Court had referred the case to the Criminal Cassation Panel. In August 2004, the Supreme Court rejected an appeal by a former Chilean agent who had argued that the life sentence he received for the 1974 assassination of Chilean army commander General Carlos Prats had to be annulled because the statute of limitations had elapsed. In a landmark decision, the court ruled that, as a crime against humanity, the murder was not subject to a statute of limitations. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 186, 188-90; AI, *Report 2005* (2005) 44.]

On 24 March 2004, the 28th anniversary of the military coup that initiated the dictatorship (1976-83) during which thousands of Argentinians disappeared, President Néstor Kirchner led a commemorative event at the Military College. During the event, army chief General Roberto Bendini removed from the walls portraits of two of the institution’s former directors in the 1970s, Jorge Videla and Reynaldo Bignone, both junta leaders during the dictatorship. Four generals and one colonel refused to be present at this event. The same day, Kirchner signed an agreement to convert the Navy Mechanics School (ESMA), a torture center where thousands of disappeared had been held, into a Museum of Memory.

[Sources: HRW, “Argentina Confronts Past on Coup Anniversary” (WWW-text; Washington 24 March 2004); HRW, *World Report 2005* (2005): 189-90; IOC 1/05: 66.]

See also Chile, Paraguay, United States, Uruguay.

ARMENIA

On 20 April 2004, police officers arrested Colonel Gegam Arutyunyan, member of the opposition Republican Party’s political council, former deputy defense minister and historian, and held him at an Interior Ministry office. He was charged with the “use of bad language”. His detention reportedly served to prevent his participation in an opposition rally on 21 April.

[Sources: IOC 3/04: 99; C. Maral, “Armenian opposition member re-detained over foul language use”

(WWW-text; 21 April 2004).]

See also Turkey.

AUSTRALIA

Last Annual Report entry: see NCH #32 (2003).

AUSTRIA

On 8 January 1997, the *Neue Kronen Zeitung* published an article, written under the pseudonym “Cato”, about the controversial exhibition “War of Annihilation: Crimes of the Wehrmacht, 1941–1944”, planned to be staged in Salzburg. The article, entitled “Infected with Lies”, was a reaction to a favorable commentary (published on 23 December 1996) by Gerhard Botz, professor at the Institute of History, University of Salzburg, in the newspaper *Salzburger Nachrichten*. According to *Salzburger Nachrichten*, Cato had written that (1) it approved the 1940 Katyń massacre committed by the Soviets; (2) it called those fallen in World War II murderers; (3) it tarnished the soldiers of World War II; (4) it collaborated with liars (by which allegedly historians such as Botz were meant); (5) its quality as a newspaper had declined; and (6) its circulation had fallen. *Salzburger Nachrichten* filed a defamation complaint with the Vienna Regional Criminal Court, which was rejected in June 1997 because Cato’s identity could not be established and because the *Neue Kronen Zeitung* article was part of a public debate. In a separate case revolving around unfair competition, the Salzburg Regional Court issued an injunction against *Neue Kronen Zeitung* preventing it from repeating the statements. It called (1), (2) and (5) untrue statements of fact and (3) and (4) value statements containing an unnecessary disparagement of *Salzburger Nachrichten*. This was confirmed on appeal in December 1997. On 20 March 2003, the European Court of Human Rights unanimously ruled that the statements with a competitive aim (5 and 6) prevailed over those made with an intention to contribute to a public debate (1 to 4) and that the injunction was not disproportionate.

[Source: European Court of Human Rights, *Decision as to the Admissibility of Application no. 42429/98 by Krone Verlag and Mediaprint against Austria* (WWW-text; Strasbourg, 20 March 2003).]

AZERBAIJAN

Last Annual Report entry: see NCH #10 (1998).

BAHRAIN

Last Annual Report entry: see NCH #37 (2004).

BANGLADESH

On 12 January 2004, a bomb blast killed three people and injured about thirty, while thousands of devotees were chanting Koran verses and singing Islamic songs during a festival at the 700-year-old shrine of Muslim saint Hazrat Shah Jalal (died 1346) in Sylhet. According to legend, the saint, who came from Yemen to preach Islam, transformed the evil followers of the local king into fish. In an incident at the shrine in December 2003, 500 fish were poisoned in a pond. In May 2004, a new bomb blast killed two persons and injured dozens.

[Sources: “Bangladesh Shrine Bomb Kills Two”, *BBC News* (12 January 2004); AI, *Report 2005* (2005) 51.]

In May 2004, Humayun Azad (?1947-2004), leading writer and professor of German literature at Dhaka University (see NCH #35, #37) returned home. In July, he received a series of death threats. On 25 July, an Islamic leader and member of parliament reportedly told a public meeting that Azad faced “dire consequences” for his writings. On 10 August, Azad died, possibly from a heart attack.

[Sources: AI, *Report 2005* (2005) 51; PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 32.]

On 20 October 2004, a court in Dhaka gave its verdict in the trial of eleven men accused of killing four Awami League leaders in Dhaka Central Jail in November 1975. Three were sentenced to death in absentia; another three - already sentenced to death for the killing of President Sheikh Mujibur Rahman in August 1975 - were given life imprisonment; five were acquitted. The Awami League claimed that the acquittals were politically motivated. (See NCH #23.)

[Source: AI, *Report 2005* (2005) 52.]

BELARUS

On 7 April 2004, the Belarussian cinema and video licensing board banned *Mysterium Occupation*, a

film directed by Andrei Kudinenko (?1972-) and made in the independent studio Navigator. A film about Belarussian partisans in World War II showing life under the Nazi occupation and subsequent Soviet liberation, it was censored because “[t]he treatment of the partisan movement in this film contradicts the essential truth, can insult the feelings of war veterans and have a negative influence on the upbringing of the rising generation and youth.” The board had already banned an American series about Adolf Hitler’s life.

[Source: A. Malpas, “Partisan War”, *The Moscow Times*, 18 June 2004: 107.]

BELGIUM

Last Annual Report entry: see NCH #37 (2004).

See also Congo (Democratic Republic).

BOSNIA AND HERZEGOVINA

Impunity for war crimes and crimes against humanity committed during the 1992-95 war continued to be widespread. Thousands of “disappearances” were still unresolved. While perpetrators of wartime violations continued to enjoy impunity, victims and their families were denied access to justice and redress. Lack of cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), particularly by the Republika Srpska (RS), was a major obstacle to justice. According to data from the Red Cross, almost 17,000 persons who went missing during the conflict are still unaccounted for. Many of them “disappeared” after being taken into custody by the military and security forces; those responsible have continued to enjoy impunity. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 58, 59.]

On 21 March 2004, a bomb was thrown at a mosque in Orahova, near Gradiska, in the Bosnian-Serb ruled part of the country. It was the anniversary of the day in 1993 when the original mosque was destroyed. The mosque was rebuilt and reopened in 2003 as Bosnian Muslims expelled during the Balkan wars returned to their own homes.

[Source: IOC 4/04: 130.]

On 19 April 2004, the ICTY Appeals Chamber confirmed that in July 1995 Serb forces had committed genocide in Srebrenica. The Appeals Chamber sentenced Bosnian Serb Army General Radislav Krstic

to 35 years' imprisonment for aiding and abetting genocide. An ICTY trial chamber in the case of Bosnian Serb Radoslav Brdjanin, however, found that no genocide had occurred in 1992 in the Krajina area, where Serb forces killed hundreds of Muslim and Croat civilians and expelled hundreds of thousands. On 15 October 2004, the Republika Srpska (RS) Commission on Srebrenica submitted to the RS government a report concerning Srebrenica and acknowledged for the first time that the Bosnian Serb Army had been responsible for the killing of 7,800 Bosnian Muslim men and boys after the fall of Srebrenica in July 1995. The Commission identified the location of mass graves, some of which were previously unknown. By the end of 2004, the bodies of approximately 1,300 people killed after the fall of Srebrenica had been exhumed and identified. RS authorities had previously claimed that only one hundred Bosnian Muslim had been executed and that another 1,900 had died in combat or from exhaustion. In November the RS government apologized for the first time for the human rights violations in and around Srebrenica. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 359-62; AI, *Report 2005* (2005) 58-59.]

See also Serbia and Montenegro.

BRAZIL

In response to a photograph published in a national newspaper in October 2004, the army released a statement defending the repressive actions of the 1964-85 military regime, stating that it had laid the foundations for a democratic Brazil. Although the statement was later withdrawn, the subsequent uproar led to the resignation of the Minister of Defense. No military officers resigned.

[Source: AI, *Report 2005* (2005) 63.]

In December 2004, the Supreme Court ordered the federal government to open files on the military operations against armed opposition groups in the region of Araguaia, state of Pará, in the early 1970s (during the military dictatorship). These may enable relatives finally to locate the bodies of victims of military actions.

[Source: AI, *Report 2005* (2005) 20, 60, 63.]

See also Paraguay.

BULGARIA

Last Annual Report entry: see NCH #27 (2002).

BURKINA FASO

No progress was reported in the investigation into the alleged extrajudicial executions of 106 people between October 2001 and January 2002. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 66.]

BURUNDI

In 2004, trials continued of people accused of participating in the violence which followed the 1993 assassination of former President Melchior Ndadaye.

[Source: AI, *Report 2005* (2005) 68.]

At the request of the United Nations Security Council, an assessment was made of the feasibility of establishing an International Judicial Commission of Inquiry in Burundi, as outlined in the 2000 Arusha peace agreement. Such an inquiry would investigate and determine responsibility for crimes under international law committed between 1962 and 2000. At the same time, legislation establishing a National Truth and Reconciliation Commission (NTRC) was adopted by the National Assembly and Senate. Concern was expressed that the law did not provide mechanisms to protect the independence of commission members, and that lack of clarity over the roles of the NTRC and the international commission could jeopardize the work of both.

[Source: AI, *Report 2005* (2005) 16, 68.]

CAMBODIA

In 2004, after seven years of negotiations, Cambodia approved an agreement with the United Nations to establish an internationally-assisted tribunal under Cambodian law to try senior leaders of the Khmer Rouge and those who were most responsible for genocide, war crimes, and crimes against humanity committed while the Khmer Rouge was in power (1975-79). Based in Cambodia, this “mixed tribunal” will be comprised of a majority of Cambodian judges working alongside international judges, with Cambodian and international co-prosecutors. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 255, 257-58; AI, *Report 2005* (2005) 70.]

CANADA

In February 2003, Canadian Holocaust denier Ernst Zündel (?1940-) was deported from the United States to Canada in the wake of charges of anti-Semitism and demands for the censorship of his website. On 21 January 2004, he was imprisoned after Canadian security services considered him as a threat to national security. On 22 September 2004, he was sentenced to a further six months' imprisonment.

[Source: IOC 1/05: 94.]

In November 2004, Iranian-born Seyed Mahmoud Namini was reportedly detained in Toronto after being found in possession of several copies of a book about a Kurdish revolt against the Iranian Islamic regime during the 1980s. He was questioned about his alleged links to Kurdish separatist organizations in the Middle East.

[Source: IOC 1/05: 94.]

CHAD

No formal charges had yet been brought in Chad against people suspected of committing human rights violations and other crimes during the presidency of Hissene Habré (1982-1990) despite judicial investigations. It was unclear whether there was any progress in the investigations. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 74, 75.]

CHILE

In January 2004, the Santiago Appeals Court upheld the conviction of General Manuel Contreras, former head of the Directorate of National Intelligence (DINA), the secret police during the dictatorship of General Augusto Pinochet (1973-90), for the 1975 "disappearance" of a detainee. In November, the Supreme Court dismissed a final appeal against the conviction, ruling that the crime of kidnapping was not covered by an amnesty law enacted by the military government in 1978. In recent years, the courts have deemed the 1978 amnesty to be inapplicable in "disappearance" cases since a "disappearance" must be considered a kidnapping - an ongoing crime - unless the victim's remains have been found and the courts have thereby established his or her death. The lawyer representing the State Defense Council had argued that cases of "disappearance" should be treated as murder rather than "permanent

kidnapping”. Treating “disappearance” as murder would have allowed the Amnesty Law to be applied. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 197-98; AI, *Report 2005* (2005) 76.]

In May 2004, the Santiago Appeals Court stripped Pinochet of his immunity as a former head of state, allowing him to face trial for the “disappearance” of twenty people in the 1970s. The Supreme Court narrowly affirmed the decision in August. The crimes formed part of “Operation Condor” (see Argentina). As of December 2004, the investigating judge in the case was assessing reports on Pinochet’s medical condition before deciding whether to indict him. On 13 December, a judge ordered the indictment and house arrest of Pinochet on nine counts of kidnapping and one of murder. On 20 December, the Santiago Appeals Court upheld the order. The lawyers representing Pinochet appealed to the Supreme Court, which had not ruled by the end of 2004. It is the third time that the Chilean courts have cleared the way for Pinochet to be prosecuted for human rights violations. Pinochet also faces a criminal investigation and a tax office probe after a United States Senate investigation revealed in July 2004 that a bank in Washington D.C. held millions of dollars in secret deposits for Pinochet while he was in detention on human rights charges in London. (See NCH #32.)

[Sources: HRW, *World Report 2005* (2005) 198; AI, *Report 2005* (2005) 20, 76.]

On 28 November 2004, President Ricardo Lagos presented on television the report of the National Commission on Political Imprisonment and Torture (Comisión Nacional sobre Prisión Política y Tortura), established in 2003. The report was based on testimonies from 35,000 people, many of whom had never testified before about the abuses they had suffered. It concluded that torture had been a systematic state practice and recommended various reparation measures. Human Rights Watch criticized the government’s decision to keep the testimonies secret for fifty years, and urged that it send information about alleged perpetrators to the courts for investigation. The report prompted a national debate in the news media. Prior to the report’s release, the army’s chief commander acknowledged for the first time the army’s institutional responsibility for human rights violations during military rule. Until his statement, the army’s position had always been that human rights violations were solely the responsibility of individual officers. The other branches of the armed forces accepted the findings of the report, but insisted that responsibility for the abuses was individual rather than institutional. (See NCH #37.)

[Source: HRW, *World Report 2005* (2005) 198-99.]

See also Argentina.

CHINA

On 2 May 2004, freelance journalist Liu Shui was sentenced without trial to two years' re-education camp. Charged with soliciting the services of prostitutes, he had posted numerous articles on the Internet concerning the 1989 Tiananmen Square massacre.

[Source: IOC 3/04: 102.]

On 1 June 2004, when Jiang Yanyong (see NCH #37) traveled to the United States embassy to apply for a visa to visit his daughter in California, he was arrested by military and security officials, officially because he had violated regulations regarding military discipline. On 19 July 2004, he was released but remained under house arrest. During his six-week detention, he underwent "thought reform". On 23 March 2005, the house arrest was lifted.

[Sources: AAAS Human Rights Action Network, *CH0407.Jia*, 14 July 2004; HRW, "China: Whistleblowing Doctor Home but Not Free" (WWW-text, Washington 21 July 2004); HRW, *World Report 2005* (2005) 264.]

Fifteen years after the 4 June 1989 Tiananmen massacre, the government still banned any public commemoration of the event. Police harassed and detained those dedicated to securing rehabilitation of victims, payment of compensation, or reconsideration of the official verdict. Chinese authorities placed several human rights activists, including Ding Zilin (see NCH #37), leader of the Tiananmen Mothers, under house arrest and harassed them in order to prevent them from commemorating the anniversary and from filing a legal complaint on behalf of 126 others who also lost relatives in 1989.

[Sources: HRW, *World Report 2005* (2005) 263-64; IOC 3/04: 102, 104; AI, *Report 2005* (2005) 77.]

The book *Days of Old Do Not Disappear Like Smoke*, a memoir about intellectuals purged during the Anti-Rightist Campaign (June 1957 until 1958), written by Zhang Yihe, the daughter of one of them, was banned. It continued to be circulated in pirate copy. The unabridged version, titled *The Last Aristocrats*, was later published in Hong Kong.

[Sources: Independent Chinese PEN Center, "Zhang Yihe Receives the ICPC Second Freedom to Write Award" (WWW-text; Beijing 31 October 2004); IOC 1/05: 95.]

In October 2004, it was reported that the book *Xizang Biji* (Tibet Journal) (2003), a collection of essays on Tibetan history and culture written in Chinese by the Tibetan (female) writer Wei Se, was banned for its positive references to the exiled Tibetan leader the Dalai Lama. Wei Se was reportedly dismissed, evicted from her home, and barred from leaving the country.

[Source: PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 39.]

On 24 November 2004, journalist and poet Shi Tao (?1986-) was arrested in Taiyuan, Shanxi, northeastern China, and on 28 January 2005 charged with “illegally exposing state secrets abroad” for posting an official document and articles relating to the June 1989 Tiananmen Square massacre on foreign websites and discussion forums. He faced a sentence of between three years’ and life imprisonment if convicted. In April 2004, Shi had pseudonymously sent the dissident online newspaper *Min Zhu Ton Xun* an internal official note warning journalists of the dangers of social destabilisation on the occasion of the 15th anniversary of the massacre. State Security Ministry agents identified him with the help of filters installed on the Chinese Internet. The ministry told the prosecutor that the document was “jue mi” (top secret). Shi acknowledged that he had sent the document, but disputed its confidential nature.

[Source: *Ifex Alert* (7 and 16 December 2004, 4 February 2005).]

On 4 December 2004, Ouyang Yi (see NCH #37) was released after he had served his sentence. In 2003, the United Nations Working Group on Arbitrary Detention had called Ouyang’s detention arbitrary.

[Sources: PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 38; United Nations Working Group on Arbitrary Detention, *Report* (E/CN.4/2004/3; Geneva 15 December 2003) 7.]

The death and funeral of former Prime Minister (1980-87) and Secretary-General of the Chinese Communist Party (1987-89) Zhao Ziyang (1919-2005), deposed in 1989 for opposing force to crush the Tiananmen student demonstrations and under house arrest until his death, were censored in various ways: for some days, the main news bulletins did not mention his death on 17 January, reflecting government concern that his death spark unrest and dissent (as Hu Yaobang’s death in April 1989 had done); on 23 January, former student leader Zhao Xin was arrested when he asked permission for a public commemoration march. Access to Zhao’s funeral and cremation at the Babaoshan Cemetery for Revolutionaries on 29 January was very restricted; his former chief of staff Bao Tong and groups of peasants were refused entry. Wreath texts were controlled and, against Chinese tradition, the family was forbidden to hold a funeral oration. Some twenty demonstrators were prevented from unfurling banners and dissident Ding Zilin (see item above) was placed under house arrest.

[Sources: *Keesing’s Record of World Events*, January 2005; *Keesings historisch archief*, 2001: 116-17, 2004: 498; 2005: 107-8.]

COLOMBIA

Last Annual Report entry: see NCH #37 (2004).

CONGO (Democratic Republic)

In October 2004, the International Criminal Court (ICC) and the government signed a cooperation agreement allowing the ICC to begin investigations into war crimes and crimes against humanity committed within the country. ICC investigators visited Ituri, where initial ICC inquiries were concentrated.

[Source: *AI, Report 2005* (2005) 15, 85.]

On 3 February 2005, a six-metre (19.5-foot) statue of the Belgian King Leopold II (1835-1909) was re-erected after it had been removed on the orders of President Joseph Mobutu in 1967. It was taken down just hours later, reportedly because several ministers opposed having a memorial to a man who had exploited Congo's resources and contributed to millions of deaths, when he was the sovereign of the Congo Free State (1885-1908).

[Source: *BBC News Online*, 4 February 2005.]

See also Congo (Republic).

CONGO (Republic)

In a case lodged in a French court in 2001, senior Congolese officials were accused of responsibility for the May 1999 "disappearance" of at least 353 refugees returning from the neighboring Democratic Republic of the Congo. (See NCH #37.)

[Source: *AI, Report 2005* (2005) 86.]

CROATIA

It was reported that Orthodox churches were frequently desecrated with fascist Ustasha symbols [As allies of Nazi Germany, the Ustashes established the Ustasha Independent State of Croatia in 1941-45].

[Source: *IOC 4/04*: 134.]

According to official data, approximately 1,200 people who went missing during the 1991-95 conflict remained unaccounted for. This figure did not include the hundreds of people - mostly Croatian Serbs -

missing since “Operation Storm” and “Operation Flash” in 1995. Efforts by the Croatian authorities to clarify the fate and whereabouts of missing Croatian Serbs were generally insufficient, leading to considerable delays in the identification process. Many of those missing were believed to be victims of “disappearances”; most of those responsible continued to enjoy impunity. (See NCH #37.)

[Source: *AI, Report 2005* (2005) 90.]

CUBA

Last Annual Report entry: see NCH #27 (2002).

CYPRUS

In August 2004, the Committee for Missing Persons reconvened after five years in an attempt to discover the fate of about 2,000 people missing during ethnic strife in Cyprus since 1963.

[Source: *AI, Report 2005* (2005) 92.]

A Greek Cypriot history textbook which contained an illustration showing Greek Cypriots sitting before their huts in Ottoman times and wearing fezzes was deemed “too Turkish” by the authorities; after the illustration was retouched, the fezzes had disappeared.

[Source: *Informationen Georg-Eckert Institut*, no. 48, December 2004: 18.]

See also Greece.

CZECH REPUBLIC

Last Annual Report entry: see NCH #17 (2000).

EAST TIMOR

See Timor-Leste.

ECUADOR

On 5 March 2005, historian Enrique Ayala Mora (1950-), rector of the Ecuadorian branch of the Universidad Andina Simón Bolívar (1997-) and socialist member of parliament (2003-), was shot at while driving his car home after a political meeting in Quito. He was injured. Although his party belonged to the majority, his recent criticism of government policy was believed to have been the reason for the assault. According to a government source, Ayala had staged the assault himself.

[Source: “Atentan contra Enrique Ayala Mora,” *La Hora* (Ecuador), 8 March 2005.]

EGYPT

Last Annual Report entry: see NCH #32 (2003).

EL SALVADOR

The government persisted in its stance not to prosecute perpetrators of human rights violations during the 1980-1991 armed conflict, as it would reopen the wounds of the past. This was despite recommendations by the United Nations Truth Commission and the Inter-American Commission on Human Rights that the violations should be investigated. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 99.]

In September 2004, a judge in California, USA, held Alvaro Saravia, a former captain in the Salvadorean army now resident in California, responsible for the assassination of Archbishop Oscar Romero in March 1980 in San Salvador. The judge said that it was a “crime against humanity”. Alvaro Saravia was ordered, in absentia, to pay US \$10 million in compensatory damages to a relative of the archbishop. (See NCH #32.)

[Source: AI, *Report 2005* (2005) 99.]

ETHIOPIA

Thirteen years after the overthrow of the former military government (the Dergue, 1974-90), over 2,000 of its former officials remain imprisoned without trial on charges including genocide. Of those tried, many had been acquitted, some after more than a decade of imprisonment. The loss of evidence over the years resulted in some acquittals, but also made it more difficult to present an effective defense. Former

dictator Mengistu Haile Mariam, on trial in absentia, remains a guest of the Robert Mugabe government in Zimbabwe, with little chance of being held accountable for his abuses so long as he remains there. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 129-30; AI, *Report 2005* (2005) 106.]

EUROPEAN UNION

On 27 January 2005, the European Parliament adopted a resolution on remembrance of the Holocaust, anti-Semitism and racism, in which it stated: “The European Parliament, ... [p]ays homage to all the victims of the Nazis and is convinced that lasting peace in Europe must be based on remembrance of its history; rejects and condemns revisionist views and denial of the Holocaust as shameful and contrary to historical truth...”.

[Source: European Parliament, <http://www.europarl.eu.int/>]

FIJI

Last Annual Report entry: see NCH #37 (2004).

FRANCE

On 31 January and 1 February 1997, France Info (a station controlled by the national radio broadcasting company Radio France) broadcast 63 news flashes and bulletins on an article published in the weekly magazine *Le Point* which claimed that Michel Junot—a deputy to Jacques Chirac at the Paris town hall (1977–95) who had been Deputy Prefect at Pithiviers in 1942 and 1943—had supervised the deportation of a thousand Jews from two internment camps under his responsibility. In a defamation case, Michel Boyon (1946–), Radio France’s editorial director, and Bertrand Gallicher (1957–), a journalist with France Info, were convicted of publicly defaming a civil servant (Junot) and ordered to pay a fine and damages. Radio France was ordered to broadcast an announcement of the judgment. In June 1998, the Paris Court of Appeal upheld the judgment. It considered that by alleging that Junot had supervised the deportation and transfer to Drancy, by comparing his situation with that of Maurice Papon (who had been committed for trial before the Bordeaux Assize Court), and by suggesting that he had not been a member of the Resistance, the disputed broadcasts had damaged his honor and dignity. On 30 March 2004, the European Court of Human Rights ruled that

Radio France's right to freedom of expression was not infringed by the penalties and orders imposed on them by the French courts to protect Junot's reputation. The Court noted that, although the broadcast concerned an issue of general interest, namely the attitude of senior civil servants during the Occupation (such as Junot and Maurice Papon), and although they had quoted explicitly from the well-documented *Le Point* article, they had alleged that Junot had admitted "having organized the departure of a convoy of deportees to Drancy", an allegation not published in *Le Point*. The original bulletin was broadcast several times, although subsequent broadcasts pointed out that Junot denied the allegations. The court found that Gallicher had not shown the utmost caution and special moderation needed in this case.

[Source: European Court of Human Rights, *Affaire Radio France et autres c. France: Arrêt* (WWW-text; Strasbourg 30 March 2004).]

On 2 April 1998 a Paris judge ruled that journalist and historian Gérard Chauvy (1952–) and his publisher Albin Michel were guilty of "public defamation" because in his book *Aubrac, Lyon 1943* (Paris 1997) Chauvy had reproduced as an appendix a document called "Klaus Barbie's Testament", in which Barbie, wartime Gestapo chief at Lyon, suggested that resistance army fighters Raymond and Lucie Aubrac had betrayed resistance leader Jean Moulin in June 1943, leading to Moulin's arrest and death after torture. Although Chauvy had written in his conclusion that no archival document proved the alleged betrayal and declared that he had acted in good faith, the judge said that Chauvy, by publishing the document and citing it at least 44 times, had given it excessive weight and that he had not been prudent enough in applying the historical method. The court ordered Chauvy to pay damages, to publish a statement in five daily newspapers and to insert a warning in each copy of the book. The judgment was confirmed on appeal in 1999 and in cassation in 2000. On 29 June 2004, the European Court of Human Rights unanimously ruled that the French courts had intervened correctly and not violated Chauvy's freedom of expression.

[Sources: J.-N. Jeanneney, *Le Passé dans le prétoire: l'historien, le juge et le journaliste* (Paris 1998) 114–18; J.-P. Azéma & G. Kiejman, "L' Histoire au Tribunal", *Le Débat*, November-December 1998: 45–51; "L'Affaire Aubrac: vérité et mensonges," *L'Histoire*, June 1997, 78–85; F. Hartog, 'L'Historien et la conjoncture historiographique,' *Le Débat*, November–December 1998, 6–7; *Le Monde*, 15 October 1991, 11; R. Evans, "History, Memory, and the Law: The Historian as Expert Witness", *History and Theory*, October 2002, 338–40; European Court of Human Rights, *Case of Chauvy and others vs. France: Judgment* (WWW-text; Strasbourg 29 June 2004).

A 9 April 2004 amendment to a January bill on the digital economy removed a statute of limitations that allow plaintiffs to sue websites for defamation years after first publication. According to some

parliamentarians, the change was designed to prevent archives holding such material from circumventing the defamation laws.

[Source: IOC 2/04: 128; IOC 3/04: 108.]

In December 2004, the Court of Cassation rejected the appeal lodged by General Paul Aussaresses following his conviction on a charge of “justifying torture”. His memoirs, published in 2001, described acts of torture and summary executions by French army officers in Algeria in the 1950s, and maintained that they had been necessary. In April 2003 the Court of Appeal of Paris had fined him 7,500 Euros and his editors, Plon, 15,000 Euros. The Court of Cassation upheld the prosecution view that freedom of expression should not be confused with the right to say “anything anyhow”. (See NCH #32.)

[Source: AI, *Report 2005* (2005) 110.]

See also Algeria, Congo (Republic).

GEORGIA

Last Annual Report entry: see NCH #32 (2003).

GERMANY

Last Annual Report entry: see NCH #32 (2003).

See also Argentina, Turkey.

GHANA

The National Reconciliation Commission (NRC) ended its hearings in July 2004. Established by the government in 2002, its task was to compile a record of human rights violations committed during Ghana’s periods of unconstitutional rule since independence in 1957. Most of the witnesses were victims of human rights violations under the military governments headed by former President Jerry Rawlings (1979, 1981-2001). Many of the more than 2,000 testimonies spoke of summary executions, “disappearances”, torture and ill-treatment. The NRC’s report and recommendations were submitted to President Kufuor on 12 October but had not been made public by the end of 2004. The

recommendations reportedly included reparations for about 3,000 victims and reforms of institutions including the security agencies. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 114-15.]

GREECE

On 3 May 2004, Greek state television ET-3 canceled the scheduled showing of the award-winning documentary “The Other Side” (produced by journalist Fani Toupalgiki for ET-3), which presented the events of 1963-74 and the build-up to the 1974 partition of Cyprus from a Turkish-Cypriot perspective. The documentary was reportedly seen as “anti-national” and “dangerous”. Its cancellation was allegedly the result of an intervention from the prime minister’s office, possibly in connection with the forthcoming visit of Turkish Prime Minister Recep Tayyip Erdogan to Greece. In January 2004, ET-3 had withdrawn its participation as co-producer of a documentary on a convicted war criminal.

[Sources: Greek Helsinki Monitor, *Ifex Alert* (4 and 7 May 2004); IOC 3/04: 108-9.]

GUATEMALA

In 2003 and 2004, staff of the nongovernmental human rights organization *Dónde están los niños y las niñas?* (Where are the children?) were repeatedly threatened and assaulted. In March 2003 and March 2004, director María Isabel Escobar Donis was assaulted. The organization investigated cases of children who “disappeared” or were “adopted” after being forcibly separated from their families during the civil war (1960-96). In April 2004, case files about the involvement of military officials in this operation were stolen from the organization’s offices in the capital.

[Source: AI, *Guatemala: Dónde están los niños y las niñas?* (WWW-text; 2004).]

Of the 626 massacres documented by the 1999 truth commission, only one case had been successfully prosecuted in the Guatemalan courts (the 1995 Xamán massacre). The Inter-American Court of Human Rights ordered the Guatemalan state to pay compensation to victims’ relatives in a number of prominent cases of past human rights violations for which the state had recognized its responsibility. In a landmark ruling in April 2004, the Court found the Guatemalan state responsible for the massacre of 268 people in Plan de Sánchez, Rabinal, Baja Verapaz, in 1982. (See NCH #14, #37.)

[Sources: HRW, *World Report 2005* (2005) 213-14, 217; AI, *Report 2005* (2005) 118.]

Throughout 2004, former members of the Civil Defense Patrols pressured Congress, including by the

use of threats, to pay them compensation for services rendered during the civil war (1960-96). Congress agreed in August, despite a June ruling by the Constitutional Court that such payments would be unconstitutional. During the conflict, which ended in 1996, members of the Civil Defense Patrols were implicated in hundreds of cases of human rights violations. Very few have ever been brought to justice. In August 2004, the Constitutional Court delivered its opinion on the creation of a United Nations-backed Commission for the Investigation of Illegal Bodies and Clandestine Security Apparatus, which had been approved by the previous government. It stated that significant parts of such a commission would be unconstitutional. The government announced it would present alternatives to carry the process forward. By the end of 2004 discussions were still ongoing.

[Source: AI, *Report 2005* (2005) 117.]

Human rights activists, witnesses and members of the judiciary involved in investigations of past human rights violations were subjected to persistent intimidation, death threats and attacks.

[Source: AI, *Report 2005* (2005) 118.]

GUINEA-BISSAU

Last Annual Report entry: see NCH #14 (1999).

GUYANA

Last Annual Report entry: see NCH #6 (1997).

HAITI

Last Annual Report entry: see NCH #32 (2003).

HONDURAS

Last Annual Report entry: see NCH #27 (2002).

HUNGARY

Last Annual Report entry: see NCH #37 (2004).

INDIA

In April 2004, women members of the Association of the Parents of Disappeared Persons were beaten by police when they demonstrated in Srinagar against continuing impunity for those responsible for “disappearances” in the state of Jammu and Kashmir. While the state admitted in 2003 that 3,744 persons had “disappeared” since insurgency began in 1989, human rights activists believed the true figure to be over 8,000. No one had been convicted by the end of 2004.

[Source: AI, *Report 2005* (2005) 127.]

In 2004, large-scale episodes of communal violence remained unpunished. This continued to foster communal resentments throughout India. In August 2004, the Supreme Court issued a key decision in connection with communal violence in Gujarat state in 2002. The violence followed a fire on a train in which 59 Hindus died in February 2002; right-wing Hindu groups blamed the fire on local Muslims. In the ensuing violence more than 2,000 people, mostly Muslims, were killed. The Court directed that more than 2,000 complaints closed by the police and some 200 cases which had ended in acquittals be reviewed. (See NCH #32.)

[Sources: HRW, *World Report 2005* (2005) 283-84; AI, *Report 2005* (2005) 127.]

In Punjab the vast majority of police officers responsible for serious human rights violations during the period of militancy in the mid-1990s continued to evade justice. In response to 2,097 reported cases of human rights violations, the National Human Rights Commission had ordered the state of Punjab to provide compensation in 109 cases concerning people who had been in police custody prior to their death. 2004 marked the twentieth anniversary of *Operation Blue Star* - a focal point in the conflict between Sikh nationalists and state security apparatus in the Punjab in the 1980s - and of the anti-Sikh riots in New Delhi, which resulted in more than 3,000 Sikh deaths. In July 2004, the Nanavati Commission of inquiry served former Prime Minister Narasimha Rao, who was home minister in the Congress Party government in 1984, a notice for his failure to act to prevent the attacks on Sikhs. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 284; AI, *Report 2005* (2005) 127.]

See also Iran.

INDONESIA

A law passed in September 2004 provided for the establishment of a Truth and Reconciliation Commission to resolve, outside the court system, cases involving grave human rights violations committed prior to the enactment of the Law on Human Rights Courts (2000). The Commission can conduct investigations, grant reparations to victims and recommend presidential amnesties.

[Source: AI, *Report 2005* (2005) 131.]

Trials for the 1984 killing of Muslim protesters by Indonesian security forces at Tanjung Priok in Jakarta finished with lenient verdicts amid ongoing reports of political interference and witness intimidation. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 290-91; AI, *Report 2005* (2005) 130.]

By the end of 2004, only one person remained convicted for crimes against humanity committed in Timor-Leste in 1999. Indonesia also continued to refuse to transfer to Timor-Leste 303 people indicted by the Timor-Leste Prosecutor General. They included former General Wiranto who headed the Indonesian armed forces in 1999. Wiranto had also not faced trial in Indonesia for his role in the violence of 1999. Although named as a suspect by Komnas HAM (the National Human Rights Commission), he was never indicted by the Attorney General's Office and ran as a candidate in the presidential elections of May 2004, finishing third.

[Source: AI, *Report 2005* (2005) 130.]

See also Timor-Leste.

IRAN

All cemeteries, holy places and community properties of the Bahai Faith, Iran's largest religious minority, were seized soon after the 1979 revolution. Many were destroyed, including the house of the prophet Bab, in Shiraz, the house of Bahauallah, the nineteenth-century founder of Bahai Faith, in Takur, and the Bahai cemetery in Shiraz. In 1993 more than 15,000 graves of the Bahai cemetery in Tehran were bulldozed. In Babol, between February and April 2004, the gravesite of Bab's foremost disciple, Muhammad-Ali Barfurushi, known as Quddus, was demolished. In June 2004 the house of Bahauallah's father was destroyed in Tehran.

[Sources: IOC 4/04: 138; Baha'is Decry Cultural Cleansing in Iran (WWW-text; New York 12 September 2004).]

In May 2004, many Zoroastrians made their annual pilgrimage to the temple of Chak-Chak near Yazd. Although Zoroastrianism, a monotheistic religion founded in the seventh century BCE by the prophet Zarathustra, is a permitted faith, many of its rituals are banned and many believers have emigrated to join coreligionists among India's Parsi community. Since 1979, their numbers have halved.

[Source: IOC 4/04: 138.]

On 20 July 2004, a Tehran court sentenced historian Hashem Aghajari (see NCH #37) to three years' imprisonment and a further two years suspended, this time for insulting sacred Islamic tenets. On 31 July, after almost two years' imprisonment, he was released on bail. On 10 March 2005, an appeals court ruled that the twenty-three months he had already served in prison were adequate punishment for the speech and removed an order that he be deprived of civil rights for five years, including a ban on his teaching and writing.

[Sources: AAAS Human Rights Action Network, IR0219-agh, 30 June, 22 July 2004; AI, *Report 2005* (2005) 133; PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 72; IOC 2/04: 131; IOC 3/04: 112; IOC 4/04: 66; "Iran Appeals Court Further Eases Aghajari's Sentence" (WWW-text; Al Jazeera 2005).]

On 6 February 2005, Hojatoleslam Hassan Youssefi Eshkevari (see NCH #32) was released.

[Source: PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 70.]

See also Canada.

IRAQ

In the weeks before the overthrow of the Iraqi government by the U.S.-led coalition forces in March-April 2003, former Iraqi government officials shredded, burned, or otherwise destroyed many documents. They also removed many sensitive documents for safekeeping which they had to abandon as military defeat became imminent. Countless other records were destroyed as a result of the wartime aerial bombing campaign. Widespread looting and destruction of government property in the weeks after the war led to further destruction of documents. US-led coalition forces, Iraqi opposition groups, and individuals seized hundreds of thousands of Iraqi state documents from government ministries, archives of the Baath Party and organizations affiliated to it, archives of the intelligence and security

agencies, and archives of the armed forces and paramilitary groups in cities across Iraq. An unknown number of documents was offered for sale. Millions of documents nevertheless remained intact as sources of information about the practices of the Saddam Hussein government. Together with the forensic evidence from 259 mass graves and witness testimonies, the documentary evidence would serve as the basis for prosecuting former Baathist officials. The Saddam Hussein government had recorded the repression of the Iraqi population by its security and intelligence services in great detail over the years. (See NCH #37.)

[Source: HRW, *Iraq: State of the Evidence* (Vol. 6, no. 7; Washington November 2004) 4-14.]

Iraq continued to face the legacy of more than two decades of authoritarian rule by former President Saddam Hussein and his Baathist government (1979-2003). The legacy included crimes against humanity, war crimes, and genocide that have long gone unpunished. Many of the victims had been Kurds (an ethnic minority) and Shia (the religion of the Iraqi majority). Government policies and comprehensive economic sanctions imposed by the United Nations Security Council left Iraq's infrastructure and economy devastated. The Statute of the Iraq Special Tribunal (IST), promulgated under the Coalition Provisional Authority by the Iraqi Governing Council in December 2003, contained substantive and procedural shortcomings that could undermine IST's legitimacy and the fairness of future trials. On 1 July 2004, Saddam Hussein and eleven senior members of his government appeared before the Iraqi Central Criminal Court (and not the IST) and they were charged with crimes punishable under Iraqi legislation. However, defense counsel was not made available to the accused. At the end of 2004, Iraqi judicial authorities were still finalizing the rules of procedures and evidence for the IST. Twenty-one judges and prosecutors were reportedly selected as IST members. In December, Ali Hassan al-Majid, a former General and loyal relative of Saddam Hussein, and Sultan Hashem Ahmad, the former Defense Minister, appeared before an investigative judge for a pre-trial hearing. Charges against them reportedly included involvement in the 1988 gassing of Kurds in Halabja and the crushing of the Kurdish and Shia uprising in March 1991. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 467, 471; AI, *Report 2005* (2005) 137.]

See also Kuwait, Syria, United States.

IRELAND

Last Annual Report entry: see NCH #37 (2004).

ISRAEL

Last Annual Report entry: see NCH #32 (2003).

ITALY

Last Annual Report entry: see NCH #32 (2003).

IVORY COAST

Last Annual Report entry: see NCH #37 (2004).

JAPAN

The issue of reparations for former “comfort women” -- some 200,000 women forced into sexual slavery during World War II -- remained unresolved. In February 2004, Tokyo’s High Court rejected compensation claims by seven Taiwanese former “comfort women”. The women claimed that they had been victims of systematic sexual abuse by the Japanese Imperial Army and suffered discrimination after the war. They had demanded compensation and an official apology from the Japanese government. There were originally nine plaintiffs, but two died during the case. (See NCH #37; see also item below.) [Source: AI, *Report 2005* (2005) 147.]

In January 2001, Abe Shinzo and Nakagawa Shoichi, two Liberal Democratic Party politicians who were close to Prime Minister Koizumi Junichiro and who were members of the parliamentary group “Diet Members Association to Think about the Future of Japan and History Education”, had reportedly pressured the public television network NHK to censor a 40-minute documentary about “comfort women” (part two of a series entitled “How To Judge Wars”), broadcast on 30 January 2001. Footage of an elderly female survivor and a former Japanese soldier giving testimony at a “civil tribunal” over Japan’s wartime sexual slavery (the Women’s International War Crimes Tribunal, held in Tokyo in December 2000, at which sixty-four surviving elderly victims of the slavery system testified before an international team of prosecutors and judges) were cut, as was the tribunal’s “verdict” in which the late Emperor Hirohito was found guilty of permitting the sexual slavery. Air time was given to historian Hata Ikuhiko, an associate of the Tsukurukai (Association for New History Textbooks, established in

1997) who claimed that most “comfort women” had been willing prostitutes. The censorship process was completed hours before the broadcast. After the broadcast, the Japan-based Violence Against Women in War Network filed a defamation lawsuit, a case under appeal in 2005. In January 2005, the NHK president resigned following a series of scandals, including censorship of the program. Perhaps as many as 400,000 viewers withheld their subscription fees in protest. (See NCH #37.)

[Sources: *Washington Post*, 26 January 2005 (NHK); G. McCormack, “How the History Wars in Japan Left a Black Mark on NHK TV (Their BBC)”, *Japan Focus*, (WWW-text; 7 February 2005).]

In a case of self-censorship, in September 2004, the comic *Shueisha* (Young Jump) censored its long running story by Manga artist Hiroshi Motomiya called *Kuni Ga Moeru* (The Country is Burning), following protests at episodes depicting the 1937 Nanking Massacre in which some 300,000 Chinese citizens were killed by Japanese invading forces. Many in Japan deny the massacres. *Shueisha* would republish the article in book form with ten pages deleted and eleven amended. A formal apology was published in the November issue.

[Source: IOC 1/05: 103.]

On 9 and 10 April 2005, a protest march with thousands of participants was organized in Beijing against the publication and use of a new history textbook which reportedly downplayed Japan’s atrocities in China during the Pacific War (1931-45), including the 1937 Nanking Massacre and the question of “comfort women”. The Japanese embassy was attacked, rallies were also held outside Beijing, and Japanese flags were burned. The unofficial history textbook was approved by a local education authority and was reportedly taken up by a small proportion of schools in Japan. (See also NCH #27.)

[Source: *BBC News Online*, 9-11 April 2005.]

JORDAN

Last Annual Report entry: see NCH #37 (2004).

KAZAKHSTAN

Last Annual Report entry: see NCH #23 (2001).

KENYA

In September 2004, police used tear gas to disperse members of the Masaai community who were demonstrating over land they had lost in colonial times. Several protestors were arrested and one shot dead by police.

[Source: *AI, Report 2005* (2005) 150.]

KOREA, NORTH

Last Annual Report entry: see NCH #23 (2001).

KOREA, SOUTH

Last Annual Report entry: see NCH #32 (2003).

KUWAIT

Diplomatic relations with Iraq were resumed in August. Kuwaiti forensic teams continued to inspect mass graves in Iraq. By the end of 2004, the total number of Kuwaiti prisoners of war whose remains had been identified had reached 190. (See NCH #37.)

[Source: *AI, Report 2005* (2005) 154.]

In August 2004, the Ministry of Information announced that *Fahrenheit 9/11*, a film about the 11 September 2001 terrorist attack on the World Trade Center, New York, by American filmmaker Michael Moore, was banned. It was deemed defamatory mainly because it suggested secret economic ties between Saudi Arabia's royal family and the family of American President George W. Bush.

[Source: *Keesings Historisch Archief*, 2004: 752.]

LATVIA

Last Annual Report entry: see NCH #10 (1998).

LEBANON

Last Annual Report entry: see NCH #32 (2003).

See also Libya.

LIBERIA

Civil society expressed interest in prosecuting those responsible for atrocities during Liberia's fourteen year internal conflict (1990-2003). However, they maintained that the disarmament process had to be completed first and more security established before any such process could be initiated. The chairman of the National Transitional Government of Liberia (NTGL), Charles Gyude Bryant, and several ministers and high-level functionaries, themselves former commanders within a warring faction, opposed the trying of war criminals. The peace agreement made provision for the government to consider a general amnesty for those involved in military activities during the conflict. Although the government did not overtly pursue this option, its position remained ambiguous. A truth and reconciliation commission was mandated by the 2003 peace agreement and in January 2004, eight Liberians were appointed as commissioners by Bryant. Legislation to establish the commission was drafted but had yet to be passed. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 141; AI, *Report 2005* (2005) 162.]

See also Sierra Leone.

LIBYA

In August 2004, an investigation was opened in Lebanon into the "disappearance" of Imam Musa Sadr - a prominent Shia cleric who "disappeared" with two others in 1978 in Libya - after his family filed a lawsuit before the Lebanese courts. Lawyers working on behalf of Imam Musa Sadr's family called for the indictment of 18 senior Libyan officials. The Lebanese Public Prosecutor summoned the officials for questioning in March 2005.

[Source: AI, *Report 2005* (2005) 166.]

The fate of many prisoners who were killed or "disappeared" in Abu Salim Prison in Tripoli in 1996 remained unknown. In February 2004, Colonel and head of state Mu'ammar al-Gaddafi told Amnesty

International that there had been armed clashes between prisoners and guards. In April, Gaddafi affirmed the right of families to know what happened to their relatives during the incidents. However, by the end of 2004 no thorough, independent and impartial investigations were known to have been opened into deaths in custody in the past, including those that allegedly took place in Abu Salim Prison in 1996.

[Source: AI, *Report 2005* (2005) 166.]

LITHUANIA

In 2004, Lithuania's Jewish community argued that while most school textbooks accurately and fairly presented the Holocaust, some perpetuated unfavorable stereotypes of the Jewish community before World War II.

[Source: IOC 4/04: 142.]

MACEDONIA

Last Annual Report entry: see NCH #14 (1999).

MALAYSIA

Last Annual Report entry: see NCH #27 (2002).

MALDIVES

Last Annual Report entry: see NCH #37 (2004).

MAURITANIA

Last Annual Report entry: see NCH #27 (2002).

MEXICO

In 2001, President Fox had established a special prosecutor's office to investigate and prosecute past acts of political violence, including massacres of student protesters in 1968 and 1971, and the forced disappearance of hundreds of government opponents during the country's "dirty war" in the 1970s. For two years the office's progress was limited by insufficient cooperation from the military and inadequate access to government documents. But in November 2003, the special prosecutor won a landmark decision from the Mexican Supreme Court holding that statutes of limitations did not apply to old "disappearance" cases as long as the victims' bodies had not been found. He then obtained arrest warrants for several high-level officials and secured the arrests of two of them accused of participating in a forced disappearance in the 1970s. All the other suspects, however, managed to escape arrest. There were no exhumations, nor any indication that the special prosecutor had made progress uncovering the fate of hundreds of "disappeared" people or in providing Mexico with a comprehensive account of the crimes that took place. The indictment of former President Luis Echeverría was thrown out by a trial judge; the case is now before the Supreme Court. The Minister of Defense and other senior military figures publicly called for amnesty legislation to protect those accused of abuses. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 225-26; AI, *Report 2005* (2005) 177.]

MOLDOVA

Last Annual Report entry: see NCH #32 (2003).

MOROCCO/WESTERN SAHARA

On 7 January 2004, an Equity and Reconciliation Commission was inaugurated by King Mohamed VI to "close the file on past human rights violations." One of its tasks was to complete payment of compensation to victims of "disappearances" and arbitrary detention that occurred between the 1950s and 1990s. By December the Commission had received requests for reparations concerning more than 16,000 victims. Another of its main tasks was to establish the fate of hundreds of people who "disappeared" in previous decades and, in the case of those who had died in detention, to locate their remains. During 2004, the Commission collected testimonies from relatives of the "disappeared" and began preparing a report, due in 2005, that would set out the reasons and institutional responsibilities for grave violations up to 1999. In December it began organizing public hearings, broadcast on radio and television, in which dozens of witnesses and victims would present their testimonies. However, the

Commission's statutes excluded the identification of individual perpetrators and rejected criminal prosecutions, prompting the United Nations Human Rights Committee in November to express concern that no steps were planned to bring to justice those responsible for "disappearances". Some perpetrators were alleged to remain members or even high-ranking officials of the security forces.

[Source: AI, *Report 2005* (2005) 32, 180-81.]

The Polisario Front freed 200 Moroccan prisoners of war whom it had captured between 1975 and 1991 and detained ever since in its camps near Tindouf, south-western Algeria. They were then repatriated under the auspices of the Red Cross. However, 412 remained in detention at the end of 2004. The Polisario Front was obliged to release the prisoners without delay after the end of armed hostilities in 1991 following a ceasefire brokered by the United Nations.

[Source: AI, *Report 2005* (2005) 182.]

MYANMAR (BURMA)

On 18 November 2004, almost 4,000 prisoners were released; according to an unconfirmed report U Myo Htun (see NCH #9, 10) was among them.

[Sources: PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 42; IOC 1/05: 94]

NAMIBIA

Last Annual Report entry: see NCH #2 (1995).

NETHERLANDS

In March 2005, historian **Jan Herman [=Hans] Brinks** (1957-) complained to the European Court of Human Rights that his right to privacy was violated because, despite changed circumstances after the end of the Cold War, he was only granted limited access to outdated information about him held by the Netherlands National Security Service (Binnenlandse Veiligheidsdienst; "BVD"; renamed General Intelligence and Security Service in 2002) that had been gathered at least since 1977. He also complained that his freedom of expression was violated as he found it impossible to secure suitable employment in the Netherlands despite his holding a magna cum laude doctorate degree from the University of Groningen obtained in 1991. He claimed that this was the result of BVD activities and of

angry reactions to the often critical positions he had adopted in his academic and journalistic work. He subsequently worked as a researcher and journalist in Germany, the United States of America and the United Kingdom, but returned to the Netherlands in 1998. The information gathered probably referred to his political activity as a student, when he sympathized with the Rote Armee Fraction (Red Army Faction or Baader-Meinhof Gang) in 1977 and his stay in the German Democratic Republic (GDR) (1986–89) where he did free-lance journalistic work and research for a dissertation on East German historical writing. After his Freedom of Information request to the Minister of the Interior in January 2000, parts of six outdated BVD documents—material from a “foreign sister organization” (the West German security service)—were disclosed to him in a paraphrased form and concerned events of 1977–78. Between 2001 and 2004, all his subsequent objections and appeals to obtain more BVD information were refused. On 5 April 2005, the Court unanimously rejected his complaints. It noted that the information withheld from Brinks by the Minister was made available, with Brinks’s permission, to the Groningen Regional Court as well as to the Administrative Jurisdiction Division of the Council of State without that information being passed on to Brinks, in order to allow these tribunals to assess whether any information had been unjustly withheld by the Minister under the Freedom of Information Act (*Wet Openbaarheid Bestuur*). Both concluded that, apart from one document which was subsequently disclosed to Brinks, the Minister had taken a correct decision. The Court considered that the supervision of the regional court and of the jurisdiction division constituted an effective judicial control. It acknowledged as well that the Dutch State enjoyed a “margin of appreciation” when considering that the interests of national security (in withholding from Brinks information that might give an insight into BVD sources, working methods and current level of knowledge) prevailed over Brinks’s interests in being granted full access to any undisclosed information possibly held on him by the BVD. The Court also held that there was no indication that Brinks’s freedom of expression had not been respected.

[Sources: J.H. Brinks, *Paradigms of Political Change: Luther, Frederick II, and Bismarck: The GDR on Its Way to German Unity* (originally Dutch, 1991; Milwaukee, WI, 2001); European Court of Human Rights, “Decision as to the Admissibility of Application no. 9940/04 by Jan Herman Brinks against the Netherlands” (WWW-text; Strasbourg, 5 April 2005); Raad van State (Council of State) (Afdeling Bestuursrechtspraak), “Uitspraak op het hoger beroep van X [Jan Herman Brinks], wonend te Y [Groningen], zaaknummer 200301254/1” (14 January 2004).]

NEW ZEALAND

On 10 December 2004, Minister of Internal Affairs George Hawkins launched *The New Zealand Censorship Database*, giving online access to details of censorship decisions made since 1916. It

provided information about every publication classified between 1963 and 1994 and included records of the Video Recordings Authority (1987-93) and records of the Chief Censor of Films dating back to 1916. Some of these older records are now held in handwritten form in a variety of books, binders, cards and cupboards.

[Source: IOC 1/05: 105-6.]

NICARAGUA

Last Annual Report entry: see NCH #10 (1998).

See also United States.

NIGERIA

In 2004, no-one was brought to justice for the massacre of hundreds of people by the military in Odi, Bayelsa state, in 1999, and in Benue state, in 2001. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 144; AI, *Report 2005* (2005) 192.]

In May 2004, some newspaper vendors in the city of Aba were arrested for selling newspapers carrying stories on the secessionist state of Biafra (1967-70).

[Source: IOC 3/04: 116.]

The findings of the Human Rights Violations Investigation Commission, known as the Oputa Panel, had still not been made public and the government had made no public statement about plans for implementing the recommendations by the end of 2004. Established in 1999 to investigate human rights violations committed between 1966 and the return to civilian rule in 1999, the Oputa Panel had reported the findings of its public hearings and investigations to President Olusegun Obasanjo in May 2002. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 192.]

Christian fundamentalists were urged to stop destroying relics from Nigeria's traditional tribal faiths. Some of the destroyed artifacts had been the focus of tribal devotions for four centuries.

[Source: IOC 4/04: 145.]

See also Liberia, Sierra Leone.

PAKISTAN

Last Annual Report entry: see NCH #37 (2004).

PALESTINIAN AUTHORITY

Last Annual Report entry: see NCH #27 (2002).

PANAMA

Last Annual Report entry: see NCH #32 (2003).

PARAGUAY

In July 2004, an Argentinean court issued an international warrant for the arrest of former President Alfredo Stroessner for his alleged involvement in human rights violations committed under “Operation Condor” (see Argentina). Stroessner, living in exile in Brazil, was also wanted by the Paraguayan courts in connection with “disappearances” and other human rights violations committed under his rule (1954-89). (See NCH #37.)

[Source: AI, *Report 2005* (2005) 20, 199.]

The Truth and Justice Commission, created in 2003 to examine human rights violations committed between 1954 and 2004, was established in August 2004. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 199.]

PERU

The government established a system of prosecutors’ offices and courts to investigate and try past human rights abuses. It also announced several initiatives to offer reparation to the victims of human

rights abuses and their families and to assist development in areas affected by violence. However, by the end of 2004, very few people had received compensation. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 200.]

In August 2004, the Constitutional Court ruled that Peru's Constitution did not permit human rights violations committed by military personnel to be judged in military courts. The special prosecutor's office mandated to investigate 159 cases of "disappearance" under a friendly settlement with the Inter-American Commission on Human Rights, as well as 43 cases referred to it by Peru's truth commission, had filed charges in only five cases. Another prosecutor charged with investigating human rights violations committed during the government of President Alberto Fujimori (1990-2000) made greater progress. More than forty former agents of the Colina group - a death squad responsible for "disappearances" and extrajudicial executions in the early 1990s - were detained awaiting trial. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 228-29; AI, *Report 2005* (2005) 200, 201.]

In August 2004, the Supreme Council of Military Justice confirmed the dismissal of the charges by a military court in 1994 of the former presidential adviser on intelligence, Vladimiro Montesinos; the former Commander in Chief of the Armed Forces, Nicolás Hermoza Ríos; and of the retired General Luis Pérez Documet for their alleged involvement in the killing and "disappearance" of nine students and a teacher in 1992. (See NCH #27.)

[Source: AI, *Report 2005* (2005) 201.]

Retrials began in the cases of scores of political prisoners after the Constitutional Court ruled in 2003 that life imprisonment and the use of military courts to try civilians were unconstitutional. Cases being retried included that of Abimael Guzmán, the former leader of the armed opposition group Shining Path. Hundreds of people were awaiting retrial. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 201.]

POLAND

On 10 September 1996, historian Irena Pieniazek (1957-), curator in the Gdynia City Museum, brought defamation charges against the museum director. In 1999 Pieniazek complained to the European Court of Human Rights in Strasbourg that the length of the proceedings (which would last until March 2000) was unreasonable. On 28 September 2004, the Court held that this had indeed been the case.

[Source: European Court of Human Rights, *Case of Pieniazek versus Poland: Judgment* (WWW-text;

Strasbourg, 28 September 2004).]

On 28 January 2005, unknown persons leaked an alphabetical list of 240,000 people kept on file by Poland's communist-era secret service Urząd Bezpieczeństwa from the state-run Institute of National Remembrance, Warsaw, onto the Internet. The list included former secret agents, informers, secret-service employees and victims of persecution. Journalist Bronisław Wildstein reportedly gained access to the names legally - available to historians, journalists, and others cleared for access - and admitted copying the list from the institute's archives to distribute it to his colleagues. He was dismissed from his paper *Rzeczpospolita*. He denied having posted the list on the Internet.

[Source: "Poland in Uproar over Leak of Spy Files", *Guardian*, 5 February 2005 (WWW-text).]

ROMANIA

In [October] 2004, poet and former dissident Mircea Dinescu and art historian and former government minister Andrei Plesu (1948-) resigned from the National Council for the Study of Securitate Archives (CNSAS) because they could not consult all the files of the Securitate (the Romanian security police in 1948–90) on Corneliu Vadim Tudor, former chief propagandist of Ceausescu, leader of the far-right political party PRM, and presidential candidate. CNSAS chairman and historian Gheorghe Onisoru declared that in the files there was no clear proof of Tudor's former collaboration with the Securitate. Tudor declared that he would sue Dinescu and Plesu for defamation. (See NCH #32.)

[Source: *NRC Handelsblad*, 9-10 October 2004: 4.]

RUSSIA

On 17 July 2004, journalist Pajl Pelojan [Payl Peloyan], from Armenian descent, was stabbed to death in Moscow, possibly for reasons connected to his work. He was the chief editor of *Armyanskii Pereulok* (Armenian Lane), a Russian-language arts and literature magazine that focused on Armenian history and culture. The magazine's last issue appeared on newsstands in early 2003.

[Sources: *Ifex Communiqué*, 20 July 2004; PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 55.]

In 2004, Memorial, a historical society founded in 1987 to do research into the history of Stalinist repression and later also to investigate war crimes in Chechnya, was awarded the Right Livelihood Award, an alternative Nobel Peace Prize.

[Source: Memorial, *Perpetuating the Memory of the Victims of Repression* (WWW-text; Moscow

[2004]).

RWANDA

On 7 April 2004, Rwanda commemorated the tenth anniversary of the 1994 genocide. Within Rwanda, 80,000 detainees awaited trial for their alleged participation in the genocide. Rwandese courts concluded fewer than 200 trials of genocide suspects in 2004. No executions were carried out. The nationwide establishment of the 8,140 *gacaca* jurisdictions - a community-based system of justice intended to try most genocide suspects - was delayed until 2005. The trial phase of the 746 *gacaca* jurisdictions in a pilot project which began in 2002 was similarly delayed. *Gacaca* was supposed to reduce the prison population, but persons confessing guilty had named tens of thousands of new suspects. Authorities estimate that another 500,000 to 600,000 persons may yet be accused, a number that raises questions about why so many persons waited until ten years after the 1994 crime to accuse suspected perpetrators. Authorities reformed the system in mid-2004, simplifying the procedure and reducing the number of judges for each jurisdiction. *Gacaca* jurisdictions were authorized to reopen cases of persons previously acquitted by the standard courts, thus violating the usual protection against double jeopardy. The *gacaca* system had no authority to consider war crimes committed by the ruling Rwandan Patriotic Front (RFP). Until late 2004, the government also opposed investigations of RFP crimes by the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. Trials of leading genocide suspects continued at the ICTR which held 63 detainees at the end of 2004. The ICTR was working to a United Nations Security Council deadline to finish trials by the end of 2008 and appeals by 2010. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 152-54; AI, *Report 2005* (2005) 212, 213.]

SAUDI ARABIA

Last Annual Report entry: see NCH #23 (2001).

See also Kuwait.

SENEGAL

Last Annual Report entry: see NCH #37 (2004).

SERBIA AND MONTENEGRO

In 2004 in southern Serbia (a predominantly ethnic Albanian area bordering eastern Kosovo), the school curriculum reportedly continued to ignore Albanian culture and history.

[Source: HRW, *World Report 2005* (2005) 415.]

The government of Serbia and Montenegro was unwilling to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY) and efforts to prosecute war criminals before domestic courts were inadequate. Serbia and Montenegro's cooperation with the ICTY deteriorated after the December 2003 parliamentary elections and the establishment of a new Serbian government dominated by the nationalistic Democratic Party of Serbia. Serbian Prime Minister Vojislav Kostunica openly opposed the arrests of suspects indicted by the ICTY, arguing that they should surrender voluntarily. In November 2004, ICTY President Theodor Meron reported to the United Nations General Assembly that apart from one case, Serbia and Montenegro had hardly at all cooperated with the ICTY. Similarly, ICTY Prosecutor Carla Del Ponte reported to the United Nations Security Council that Serbia was not willing to arrest those indicted, that networks supporting people accused were so powerful that they could interfere with judicial proceedings, and that both in Serbia and in Kosovo aggressive nationalistic rhetoric was being used against the ICTY and herself. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 412; AI, *Report 2005* (2005) 218.]

In February 2004, the ICTY prosecution concluded its case against former President Slobodan Milosevic, who faced charges of war crimes, crimes against humanity, and genocide. The beginning of Milosevic's defense was frustrated by his refusal to cooperate with the lawyers assigned to him in September. In June 2004, ICTY rejected defense calls for the charge of genocide to be dropped. It ruled that there had been "a joint criminal enterprise" which had committed genocide in Brcko, Prijedor, Sanski Most, Srebrenica, Bijeljina, Kljuc and Bosanski Novi and that evidence implicated Milosevic in that joint criminal enterprise. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 416; AI, *Report 2005* (2005) 58, 218.]

In February 2004, the trial began of Radomir Markovic, former head of Serbian state security, and other security officials accused of involvement in the murder of former Serbian President Ivan Stambolic in August 2000. The trial of those accused of involvement in the murder in March 2003 of Prime Minister Zoran Dindic continued. In May 2004, the prime suspect surrendered in Belgrade. In April the Serbian Minister of Internal Affairs called for a new inquiry into the assassination of Dindic.

[Source: AI, *Report 2005* (2005) 219.]

SIERRA LEONE

The United Nations-mandated Special Court for Sierra Leone (SCSL), established to bring to justice persons who bear the greatest responsibility for atrocities during part of the war (1996-2001), indicted thirteen individuals, including former Liberian president Charles Taylor and former Sierra Leonean government minister Hinga Norman. In March 2004, the Appeals Chamber ruled that the general amnesty provided by the 1999 Lomé peace agreement and subsequently enacted in Sierra Leonean law did not apply to the SCSL and therefore did not prevent prosecution by it. The general amnesty, however, continued to prevent prosecutions for such crimes in Sierra Leonean courts. The first trials commenced in June 2004. In August 2003, Taylor had been offered a safe haven by the Nigerian government when rebels threatened to take the Liberian capital Monrovia. Nigeria refused to surrender Taylor to the SCSL. In May 2004, the Appeals Chamber ruled that Taylor, indicted for having actively supported the armed opposition, had no immunity from prosecution for crimes against humanity and war crimes by virtue of his status as a (former) head of state. Nigerian President Olusegun Obasanjo argued that he was acting in the interests of peace in Liberia. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 156-57; AI, *Report 2005* (2005) 193, 221.]

In October 2004, the Truth and Reconciliation Commission (TRC) released its final report. It had been established in 2000 to create an impartial historical record of human rights abuses committed during the conflict (1991-2001), provide a forum for victims and perpetrators to recount their experiences, and facilitate reconciliation. Among issues covered in the report were the years of bad governance, the endemic corruption, the brutal nature of the conflict, the role of external actors, and factors such as mineral resources which had fuelled the conflict. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 156-57; AI, *Report 2005* (2005) 222.]

In October 2004, Paul Kamara, editor of the newspaper *For di People*, was convicted of seditious libel and sentenced to two concurrent two-year prison terms. In October 2003 the paper had claimed that a commission of inquiry in 1967 had “convicted” President Ahmad Tejan Kabbah, then a ministerial official, of fraud.

[Source: AI, *Report 2005* (2005) 222.]

See also Liberia.

SINGAPORE

Last Annual Report entry: see NCH #10 (1998).

SLOVAKIA

Last Annual Report entry: see NCH #27 (2002).

SOMALIA

Last Annual Report entry: see NCH #32 (2003).

SOUTH AFRICA

Last Annual Report entry: see NCH #37 (2004).

SPAIN

In his annual report in June 2004, the Spanish Ombudsman criticized the authorities' lack of response to individuals and associations attempting to exhume and identify remains from burial pits containing the bodies of some of the thousands killed during or after the Civil War (1936-39). In September the Spanish Council of Ministers approved a royal decree setting up an interministerial committee to investigate the "moral and legal rehabilitation" of thousands who had been victims of the Civil War and Franco dictatorship (1939-75). The committee began work in November. (See NCH #37.)

[Source: *AI, Report 2005* (2005) 233.]

In the night of 16 to 17 March 2005, a statue of Franco was removed in Madrid after an official decree had stipulated that the symbols of the former dictatorship (1939-75) had to be removed. The only remaining statue of Franco, in Santander, was also scheduled for removal.

[Source: *Keesings Historisch Archief*, 2005: 210].

SRI LANKA

Last Annual Report entry: see NCH #37 (2004).

SUDAN

Last Annual Report entry: see NCH #32 (2003).

SURINAME

Last Annual Report entry: see NCH #37 (2004).

SWEDEN

Last Annual Report entry: see NCH #10 (1998).

SWITZERLAND

Last Annual Report entry: see NCH #37 (2004).

SYRIA

In [March] 2004, at least 300 Kurds were reportedly arrested following unrest in the northeastern province where members of the Kurdish community were demonstrating to mark the anniversary of the March 1988 gas attack on the Iraqi town of Halabja (the Anfal campaign).

[Source: IOC 3/04: 122.]

On 15 April 2004, Aktham Naisse, member of the Committee for the Defense of Democratic Liberties and Human Rights in Syria, was arrested in Latakia after organizing a sit-in outside parliament in March to mark the 41st anniversary of the Baathist seizure of power (1963) and imposition of the state of

emergency. At least thirty people were arrested at the time of the demonstration.

[Source: IOC 3/04: 121-22.]

See also Iraq.

TAIWAN

Last Annual Report entry: see NCH #23 (2001).

THAILAND

On 28 April 2004, Pattani insurgents took shelter inside the historic Krue Se Mosque, a symbol of Pattani's Islamic heritage. Security forces captured the mosque after killing 32 insurgents. A government-appointed commission investigated the incident, reportedly finding that the security forces had used force disproportionate to the threat, although their report was not made public.

[Sources: IOC 3/04: 11-13; Asian Centre for Human Rights, "Killings at Pattani's Krue Se Mosque and a Cover Up Enquiry," (WWW-text; New Delhi, 6 May 2004); AI, *Report 2005* (2005) 250.]

TIMOR-LESTE

Efforts to bring Indonesian military and militia leaders to justice for the killing of an estimated 1,400 East Timorese after the 1999 referendum were frustrated in 2004 by lack of resources, poor cooperation on the part of Indonesia, and problems in East Timor's criminal justice system. East Timorese leaders, most notably President Xanana Gusmao, publicly stated their unwillingness to pursue justice through the courts, preferring instead a reconciliation-based approach. However, Foreign Affairs Minister and Nobel Prize Laureate José Ramos Horta publicly supported the idea of a United Nations (UN) commission to explore future options for justice. It was expected that by December 2004 or early 2005, UN Secretary-General Kofi Annan would announce the establishment of a commission of experts to be charged with assessing the successes and failings of both the Jakarta ad hoc trials on East Timor and the parallel process at Dili's Special Panels for Serious Crimes. The Commission for Reception, Truth and Reconciliation in East Timor (Comissao de Acolhimento, Verdade e Reconcilio de Timor Leste) was reportedly largely successful in its initial efforts to promote national reconciliation. The governments of Indonesia and Timor-Leste announced the establishment of a bilateral Truth and Friendship

Commission. Although the terms of reference had not been finalized, there were concerns that it might provide impunity for perpetrators of serious crimes committed in Timor-Leste in 1999. (See NCH #37.)
[Sources: HRW, *World Report 2005* (2005) 275-78, 291, 295-96; AI, *Report 2005* (2005) 251.]

See also Indonesia.

TOGO

Last Annual Report entry: see NCH #27 (2002).

TUNISIA

Last Annual Report entry: see NCH #23 (2001).

TURKEY

In November 1998, an attempt by the Islamist group Hilafet Devleti (Caliphate State), led since 1995 by Turkish preacher Metin Kaplan (1953-) (living in exile in Germany since 1980), to bomb Atatürk's mausoleum in Ankara on the 75th anniversary of the Turkish Republic failed. Atatürk abolished the kalifate in 1924 and transformed Turkey into a secular republic. In October 2004, Kaplan was extradited to Turkey, where he was to be tried for treason, although in May 2003 a German court had rejected diplomatic assurances offered by the Turkish government as insufficient. His trial started in December 2004.

[Source: HRW, *World Report 2005* (2005) 380]

On 13 November 2004, Hakan Albayrak (see NCH #36, #37) was released.
[Sources: AI, *Report 2005* (2005) 258; PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 64; HRW, *World Report 2005* (2005) 430.]

In February 2005, when a 1980 court ban on the publication of the letters and diaries of Atatürk's wife Latife Usakligil (Latife Hanim; married 1923-25; died in the 1970s) was lifted, Turkish officials decided against making them public. Many feared that disclosure of private details might tarnish Atatürk's image. The head of the Turkish History Foundation Yusuf Halacoglu said that Latife Usakligil's family

had demanded that the documents continued to be kept secret.

[Source: *BBC News Online*, 4 February 2005.]

In February 2005, charges were filed against Turkish novelist Orhan Pamuk for “anti-Turkish” statements about the 1915 Armenian genocide in an interview with the Swiss daily newspaper *Tagesanzeiger* on 6 February 2005. Pamuk reportedly declared that 30,000 Kurds and one million Armenians had died in the genocide. He had to interrupt his tour of lectures in Germany. In April 2005 he was threatened by extremists calling for the removal of his books from public libraries. During a “Respect the Flag” rally in Bilecek, his books were burnt in protest at the burning a few days earlier of the Turkish flag during Kurdish new year festivities. In a demonstration in Isparta, trade unionists tore his photograph to pieces.

[Source: PEN, *Rapid Action Network*, 11/05 (5 April 2005).]

On 2 March 2005, Ragip Zarakolu (1948-), co-founder and owner of *Belge* publishers and one of the founders of the History Foundation, was taken to court on various charges formulated in December 2004, including publication of a translated version of *The Truth Will Set Us Free: Armenians and Turks Reconciled*, a book by Armenian writer George Jerjian about the 1915 Armenian genocide. The book was considered insulting to the State and to the memory of the founder of the Republic Atatürk, as it reportedly claimed that leading government figures close to Atatürk had been responsible for the mass deportation of Armenians in 1915. The trial was postponed until May 2005.

[Sources: PEN, *PEN/IPA Observe Trials of Fikret Baskaya and Ragip Zarakolu* (28 February 2005); PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 63.]

A conference about the 1915 Armenian genocide, due to start on 25 May 2005 at Bosphorus University, Istanbul, was postponed after Minister of Justice Cemil Cicek had said in parliament on 24 May that the conference was a “stab in the back of the Turkish people” and that “We must end this treason, the spreading of propaganda against Turkey by the people who belong to it.”

[Source: A.J. Yackley, “Turkey Postpones Conference on Armenian Killings” (WWW-text; Reuters 25 May 2005).]

On 6 June 2005, the European edition of *Time Magazine* carried a dvd, sponsored by the Chamber of Commerce of Ankara, with a 70-minutes documentary entitled *Sari Gelin* (The True Story) in which the 1915 genocide was denied and Armenian atrocities against Turks emphasized.

[Source: *Time Magazine*, 6 June 2005.]

See also Greece.

TURKMENISTAN

Last Annual Report entry: see NCH #37 (2004).

UGANDA

In January 2004, the Prosecutor of the International Criminal Court (ICC) announced that he would take steps to investigate and prosecute war crimes and crimes against humanity committed in the conflict in northern Uganda. This followed a request from the Ugandan government at the end of 2003 for the ICC to investigate crimes committed by the armed opposition Lord's Resistance Army (LRA). In July the ICC Prosecutor indicated that he would investigate crimes by both the LRA and government forces. The government pledged its support for the ICC investigations and published the ICC Bill to implement the ICC Statute in domestic law. The Bill had not been enacted by the end of 2004. In November, during government efforts to resolve the conflict, officials announced that if LRA leaders were to stop fighting and engage in internal reconciliation mechanisms, the state could withdraw its case from the ICC. However, it is unclear whether a state party which has referred a case to the ICC can withdraw the referral.

[Source: AI, *Report 2005* (2005) 15-16, 261-62.]

UKRAINE

Last Annual Report entry: see NCH #5 (1996).

UNITED KINGDOM

Last Annual Report entry: see NCH #37 (2004).

UNITED STATES

In 1996 human remains were unearthed near Kennewick, Washington. Initial radiocarbon dating

indicated that the skeleton, nicknamed the Kennewick Man, was 9,200 years old and not American Indian but Caucasoid. The Army Corps of Engineers took custody of the skeleton and determined that, in accordance with the 1990 Native American Graves Protection and Repatriation Act (NAGPRA), the remains should be returned to the Umatilla tribe - which claimed to be culturally affiliated with the remains - for burial according to traditional beliefs without further scientific study. In 1997, a group of eight scientists, led by archeologist Robson Bonnichsen at Oregon State University, filed suit (*Bonnichsen v. U.S. Department of the Army*) to halt the repatriation. They claimed that NAGPRA was unconstitutional and violated their right to scientific inquiry. In 2004, a federal judge ruled that the Umatilla tribe could not show “cultural affiliation” to the Kennewick Man and therefore could not claim the remains.

[Sources: R., Dalton, “Law Change Imperils Studies of Ancient Human Remains”, *Nature*, 14 April 2005: 810; D. Nelkin & L. Andrews, “Do the Dead Have Interests? Policy Issues for Research after Life,” *American Journal of Law and Medicine*, 24, nos. 2-3 (summer-fall 1998), 272-73.]

In 2004, declassified government documents revealed the strong support given by former Secretary of State Henry Kissinger to the Argentinean military junta in 1976, at a time when the junta was responsible for massive human rights abuses.

[Source: HRW, *World Report 2005* (2005) 190.]

On 4 October 2004, Ralph Begleiter, CNN’s world affairs correspondent until 1999 and professor of journalism and political science at the University of Delaware, filed suit under the Freedom of Information Act (FOIA) to make public photographs and videos of the honor guard arrival and transfer ceremonies at Dover Air Force Base for servicemen and women killed in the Afghanistan and Iraq wars since October 2001. The lawsuit challenged the censorship policy initiated by the Defense Department (Pentagon) in 1991, which reversed the traditional American practice of honoring the fallen in solemn public ceremonies centered on flag-draped caskets. Begleiter declared that he wanted the American people to be allowed to accurately and completely assess the price of war. He challenged the Pentagon’s claim that personal privacy was the reason to censor because the pictures did not identify individual soldiers and the Pentagon had selectively allowed or released pictures when it suited its political goals. In response to the FOIA request and the lawsuit, the Pentagon released more than 700 of these images in April 2005. Many of the images showed evidence of censorship, which the Pentagon said was intended to conceal identifiable personal information of military personnel involved in the ceremonies.

[Source: National Security Archive, *Update* (4 October 2004, 28 April 2005).]

On 22 December 2004, historian Larry Berman, professor at the University of California, Davis, and author of three books on the Vietnam war, filed suit against the Central Intelligence Agency (CIA) under

the Freedom of Information Act (FOIA), seeking release of ten President's Daily Briefs (PDBs) given to President Lyndon Johnson during the war in Vietnam. Berman challenged the CIA's "blanket policy" of refusing to release any PDBs, even historical ones that risk no damage to national security. The CIA's denial of Berman's FOIA request claimed that the PDBs were predecisional documents protected by deliberative process privilege; but Berman's counsels pointed out that the CIA was precluded by law from giving the President policy advice and declared that "[T]he CIA policy distorts history and undermines the credibility of the secrets that should be kept." During the suit, CIA information review officer Terry Buroker did not explain why thirty PDB's or excerpts of PDB's already had been publicly released without any harm.

[Source: National Security Archive, *Professor Sues CIA for President's Daily Briefs* (update; Washington 17 December 2004, 6 May 2005).]

In January 2005, the National Security Archive commented on the Central Intelligence Agency (CIA)'s decennial review of CIA record categories that, since 1984, have been exempt from search and review under the 1966 Freedom of Information Act (FOIA). It urged that the CIA open a number of histories about publicly acknowledged CIA activities and operations that concern CIA components that no longer exist, that it declassify records concerning eleven acknowledged covert operations, and that it adopt its own history staff's recommendation of 1994 that all operational files older than forty years be subject to FOIA search and review.

[Source: National Security Archive, *Public Interest in Hidden CIA Operational Records Is High* (update; Washington 21 January 2005).]

When in the spring of 2005 Nicaraguan historian Dora María Tellez wanted to take up her post as the Robert F. Kennedy visiting professor in Latin American Studies, Divinity Department, Harvard University, she was denied a visa on the grounds that she had been involved in "terrorism". As a young medical student in Nicaragua, she became a *comandante* of the leftwing Frente Sandinista de Liberación Nacional in its campaign to topple dictator Anastasio Somoza Debayle (reigned 1956-79). She became minister of health in the first elected Sandinista administration.

[Source: NEAR, "US Denies Visa to 'Terrorist' Nicaraguan Professor" (WWW-text 4 April 2005).]

See also Argentina, Belarus, Canada, Chile, Kuwait.

URUGUAY

In 2004, limited action was taken to bring to justice those responsible for past human rights violations.

President-elect Tabaré Vázquez Rosas promised to implement Article 4 of the 1986 Expiry Law. The article, which obliged the executive to order immediate investigations into any cases of “disappearance” referred to it by the courts, had never been enforced. However, taken as a whole, the Expiry Law sanctioned impunity by exempting from punishment police and military personnel responsible for human rights violations committed before March 1985, in blatant violation of Uruguay’s international obligations. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 272.]

Legal proceedings continued against former Minister of Foreign Affairs Juan Carlos Blanco for the unlawful imprisonment of Elena Quinteros Almeida who “disappeared” in 1976. Juan Carlos Blanco was also summoned to testify, together with former President Juan María Bordaberry, at the investigation into the murders of senator Zelmar Michelini and deputy Héctor Gutiérrez Ruiz in Argentina in 1976.

[Source: AI, *Report 2005* (2005) 272.]

UZBEKISTAN

The 2004 list of topics to be banned reportedly included making “any critical comments about folk traditions, or express opinions about the history of Uzbekistan that in any way deviate from official ideology.”

[Source: IOC 1/05: 170-73.]

VATICAN

Last Annual Report entry: see NCH #37 (2004).

VENEZUELA

Last Annual Report entry: see NCH #37 (2004).

VIETNAM

In July 2004, military historian Pham Que Duong (see NCH #37) was convicted in a closed trial to nineteen months' imprisonment on charges of "abusing democratic rights to jeopardize the interests of the State, and the legitimate rights and interests of social organizations and citizens." Since he had already spent that time in pre-trial detention, he was released on 29 July 2004.

[Sources: *Ifex Communiqué*, 3 August 2004; Committee To Protect Journalists, "Writer Pham Que Duong Sentenced to 19 Months in Prison" (WWW-text; 14 July 2004); AI, *Report 2005* (2005) 277.]

In November 2004, tensions escalated when authorities prevented Buddhist scholar Thich Quang Do (see NCH #37) from visiting Thich Huyen Quang (Supreme Patriarch of the Unified Buddhist Church of Vietnam) who was severely ill in hospital, and summoned him for questioning on allegations of "appropriating state secrets".

[Source: HRW, *World Report 2005* (2005) 336.]

In January 2005, Nguyen Dinh Huy, a high school teacher of history and English, journalist, and editor (see NCH #23) was released as part of a general amnesty to mark Tet, the Lunar New Year.

[Source: PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 47-48.]

YEMEN

Last Annual Report entry: see NCH #32 (2003).

ZIMBABWE

Last Annual Report entry: see NCH #37 (2004).

See also Ethiopia.

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; the Network of Education and Academic Rights [NEAR, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

AFGHANISTAN

Little action was taken to bring to justice perpetrators of serious abuses in the past. Many of those holding central and regional government posts were allegedly responsible for human rights violations committed during the armed conflict (1978-2003). In February 2003, the United Nations Special Rapporteur on Extrajudicial Executions proposed the establishment of an international commission of inquiry into abuses in Afghanistan since 1978, a proposal supported by the Afghan Independent Human Rights Commission (AIHRC; formed in June 2002). However, the proposal was opposed by a majority of governments, and the United Nations Commission on Human Rights then failed to endorse the proposal. Despite this setback, the AIHRC continued their efforts to map past abuses. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 146.]

ALGERIA

No full, independent and impartial investigations were carried out into crimes against humanity committed by security forces, state-armed militias or armed groups since 1992. The crimes included thousands of cases of extrajudicial execution, deliberate and arbitrary killings of civilians, torture and

ill-treatment and “disappearances”, most of which occurred between 1994 and 1998. The authorities continued to deny that state agents had been responsible for a pattern of “disappearances”. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 273-74.]

ARGENTINA

In May 2003, two judges of the Federal Court in La Plata declared that crimes against humanity are not subject to any statute of limitations. The judges revoked the dismissal of the case against a former police officer accused of destroying information from the morgue of the Buenos Aires Police Headquarters about the causes of death of people who had “disappeared”. The judges stated that crimes that occurred during military rule (1976-83) linked to crimes against humanity can be investigated and punished. In July, President Néstor Kirchner repealed Decree 1581/01 which prohibited the extradition of individuals allegedly involved in human rights violations in 1976-83. In August 2003, the Senate declared the 1986 Full Stop and 1987 Due Obedience Laws null and void. These laws had blocked the investigation of thousands of cases of human rights abuses committed in 1976-83. In October, the Supreme Court referred the issue of the constitutionality of these laws to the Appeal Court. A ruling was pending at the end of 2003. In December, a German prosecutor issued an international arrest warrant for former Argentine President Jorge Videla, who was accused of involvement in the killing of two German citizens in 1976 and 1977 respectively. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 14, 94-95, 97-98, 128.]

BAHRAIN

More than 30,000 people were reported to have petitioned King Hamd bin Issa Al Khalifa in May 2003 to repeal Decree No. 56 of October 2002. The decree effectively granted impunity to anyone who had committed human rights violations before February 2001. The petition also called on past allegations of torture to be investigated and for victims to be compensated.

[Source: AI, *Report 2004* (2004) 276.]

BANGLADESH

On 12 January 2004, a bomb blast killed at least two people and injured about thirty, while thousands

of devotees were chanting Quran verses and singing Islamic songs during a festival at the 700-year old shrine of Muslim saint Hazrat Shah Jalal (d. 1346) in Sylhet. According to legend, the saint, who came from Yemen to preach Islam, transformed the evil followers of the local king into fish. In an incident at the shrine in December 2003, 500 fish were poisoned in a pond.

[Source: “Bangladesh Shrine Bomb Kills Two”, *BBC News* (12 January 2004.)]

On 27 February 2004, Humayun Azad (?1947-), leading writer and lecturer at Dhaka University, was stabbed by unidentified assailants. He went into a coma. The attack was reportedly connected to death threats he received following the publication of *Pak Sar Zamin Saad Baad* (the first line of the Pakistani national anthem), his novel about religious groups in Bangladesh who collaborated with the Pakistani army during the 1971 independence war. In December 2003, a group had called for his arrest. In January 2004, a member of Jamaat e Islami had demanded in parliament the introduction of a blasphemy law to ban such publications. (See NCH #35.)

[Sources: AI, *Public Statement* (4 March 2004); PEN, *Rapid Action Network 7/04* (8 March 2004)].

See also Pakistan.

BELGIUM

Legislation enacted in 1993 and amended in 1999 made provision for Belgian courts to exercise universal jurisdiction over genocide, crimes against humanity, and war crimes in international and internal conflicts, wherever the crimes were committed and whatever the nationality of the accused and the victims. Those facing charges included past and present heads of state. Amendments to the law were made in April and July 2003 and approved by parliament in August; they limited the law to cases directly connected with Belgium through the accused or victims. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 71-72, 209-10.]

See also Chad.

BOSNIA HERZEGOVINA

Impunity for human rights violations remained endemic. Thousands of “disappearances” which occurred during the 1992-95 war remained unresolved. In March 2003, the Human Rights Chamber reached a decision in the case of 49 relatives of the “disappeared” from the former “protected area”

of Srebrenica who had brought an application against the authorities of the Republika Srpska (RS; a semi-autonomous entity in Bosnia-Herzegovina). The Chamber expressly recognized the continuing pain of the relatives of the “disappeared” and concluded that the RS had done almost nothing to relieve their agony. It held that this inaction by the RS authorities amounted to a violation of the relatives’ fundamental human rights and ordered the RS to disclose all information relevant to establishing the fate and whereabouts of the “disappeared” without further delay. The RS was instructed to conduct a full and thorough investigation into the human rights violations at Srebrenica, to bring those responsible to justice and to pay two million euros in compensation for the collective benefit of all applicants and families of Srebrenica victims. Subsequently, the Chamber refused to consider over 1,800 further applications filed by other Srebrenica relatives, as it was decided that the March ruling would apply to all victims collectively. In September, the RS authorities sent a reply to the Chamber which proposed, inter alia, the establishment of an independent commission of inquiry into the events which took place in and around Srebrenica between 10 and 19 July 1995. (See NCH #27.)

[Source: AI, *Report 2004* (2004) 211.]

In June 2003, the Peace Implementation Council (PIC; an intergovernmental body responsible for monitoring the implementation of the 1995 Dayton Peace Agreement) endorsed a proposal by the Office of the High Representative (nominated by PIC’s Steering Board) to abolish the Human Rights Chamber and to establish a special chamber for war crimes in the new State Court, to be operational from 2004. It was envisaged that the War Crimes Chamber would include international judges and prosecutors for a period of three to five years, after which it would be entirely staffed by local officials. The proposal did not take into account the regional nature of the war and the fact that many perpetrators, as well as material evidence relating to these crimes, remained in neighboring states, beyond the reach of the Bosnian criminal justice system.

[Source: AI, *Report 2004* (2004) 210-11.]

The International Criminal Tribunal for the former Yugoslavia (ICTY) continued to try alleged perpetrators of serious human rights violations, including Slobodan Milosevic, former president of the Federal Republic of Yugoslavia (Serbia and Montenegro). (See NCH #32.)

[Source: AI, *Report 2004* (2004) 211.]

See also Croatia, Serbia and Montenegro.

BRAZIL

See Paraguay.

BURKINA FASO

No progress was reported in the judicial investigation commission promised in early 2002, after the human rights organization Burkanibè Movement for Human and Peoples' Rights reported that 106 bodies had been found between October 2001 and January 2002. The organization alleged that the victims had been executed by security forces during an operation launched in October 2001.

[Source: AI, *Report 2004* (2004) 33.]

CAMBODIA

In 2003, the United Nations (UN) resumed negotiations with the Cambodian government on the establishment of a criminal tribunal to bring to justice suspected perpetrators of gross human rights violations during Khmer Rouge rule (1975-79). A revised draft agreement, endorsed by the UN General Assembly in May but not yet formally ratified by the Cambodian legislature, provided for the establishment of Extraordinary Chambers in Cambodian courts with international assistance. Amnesty International commented that serious flaws remained which threatened the integrity of the legal process and set a dangerous precedent for other future international or mixed tribunals. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 152.]

CHAD

In 2003, Belgian and Chadian courts continued judicial investigations into human rights violations including "crimes of torture, murder and enforced disappearance" allegedly committed by former President Hissene Habré and others (1982-90). A case against Habré (who lived in Senegal) proceeded in Belgium despite restrictions to the law on universal jurisdiction. Reportedly, related investigations in Chad did not result in charges against Habré. In 2001, Senegalese President Abdoulaye Wade had announced his readiness to hand over Habré to stand trial in a third country for gross human rights violations (See NCH #32.)

[Source: AI, *Report 2004* (2004) 40, 73.]

See also Belgium.

CHILE

In June 2003, the trial began of five former members of the armed forces charged with illegally exhuming the remains of fourteen people who had been taken from La Moneda presidential palace following the military coup of 11 September 1973. The remains were reportedly removed from a grave in the north of the Metropolitan Region in December 1978 and dumped in the sea. It was the first time that the crime of unlawful exhumation was prosecuted in Chile.

[Source: AI, *Report 2004* (2004) 106.]

In August 2003, President Ricardo Lagos announced plans for dealing with the legacy of human rights violations committed during the military government (1973-90). The proposals included possible immunity from prosecution for people currently not charged or on trial who present themselves before courts to supply information on the whereabouts of victims or the circumstances of their “disappearance” or death; possible immunity from prosecution for military personnel arguing they were acting under orders; the transfer to civil courts of all cases of human rights violations committed in 1973-90 currently under trial in military courts; and the establishment of a committee to examine cases of torture. The plans did not include the annulment of Decree Law 2191 of 1978, known as the Amnesty Law, which has obstructed the attainment of truth, justice, and full reparations for victims, but instead proposed that courts continue to decide on the Amnesty Law’s application. In October, three draft bills based on the proposals were submitted to Congress. Human rights organizations, victims and relatives rejected the plans, arguing that they would fail to bring a complete end to impunity. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 106.]

CHINA

In February 1998, Tohti Tunyaz (pen name: Tohti Muzart) (1959-), an Uighur historian and writer, was arrested in Urumqi, Xinjiang, when returning to China to visit his relatives, collect source materials, and do research. Tohti was born in Kashgar and graduated from the Central Institute of Nationalities history department, Beijing (1984). He was later assigned to work for the China National Standing Committee, and he was studying for a Ph.D. in Uighur history and ethnic relations in nineteenth- and

twentieth-century China at Tokyo University Graduate School of Humanities, Japan (1994-). His works on Uighur history included one book published in China and several papers published in Japan. In November 1998, he was charged with “leaking confidential documents” because he had received a copy of a single fifty-years-old list of documents relating to the second East Turkestan (Xinjiang) Independence Movement of 1944 from a clerk working at the archives and officially authorized to do so. Tohti was also charged with “instigating national disunity” because he had allegedly published a book in Japan in 1998, entitled *The Inside Story of the Silk Road*, advocating “ethnic separatism”—but his Japanese supervisor Sato Tsugitaka insisted that no such book exists (although the Japanese publisher Sofukan had approached Tohti with a plan, not accepted by Tohti, to publish a book). In March 1999, Tohti was tried and, following an appeal, sentenced by the Supreme Court in March 2000 to eleven years’ imprisonment and two years’ deprivation of political rights. On 17 May 2001, the United Nations Working Group on Arbitrary Detention concluded that Tohti was “arbitrarily detained.” (See NCH #22, #22ii, #22iii.)

[Source: United Nations Commission on Human Rights, *Civil and Political Rights, Including the Questions of Torture and Detention--Opinions Adopted by the Working Group on Arbitrary Detention: Opinion no. 7/2001 (China)* (E/CN.4/2002/77/Add.1; Geneva 2001) 50-54.]

In June 2000, computer engineer Huang Qi (1964-), who in June 1998 had created a website to help find missing persons and reunite families, and which included information on the Tiananmen massacre of June 1989, was arrested on charges of separatism and inciting subversion against the state. In August 2001, he was secretly tried, but no verdict was announced. At a closed hearing in Chengdu, Sichuan, in May 2003, he was sentenced to five years’ imprisonment and one year of suspension of political rights for the crimes of “splitting the country” and subversion. He was reportedly ill-treated in prison. His sentence was upheld on appeal in August. (See NCH #32.)

[Sources: *IOC* 1/04: 136; AI, *Report 2004* (2004) 155.]

In December 2002, Ouyang Yi (1968-), a former secondary-school teacher and a dissident from the banned China Democracy Party, was detained in Chengdu, Sichuan, after signing an open letter calling for political reforms, the reversal of the official condemnation of the 1989 Tiananmen massacre, and the release of the students convicted after it. In January 2003, Ouyang was charged with “inciting the overthrow of state power” and in March 2004 sentenced to two years’ imprisonment.

[Sources: *Ifex Communiqué 11-49* (17 December 2002); *IOC* 2/03: 149; *IOC* 4/03: 130; PEN, *Half-Yearly Caselist* (2003): 81-82; Human Rights in China, *Internet Activist Ouyang Yi Formally Arrested* (15 January 2003.)]

In August 2003, former history student and Xian-based dissident Zhao Changqing (1967-) was sentenced to five years' imprisonment (See NCH #32.)

[Source: *IOC* 4/03: 130.]

In November 2003, Liu Di (1979-) was released (See NCH #32.)

[Sources: PEN, *Rapid Action Network*, 1 December 2003; AI, *Report 2004* (2004) 155.]

On 24 February 2004, Jiang Yanyong (?1932-), an army surgeon in Beijing who witnessed the 1989 Tiananmen massacre, wrote a 4,700-word letter to the National People's Congress describing the scenes he had seen and appealing for an official reevaluation of the massacre. Thousands signed the letter to support him. Some websites posting the Chinese version of the letter were blocked.

[Sources: Independent Chinese PEN Centre, "Petition Letter on Behalf of the Tiananmen Mothers Ding Zilin, Zhang Xianling and Huang Jinping" (WWW-text; 29 March 2004); *IOC* 2/04: 124.]

On 28 March 2004, Ding Zilin and two other so-called Tiananmen Mothers, Zhang Xianling and Huang Jinping, were arrested by the police for "their alleged involvement in activities to endanger national security." The reasons were, reportedly, that they had published video testimonies of the 1989 Tiananmen massacre and planned to submit a report on those missing after the massacre to the sixtieth session of the United Nations Commission on Human Rights then in progress in Geneva. Their arrest also came shortly before the traditional grave-sweeping festival Qing Ming, in which families visit ancestral graves and commemorate the dead. The festival had been used by the Tiananmen Mothers (a group of around 124 relatives) in the past. (See NCH #17.)

[Sources: Independent Chinese PEN Centre, "Petition Letter on Behalf of the Tiananmen Mothers Ding Zilin, Zhang Xianling and Huang Jinping" (WWW-text; 29 March 2004); Radio Free Asia, "China Detains Tiananmen Mothers Ahead of Festival, Anniversaries" (WWW-text; 30 March 2004.)]

COLOMBIA

In September 2003, criminal investigations were reportedly initiated against five members of the non-governmental organization Comisión Inter-eclesiástica Justicia y Paz (Inter-ecclesiastical Justice and Peace Commission). These proceedings were the latest in a string of threats and harassment against commission members. They followed a Constitutional Court decision to allow the commission to participate in judicial proceedings into over 200 human rights violations committed by paramilitaries operating in conjunction with the army's XVII Brigade in 1997 and 1998.

[Source: AI, *Report 2004* (2004) 109.]

CONGO (Democratic Republic)

The transitional Constitution established a number of civil institutions to support progress towards democracy, including a Truth and Reconciliation Commission (TRC). The TRC lacked sufficient independence, proper resources and a clear mandate. One individual suspected of involvement in human rights abuses was appointed to the TRC executive committee. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 42.]

CONGO (Republic)

In April 2003, the government asked the International Court of Justice (ICJ) in The Hague to rule that French courts have no jurisdiction over investigations or prosecutions of Congolese government and security officials, including President Denis Sassou-Nguesso. In a case lodged in a French court in late 2001, the officials were accused of responsibility for the May 1999 “disappearance” of at least 353 refugees returning from the neighboring Democratic Republic of the Congo. In June, the ICJ dismissed the government’s case. However, no official was brought to justice. Investigations in the country into the “disappearances” had not been concluded by the end of 2003. In November, the government had reportedly demanded that the United Nations High Commissioner for Refugees provide documents relating to the return of refugees in 1999.

[Source: AI, *Report 2004* (2004) 45.]

CROATIA

Both Serb and Croat war crimes suspects were transferred to the custody of the International Criminal Tribunal for the former Yugoslavia (ICTY). Other suspects continued to evade arrest, some apparently protected by the Croatian authorities. The ICTY rejected a proposal (reportedly made by President Stipe Mesic) for retired Croatian Army General Ante Gotovina, charged with command responsibility for crimes against humanity and war crimes against the Krajina Serb population in 1995, to be surrendered in exchange for a revision of the indictment against him. Increasingly, Croats as well as Serbs were brought to trial on war crimes charges before national courts. However, witnesses remained at risk of intimidation and harassment. The Croatian Government Commission on

Missing Persons was still searching for over 1,200 “disappeared” people. Those responsible remained unidentified. Cooperation continued between the Croatian government and neighboring Serbia and Montenegro in exhuming bodies buried in Serbia and returning them to Croatia for identification and final burial. In June the Government Commission said that a total of 200 bodies of Croats had been exhumed. The Bosnian Commission for Missing Persons was reportedly still searching for dozens of people missing in Croatia. (See NCH #23.)

[Source: AI, *Report 2004* (2004) 214-16.]

See also Bosnia-Herzegovina, Serbia and Montenegro.

CYPRUS

See Greece.

EL SALVADOR

Those responsible for human rights violations during the armed conflict (1980-91) and since were not brought to justice. In January 2003, the United Nations Working Group on Enforced or Involuntary Disappearances reported on the lack of progress by the government in investigating “more than 2,000 [“disappearance”] cases pending”. The National Assembly did not support efforts by relatives of victims and non-governmental organizations to create a national committee to search for “disappeared” children. The success of the organization Pro-Búsqueda de Niñas y Niños Desaparecidos (Association for the Search for Disappeared Children), established by the relatives of “disappeared” children, in reuniting such children with their biological families provided strong evidence both of the violations and of the fact that many of the children were still alive. (See NCH #23, #27.)

[Source: AI, *Report 2004* (2004) 95, 115.]

In December 2003, a monument to the victims of human rights violations during the armed conflict (1980-91) was inaugurated as a result of the efforts of the families of the victims. The monument was a recommendation of the Truth Commission which the authorities had failed to implement.

[Source: AI, *Report 2004* (2004) 115.]

ETHIOPIA

In 2003 the trial continued of 33 senior officials of the former Dergue government (1974-91) for “genocide”, murder, torture and other crimes. The Zimbabwean government continued to refuse to extradite former President Mengistu Haile Mariam to face trial. Trials also continued of up to 1,000 less senior officials accused of killing members of former Emperor Haile Selassie’s government (1930-74) and thousands of “anti-revolutionaries” during the government’s “Red Terror” atrocities (1977-78). According to official figures in mid-2003, since the trials began in 1994, 1,017 defendants had been tried, 552 had been convicted, and 3,426 were still awaiting trial. During 2003, six were sentenced to death and others to prison terms. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 52.]

FIJI

Racial intolerance toward the mainly Indo-Fijian non-indigenous community was linked to an attack on a Hindu temple, the 44th Hindu temple reported to have been burned down, damaged, or desecrated since the 2000 coup.

[Source: AI, *Report 2004* (2004) 157.]

FRANCE

On 16 June 2004, it was sixty years ago that historian and co-founder of the *Annales* Marc Bloch (1886-1944) was executed by the Gestapo near Lyons.

[Source: A. De Baets, “Resistance to the Censorship of Historical Thought in the Twentieth Century”, in: S. Sogner, ed., *Making Sense of Global History* (Oslo 2001) 390.]

GERMANY

See Argentina, France.

GHANA

In January 2003, hearings began of the National Reconciliation Commission. Established by the government in 2002, its task was to compile a record of human rights abuses committed during Ghana's periods of unconstitutional rule since independence in 1957, and to make recommendations for reparations and reforms. The law establishing the commission did not require it to make its findings and recommendations public. Most of the people making statements in hearings before the commission were victims of human rights violations under the military government headed by Flight Lieutenant, later President, Jerry Rawlings (1979, 1981-2001). (See NCH #27.)

[Source: AI, *Report 2004* (2004) 53.]

GREECE

On 3 May 2004, Greek state television ET-3 canceled the scheduled showing of the documentary "The Other Side" (produced by journalist Fani Toupalgiki for ET-3), which presented the events of 1963-74 in Cyprus from the angle of Turkish-Cypriots. The documentary was reportedly seen as "anti-national" and "dangerous". Its cancellation was allegedly the result of an intervention from the prime minister's office, possibly in connection with the forthcoming visit of Turkish Prime Minister Recep Tayyip Erdogan to Greece. In January 2004, ET-3 withdrew its participation as co-producer of a documentary on a convicted war criminal.

[Source: Greek Helsinki Monitor, *Ifex Alert* (4 & 7 May 2004).]

GUATEMALA

During 2003, General Efraín Ríos Montt faced lawsuits both in Guatemala and abroad in connection with army-led massacres carried out while he was head of state (1982-83, one of the most repressive periods of the army's rural counter-insurgency campaign). In 1999 the United Nations-sponsored Comisión para el Esclarecimiento Histórico (CEH; Historical Clarification Commission) judged that these massacres had constituted genocide. Despite provisions in the Constitution barring those who gained office through a coup from contesting the presidency, the Constitutional Court ruled in July 2003 that Ríos Montt could stand as candidate for the Frente Republicano Guatemalteco (Guatemalan Republican Front), of which he was a founder member, in the presidential elections. He failed to make it through to the second round in December 2003. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 116-17.]

Suits for genocide and crimes against humanity filed in Guatemala and abroad against the former

governments of General Romeo Lucas García (1978-82) and Efraín Ríos Montt (1982-83) continued to be accompanied by intimidation and reprisals against the human rights organizations and forensic experts in the cases. (See NCH #32.) In March 2003, the government signed an agreement to establish a commission to investigate clandestine structures responsible for attacks on human rights defenders, lawyers, judges, prosecutors, witnesses, journalists, and others. It was scheduled to be established in 2005 as soon as Congress had approved several important legal reforms.

[Source: AI, *Report 2004* (2004) 95, 117.]

In October 2003, the Constitutional Court rejected the 2002 reversal of guilty verdicts passed in 2001 against three military officers for the extrajudicial execution of Bishop Juan Gerardi. The bishop was killed in 1998, two days after presenting the Guatemalan Roman Catholic Church's findings on abuses during the conflict years (1960-96). One of the three officers convicted in 2001 was murdered in prison in January 2003, allegedly as he was about to implicate other officers in the murder. In October, Erick Urizar Barillas became the 14th witness to the bishop's death to be killed. An appeal in this case was pending at the end of 2003. (See NCH #13, #32.)

[Source: AI, *Report 2004* (2004) 117.]

In October 2003, the Estado Mayor Presidencial (Presidential High Command), the military intelligence structure involved in human rights abuses during the country's armed conflict and implicated in high-profile human rights cases, was abolished, to be replaced by a civilian agency. Civil patrols, responsible for grave abuses while serving as the army's civilian adjuncts during the conflict years, remobilized and held violent demonstrations demanding compensation for their wartime service. Human rights groups and government officials opposing their demands were threatened. Payments were subsequently made to them by the government of President Alfonso Portillo. However, comprehensive reparations for the victims of violations by army and civil patrols had not been agreed by the end of 2003. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 116-17.]

HUNGARY

In October 2003, the deputy director of the municipal office of Piliscsaba, Pest county, after being presented with data on the number of Roma in the community, reportedly stated: "Oh Lord, there are so many of them here, I wish Hitler had started his project with Gypsies". She was suspended and a disciplinary procedure was initiated.

[Source: AI, *Report 2004* (2004) 226.]

On 21 January 2004, Andras Bencsik, chief editor of the weekly *Magyar Demokrata*, was imprisoned for ten months for defaming Democrat Member of Parliament Imre Mecs in articles alleging that he had betrayed Hungarian members of the resistance to the Soviet occupiers during the uprising of October-November 1956 and that four of them had been executed as a result. A second reporter, Laszlo Attila Bertok, was given an eight-month suspended sentence.

[Source: *IOC 2/04*: 130.]

INDIA

In 1996, the Supreme Court had ordered the National Human Rights Commission (NHRC) to examine the findings of the Central Bureau of Investigations that 2,097 people had been illegally cremated by police officials in the Amritsar district, Punjab. The cremations took place following widespread “disappearances” in police custody and possible extrajudicial executions in the mid-1990s. In 2003, the state of Punjab had only just begun to file its affidavits on cases under examination by the NHRC. (See NCH #32.)

[Source: *AI, Report 2004* (2004) 160.]

On 6 December 1992, a mosque in the sacred city of Ayodhya, Uttar Pradesh, built by Mughal emperor Babar in 1528 allegedly by destroying a temple that stood at the birthplace of the Hindu deity Rama, was demolished by Hindu nationalists. In March 2002, the Lucknow High Court ordered the government-controlled Archaeological Survey of India (ASI) to excavate the site. In August 2003, ASI’s report concluded that remnants of a tenth- or eleventh-century temple once stood on the place of the demolished mosque. The scientific quality of the report, however, was heavily criticized and ASI was accused of tampering with the evidence. The release of the ASI report was followed by car bombs in Mumbai (Bombay) in which more than a hundred people died. In October 2003, thousands of cadres of the Vishwa Hindu Parishad (World Hindu Council) were prevented from staging a rally in Ayodhya in a government attempt to uphold the court order banning religious activity on or near the site. (See NCH #27, #32.)

[Sources: A. Charan, “Ayodhya: Digging Up India’s Holy Places”, *History Today*, January 2004: 4, 6; *IOC 1/04*: 140; “An Attempt to Mislead and Misuse the Evidence: Interview with Professor Irfan Habib”, *Frontline*, 2003, no. 19 (WWW-text.)]

Shivaji: Hindu King in Islamic India (2003), a book about Maratha King Shivaji (1627-80) by American scholar James Laine, professor of religious studies at Macalester College, St. Paul,

Minnesota, was withdrawn by its publisher, Oxford University Press, in November 2003, after some scholars in Pune protested against it. In late December, some members of the radical Hindu nationalist political party Shiv Sena blackened the face of Shrikant Bahulkar, a scholar of the Bhandarkar Oriental Research Institute (BORI) in Pune, because he was mentioned in the book's preface. In protest, historian Gajanan Mehendale (?1928-), chief editor of the *BORI Cultural Index of Mahabharata*, tore up 400 unpublished pages of his Shivaji biography. Laine apologized for inadvertently causing offense. The latter's book was not a biography but a critical analysis of sources and stories that gave rise to the dominant narrative about Shivaji. On 5 January 2004, 250 members of the Sambhaji Brigade of the Maratha Mahasangh vandalized BORI, founded in 1917, in the belief that it contained a stock of the book. An estimated 30,000 ancient manuscripts, 18,000 ancient books and many palm leaf inscriptions were destroyed. The police rounded up around seventy activists. On 14 January, the Maharashtra Government banned Laine's book on public order grounds. On 18 March 2004, Gopinath Munde, former Maharashtra Deputy Chief Minister and Maharashtra president of the Bharatiya Janata Party, demanded that the State Government either banned Jawaharlal Nehru's *Discovery of India* (Calcutta 1946) or deleted its allegedly defamatory references to Shivaji. Congress Party spokesmen reacted saying that Munde misquoted the contents of the book and that Nehru had praised rather than criticized Shivaji. In his book, Nehru had written that Shivaji was "the ideal guer[r]illa leader of hardened mountaineers" and "the symbol of a resurgent Hindu nationalism drawing inspiration from the old classics, courageous, and possessing high qualities of leadership."

[Sources: *The Hindu*, 15 January, 19 March 2004 (WWW-text); J. Nehru, *The Discovery of India* (Calcutta 1946; 23rd ed., New Delhi 2003) 272-73; S. Raval, "Shivaji Spark", *India Today International*, 2 February 2004: 19; *IOC* 2/04: 130.]

INDONESIA

The trials of individuals charged with committing crimes against humanity in 1999 in what was formerly East Timor were described as a failure because they ended in acquittals or light prison sentences. (See NCH #32 under Timor-Leste.) Similar shortcomings emerged in other trials, such as the one dealing with the killing of Muslim protesters in Tanjung Priok, North Jakarta, in 1984, or with the killing of the leader of the Papuan civilian independence movement, Theys Eluay, in 2001.

[Source: AI, *Report 2004* (2004) 161-62, 163.]

See also Timor-Leste.

IRAN

On 14 July 2003, the death sentence for apostasy imposed on historian Hashem Aghajari (1957-) was commuted on appeal to four years' imprisonment. Aghajari also appealed against this sentence. On 15 February 2004, in an open letter from prison, Aghajari urged passive resistance in protest against the ruling by the Council of Guardians to bar some 2,500 pro-reform candidates from standing in the 19 February elections. On 3 May 2004, the Hamedan court reimposed the death penalty and sent the case back to the Supreme Court. On 1 June, the Supreme Court again revoked the sentence. (See NCH #28, #28ii, #28iii, #28iv, #28v.)

[Sources: AAAS Human Rights Action Network, *IR0219-agh*, 6 May 2004; *IOC 4/03*: 137; *IOC 2/04*: 131; "Iran Dissident Faces Death again", *BBC News World Edition*, 3 May & 1 June 2004.]

IRAQ

In April 2003, during the war with the United States and the United Kingdom, Iraqi ministerial archives, archeological sites and artifacts, and museum collections were damaged and looted, including the Iraq National Museum (some thousand art objects, especially of Mesopotamian origin, probably disappeared or were destroyed) and the Saddam Manuscripts Library (some 40,000 manuscripts were burned) in Baghdad, and museums in Mosul (housing finds from the ancient Assyrian capitals of Nimrud and Nineveh) and Tikrit. The national archives--including a collection of Qurans, rare books, and manuscripts, and archives from the Ottoman and independence periods and from the Iran-Iraq war--were burned during a fire which destroyed the National Library in Baghdad. University libraries in Mosul and Basra were looted.

[Sources include: "The Threat to World Heritage in Iraq: Heritage Destroyed" (WWW-text; Oxford March-April 2003); ICOMOS, *Heritage At Risk: World Report on Monuments and Sites in Danger 2002-2003* (Munich 2003) 113-27.]

Mass graves containing thousands of bodies were uncovered in many parts of Iraq. The victims were believed to have been executed by security forces in the 1980s, in the aftermath of the 1991 uprisings, and in early 2003. Many bodies were exhumed by people desperate to locate missing relatives. Many new Iraqi human rights groups were formed and documented past and present human rights violations. They worked in difficult circumstances and lacked resources and training. Little action was taken to address past human rights violations, including mass "disappearances", or to investigate and bring to justice those found responsible for committing crimes against humanity, genocide and

war crimes, or to provide for compensation and restitution to victims. However, in December, the Iraqi Governing Council (IGC) established the statute of the Iraqi Special Tribunal in order to try former President Saddam Husayn (1979-2003) and other former Iraqi officials. The tribunal may impose the death penalty. Also in December, the IGC set up a Committee on Truth and Reconciliation.

[Source: AI, *Report 2004* (2004) 281-82.]

See also Kuwait.

IRELAND

In December 2003, the report of Justice Henry Barron on the 1974 bombings in Dublin and Monaghan, which resulted in 33 deaths and many injuries, was published. The judge found that the bombings had been carried out by Loyalist paramilitaries from Northern Ireland and did not rule out the possibility that members of the British security forces had aided them. He found defects in the investigation by the Garda Síochána (police force.) He also found that numerous files were missing at the Department of Justice. (See NCH #27.)

[Source: AI, *Report 2004* (2004) 228.]

See also United Kingdom.

IVORY COAST

Despite commitments by all parties to the conflict to accept an international inquiry into human rights abuses since the September 2002 uprising, impunity remained the rule and fuelled further human rights abuses.

[Source: AI, *Report 2004* (2004) 47.]

JAPAN

In 2003 Japan warned North Korea that it could not expect substantial Japanese aid until the sensitive issue involving the alleged abduction of several hundred Japanese citizens by North Korean secret agents in the 1970s and 1980s was resolved. During a visit by Prime Minister Koizumi Junichiro to

Pyongyang in 2002, North Korea admitted to abducting thirteen Japanese nationals. (See NCH #32.)
[Source: AI, *Report 2004* (2004) 164, 166.]

The Japanese state was directly involved in the sexual slavery of many thousands of so-called “comfort women” during World War II. In April 2003, the Supreme Court dismissed an appeal filed by a group of South Korean “comfort women” demanding compensation from the Japanese government. The Court upheld the decision of the Hiroshima High Court in March 2001, which overturned a lower-court ruling ordering the Japanese government to pay compensation to some of the women. (See NCH #27.)

[Source: AI, *Report 2004* (2004) 19, 165.]

See also Peru.

JORDAN

On 16 January 2003, Muhannad Mubaideen, a journalist of the weekly magazine *al-Hilal* (The Crescent), was arrested following the publication on 14 January of his article entitled “Aisha in the Prophet’s Home” about the Prophet Muhammad’s wives (Aisha in particular) and his sexual life. He was charged with “insulting Islam”, “damaging the prestige of the state” (Jordan’s Hashemite rulers claim descent from the Prophet Muhammad’s family), and “destabilizing society by propagating perversity and false rumors”. On 17 February, Mubaideen, who maintained that his article was based on historical and religious references, was tried before the State Security Court and sentenced to eighteen months’ (later commuted to six months’) imprisonment, without recourse to appeal. *Al-Hilal* was banned for two months.

[Sources include: *BBC News Online* (WWW-text; London) 17 February 2003; Committee to Protect Journalists, *Two Journalists Released in Jordan; One Remains in Jail* (WWW-text; 2003 News Alert; New York 18 February 2003); PEN, *Rapid Action Network 8/03* (London), 19 February 2003; AI, *Report 2004* (2004) 288.]

KENYA

In April 2003, the Minister of Justice and Constitutional Affairs appointed a task force to consider a possible mechanism for transitional justice. In August, the task force, after public consultations, recommended the establishment by presidential decree of a Truth, Justice and Reconciliation

Commission. (See NCH #27.)

[Source: AI, *Report 2004* (2004) 56.]

In April 2003, the United Kingdom Military Police initiated criminal investigations into allegations that British soldiers had raped hundreds of Kenyan women during a period of 35 years in areas of central Kenya which were used as training grounds by the British army. In October, the allegations were debated in the Kenyan parliament.

[Source: AI, *Report 2004* (2004) 19, 57, 266.]

See also United States.

KOREA, NORTH

See Japan.

KOREA, SOUTH

See Japan.

KUWAIT

In March 2003, Iraqi and Kuwaiti officials held talks in Jordan with Saudi Arabian officials on the fate of at least 600 of their nationals missing since the 1991 Gulf War. Following the change of government in Iraq, forensic teams from Kuwait inspected mass graves in Iraq. By the end of 2003, the remains of at least 34 Kuwaiti prisoners of war were identified through DNA testing and returned to their families. The process of identifying remains was continuing at the end of 2003.

[Source: AI, *Report 2004* (2004) 290.]

On 30 November 2003, Kuwaiti writer, journalist and researcher Yasser al-Habib (?1973-) was abducted in a Kuwait City street by security forces, reportedly in connection with an audiocassette recording of a lecture he gave on Islamic historical issues to an audience of ten to twenty people in a private setting. His research reportedly relied heavily on Wahhabi references and texts and apparently angered hard-line Wahhabi groups who used their influence within the establishment, including the

National Assembly, to bring about the maximum punishment against al-Habib. On 20 January 2004, he was sentenced to one year of imprisonment for “questioning the conduct and integrity of some of the ‘companions’ of the prophet Muhammad”. In frail health, he was reportedly subjected to orchestrated violent attacks in prison by Wahhabi inmates. Amnestied by the Emir on 25 February, Kuwaiti National Day, he was at risk of imminent re-arrest and went into hiding. On 9 March, new charges were brought against him of violating state security laws. On 5 May, he was sentenced in absentia by the Kuwait Criminal Court to ten years’ imprisonment on charges attempting to overthrow the regime. On 4 June, a group of some twenty armed security guards raided al-Habib’s family home in search of him and assaulted his father. (See NCH #33, #33ii, #33iii, #33iv, #33v).

[Sources: PEN, *Rapid Action Network 56/03*, 16 December 2003, 9 February, 2 & 10 March, 18 June 2004.]

LIBERIA

On 4 June 2003, the Special Court for Sierra Leone issued an indictment against President Charles Taylor for crimes against humanity, war crimes and other serious human rights violations (killings, mutilations, rapes, and the use of child soldiers by Sierra Leone armed opposition forces RUF and AFRC that Taylor had supported in order to destabilize Sierra Leone and gain access to diamond resources) committed during Sierra Leone’s conflict. In August, Taylor went to Nigeria, which refused to extradite him.

[Source: AI, *Report 2004* (2004) 58, 70, 74-75.]

The August 2003 peace agreement provided for a Truth and Reconciliation Commission but also stated that the National Transitional Government of Liberia would consider a recommendation for general amnesty to all those engaged or involved in military activities during the conflict. (See NCH #17, #23.)

[Source: AI, *Report 2004* (2004) 60.]

See also Sierra Leone.

MALDIVES

After his release in August 2002, Member of Parliament and historian Mohamed Nasheed continued to be harassed. On 13 June 2003, two days after its publication, all copies of the book *Dhandikoshi*, a

history of the capital city's Dhandikoshi clan, were confiscated and the permit for its publication was revoked. (See NCH #27, #32.)

[Source: *IOC* 4/03: 141].

MEXICO

On 2 February 2003, the Ministry of Education Reyes Tamez Guerra announced that the textbook *Historia de México 3: Un enfoque analítico* (Esfinge Publishers, 1998?; History of Mexico: An Analytical Approach), written for third-year secondary school pupils by Claudia Sierra Campuzano (?1951-), historian and professor at the Escuela Nacional de Antropología e Historia of Cuernavaca, would be withdrawn from circulation after pressure from the National Union of Education Workers. The union had criticized the textbook, approved in 1998 and in use since 1999, after the newspaper *Reforma* had published some extracts in which the army was held responsible for the 1968 Tlatelolco massacre and three successive presidents were held accountable for having deepened poverty after introducing neo-liberal measures in 1982-2000. Two days later, amid much protest, the minister announced that the book was not withdrawn but that all textbooks would be revised. Initially banned from a Mexico City book fair, the book sold ten thousand copies in a few days after the minister's announcement. The attempt to ban the textbook was ascribed to the continuing influence of the PRI, the Institutional Revolutionary Party which had ruled Mexico from 1929 to 2000.

[Sources: R. Ponce, "Forcejeo por la historia", *Proceso*, 9 February 2003, 12-13; *Reforma*, 2, 4, 6, 8 February 2003; T. Weiner, "Mexico Digs at Last for Truth about 1968 Massacre", *New York Times*, 7 February 2003.]

The Special Prosecutor for past human rights violations, appointed in 2002, made limited progress in holding accountable those responsible for human rights violations from the 1960s to the 1980s. The Supreme Court made an important ruling against impunity. In April 2003, a judge in Nuevo León refused an arrest warrant for officials accused of kidnapping Jesús Piedra Ibarra in 1976 on the grounds that the crime was not imprescriptible. In November 2003, the Supreme Court reversed the decision, ruling that such crimes are continuous until the abducted person reappears, in agreement with international standards on "disappearances." The Special Prosecutor subsequently issued at least three arrest warrants for a number of former officials implicated in "disappearances". A Supreme Court ruling was still awaited on the constitutionality of Mexico's reservation to the Inter-American Convention on Forced Disappearance of Persons. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 127-28.]

MOROCCO/Western Sahara

In November 2003, King Mohammed VI approved a recommendation by the official human rights body to establish an Equity and Reconciliation Commission to look into “disappearance” and arbitrary detention cases in previous decades. The commission would follow up work already undertaken by the Arbitration Commission on Compensation, which had awarded compensation to some 4,500 victims or family members since its establishment in 1999. Several hundred people who “disappeared” after arrest between the mid-1960s and early 1990s remained unaccounted for. The vast majority were Sahrawis, arrested in the period immediately following Morocco’s annexation of Western Sahara in 1975. Not one person responsible for ordering or carrying out these “disappearances” has been prosecuted. (See NCH #23, #27, #32.)

[Sources: *IOC 1/04*: 148; *AI, Report 2004* (2004) 294, 296.]

NETHERLANDS

In August 2003, R. Bresser-Dukker (?1938-) started summary proceedings against the Foundation Digital Monument Jewish Community in the Netherlands and its director, historian Isaac Lipschits. The foundation planned to publish the names of all Dutch Jews who perished in World War II (more than one million), their addresses, the names of their family members, and some other biographical data on a special Internet website. Bresser-Dukker, who as a Jewish child spent the war in hiding, asked not to include the data of her grandparents and her father for reasons of privacy and because it caused her psychological damage. In addition, she found collective registration of Jews on the Internet reminiscent of wartime practices and liable to provoke anti-Semitism, and, therefore, no respectful way of remembrance. On 11 December, the judge ruled that Bresser-Dukker’s privacy was not threatened because she herself was not identifiable on the website, that many of the summary data of her deceased relatives were already published elsewhere on the Internet, and that the foundation planned to present the data to honor, not to defame, the victims. The judge said that for all these reasons priority should be given to the foundation’s freedom of expression.

[Sources: Amsterdam Court, *Kort Geding (Summary Proceedings) 03/1363 AB* (11 December 2003); H.W. von der Dunk, “Een digitaal monument is een smakeloze banalisering,” *Historisch Nieuwsblad*, April 2004, 38-39.]

NIGERIA

The killing of civilians at Odi, Bayelsa State, in 1999 and in Benue State in 2001 remained uninvestigated. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 69.]

In 2003, the findings of the Human Rights Violations Investigation Commission, known as the Oputa Panel, were still not made public. Established in 1999 to investigate human rights violations committed between 1966 and the return to civilian rule in 1999, it reported the findings of its public hearings and investigations in May 2002 to President Olusegun Obasanjo. The government had not published the report or its recommendations, and had made no public statement about plans for implementing the recommendations by the end of 2003. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 69.]

See also Liberia.

PAKISTAN

The 28 July 2003 issue of *Newsweek* magazine was seized by Pakistani customs over an article headlined “Challenging the Quran” that examines the theory of a German linguist that the Quran may have originally been written in Aramaic instead of Arabic. *Newsweek*’s local reporter in Peshawar fled the city in fear of reprisals after the magazine appeared. The magazine was also banned in Bangladesh.

[Source: *IOC* 4/03: 146].

PARAGUAY

Concerns continued to be expressed over the failure of the state to pay compensation to the victims of human rights violations under the government of former President Alfredo Stroessner (1945-89). In August, the new Procurator General declared that he would appeal to the Supreme Court to make payments possible. In October 2003, a law was passed to set up a Truth and Justice Commission to examine the human rights violations. The commission had not been established by the end of 2003. In October as well, a court in Asunción reissued a judicial order for the arrest of Stroessner, in exile in Brazil, to face charges for his alleged involvement in the torture and killing of Celestina Pérez in 1974 while in police detention. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 95, 129, 130.]

PERU

The Truth and Reconciliation Commission (TRC), set up in 2001 to establish the circumstances surrounding human rights abuses committed by the state and by armed opposition groups between May 1980 and November 2000, delivered its final report to President Alejandro Toledo in August 2003. The Commission concluded that of the estimated 69,000 people who were killed or had “disappeared” during the twenty years, 54 per cent were the responsibility of the armed opposition group Shining Path and 46 per cent were the responsibility of armed forces. The commission also concluded that three quarters of the victims were Quechua native speakers, reflecting “the discrimination and marginalization against the Andean rural population which is impregnated in Peruvian society”. The commission said that it had submitted to the Public Ministry the identity of 24,000 victims in order that justice could be achieved. Its recommendations included proposals for institutional reform, an integrated plan for reparations, and a national plan for forensic anthropological interventions in light of the 4,644 burial sites the commission had recorded. In response, Toledo apologized in the name of the state to “all those who suffered”. He did not, however, offer the individual reparations that victims and their relatives had sought. On the issue of impunity, the President was criticized for stating that “some members of the security forces had committed painful excesses” and for not accepting that human rights violations committed by the security forces were widespread and systematic, as the TRC had concluded.

[Source: AI, *Report 2004* (2004) 131.]

In July 2003, the government submitted an extradition request to the Japanese authorities for former President Alberto Fujimori on charges of human rights violations and corruption. The Japanese authorities had not made a decision by the end of the year. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 132.]

POLAND

On 17 June 2004, historian Jacek Kuron (1934-2004) died. In 1961 Kuron, historian at Warsaw University, was expelled from the Polish Scouts Union, where he had been head of the Program Department (1960-61). In 1962, he founded with historian Karol Modzelewski (1937-) the “Political Debating Club” at Warsaw University, but the club was closed in 1963. In November 1964, Kuron

was expelled from the Polish United Workers' Party (PUWP) and in July 1965 sentenced to three years' imprisonment. In [August] 1967 he was released. Active in students' circles in 1967-68, he was again arrested during the student demonstrations on 10 March 1968. In January 1969, he was sentenced to three and a half years' imprisonment on the charge of having inspired the riots. In September 1971, he was released. He became one of the most active dissidents. He was often harassed and arrested, inter alia for his activities for the Committee for the Defense of the Workers (KOR; later Committee for Social Self-Defense, KSS-KOR), of which he was a cofounder and spokesman (1976-81). He collected and published data about persecutions in Poland in the underground periodical *Biuletyn informacyjny*. In 1977-78 he helped found the Towarzystwo Kursow Naukowych (TKN, Society for Academic Courses; popularly known as the *Latający Uniwersytet* [Flying University]) and lectured for it. His book *Principles and Ideas*, about the strategy and political objectives of the democratic opposition in Poland, was published by NOWa (Niezależna Oficyna Wydawnicza; Independent Publishing House). In 1978 Kuron was a cofounder and editorial board member of the underground political quarterly *Krytyka*. In November he was arrested in Warsaw on his way to give a TKN lecture on education and social life. Many of his 1979 TKN lectures were disrupted and he was often beaten. He was a Solidarity member and a personal adviser to Solidarity leader Lech Walesa. In July-August 1980, he was founder and chief of the Bank of Strikes Informations during the protests. On 21, August Kuron and historian Adam Michnik (1946-) were among fourteen KOR members arrested after they had collected and disseminated information on the strike situation for several weeks. Their release (occurring on 1 September) was the final condition of the agreement between the government and Solidarity on 31 August. Kuron was interned under martial law (13 December). In September 1982, after widespread demonstrations against martial law on 31 August, four KOR members, including Kuron and Michnik, were arrested in the internment camp on charges of "making preparations for the violent overthrow of the Polish sociopolitical system". In November 1982, Kuron's wife Grazyna died after her release from detention in May because of ill health. In 1983, still under arrest, Kuron had turned down an offer to emigrate. The Kuron/Michnik trial, scheduled to open on 13 July 1984, was postponed but they were released under the 21 July amnesty for political prisoners. On 1 May 1985, Kuron was arrested after leading a demonstration on May Day to counter the official Labor Day parades and sentenced to three months' imprisonment. He was released on appeal. In 1988-89 he was a Solidarity delegation member at the Roundtable Negotiations. In June 1989, he was elected a member of Parliament for Solidarity (later for the Union of Freedom caucus). He was minister of labor and social policy twice (1989-91, 1992-93). In the first round of the November 1995 presidential elections he obtained nine percent of the votes.

[Sources include numerous AI Reports and *IOC* issues.]

RUSSIA

Thousands of Meskhetians living in Krasnodar Territory continued to be refused Russian citizenship on grounds of ethnicity. They remained effectively stateless. Meskhetians, most of whom are Muslims, were forcibly relocated from southwest Georgia in 1944 by the former Soviet regime. As Soviet citizens residing in the Russian Federation at the time the Law of Citizenship came into force in 1992, they are entitled to Russian Federation citizenship. The result of the authorities' failure to enforce this right was discrimination in almost every aspect of daily life. (See NCH #32 under Georgia.)

[Source: AI, *Report 2004* (2004) 198, 245.]

In November 2003, deputy Education Minister Viktor Bolotov declared that the ministry considered withdrawing approval for *Twentieth-Century History of the Fatherland*, a high school textbook written by historian Igor Dolutsky. If withdrawn, the textbook could no longer be used in classes as an official textbook, although teachers could still set students to read it. An exercise in the textbook asking students to write passages supporting or refuting statements included one from a historian saying that a coup took place after the 2000 election of President Vladimir Putin and another from a lawmaker reportedly declaring that a police state took shape in Russia in 2001.

[Sources: *IOC 1/04*: 152; Associated Press, *Russia May Revoke Approval of Textbook* (28 November 2003)].

RWANDA

In 2003, approximately 80,000 individuals remained in detention, nearly all of them suspected of participation in the 1994 genocide. By the end of 2003, the Specialized Chambers had tried just over 8,000 suspects since they became operational in 1996. In many cases, trials did not meet international standards of fairness. The long awaited start of gacaca trials, a community-based system of justice, did not begin as planned. Community members and elected local magistrates continued pre-trial work in the 746 tribunals, which started operating in 2002. They listed victims and suspected perpetrators, and made an inventory of civil damage claims. The remaining 8,258 tribunals were planned to be operational in 2004. The tribunals were plagued by inaction by magistrates and community members, the unwillingness of communities to provide information, and public dissatisfaction that human rights abuses by members of the former armed opposition group Rwandese Patriotic Front (RPA) were excluded from their consideration. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 70, 71.]

Trials of genocide suspects also continued at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. In December 2003, the ICTR sentenced historian Ferdinand Nahimana, a co-founder of Radio-Télévision Libre des Mille Collines (RTLM), to life imprisonment for inciting genocide in 1994. Arrested in 1996, he was charged with genocide, conspiracy to commit genocide, and crimes against humanity. He pleaded not guilty. In the months before and during the genocide, RTLM incited Rwandans to hunt down Tutsis and moderate Hutus and murder them. They listed the names and addresses of targeted individuals and, in some cases, urged listeners to “eliminate the enemy”. (See NCH #32.) By the end of 2003, the ICTR had delivered 17 judgments since its first indictments in 1995. The ICTR accused the Rwandese government of frustrating investigations of war crimes allegations against former RPA members.

[Sources: AI, *Report 2003* (2003) 210-12; AI, *Report 2004* (2004) 70, 71; HRW, *World Report 2003* (2003) 61, 63, 65; *Ifex Communiqué 12-49* (9 December 2003); *IOC 2/03*: 164.]

SAUDI ARABIA

See Kuwait.

SENEGAL

Despite formal commitments by the authorities to investigate past human rights violations, no steps were taken to institute an inquiry into the large-scale violations committed by the security forces in the disputed region of Casamance in the past decade. As a result, dozens of women whose husbands “disappeared” after being arrested by security forces or abducted by alleged armed members of the Mouvement des Forces Démocratiques de Casamance (MFDC, Democratic Forces of Casamance Movement) had to cope with uncertainty about the fates of their husbands and with economic hardship. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 73.]

See also Chad.

SERBIA and MONTENEGRO (formerly Federal Republic of Yugoslavia)

In February 2003 the International Court of Justice (ICJ) in The Hague agreed to hear a case brought by Bosnia-Herzegovina against Serbia and Montenegro for genocide and aggression in connection with the 1992-95 war.

[Source: AI, *Report 2004* (2004) 248.]

There was limited progress in identifying those who had “disappeared” or had been abducted. Further exhumations of burial sites took place. In March 2003 the International Commission for Missing Persons announced that DNA analysis had identified 209 bodies. In May, the United Nations Mission in Kosovo announced the formation of a special police unit to investigate the hundreds and possibly thousands of unsolved killings in 1999 and 2000. In June and July, 65 bodies previously found in a mass grave in Serbia were returned to Kosovo. This brought the total number of repatriated bodies of ethnic Albanians from Kosovo to 110 out of 850 bodies exhumed from mass graves in Serbia. No suspects were indicted.

[Source: AI, *Report 2004* (2004) 248-49.]

Arrests and trials continued of ethnic Albanians accused of war crimes. In July 2003, former commander of the Kosovo Liberation Army Rustem Mustafa and three others were convicted in Pristina of war crimes connected with the illegal confinement, torture, and murder of ethnic Albanians suspected of collaboration with the Serbs. Trials and retrials continued of Serbs previously convicted of war crimes or genocide by panels with a majority of ethnic Albanian judges. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 248-49.]

In July 2003, Serbia approved legislation authorizing a Special War Crimes Prosecutor. In October, a Special War Crimes Court was established.

[Source: AI, *Report 2004* (2004) 248.]

The authorities claimed to have solved a number of murders and “disappearances”, including that of former Serbian President Ivan Stambolic who was assassinated and buried in a lime pit after “disappearing” in August 2000. Murder charges were filed against former Yugoslav President Slobodan Milosevic and others, including members of a special police force said to have carried out the kidnapping and killing.

[Source: AI, *Report 2004* (2004) 247-48.]

The trial of Slobodan Milosevic, who had been accused of responsibility for war crimes committed in

Croatia, Bosnia-Herzegovina, and Kosovo, continued before the International Criminal Tribunal for the former Yugoslavia (ICTY). Witnesses testified that his government controlled Serb “paramilitaries” responsible for atrocities. A number of suspects were transferred to the ICTY. Former Serbian President Milan Milutinovic, who had enjoyed immunity while in office, voluntarily appeared before the ICTY in January 2003 to face charges of crimes against humanity in Kosovo. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 247.]

See also Bosnia-Herzegovina, Croatia.

SIERRA LEONE

Progress was made to address impunity for past human rights abuses committed by both government and opposition forces during the conflict (1991-2001). Thirteen people were indicted by the Special Court for Sierra Leone, established in 2002 to try those guilty of grave human rights violations committed after 30 November 1996. In early May 2003, Sam Bockarie, former commander of the Sierra Leone armed opposition Revolutionary United Front (RUF) and closely associated with Liberian President Charles Taylor, was killed. In March, he had been indicted by the Special Court. Allegedly, he was killed to prevent him giving evidence to the Court which would implicate Taylor. In July, former RUF leader Foday Sankoh died. Those indicted also included Johnny Paul Koroma, an elected member of parliament and former leader of the Armed Forces Revolutionary Council (AFRC), who remained at large, and Samuel Hinga Norman, Minister of Internal Affairs and former National Coordinator of the Civil Defense Forces, which had supported the government during the conflict. Trials were expected to begin in March or April 2004. Excluding the thirteen indicted by the court, most other people responsible for serious crimes committed during the conflict continued to benefit from an amnesty provided by the 1999 Lomé peace agreement. The Truth and Reconciliation Commission made progress toward providing a historical record of human rights abuses during the conflict and toward promoting reconciliation. More than 7,500 statements were collected, including from Sierra Leonean refugees in other West African countries. In August public hearings were completed. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 60, 74-75.]

See also Liberia.

SOUTH AFRICA

In October 1998, former State President F.W. de Klerk had challenged the report of the Truth and Reconciliation Commission (TRC) in court and was successful in having a short section removed (namely that he had been an accessory after the fact to the Khotso House bombing of August 1988). Volume six of the TRC report, handed over to President Thabo Mbeki in 2003, contained a version of the deleted passage about De Klerk after De Klerk had approved it. After a settlement in court, the TRC also agreed to include in Volume six the objections of the Inkatha Freedom Party (IFP) to the TRC findings. However, the settlement left intact the TRC's core findings that the IFP, the former KwaZulu homeland government, and the KwaZulu police were responsible for gross human rights violations. Volume six also summarized the work of the Amnesty Committee. It gathered evidence which substantiated allegations of state complicity in political violence in the late 1980s and early 1990s. In April 2003, the government announced that it would pay final reparations to 22,000 victims of gross human rights violations. Victim support groups and others criticized the offer as being far below the TRC's recommended amount. In October, President Mbeki assented to the Promotion of National Unity and Reconciliation Amendment Act, which authorized use of the President's Fund not only for reparations to individual victims but also for "the rehabilitation of communities". In November, the government began one-off payments to individual victims.

[Sources: TRC, *Report* (London) volume 6 (2003) 58-62; AI, *Report 2004* (2004) 78.]

In 2003, there was controversy over access to the TRC files, some of which were sent to the National Intelligence Agency. The government claimed that it could reclassify the "sensitive" documents in the files. The South African History Archive (SAHA) won an out of court settlement which stated that TRC files had to be moved to the National Archives and prepared for public access. SAHA also discovered the existence of many thousands of Military Intelligence files that had never been sent to the TRC. It used the 2000 Promotion of Access to Information Act to secure lists of these files.

[Sources: D. Banisar, *The WWW.freedominfo.org Global Survey: Freedom of Information and Access to Government Record Laws around the World* (WWW-text; September 2003) 76; D. Orentlicher, *Independent Study on Best Practices, Including Recommendations, To Assist States in Strengthening Their Domestic Capacity To Combat All Aspects of Impunity* (E/CN.4/2004/88; 27 February 2004), paragraph 20.]

See also Switzerland.

SPAIN

The United Nations Working Group on Enforced or Involuntary Disappearances added Spain to its list of countries where people had “disappeared”. It was concerned about the period under the government of General Francisco Franco (1939-75) and asked the government to investigate two cases dating from after 1945, the date of the foundation of the United Nations. Efforts were continued to locate the bodies of some of the thousands shot during or after the 1936-39 civil war. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 254-55.]

SRI LANKA

A Commission of Inquiry, appointed by the National Human Rights Commission to investigate complaints of “disappearances” in the Jaffna, Kilinochchi and Vavuniya districts from 1990 to 1998, published its findings in October. The commission investigated the cases of 280 “disappeared” people, 245 of whom had been detained by the army and 25 by the Liberation Tigers of Tamil Eelam (LTTE). Neither the army nor the LTTE cooperated fully with the inquiry. The commission found no evidence that “disappearances” had occurred in police custody, but it did find that the police had systematically hindered investigations into complaints by relatives of the “disappeared”. It recommended that officers with command responsibility be held criminally liable in “disappearance” cases and that the government consider compensating relatives of the “disappeared”. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 189.]

SURINAME

In 2003, the investigation continued into the 1982 “December murders” in which fifteen journalists, academics and labor leaders were extrajudicially executed at Fort Zeelandia, an army center in Paramaribo. The homes of the minister of justice and police and of the investigating judge were broken into in early 2003 and documents relating to the case were reportedly taken away. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 133.]

In 2003, the Inter-American Court of Human Rights review of the Moiwana massacre case began. The massacre, in which 35 people, mostly women and children, were killed during an attack by a specialized army unit, had occurred in November 1986. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 133.]

SWITZERLAND

In April 2003, the government decided to close previously open files on South Africa, including files from the 1960-73 era (outside the thirty-year embargo), reportedly out of fear for lawsuits in the United States against Swiss companies who had dealt with South Africa under the apartheid regime. Later the prohibition was slightly amended. The Swiss Society of History protested the move for reasons of principle and because it hampered current research. In 2002, South African victims of apartheid had brought a multi-billion dollar suit in the United States against American, Swiss and German banks as well as the IBM corporation, claiming that loans to the apartheid regime had helped prop it up in defiance of a United Nations embargo in the period 1985-93.

[Sources include: Correspondence between Swiss Society of History and Swiss President Pascal Couchepin (1 May, 28 May, 30 June, 12 August 2003); HRW, *World Report 2003* (Washington) 74.]

SYRIA

In August 2003, fourteen human rights activists were arrested and charged with “affiliation to a secret organization and carrying out acts which could incite factional conflict within the nation” in relation to a lecture--which was canceled before it started--marking the fortieth anniversary of the declaration of the state of emergency in Syria.

[Source: AI, *Report 2004* (2004) 303.]

TIMOR-LESTE

By December 2003, indictments had been served against 369 individuals for serious crimes, including crimes against humanity, in connection with the independence ballot in 1999. Among those indicted were 281 people residing in Indonesia, including senior Indonesian military officials. However, Indonesia refused to transfer suspects for trial to Timor-Leste. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 163, 194.]

Human rights violations immediately before and during the Indonesian invasion in 1975 were the subject of an ongoing inquiry by the Commission for Reception, Truth and Reconciliation. (See NCH

#32.)

[Source: AI, *Report 2004* (2004) 194.]

See also Indonesia.

TURKEY

In June 2003, Fikret Baskaya (1940-) faced a new trial after publication of the eighth edition of his book *Westernization, Modernization, Development--Collapse of a Paradigm; An Introduction to the Critique of the Official Ideology* (Istanbul, April 1991) which described the social-economic evolution of Turkey since 1919 and criticized Turkey's policy of "colonizing Kurdistan". In August he was acquitted. In October, this was confirmed after new rules allowing retrial of cases heard by the European Court of Human Rights were adopted.

[Sources: European Court of Human Rights, *Case of Baskaya and Okcuoglu versus Turkey: Judgment* (WWW-text; Strasbourg, 8 July 1999); *IOC 3/03*: 162; *IOC 1/04*: 155.]

On 20 May 2004, the Supreme Court sentenced Hakan Albayrak, a former journalist for *Milli Gazete*, to fifteen months' imprisonment (of which he has to serve five), under a 1951 law criminalizing "insults to the memory of Atatürk". The conviction arose from a phrase in an article by Albayrak published in 2000, entitled "A Funeral Prayer", in which he criticized the recital of prayers at the funeral of writer Mina Urgan, a well-known atheist, and compared it with Atatürk's funeral. The contentious phrase was: "Mustafa Kemal Pasha was buried without a funeral prayer. And neither the State nor the public was disturbed by this". According to press reports, Albayrak wrote a subsequent article in which he claimed that he had been misinformed about Atatürk's funeral and apologized for any offence he had caused. (See NCH #36.)

[Source: PEN, *Rapid Action Network 28/04* (London) 10 June 2004.]

TURKMENISTAN

On 23 February 2004, writer and Russian citizen Rakhim Esenov (?1926-) and two others were detained by Security Service officers in the capital Ashgabat. They were believed to be at risk of torture. Esenov, in bad health, was accused of "smuggling" 800 copies of his banned historical novel *The Crowned Wanderer* (written around 1994, published in Moscow in 2003), into Turkmenistan. The novel was set in the period of the Mogul Empire (1526-1803 CE) and featured the character of

Bayram Khan, whom the book portrayed as a Turkmen poet, philosopher and army general who saved the empire from falling apart. In February 1997, President Saparmurad Niyazov had publicly criticized the book and denounced the author for making “historical errors”, but Esenov refused to make the “corrections” the president demanded. Esenov was charged with “inciting social, national and religious hatred”. On 9 March 2004, he was released on condition that he did not leave the country. (See NCH #34, #34ii.)

[Sources: AI, *Urgent Action 90/04* (2 March 2004); PEN, *Rapid Action Network 06/04* (5 & 17 March 2004); HRW, *World Report 2002* (Washington) 364; *IOC 2/04*: 146.]

UNITED KINGDOM

In April 2003, the Metropolitan Police Commissioner, John Stevens, delivered a long-awaited report on the practiced collusion in Northern Ireland. It confirmed widespread collusion between state agents and Loyalist paramilitaries, including state agents being involved in murder. It also confirmed the existence of the British army’s secret intelligence unit known as the Force Research Unit which had actively colluded with Loyalist paramilitaries in targeting people for assassination.

[Source: AI, *Report 2004* (2004) 265.]

See also Ireland, Kenya.

UNITED STATES

On 3 August 2003, Ali Mazrui (1933-), Kenyan-born historian and political scientist and permanent United States resident since 1974, author of many books on Islam and Africa, Albert Schweitzer professor and director of the Institute of Global and Cultural Studies at State University of New York at Binghamton, and member of the Board of Directors of the American Muslim Council, was detained and interrogated by immigration and custom officials, and agents from the Department of Homeland Security for six to seven hours in Miami after he returned from a working visit to Trinidad. Mazrui was asked what jihad was, what sect of Islam he believed in, and whether he had met a radical islamist leader in Trinidad. Mazrui declared that he did not know why he was singled out. In June 2003, Mazrui had been appointed Chancellor of the Jomo Kenyatta University of Agriculture and Technology in Nairobi, Kenya.

[Sources: *Washington Post*, 14 September 2003 (WWW-version.); K. Hasan, “US agencies paranoid

about Muslims”, *Daily Times* (Pakistan), 15 September 2003 (WWW-version).]

URUGUAY

In April 2003, the Peace Commission, established by President Jorge Battle in August 2000 to clarify the fate of Uruguayans who had “disappeared” under military rule (1973-85), published its final report. The Commission stated that 26 Uruguayans had died as a result of torture in 1973-85. Nobody was brought to justice for these grave human rights violations. In the same month, there were signs that the authorities wanted to extend the 1986 Expiry Law which granted exemption from punishment to police and military personnel responsible for human rights violations committed in 1973-85. There were also serious concerns that the government was interfering with the judiciary after a judge was asked to stop investigating the possibility that the bodies of “disappeared” people were buried in military compounds. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 95, 138-39.]

VATICAN

In February 2002 and February 2003, the release of archival records on the Pope’s wartime role was announced. The release would be gradual between 2005 and 2009, and for historians only.

[Source: *Keesings Historisch Archief*, 2000: 677; 2003: 163, 490.]

VENEZUELA

In November 2003, the government committed itself to comply with the ruling of the Inter-American Court of Human Rights to pay compensation to relatives of the victims of the widespread civil disturbances in 1989, known as the Caracazo. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 140.]

VIETNAM

In June 2001, Thich Quang Do (1927-), a Buddhist scholar and poet, author of several novels and studies of Buddhist history, was put under house arrest for two years because he had called for

freedom of religion and democracy. In June 2003 he was released, but in October again placed under house arrest. (See NCH #10, #14, #17.)

[Sources: HRW, *World Report 2003* (Washington 2003) 272; AI, *Report 2004* (2004) 195.]

On 28 December 2002, Pham Que Duong (?1933-), former colonel and military historian, was arrested in Ho Chi Minh City. It is believed that his trial will take place before the end of July 2004. In August 2002, he had been among 21 signatories of a petition sent to parliament calling for democratic reforms. (See NCH #32.)

[Sources: HRW, *World Report 2003* (2003) 272; AI, *One Cyber-Dissident Released, Many Still Imprisoned*, 14 June 2004.]

ZIMBABWE

On 18 November 2003, labor historian and political scientist Brian Raftopolous, advisory board member of the Journal of Southern African Studies and chair of the Zimbabwe Crisis Coalition, which brings together many civil society organizations, was arrested and detained with others in Harare, when they were taking part in a peaceful demonstration organized by the Zimbabwe Congress of Trade Unions. After three days, the case was dismissed.

[Sources include: draft letter of Journal of Southern African Studies editorial board to *The Guardian* (22 November 2003.)]

See also Ethiopia.

Network of Concerned Historians	NCH
<i>Annual Report 2003</i>	http://www.concernedhistorians.org

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; the Network of Education and Academic Rights [NEAR, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

AFGHANISTAN

Little action was taken to bring to justice perpetrators of human rights abuses committed over the past 23 years (1978-2001). Military commanders suspected of such abuses were integrated into the Transitional Administration that was in power between December 2001 and June 2002.

[Source: AI, *Report 2003* (2003) 26.]

ALGERIA

In 2002, no full, independent and impartial investigations were carried out into the mass human rights abuses committed since 1992, including thousands of cases of extrajudicial executions, deliberate and arbitrary killings of civilians, torture and ill-treatment, and “disappearances”. No progress was made in explaining the fate of the persons who “disappeared” at the hands of the security forces or state-armed militias between 1993 and 2000. The President’s National Consultative Commission for the Promotion and Protection of Human Rights reportedly received 4,743 dossiers submitted by families regarding persons presumably “disappeared” by state agents. Commission President Moustapha Farouk Ksentini said that he believed that the actual number of “disappearances” was “7,000 to 10,000, possibly even 12,000”. In March, June, July and November 2002, police broke up peaceful

demonstrations by relatives of the “disappeared”. (See NCH #23, #27.)

[Sources: *IOC 4/02*: 108; HRW, *World Report 2003* (2003) 425, 428; AI, *Report 2003* (2003) 31.]

On 1 July 2002, General Khaled Nezzar, former defense minister (1990-1993), sued former army officer Habib Souaïdia for defamation. Souaïdia, residing in France, was the author of *The Dirty War 1992-2000* (2001; an eyewitness account of how soldiers disguised as Islamist rebels massacred civilians). He had declared on French television that the armed forces had killed “thousands of people” during the political violence of the 1990s. The trial featured some thirty witnesses, including historians, politicians, members of the military, and intellectuals of all political persuasions. On 27 September, the French court dismissed the case, stating that Souaïdia had uttered his allegations in good faith and that the dispute should be resolved by history rather than by the court. Meanwhile, on 30 April 2002, an Algerian court sentenced Souaïdia in absentia to twenty years’ imprisonment for having said in a press interview that he had been in touch with a dissident group of ex-officers in exile and that, if there were a revolt against Algeria’s rulers, he would come back “to take up arms against the generals”.

[Sources: *IOC 4/02*: 108; *IOC 1/03*: 114; HRW, *World Report 2003* (2003) 408-9, 427; AI, *Report 2003* (2003) 29-30.]

On 31 December 2002, cartoonist Ali Dilem was fined 10,000 dinars (240 US dollar) by a court for his satirical drawing on the 1992 murder of President Mohamed Boudiaf. It was the first conviction for “insult” under a May 2001 change in the criminal code.

[Sources: *IOC 2/02*: 100; *IOC 2/03*: 146; *IOC 3/03*: 138.]

See also France.

ANGOLA

In April 2002, a cease-fire was agreed, putting an end to the 27-year conflict (1975-2002) between government forces and those of the Uniao Nacional para a Independencia Total de Angola (UNITA). An amnesty law was passed to accompany the peace agreement, providing immunity from prosecution for all crimes against the security of the state and military crimes committed within the context of the armed conflict.

[Source: AI, *Report 2003* (2003) 32.]

ARGENTINA

A number of senior military officers implicated in abuses committed during the “dirty war” (1976-1983) was in detention or under house arrest, including former military ruler General Leopoldo Galtieri. In September 2002, Galtieri’s arrest was ordered for the “disappearance” in 1978 and 1980 of twenty members of the left-wing Peronist guerrilla group Montoneros, who had returned or were planning to return from exile. As of December 2002, the Supreme Court had yet to rule on appeals of two federal court decisions reversing Argentina’s amnesty laws (the 1986 Full Stop and 1987 Due Obedience laws). (See also United States; see NCH #10, #14, #17, #23, #27.)

[Sources: HRW, *World Report 2003* (2003) 100, 111-14; AI, *Report 2003* (2003) 34-35.]

In September 2002, unidentified gunmen fired at the La Plata home of Estela de Carlotto, president of the Abuelas de Plaza de Mayo (Grandmothers of the Plaza de Mayo) and of the Comisión Provincial por la Memoria of La Plata (La Plata Provincial Commission for Memory), a nongovernmental group dedicated to the memory of the victims of military rule.

[Sources: HRW, *World Report 2003* (2003) 112; AI, *Report 2003* (2003) 35.]

In October 2002, the US-German car manufacturer Daimler-Chrysler set up a commission to examine the conduct of Mercedes Benz and its officials in Argentina between 1975 and 1978.

[Source: AI, *Report 2003* (2003) 35.]

On 30 October 2002, Fernanda Sanssone, an archaeology student at Tucumán University, and various others working in the area known as “Pozo de Vargas” (“Vargas’s Well”), Tucumán Province, received threats. They searched for remains of those “disappeared” during the military government (1976-1983). (See NCH #29.)

[Source: AI, *Urgent Action Appeal 327/02* (5 November 2002).]

AUSTRALIA

In September 2002, the national Human Rights and Equal Opportunity Commission launched a report to mark the passing of five years since its national inquiry into the removal of indigenous children from their families under past government policies. *Restoring Identity*, a report on reparations for the so-called “stolen generations”, called for an all-encompassing tribunal process to provide a package of reparations measures to affected individuals and communities.

[Source: AI, *Report 2003* (2003) 38.]

BELGIUM

In 2002, the debate over the continuing validity of Belgium's universal jurisdiction law (enacted in 1993 and amended in 1999) continued. Under this legislation, between 1998 and the end of 2002 complaints were lodged against individuals, including many past and present heads of state and government, from some twenty countries who were residing outside Belgium. In February 2002, the International Court of Justice in The Hague found that a Belgian arrest warrant against the then-acting Foreign Minister of the Democratic Republic of Congo violated international law by refusing to recognize the minister's immunity from criminal jurisdiction. The ruling left intact the provisions of the Belgian law allowing prosecution of crimes against humanity in Belgium regardless of the connection of the crimes to Belgium or the presence of the accused on Belgian soil. During 2002, however, separate chambers of the Brussels Court of Appeal declared three such complaints inadmissible on the grounds that the law was not intended to permit a criminal investigation unless the suspect was in Belgium. As of July 2002, a political majority had formed to retain the law's essential features, but the Belgian Employer's Federation, with United States government support, was lobbying against the law. On 26 June 2002, a Belgian Court of Appeal ruled that the case against Israel's Prime Minister Ariel Sharon, and others, brought by 23 survivors of the 1982 Sabra and Shatila massacres in Lebanon, was inadmissible because the defendants were not present on Belgian soil. On 3 July, lawyers for the plaintiffs appealed the decision, arguing that it was contrary to the letter and spirit of the law. The appeal was still awaiting judgment by the Court of Cassation at the end of 2002. A complaint filed against President Yassar Arafat of the Palestinian Authority had yet to be heard. (See also Chad, Israel; see NCH #27.)

[Sources: HRW, *World Report 2003* (2003) 409, 468, 518-19; AI, *Report 2003* (2003) 49-50.]

BOSNIA-HERZEGOVINA

In early September 2002, the Republika Srpska Government Bureau for Liaison with the International Criminal Tribunal for the former Yugoslavia issued a report concerning the July 1995 events in Srebrenica, during which the Bosnian Serb Army was believed responsible for the killing of more than 7,000 Bosnian Muslim men and boys. The report claimed that only one hundred Bosnian Muslims were killed in violation of the law, and 1,900 died in combat or due to exhaustion. (See NCH #27.)

[Source: HRW, *World Report 2003* (2003) 320.]

Thousands of cases of “disappearances” remained unresolved in 2002. Significant progress, however, was made on the DNA identification program, led by the International Commission on Missing Persons. By the end of 2002 the total number of human remains identified in this way in Bosnia-Herzegovina had reached 1,200, compared to 70 in the previous six years. However, it became increasingly difficult to locate the sites of mass graves, reportedly because of the failure of the armed forces and the authorities to disclose information. (See also Yugoslavia.)

[Source: AI, *Report 2003* (2003) 55.]

BRAZIL

In September 2002, the federal government opened police archives from the 1964-1985 dictatorship, bringing to light information regarding the killing or “disappearance” of hundreds of activists who had opposed the military government. However, the archives were only made available to victims and their families, as well as to a special commission investigating the crimes committed during this period.

[Source: HRW, *World Report 2003* (2003) 114, 118.]

BURUNDI

During the transition under the terms of the 2000 Arusha Accord, the national legislature failed to ratify critical legislation on genocide, on provisional amnesty for persons accused of politically-motivated crimes, and on the establishment of a truth and reconciliation commission. (See NCH #23, #27)

[Source: HRW, *World Report 2003* (2003) 20.]

CAMBODIA

In February 2002 negotiations between the government and the United Nations (UN) about a “mixed tribunal” to try Khmer Rouge crimes (1975-1979) broke down. The UN withdrew, citing irreconcilable differences over provisions in the August 2001 Cambodian law. It became clear to the UN that it would be impossible to ensure that a mixed tribunal could act with sufficient independence and impartiality to ensure fair trials. In November 2002, however, the UN General Assembly passed a

resolution calling for Secretary General Kofi Annan to resume negotiations with Cambodia. (See NCH #14, #17, #23, #27.)

[Sources: HRW, *World Report 2003* (2003) 185, 210, 518; AI, *Report 2003* (2003) 64.]

The English-language *Cambodia Daily* newspaper was threatened with suspension when it called 7 January--the day that the Khmer Rouge were defeated by Vietnamese troops in 1979--"Vietnamese Liberation Day". The Ministry of Information later dropped the 15-day suspension order.

[Source: HRW, *World Report 2003* (2003) 209.]

CANADA

Canadian Jewish groups called for senior First Nations Chief David Ahenakew to be charged with incitement to hatred and be stripped of his Order of Canada medal after he reportedly claimed that Jews "damn near owned all of Germany" before World War II, as explanation for why Adolf Hitler "fried six million" of them.

[Source: *IOC 2/03*: 148-49.]

CHAD

In February and March 2002, a Belgian judge and police team with the cooperation of the Chadian government went to Chad in order to inspect prisons and mass gravesites of former President Hissène Habré's regime (1982-1990). In addition, the testimony of a number of Habré's associates was heard and former victims were allowed to confront their torturers. (See NCH #17, #23, #27.)

[Sources: HRW, *World Report 2003* (2003) 518; AI, *Report 2003* (2003) 70.]

CHILE

Although several courts made significant progress in prosecuting members of the military implicated in the "disappearances" committed during the regime of General Augusto Pinochet (1973-1990), Pinochet himself escaped trial. In July 2002 the Supreme Court ruled that Pinochet's mental infirmity was serious and irreversible, and exempted him from prosecution for human rights crimes. This closed the case against him indefinitely. Following the decision, Pinochet resigned from his position as Senator for Life. As a former president of the country, immunity was automatically granted to him.

An Argentine judge, however, continued to seek Pinochet's extradition in order to stand trial in Buenos Aires for the 1974 killing of General Prats, Pinochet's predecessor as army commander, but in November 2002 the Santiago Court of Appeal held that the Supreme Court ruling was applicable to this case as well. Lawyers acting for the Prats family appealed the decision. (See NCH #14, #17, #23, #27.)

[Sources: HRW, *World Report 2003* (2003) 100, 120-22; AI, *Report 2003* (2003) 70-71.]

CHINA

The situation of imprisoned historians Tohti Tunyaz and Xu Zerong remained unchanged during 2002. (See NCH #17, #22, #23, #25, #27.)

[Sources: AI, *Report 2003* (2003) 74; PEN, *Half-Yearly Caselist* (2003) 78-80.]

On 9 May 2003, Huang Qi was sentenced in Chengdu, Sichuan, to five years' imprisonment and one year of deprivation of political rights for the crimes of separatism and subversion. He was reportedly ill-treated in prison. In 2000 he had created a website to help find missing persons and reunite families which included information on the 1989 Tiananmen massacre. (See NCH #17, #23.) In November 2002, Liu Di (?1981-), a female psychology student at Beijing Normal University who had expressed sympathy for Huang Qi, was arrested, held at an unknown location and, in December, charged with "endangering state security."

[Sources: IOC 3/03: 143; PEN, *Half-Yearly Caselist* (2003) 74-75, 82.]

The tens of thousands of books burned in Xinjiang in mid-May 2002 in an effort to curb separatism among ethnic Uighurs included 128 copies of a *Brief History of the Huns, Ancient Uighur Literature* (published by the government-owned Kashgar Uighur Publishing House) and 32,320 copies of *Ancient Uighur Craftmanship* (Kashgar 1988).

[Sources include IOC 4/02: 111-12; HRW, *World Report 2003* (2003) 224].

On 17 May 2003, student leader and freelance journalist Jiang Qisheng was released after completing his four-year prison term. (See NCH #17, #23.)

[Sources: IOC 3/03: 143; PEN, *Half-Yearly Caselist* (2003) 82.]

In November 2002, Xian-based dissident Zhao Changqing (1967-) was arrested after drafting an open letter (together with some 190 others) addressed to the 16th Congress of the Chinese Communist Party calling on its leaders, inter alia, to reverse its condemnation of the 1989 Tiananmen massacre

and to pardon the students convicted after it. The letter included other political reform demands and was signed by 192 opposition activists. On 25 June 2003, Zhao was charged with inciting subversion of state power. He had previously been imprisoned in 1989 and 1999-2001. In November 2002, Internet writer Jiang Lijun was arrested on the same charges as Zhao for signing the latter's open letter. In December Ouyang Yi (1968-), a secondary school teacher and dissident from the banned China Democracy Party, and Liao Yiwu (?1960-), writer, poet and teacher, were detained in Chengdu, Sichuan, after signing Zhao's open letter. In January 2003, Ouyang was charged with "inciting the overthrow of the state power". If convicted, he could be sentenced to fifteen years' imprisonment. In 1990 Liao had already been sentenced to four years' imprisonment for circulating a clandestine video entitled *The Massacre*. In 1994, following pressure from the United States authorities, he was released for "good conduct" (one month before completing his sentence). Thereafter he resumed his activities but he was regularly harassed by the authorities. In 1999 Ouyang and his family had been evicted from their home and Ouyang had lost his teaching position.

[Sources include *IOC 2/03*: 149; *Ifex Communiqué 11-49* (17 December 2002); Reporters without Borders, *Liao Yiwu Falls Victim to Latest Crackdown on Cyber-Dissidents* (19 December 2002); Human Rights in China, *Internet Activist Ouyang Yi Formally Arrested* (15 January 2003); PEN, *Half-Yearly Caselist* (2003) 81-82.]

CONGO

The government called for the establishment of an international criminal tribunal to try crimes against humanity committed in Congo before the date when the International Criminal Court came into being (1 July 2002).

[Source: HRW, *World Report 2003* (2003) 26.]

See also Belgium.

CROATIA

In February 2002, the state-owned television station declined to air a program on the contemporary heritage of the Ustashas (who, as allies of Nazi Germany, established the Ustasha Independent State of Croatia in 1941-1945).

[Source: HRW, *World Report 2003* (2003) 326.]

EAST TIMOR

See under its new name, Timor-Leste.

EGYPT

A 41-episode television series drew international protests for incorporating elements of the so-called *Protocols of the Elders of Zion*, a fake document from the Russian tsarist era supposed to outline a plan for Zionist world domination.

[Source: *IOC 1/03*: 120.]

EL SALVADOR

In March 2002, the Office of the Human Rights Procurator (PDDH) published a report on the case of Archbishop Oscar Arnulfo Romero, who was murdered in 1980. The PDDH recommended that the case should be reopened. The authorities had not taken up this recommendation by the end of 2002. The PDDH also asked parliament to annul the Amnesty Law, which prevented legal proceedings against those involved in human rights violations.

[Source: *AI, Report 2003* (2003) 96.]

ETHIOPIA

Several dozen former officials of the Derg regime (1974-1990) were brought to trial in 2002, about a third of whom were acquitted. Over 1,000 others were on trial or awaited trial. Between July 2000 and July 2001, 478 had been convicted and 328 acquitted. The Special Prosecutor said that all trials would be completed by 2004. (See NCH #17, #23, #27.)

[Sources: *HRW, World Report 2003* (2003) 37; *AI, Report 2003* (2003) 101-2.]

On 25 and 26 October 2002, Oromia police reportedly detained four students, members of the Gumii club of Nazret (Adama) related to a secondary school, and announced plans to arrest 36 more students, allegedly because the students had printed a textbook on Oromo cultural history.

[Source: *HRW, Lessons in Repression: Violations of Academic Freedom in Ethiopia* (Washington

2003) 17].

FRANCE

The French Minister of Army Veterans' Affairs Hamlaoui Mekachera rejected calls for a government inquiry into allegations that Algerian militants had been tortured by French soldiers during the 1954-1962 Algerian war of independence. Mekachera, himself one of the "harkis" (Algerians who fought for France during that war), also rejected reports that torture was widespread and committed with impunity. Earlier in 2002, retired Army General Paul Aussaresses was fined for condoning war crimes and defending torture by French forces in his memoirs. French veterans of the Algerian war are protected from war crimes prosecution by a 1968 amnesty law. (See NCH #23, #27.)

[Source: *IOC 4/02*: 115].

In September 2002, Maurice Papon, a former high-ranking government official and Paris police chief, was released from prison, where he was serving a ten-year sentence for crimes against humanity. He was released under the humanitarian provisions of a new law of 4 March 2002 on the rights of persons in poor health.

[Source: AI, *Report 2003* (2003) 106.]

See also Algeria, Haiti, Morocco.

GEORGIA

A report published after a mission of the Council of Europe Directorate of Strategic Planning in December 2001, reminded Georgia of its obligation to provide for voluntary repatriation of Meskhetian Turks, deported from Georgia by Soviet leader Joseph Stalin in 1944.

[Source: HRW, *World Report 2003* (2003) 334.]

GERMANY

In 2002, publisher Bertelsmann AG admitted that its claim to have been closed down by the Nazis for "antigovernment tendencies" had been faked. In reality, Bertelsmann had been the German army's

main printer and a leading producer of anti-Semitic material and Nazi propaganda during the war. The story had been invented in order to get a publishing license from the Allied occupying forces. An Independent Historical Commission (IHC), headed by historian Saul Friedlander from the University of California, investigated the case and worked on the report for over three years, at the request of Bertelsmann itself. Bertelsmann has opened the document archive compiled by the IHC to the public. [Sources: *IOC*, *Bertelsmann's Nazi Past* (WWW-text); *IOC* 1/03: 121].

In [2002], a Munich court stopped German sales of US historian Daniel Goldhagen's book *A Moral Reckoning: The Role of the Catholic Church in the Holocaust and Its Unfulfilled Duty of Repair*, which criticizes the Church's activities during World War II, after claims by church officials that the book was inaccurate. [Source: *IOC* 1/03: 121].

See also Argentina, South Africa.

GUATEMALA

In 2002, the intimidation of witnesses, the judiciary, and human rights defenders remained a serious problem. For example, anthropologist Victoria Stanford and journalists David González and Wesley Boxed received death threats for starting an investigation into mass graves exhumed in the Rabinal region of Baja Verapaz. They had published evidence of crimes against humanity committed during the Guatemalan civil war (1960-1996) in the New York Times. A written threat directed at a team of forensic anthropologists included the names of people who had not participated in exhumations since the mid-1990s, suggesting that the perpetrators had either been collecting information for several years--or at least had access to an institution that had collected information in the past. In September 2002, Manuel García Cruz, who participated in the efforts of the National Coordination of Guatemalan Widows (CONAVIGUA) to have mass graves exhumed in Guatemalan indigenous areas and to protect indigenous rights, was seized, tortured and killed in El Quiché Department. In March, April and May 2003, there were new incidents of threats and intimidation of members of the nongovernmental Fundación de Antropología Forense de Guatemala (FAFG; Guatemalan Forensic Anthropology Foundation), including its director Fredy Peccerelli, and their families. (See NCH #6, #14, #26, #31.)

[Sources: *IOC* 4/02: 116; HRW, *World Report 2003* (2003) 101, 141, 144; AAAS, GU0207.for, 9 May 2003; AI, *Urgent Action Appeal* 127/03 (8 May 2003); AI, *Report 2003* (2003) 114.]

By mid-2002, the Special Cases Department of the Public Prosecutor's Office had taken statements from some hundred eyewitnesses, completed four inspections at massacre sites and received forensic reports of exhumations at all the massacre sites in relation to charges of genocide, crimes against humanity and war crimes brought against the military high commands of former Presidents Romeo Lucas García (ruled 1979-1982) and Efraín Ríos Montt (ruled 1982-1983). The charges had been pressed by massacre survivors joining forces in the Asociación Justicia y Reconciliación (AJR; Association for Justice and Reconciliation), legally represented by the Center for Human Rights Legal Action (CALDH). (See NCH #17, #23, #27.)

[Sources: HRW, *World Report 2003* (2003) 142; AI, *Report 2003* (2003).]

In October 2002, the conviction of three military officers and a civilian in 2001 for the 1998 killing of Bishop Juan Gerardi Conedera was reversed by a Court of Appeal, which accepted the claim of the defense team that a lower court had failed to conduct a proper review of evidence presented at the trial. The impartiality of one of the Appeal Court judges was also called into question. The Supreme Court, petitioned to overturn the ruling on the grounds that the Appeal Court had overstepped the rules of judicial review, granted an injunction temporarily suspending the ruling. Meanwhile, the Supreme Court evaluated the merits of these petitions. (See NCH #10, #14, #17, #23.)

[Sources: HRW, *World Report 2003* (2003) 142-43; AI, *Report 2003* (2003) 115.]

At the end of 2002, a decision was still pending from the Spanish Supreme Court regarding the Spanish High Court's decision of December 2000 that it did not currently have jurisdiction to hear the Rigoberta Menchú Foundation's 1999 genocide suit against former Guatemalan officials, including former President General Efraín Ríos Montt. (See NCH #17, #23, #27.)

[Source: AI, *Report 2003* (2003) 115.]

HAITI

The Federal Justice Office in Switzerland rejected a Haitian extradition request dating back to 1986 for former President Jean-Claude Duvalier (ruled 1971-1986). In April 2002, a Haitian Court of Appeal ordered the release of former coup leader General Prosper Avril (ruled 1988-1990), detained on charges relating to the alleged torture of political prisoners in 1989. He was freed but immediately rearrested on charges related to the 1990 Piâtre massacre of peasant farmers.

[Source: AI, *Report 2003* (2003) 122.]

On 30 April 2002, Haitian journalist Lilianne Pierre-Paul received a letter containing a bullet and a

written demand that she read a statement calling on France to pay Haiti an indemnity of 21.7 billion US dollar as compensation for the indemnity of 90 million francs France had demanded from Haiti in 1838 before recognizing the country's independence from French colonial rule in 1801.

[Source: *IOC 3/03*: 147.]

INDIA

On 27 February 2002, in the town of Godhra, Gujarat, a Muslim mob attacked a train on which Hindu activists were returning from Ayodhya, Uttar Pradesh, where they had supported the campaign to build a Hindu temple on the same site where Hindu militants had destroyed a mosque in 1992. On 21 August 2002, the Allahabad High Court banned news coverage of hearings on a proposed excavation at the disputed temple-mosque site at Ayodhya. (See NCH #27.)

[Sources: *IOC 4/02*: 117, 160-66; HRW, *World Report 2003* (2003) 237; AI, *Report 2003* (2003) 126.]

In September 2002, the National Council of Educational Research and Training released new history textbooks, following the lifting of a stay of publication by the Supreme Court. The court had rejected a public interest petition by historians and secular activists who protested the publication of the textbooks, because allegedly they merely glorified Hindu culture; the authors also accused the government of undermining India's secular constitution as the textbooks allegedly presented a biased account of Hindu and Muslim contributions to Indian history.

[Sources include *IOC 1/03*: 122; HRW, *World Report 2003* (2003) 239.]

In 2002 in the Punjab, investigations entrusted to the National Human Rights Commission (NHRC) in relation to the "disappearance" and possible extrajudicial execution by security forces of thousands of people in the 1980s and early 1990s, did not make any significant progress.

[Source: AI, *Report 2003* (2003) 126.]

Ten years after widespread communal riots in Bombay claimed 1,788 lives and five years after the Shrikrishna Commission of Inquiry indicted several police officers for having actively sided with violent Hindu groups during the riots, no significant progress had been made to prosecute the alleged perpetrators. (See NCH #27.)

[Source: AI, *Report 2003* (2003) 126.]

INDONESIA

See Timor-Leste.

IRAN

On 5 August 2000, Iranian authorities had arrested Hojatoleslam Hassan Youssefi Eshkevari (1950-), director of the Ali Shariati Research Center, journalist and author of several books on Iranian history, after his return from Berlin where he had presented his paper *Dictatorship and Its History* at the Heinrich Böll academic and cultural conference entitled *Iran after the elections*, held in April 2000, at which political and social reform in Iran were discussed. He was held in solitary confinement until mid-July 2001 and secretly tried in October before a Special Court for the Clergy on charges of defamation, apostasy, being “at war with God”, and “being corrupt on earth”, which carry the death penalty. Some of the stronger charges were dropped and in November 2001, his sentence was reduced to two and a half years; in August 2002 it was overturned. New charges of “propaganda against the Islamic Republic” and “insulting top-rank officials” were filed against him, for which he received a sentence of seven years’ imprisonment on 17 October 2002. On 7 March 2003, his sentence was upheld by a Court of Appeal. (See NCH #23, #27.)

[Sources include HRW, *World Report* (Washington) 2001 (2000) 354; 2002 (2002): 428; 2003 (2003): 407, 444; PEN, *Rapid Action Network* 28 October 2002; update #10 to RAN 11/00; AI *Report* 2001: 130, 2002: 129, 2003: 131; IOC 5/00: 100; IOC 3/01: 109; IOC 4/01: 124; IOC 1/03: 123; PEN, *Half-Yearly Caselist* (2003) 146.]

In August 2002, Hashem Aghajari (1957-), historian and head of the history department at Tarbiat Modares University, Tehran, member of the reformist Islamic Revolution’s Mujahideen Organization (IRMO), and close ally of President Mohammad Khatami, was arrested on charges of apostasy and blasphemy (defamation of religious figures and Shiite Islamic traditions), following an address he delivered in Hamedan, western Iran, the previous June. His speech, entitled *Islamic Protestantism*, commemorated the death in June 1977 of the ideologist of the Iranian Revolution Ali Shariati and called for a “religious renewal” in which Muslims should not “blindly follow religious leaders” (thereby challenging the Shiite doctrine of “emulation” or “taqlid”). During a closed trial in November 2002, he was sentenced to 74 lashes, eight years’ imprisonment--to be served in “internal exile”--and the death sentence. He also received a ten-year prohibition from teaching. Aghajari was amputated at the knee during the 1980-1988 Iran-Iraq war and needed medical attention. Hundreds of

university students and lecturers protested against the sentence. On 2 December, Aghajari's lawyer appealed against the death sentence (against Aghajari's wish) after on 17 November Ayatollah Ali Khameni had ordered Iran's chief judge to review it. On 14 February 2003, the Supreme Court repealed the death sentence. On 17 February a retrial was ordered. Aghajari prepared a Persian edition of the travel diary of Ibrahim Beg, a late nineteenth century imaginary account of the travels of a reformer through Iran. (See NCH #28.)

[Sources include AI, *Urgent Action Appeal* 330/02 (7 November 2002, 14 February 2003); AAAS Human Rights Action Network, IR0219-agh, 12 November 2002, 20 February 2003; PEN, *Rapid Action Network* 55/02, 12 & 27 November & 10 December 2002, 19 February 2003; IOC 1/03: 123, 126; IOC 2/03: 155; HRW, *World Report 2003* (2003) 407, 445; AI, *Report 2003* (2003) 131; PEN, *Half-Yearly Caselist* (2003) 145-46.]

On 9 March 2003, Alireza Eshraghi, a journalist for the newspaper *Hayat-e-No*, was released on bail after 53 days' imprisonment in isolation. Eshraghi had been arrested on 12 January following the republication in the 8 January edition of *Hayat-e-No* of a 1937 United States (US) newspaper cartoon depicting a US Supreme Court judge under the thumb of then President Franklin Roosevelt. The cartoon represented the judge as a bearded, black-robed old man resembling the founder of the Islamic regime, the late Ayatollah Ruhollah Khomeini (died 1989). The cartoon was printed alongside an article discussing "social collapse" in Iran, and was as such deemed insulting to Khomeini's memory. The Religious Court had ordered the newspaper's closure on 11 January. The editor subsequently apologized for the "misunderstanding" and then accused Eshraghi of being responsible for printing the cartoon.

[Sources: PEN, *Rapid Action Network* 20/03, 3 April 2003; IOC 2/03: 155; IOC 3/03: 148-49; PEN, *Half-Yearly Caselist* (2003) 152.]

IRAQ

In 2002, the Iraqi government continued to deny entry to Yuli Vorontsov, the United Nations Secretary General's high-level coordinator for the return of missing property and missing persons from Iraq to Kuwait. An estimated 605 Kuwaiti and third-country nationals were unaccounted for since the 1991 Gulf war. The Iraqi government renewed its demand for clarification of the fate of some 1,137 Iraqis whom it said had also been missing since 1991.

[Source: HRW, *World Report 2003* (2003) 456.]

In June 2002, Iraq acknowledged possession of Kuwaiti archives removed by its forces during the

1990-1991 occupation of the emirate. On 19 October 2002, the process of returning the archives started.

[Sources: *IOC* 1/03: 130; HRW, *World Report 2003* (2003) 456.]

ISRAEL

In 2000, Teddy Katz (?1943-), a historian who had studied at Haifa University Middle Eastern History Department, was sued for libel by the Organization of Veterans of the Alexandroni Brigade (a militia of the Haganah, the forerunner of the Israel Defense Forces) after his highly graded MA dissertation, *The Exodus of the Arabs from Villages at the Foot of Southern Mount Carmel in 1948* (1998)--dealing with a forgotten massacre in the village of Tantura on the night between 22 and 23 May 1948--had implicated the brigade in the killings of some two hundred unarmed villagers between the ages of thirteen and thirty (of a total of about 1,500 inhabitants), and excerpts from it were published in the Israeli press in January 2000. The Tantura case became the first in Israel's history in which the Nakbah (the "Catastrophe": the 1948 Palestinian expulsion and dispossession) was discussed in court. At an early stage of the trial in December 2000, Katz, not supported by his university, suddenly apologized and signed a compromise agreement with the veterans in which he repudiated his research and denied the massacre. However, he retracted the apology twelve hours later, saying that he had been under heavy pressure due to overwhelming media attention and the possible prospect of heavy damages (more than one million shekels), and had feared the relapse of a previous stroke. The judge decided in favor of the complainants. Katz appealed the decision and the case moved to the High Court. At the end of December 2000, the prosecutor urged the university to strip Katz of his title. Between April and June 2001, a Haifa University academic committee of four university lecturers examined the quality of the study and criticized it for four discrepancies between the taped interviews of 135 Arab survivors and Jewish veterans and the conclusions. In November 2001 the Haifa University Council for Advanced Studies decided on the basis of the committee's recommendations to disqualify the thesis and to withdraw Katz's degree, but the Middle Eastern History Department stopped this procedure, demanding that the measures be frozen until the court had issued a verdict and in anticipation of a wholesale revision of the thesis. During the same month, the High Court rejected Katz's appeal but overruled the decision that he had to publish an apology in the leading papers and decided that he was also allowed to explain his viewpoint publicly.

In May 2002, the expulsion from the university of historian Ilan Pappé (?1955-), senior lecturer at the Haifa University history (1992-1994) and political science (1994-) departments, author of *The Making of the Arab-Israeli Conflict, 1947-1951* (London 1992), and former academic director of the Research Institute for Peace at Givat Haviva, was demanded before the university's disciplinary committee (called

“academic disciplinary court”) on charges of defamation and “noncollegiality or deviation from ethics, such as appealing to organizations abroad, insulting colleagues, and damaging their academic integrity” for publishing an open letter in which he accused the university of moral cowardice in relation to the Katz case, but the committee suspended the case. Pappé maintained that other reasons for this attempt at expelling him (and for canceling one of his lectures and excluding him from conferences) were his independent research confirming the massacre of around 250 Palestinians in Tantura, an article written by him about the affair in Hebrew, his proposal to teach a course in 2003 on the Nakbah and “ethnic cleansing” during the 1948 war, and his support for a European financial and academic boycott of Israel’s universities for their alleged lack of independence.

[Sources include *IOC* 3/02: 207-9; *IOC* 3/03: 185.]

On 15 July 2002, the High Court rejected a petition from the family of an Israeli soldier killed in the 1982 invasion of Lebanon seeking public access to classified information relating to the 1982 Sabra and Shatila massacre. The judges ruled that it was for the government to decide whether the public’s right to know outweighed security needs. The issue will be re-examined in five years. (See also Belgium; see NCH #23, #27.)

[Source: *IOC* 4/02: 119].

ITALY

On 10 December 2002, a proposal by the parliament’s culture committee, drafted by members of Prime Minister Silvio Berlusconi’s Forza Italia political party, called on the Ministry of Education to exercise direct control over the choice of history textbooks used in the school. Initiated by Member of Parliament Fabio Garagnani, it reportedly aimed at eliminating an alleged Marxist bias in certain textbooks. Among the textbooks was *Elements of the History of the Twentieth Century*, by Augusto Camera and Renato Fabietti, criticized for defending communism as an ideology in search of equality and freedom. Most Italian historians rejected the proposal.

[Sources: *IOC* 2/03: 157 and P. Willan, “Italian MP’s Threaten To Censor Textbooks”, *Guardian*, 18 December 2002.]

See also Libya.

JAPAN

In September 2002, a joint declaration of Japanese Prime Minister Koizumi Junichiro and North Korean leader Kim Jong Il in Pyongyang included an apology by Japan for its past colonial rule over Korea (1910-1945). During the meeting, Kim also admitted that North Korean agents had kidnapped thirteen Japanese citizens in the late 1970s and early 1980s.

[Source: AI, *Report 2003* (2003) 143, 150.]

JORDAN

On 16 January 2003, Muhannad Mubaideen, a journalist of the weekly magazine Al-Hilal (The Crescent), was arrested following the publication on 14 January of his article entitled *Aisha in the Prophet's Home* about the Prophet Muhammad's wives (Aisha in particular) and his sexual life. He was charged with "insulting Islam", "damaging the prestige of the state" (Jordan's Hashemite rulers claim descent from the Prophet Muhammad's family), and "destabilizing society by propagating perversity and false rumours". Mubaideen, who maintained that his article was based on historical and religious references, was tried before a state security court and sentenced to eighteen months' (later commuted to six months') imprisonment, without recourse to appeal. Al-Hilal was banned for two months.

[Sources include PEN, *Rapid Action Network* 8/03, 19 February 2003].

In August 2002, the authorities closed the local office of the Qatar-based satellite television channel al-Jazeera, following the screening of a phone-in program deemed insulting to the royal family. It had included criticism of the late King Hussein (died 1999) in relation to the 1994 Jordan/Israel peace treaty.

[Source: AI, *Report 2003* (2003) 145.]

KENYA

President Daniel arap Moi refused to release a 1999 report by the presidential Commission on the Ethnic Clashes (known as the Akiwumi Commission) set up in 1998 to investigate politically motivated ethnic violence that occurred throughout Kenya between 1991 and 1998. In October, the High Court ordered publication of the report, which concluded that the clashes amounted to ethnic cleansing and implicated several high government officials and opposition leaders.

[Sources: HRW, *World Report 2003* (2003) 42; AI, *Report 2003* (2003) 149.]

In August 2002, a Nairobi court found publisher of *Finance* magazine and Kenyan Member of Parliament Njehu Gatabaki guilty of “publishing an alarming publication”. He had written an article linking President Daniel arap Moi to the deaths of 200 people in ethnic bloodshed in 1992. Sentenced to six months’ imprisonment, he was released by presidential decree five days later.

[Source: *IOC 4/02*: 120].

KOREA

See Japan, South Korea.

KUWAIT

See Iraq.

LEBANON

A government commission of inquiry on “disappearances”, set up in February 2001, concluded its work but its findings were not disclosed. (See NCH #23, #27.)

[Source: *AI, Report 2003* (2003) 159.]

See also Belgium.

LIBYA

On 26 October 2002, Libya closed its airports and cut international telephone lines with the outside world for a “Day of Mourning” to commemorate crimes committed by Italian colonial forces between 1911 and 1943. Italy said that it had honored its obligations in a one-off payment of \$6.7 million in 1956 and a 1998 peace accord.

[Source: *IOC 1/03*: 130].

MALDIVES

In March 2002, Member of Parliament and historian Mohamed Nasheed lost his appeal. In late June, he was returned to Male after several months' exile in the Raa atoll, to serve the remainder of the sentence under house arrest. On 29 August, he was released but denied his parliamentary seat. (See NCH #27.)

[Sources: *IOC* 4/02: 121; *IOC* 1/03: 131; *IOC* 3/03: 153; *AI, Report 2003* (2003) 171].

MEXICO

The government made the decision to publicly acknowledge acts of political violence committed by its security forces during the 1960s and 1970s, and to attempt to bring to justice those responsible for such crimes. In November 2001, the Comisión Nacional de Derechos Humanos (National Human Rights Commission) released a 3,000-page report on state abuses committed during that era. The report was largely based on information from secret government archives on more than 500 "disappearances" over the past three decades. It confirmed that at least 275 of these victims had been arrested, tortured, and killed by state security forces. After receiving the report, President Vicente Fox announced the creation of a special prosecutor's office charged with this task. Appointed in January 2002, the special prosecutor summoned former President Luis Echeverría Alvarez and others to answer questions about the massacres, but Echeverría chose not to respond to questions (exercising his constitutional right against self-incrimination). By late 2002, the office had received some 400 complaints of "forced disappearances", as well as eleven complaints related to the 1968 Tlatelolco massacre and four complaints related to the 1971 "Jueves de Corpus" massacre. In June 2002, the Fox administration also released 80 million pages of secret intelligence files compiled between 1952 and 1985. (See NCH #23, #27.)

[Sources: HRW, *World Report 2003* (2003) 100, 153-54; *AI, Report 2003* (2003) 175]

In 2002, several members of the paramilitary group Justicia y Paz (Justice and Peace) were detained and a further 19 people were sentenced to prison terms in connection with the 1997 massacre of 45 members of the indigenous community of Acteal. (See NCH #27.)

[Source: *AI, Report 2003* (2003) 175.]

MOLDOVA

On 1 July 2001, some 500 teachers demonstrated in the capital Chisinau to protest the authorities'

intention to replace the school textbook *History of Romanians* with a new textbook *History of Moldova*, thus replacing traces of “Romanianism” with “Moldovanism”, as was the case in historiography under the Soviet regime until independence in 1991. According to the intended compulsory book, the peoples of the two countries, Romania and Moldova, were historically different, as were their languages. The plan was opposed by the Academy of Sciences History Department, the State and Pedagogical Universities, and the Association of Historians, but not by the historians of the Association for the History of Moldova. After thousands of pro-Romanian Moldovans made the textbook case a central item in their almost daily antigovernment protests from January to April 2002., Minister of Education Ilie Vancea announced a moratorium on the plans. However, he was dismissed. On 24 April 2002, the Parliamentary Assembly of the Council of Europe called for an extension of the moratorium. Culturally and historically linked with Romania, the territory of present Moldova was annexed by Russia and the USSR in 1812-1917 and 1940-1991; it was part of Romania in 1918-1939.

[Sources include AI, *Report 2003* (2003) 176; and also M. Shafir, “Moldovan Teachers Protest History Manipulation Intention”, *RFE/RL Newslines* (WWW-text 3 July 2001).]

MOROCCO and Western Sahara

The process, begun in 1999, of compensating victims of “disappearances” and arbitrary detention in previous years and their families continued. However, the authorities failed to account for the cases of several hundred people, most of them Sahrawis, who “disappeared” between the 1960s and early 1990s. Investigations to establish responsibility for the grave and systematic human rights violations which occurred in the past were probably not started. (See NCH #23, #27.)

[Source: AI, *Report 2003* (2003) 177-78.]

On 16 December 2002, the authorities announced that a Moroccan magistrate would be appointed to record the testimony of retired security agent Ahmed Boukhari on behalf of a French judicial inquiry investigating the “disappearance” of opposition leader Mehdi Ben Barka, who was abducted in Paris in 1965. (See also United States; see NCH #17, #27.)

MYANMAR

The government continued its project to build new Buddhist temples and statues around the country, including on sites sacred to ethnic minorities. In the face of local objections, some monuments sacred

to ethnic minorities were destroyed and replaced with new structures, such as hotels.

[Source: HRW, *World Report 2003* (2003) 204.]

Historian Ma Khin Khin Leh, sentenced to life imprisonment in 1999, remained in prison. (See NCH #18, #23.)

[Source: AI, *Report 2003* (2003) 181.]

NETHERLANDS

See Suriname.

NEW ZEALAND

On 6 February 2003, so-called Pakeha (non-Maori) journalists were barred from the commemoration of the signing of the 1840 Treaty of Waitangi. Senior members of the Ngapuhi tribe, the site's traditional custodians, had complained about "adverse reporting" by these journalists in the past.

[Source: *IOC 2/03*: 162.]

NIGERIA

No one was brought to justice for the army raid in the town of Odi, Bayelsa State, in 1999, in which over 250 unarmed civilians were killed, nor for the killing of more than 200 civilians in Benue State in 2001. The federal government did not apologize officially for the killings and none of the victims or the families of those killed received information.

[Source: AI, *Report 2003* (2003) 190.]

In May 2002, the Human Rights Violations Investigation Commission, known as the Oputa Panel, inaugurated in June 1999 to investigate human rights violations committed between 1966 and the return to civilian rule in May 1999, submitted its final report to President Olusegun Obasanjo. The report was not made public and the government failed to disclose plans to implement recommendations made by the panel. (See NCH #17, #23, #27.)

[Source: AI, *Report 2003* (2003) 190.]

NORTH KOREA

See Japan.

PALESTINIAN AUTHORITY

See Belgium.

PANAMA

In April 2002, a government-sponsored truth commission issued its final report on abuses committed during military rule.

[Source: HRW, *World Report 2003* (2003) 101.]

PARAGUAY

In August 2002, judicial authorities were asked to approach the Ministry of Foreign Affairs to seek clarification as to whether an extradition request against former President General Alfredo Stroessner (living in exile in Brazil), ordered by a judge in 2001 for his alleged role in the torture and killing of two brothers in 1974, had been submitted. (See NCH #27.)

[Source: AI, *Report 2003* (2003) 197.]

PERU

Beginning in April 2002, the Truth and Reconciliation Commission held seven public and televised hearings in cities and rural areas across Peru, devoted to first-hand testimonies regarding massacres, extrajudicial executions, rapes, and other abuses committed by armed state and opposition groups between May 1980 and November 2000. The impartiality of the commission was repeatedly questioned by politicians belonging to the Alianza Popular Revolucionaria Americana (APRA, Popular American Revolutionary Alliance). APRA leader Alan García was Peru's president from 1985 to 1990, a period during which many of the abuses took place. In November 2002, the

commission published a preliminary list of 7,000 cases of forced “disappearance”. The commission’s final report was scheduled for 2003. In April 2002, the attorney general appointed Felipe Villavicencio Terreros as Special Prosecutor on Forced Disappearances, Extrajudicial Executions and the Exhumation of Clandestine Graves. Since 2000 four mass graves were investigated. There were believed to be more than 500 clandestine burial sites across Peru. There was little progress in the government’s attempts to have former President Alberto Fujimori extradited from Japan to stand trial for crimes against humanity. In 2001, the attorney general had formally charged him with the murder of 15 people at Barrios Altos, Lima, in 1991, and with the forced “disappearance” and murder of nine students and a professor at La Cantuta University, Lima, a year later. (See NCH #27.)

[Sources: HRW, *World Report 2003* (2003) 100-101, 158-61; AI, *Report 2003* (2003) 198-99.]

See also United States.

QATAR

See Jordan.

ROMANIA

From March 2001, Romanian citizens have the right to inspect their file kept by the former secret police Securitate, after those files were examined and cleared for breaches of national security by a joint commission of the current intelligence service (SRI) and the National Council for the Study of Securitate Archives (CNSAS). CNSAS attempts to make public the names of Securitate officers and informers met with sharp response from the SRI, which threatened CNSAS members with prison. (See NCH #10, #17.)

[Source: *IOC 4/02*: 54].

On 21 March 2003, the body of investigative journalist Iosif Costinas (?1941-) was found in a forest near Timisoara, eight months after he was last seen alive. He “disappeared” at a time when he was working on a book on Timisoara’s maffia and investigated the issues of unsolved murders during the 1989 anticommunist revolt and the presence of former Securitate members in positions of authority.

[Source: *IOC 3/03*: 157].

RWANDA

In 2002, the government launched “gacaca”, an innovative but controversial participatory, state-run justice system (with 254,162 lay magistrates) intended to speed up the trial of more than 100,000 detainees accused of genocide and to promote reconciliation. The government refused, however, to let gacaca courts hear allegations of war crimes by Rwandan Defense Force (RDF, formerly Rwandan Patriotic Army, RPA), and it tried to stop the United Nations International Criminal Tribunal for Rwanda (ICTR) from investigating RDF suspects. In June 2002, the government imposed travel restrictions on ICTR prosecution witnesses and refused to provide access to documents needed by the prosecution, allegedly in order to delay trials.

On 16 January 2002, the ICTR restarted the trial of historian Ferdinand Nahimana, co-founder of Radio-Télévision Libre des Mille Collines. He pleaded not guilty to charges of genocide, conspiracy to commit genocide, and crimes against genocide. (See NCH #17, #23, #27.)

[Sources: *IOC 2/03*: 164; HRW, *World Report 2003* (2003) 61, 63, 65; AI, *Report 2003* (2003) 210-12.]

SENEGAL

Despite pledges by the authorities to investigate past human rights violations, no steps were taken to institute an inquiry into the large-scale violations committed by the security forces in Casamance in the past decade.

[Source: AI, *Report 2003* (2003) 216.]

SIERRA LEONE

On 16 January 2002, the United Nations and the government of President Ahmad Tejan Kabbah signed an agreement that created the legal framework for the Special Court for Sierra Leone, an independent court using both international and Sierra Leonean law, judges, and prosecutors, established to try crimes committed from December 1996 onwards (although the internal armed conflict lasted from 1991 to January 2002). As the first mixed national and international tribunal of its kind, it was to operate for at least three years, beginning in mid-2003.

On 5 July 2002, Kabbah formally swore in the Truth and Reconciliation Commission (TRC) members, three international and four national. The TRC was expected to operate for fifteen months with a possible extension of a further six months. The general amnesty for all acts undertaken in pursuit of the conflict, which was provided by the 1999 Lomé peace agreement and subsequently passed into

law, remained a serious impediment to addressing impunity comprehensively, although it was not a bar to prosecution by the Special Court. (See NCH #17, #23, #27.)

[Sources: HRW, *World Report 2003* (2003) 68-69, 517; AI, *Report 2003* (2003) 12, 217.]

SOMALIA

In January 2002, the United Nations Independent Expert on Somalia called for independent investigations into past human rights abuses to assist the process of peace and reconciliation.

[Source: AI, *Report 2003* (2003) 223-24.]

SOUTH AFRICA

In 2002, South African victims of apartheid brought a multi-billion dollar suit in the United States against United States, Swiss and German banks as well as the IBM corporation, claiming that loans to the apartheid regime helped prop it up in defiance of a United Nations embargo which lasted from 1985 to 1993. (See NCH #14, #17, #23, #27.)

[Source: HRW, *World Report 2003* (2003) 74.]

In 2000, the government failed to make arrangements for reparation payments to approximately 22,000 victims identified by the Truth and Reconciliation Commission (TRC). In March, the TRC was formally dissolved. Publication of its final volumes was, however, delayed when the Inkatha Freedom Party obtained a court order to prevent this. The army denied accusations that it had failed to turn over thousands of documents to the TRC. There was also concern that TRC documents relating to the previous government's chemical and biological weapons program had "disappeared" after having been handed to the National Intelligence Agency. (See NCH #14, #17, #23, #27.)

[Sources: IOC 3/02: 217; HRW, *World Report 2003* (2003) 74-75; AI, *Report 2003* (2003) 226.]

SOUTH KOREA

On 14 November 2002, the two-year tenure of the Presidential Truth Commission on Suspicious Deaths was extended for a further year. The commission was established in October 2000 to "[find] the truth on suspicious deaths that occurred in relation to the Democratization Movement against past authoritarian regimes."

[Source: AI, *Report 2003* (2003) 153.]

SPAIN

Among the six journalists detained and possibly tortured after the Basque-language daily newspaper *Euskaldunon Egunkaria* (*Newspaper of the Basques*; established 1990) in Andoain (northern Spain) was raided by the Civil Guard on 20 February 2003, was Juan Mari Torrealdai[i], its editor. Torrealdai[i] was also editor of the Basque literary magazine *Jakin*, and author of a number of books on Basque culture and literature, including three books on censorship under Franco, the latest of which was *Artaziak--Scissors, Basque Books and Franco's Censorship 1936-1983* (2000). The newspaper, closed under antiterrorism legislation for allegedly being an instrument of the Basque armed group Euskadi Ta Askatasuna (ETA), denied any sympathy for ETA and referred to its frequent publication of articles critical of ETA. On 15 March, Torrealdai[i] was released. He claimed to have been subjected to ill-treatment.

[Sources: PEN, *Rapid Action Network* 13/03, 6 & 25 March 2003; *IOC* 2/03: 165; *IOC* 3/03: 159; PEN, *Half-Yearly Caselist* (2003) 120.]

In November 2002, the Spanish parliament for the first time condemned the regime of General Franco (1939-1975) and backed initiatives to uphold the memory of the victims of the 1936-1939 Civil War, including the exhumation of the common graves of over 30,000 people, most thought to be Republican.

[Source: AI, *Report 2003* (2003) 228.]

See also Guatemala, Turkey.

SRI LANKA

On 13 February 2003, all 23 Jaffna town council members resigned in protest after threats by the Liberation Tigers of Tamil Eelam (LTTE) over the reopening of the public library. LTTE wanted the library to remain closed until an annex documenting the destruction by fire of the library's Tamil-language books by Sinhalese mobs in June 1981 was built and the Tamil books replaced. The library's 95,000 volumes included many irreplaceable manuscripts.

[Source: *IOC* 2/03: 165-66].

In 2002, there were reports that members of the government were putting pressure on the Attorney General's Department not to proceed with investigations against members of the security forces suspected of involvement in past "disappearances". These investigations arose from recommendations of four presidential commissions of inquiry into "disappearances" which occurred from 1987 to 1994. (See NCH #14, #17, #23, #27.)

[Source: AI, *Report 2003* (2003) 230.]

SUDAN

In February 2002, the political association Republican Brothers was refused permission by the security services to hold a meeting in the capital Khartoum. It had planned to commemorate the anniversary of the execution of their spiritual leader, Mahmoud Mohamed Taha, in 1985.

[Source: AI, *Report 2003* (2003) 234.]

On 17 March 2002, Edward Terso Lado, a reporter for the English-language daily Khartoum Monitor, was reportedly detained in Khartoum. Some linked the detention to his work on a history of Islam in Sudan.

[Source: *IOC 3/03*: 160.]

SURINAME

By mid-2002, reportedly more than 160 people had testified in the investigation into the 1982 "December murders". A team of forensic experts from the Netherlands played an advisory role during the exhumation of the bodies of the fifteen victims. (See NCH #23, #27.)

[Source: AI, *Report 2003* (2003) 234.]

In August 2002 the Public Prosecutor's Office ordered the reopening of the investigation into the killing of chief inspector Herman Gooding in August 1990, who was investigating the November 1986 Moiwana massacre of at least 35 people. In June 1997 the nongovernmental human rights organization Moiwana '86 had lodged a petition with the Inter-American Commission on Human Rights concerning the massacre. In December 2002, the Moiwana case passed to the Inter-American Court of Human Rights. (See NCH #23.)

[Source: AI, *Report 2003* (2003) 235.]

SWITZERLAND

See Haiti, South Africa.

TIMOR-LESTE (formerly East Timor)

In late 2002, President Xanana Gusmao announced his opposition to the Special Panel for Serious Crimes of the Dili District Court--set up by the United Nations to conduct trials in alleged cases of crimes against humanity committed by Indonesian military and local militias against at least one thousand civilians in Timor-Leste between 1 January and 25 October 1999, in the run-up to Timor-Leste's popular consultation and vote on independence in August 1999. According to Gusmao, the special panel did not address the more extensive crimes of the 1975-1999 period (during which tens of thousands of Timor-Leste's population were killed by Indonesian forces or died from disease or starvation as Indonesia, which had occupied Timor-Leste, attempted to defeat separatists led by Gusmao). On 21 January 2002, the Commission for Reception, Truth and Reconciliation (CRTR) was established; it was to work for two years to document human rights violations committed between April 1974 and October 1999 in Timor-Leste. The first public hearings took place in November. Prosecutions in Indonesia itself in relation to the 1999 events were described as a failure. On 14 August 2002, the Indonesian court found former East Timorese governor Abilio Osorio Soares guilty of crimes against humanity and sentenced him to three years' imprisonment, well below the legal minimum of ten years. This and other verdicts triggered widespread international and domestic criticism. (See NCH #23, #27.)

[Sources: HRW, *World Report 2003* (2003) 184-85, 230-33, 253-54, 517-18; AI, *Report 2003* (2003) 128, 248.]

TURKEY

The state-supported Committee for the Coordination of the Struggle against Baseless Genocide Claims reportedly planned to open a museum to house and display documents designed to "counter" the historical records of the 1915 genocide in Armenia deployed by Armenians, and to collate and translate 20,000 documents from the Ottoman State archives and put them on the web.

[Source: *IOC 4/02*: 129].

In mid-December 2001 and mid-January 2002, a theology professor condemned Ömer Asan (?1963-) during a television discussion as being a traitor by associating with Pontic Greeks who wanted to seize the derelict Byzantine monastery of Panagia Soumela. Asan was the author of *Pontus Kültürü* (1996; *The Culture of the Pontus*), a study of the language, culture and history of a traditionally Greek-speaking, Muslim community on the Black Sea coast in Trabzon. On 19 January 2002 he appeared in a television program to defend himself, but the same accusations were made and the presenter accused him of insulting Atatürk's memory. Two days later, all copies of Asan's book were ordered to be seized. He was charged with writing "separatist propaganda". In March 2002, he was formally indicted for undermining state unity. He faced a penalty of between 14 months and 4 years in prison. The trial took place between July and November 2002.

[Source: PEN, *Half-Yearly Caselist* (2003) 125-26.]

In September 2002, Pablo Neruda's poem *Song to Mothers Whose Sons Have Died*, a tribute to the bereaved of the Spanish Civil War (1936-1939), became the subject of a Turkish State Security Court prosecution after it was published in Turkey in the magazine *Stance on Cultural Living*. The magazine was banned and its owner and editor were accused of "spreading terrorist propaganda".

[Source: *IOC* 1/03: 140].

On 24 December 2002, the Istanbul state security court fined Abdullah Keskin, owner of Avesta publishing house, but found author Songül Keskin not guilty of separatist propaganda over the publication of the books *Kurdish Uprisings* and *History of Kurdistan*.

[Source: *IOC* 2/03: 167.]

In 2003, the National Security Council complained about the showing of a film called *Ararat*, claiming that the film was hostile to Turks and "propagated a genocide against Armenians".

[Source: *IOC* 3/03: 161.]

TURKMENISTAN

On 4 March 2002, President Saparmurad Niazov announced the creation of a commission to investigate crimes and human rights abuses by agents of the Committee for State Security (KNB, or secret police).

[Source: HRW, *World Report 2003* (2003) 372.]

UNITED KINGDOM

Several London boroughs removed the books of writer David Irving from their libraries, after a British court pronounced him an active Holocaust denier in April 2000. (See NCH #5, #6, #17.)

[Source: *IOC 4/02*: 131].

The Tribunal of Inquiry's hearings into the 1972 killing of 13 unarmed people by soldiers on *Bloody Sunday* were still continuing by the end of 2002. (See NCH #10, #14, #17, #23.)

[Sources: *IOC 4/02*: 93-98; *AI, Report 2003* (2003) 263.]

UNITED STATES

When on 11 September 2001 Richard Berthold, history professor at the University of New Mexico, told his class "Anyone who can blow up the Pentagon gets my vote", state legislators threatened to cut the university's funding unless he was dismissed. Initially dismissed, Berthold was reprimanded after apologizing, but barred from teaching freshmen for a year.

[Sources include *IOC 3/03*: 64.]

On 7 January 2002, the State Department released 38 declassified documents in response to a request from a Peruvian congressional committee investigating charges of corruption and human rights abuses against Vladimiro Montesinos, the former de facto chief of the Servicio de Inteligencia Nacional (SIN; National Intelligence Service). Forty-one other documents, obtained under the Freedom of Information Act by the National Security Archive, were published during the same month. (See also Peru.)

[Source: HRW, *World Report 2003* (2003) 163.]

On 21 August 2002, the State Department released 4,677 declassified documents about human rights abuses during Argentina's "dirty war" (1976-1983). Many documents proved relevant to cases under investigation in Argentine courts, especially the Galtieri case. (See also Argentina.)

[Source: HRW, *World Report 2003* (2003) 106, 113-14.]

Human Rights Watch lobbied the authorities to release intelligence files on the 1965 "disappearance" of Moroccan opposition leader Mehdi Ben Barka. (See also Morocco, see NCH #17, #27.)

[Source: HRW, *World Report 2003* (2003) 416.]

See also Argentina, South Africa, Yugoslavia.

URUGUAY

In October 2002, the Peace Commission, established in August 2000 to clarify the fate of Uruguayans who “disappeared” between 1973 and 1985, stated in a preliminary report presented to the President and to the public that, according to its findings, 26 political prisoners had died as a result of torture in Uruguay and 13 others in Argentina. The commission also stated that it believed that a further 41 Uruguayan political prisoners had suffered the same fate in Argentina. (See NCH #23, #27.)

[Source: AI, *Report 2003* (2003).]

VENEZUELA

In April and May 2002, Liliana Ortega, Executive Director of the Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989 (COFAVIC; Committee of Relatives of Victims of the Events of February-March 1989), received threats via telephone and electronic mail. During the 1989 events, known as Caracazo, security forces reportedly committed hundreds of killings after civil disturbances. The Inter-American Court of Human Rights ordered the Venezuelan State to compensate 44 of the victims.

[Sources: HRW, *World Report 2003* (2003) 168; AI, *Report 2003* (2003) 273.]

VIETNAM

In February 2002, colonel and military historian Pham Que Duong (?1933-) applied to run in the election, but local Vietnamese Communist Party officials rejected his candidacy, claiming he was a “dangerous element” and “guilty of twenty crimes”. (See NCH #23, #27.)

[Source: HRW, *World Report 2003* (2003) 272.]

The August 2002 edition of the Far Eastern Economic Review, published in Hong Kong, was banned because it reviewed a biography of Ho Chi Minh, which mentioned the leader’s alleged love affairs.

[Sources include HRW, *World Report 2003* (2003) 270.]

In October 2002, the Ministry of Culture and Information issued a reprimand to the state-operated

printing houses, inter alia for publishing books that “distorted Vietnam’s history.”

[Source: HRW, *World Report 2003* (2003) 271.]

YEMEN

In May 2000, Hisham Bashraheel, editor, and Hassan Ben Hassainoun, reporter of the independent daily Al-Ayyam, were reportedly charged with instigating “sectarian feuds” and “the spirit of separatism”, probably because an article by Hassainoun published in February 2000 which criticized the Yemeni authorities for their neglect and demolition of historical sites in Yemen.

[Source: PEN, *Half-Yearly Caselist* (2003) 162.]

YUGOSLAVIA (Serbia & Montenegro)

The Swedish section of PEN awarded one of its Tucholsky awards to Yugoslav-born Roma poet Rajko Djuric, presently living in exile in Berlin. Djuric wrote on the culture and history of the Roma which had been preserved over centuries of displacement and persecution.

[Source: *IOC* 1/03: 144].

In February 2002, the trial of former Yugoslav President Slobodan Milosevic--indicted when he was still a sitting head of state—in relation to crimes committed during the wars in Bosnia, Croatia, and Kosovo began. There were 66 counts of genocide, crimes against humanity, and war crimes. Milosevic conducted his own defense. The government also imposed severe restrictions on access by the International Criminal Tribunal for the former Yugoslavia to archives, documents, and witnesses. In July and August 2002, the government freed a number of police officials from the obligation to guard state secrets while giving testimony in the Milosevic trial. (See NCH #23, #27.)

[Sources: HRW, *World Report 2003* (2003) 284, 297, 391-92, 395, 398; AI, *Report 2003* (2003) 86, 278.]

As of November 2002, the Truth and Reconciliation Commission, established by Yugoslav President Vojislav Kostunica, had failed to hold any hearings on war crimes and other abuses committed during the 1990s in Serbia and other parts of the former Yugoslavia.

[Source: HRW, *World Report 2003* (2003) 392.]

The governments of Serbia and Yugoslavia failed to protect freedom of expression when extreme

nationalists repeatedly disrupted an exhibition of photographs by American artist Ron Haviv about the 1991-1995 war. The threats and violence forced the organizers to close down the exhibition in three places.

[Source: HRW, *World Report 2003* (2003) 393.]

There were further exhumations of mass graves containing the bodies of ethnic Albanians transported from Kosovo to Serbia during the 1999 NATO campaign. The exhumations were monitored and aided by the International Commission on Missing Persons. Other exhumations of bodies of Croats and Bosnians from the wars of 1991-1995 began in March 2002 after years of intergovernmental negotiations. 223 Bodies were exhumed. A DNA laboratory was set up to assist with the identification of victims. In Kosovo, the International Civilian Police Force (CIVPOL) Missing Persons' Unit made limited progress in identifying the "disappeared" and abducted. There were some further exhumations of burial sites. However, few steps were taken to investigate the estimated 4,000 outstanding cases of "disappearance" and abduction, especially those of the estimated 1,200 Serbs, Roma and members of other minority groups abducted by the Kosovo Liberation Army or others after the entry of the NATO-led peacekeeping Kosovo Force (KFOR) into Kosovo. (See also Bosnia-Herzegovina; see NCH #23, #27.)

[Source: AI, *Report 2003* (2003) 278-79.]

Network of Concerned Historians	NCH
<i>Annual Report 2002</i>	http://www.concernedhistorians.org

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; the Network of Education and Academic Rights [NEAR, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

GENERAL

In August–September 2001 the third United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Durban, South Africa. The issue of reparations for slavery, the slave trade and colonialism provoked strong disagreements. The conference acknowledged that slavery and the slave trade “are a crime against humanity and should always have been so” and said that states have a “moral obligation” to “take appropriate and effective measures to halt and reverse the lasting consequences of those practices”. Human Rights Watch (HRW) argued that the descendants of victims of human rights abuses should be able to pursue claims for reparations and that the right to reparations was not extinguished with the death of the victim. Reparations should consist of compensation, acknowledgement of past abuses, an end to ongoing abuses, and, as much as possible, restoration of the state of affairs that would have prevailed had there been no abuses. To establish priorities for reparations, HRW proposed the establishment of national panels as well as one or more international panels to look at the effect of the slave trade and other international forms of systemic abuse. The panels would act as a kind of truth commission, aiming to determine how a government’s past racist practices had contributed to contemporary deprivation domestically and across world regions. (*See NCH #23*)

[Source: HRW, *World Report 2002* (2002) 20, 25, 28, 495, 547, 615, 621–23, 627, 629, 638–39.]

See also Senegal, Suriname.

AFGHANISTAN

In October 2001, a new group, Citizens Against War Criminals, which included survivors of various civilian massacres, issued statements calling for a war crimes tribunal. Accountability for past abuses was demanded with respect to crimes by the Taliban, by commanders of the Northern Alliance (United Front), by *mujahideen* outside the alliance, and by Soviet commanders during their occupation of the country (1979–89).

[Source: HRW, *World Report 2002* (2002) 180, 190.]

ALGERIA

In 2001 the government provided no information about the investigations it claimed had been carried out into the massive human rights abuses committed since 1992, including thousands of cases of extrajudicial executions, killings, and torture, and some 4,000 “disappearances”. Similarly, no steps were known to have been taken to investigate information provided by families about the alleged burial place of relatives who had been abducted and killed by armed groups, but whose bodies were never found. (*See NCH #23*).

[Source: AI, *Report 2002* (2002) 30.]

ARGENTINA

In March 2001, a landmark decision by federal judge Gabriel Cavallo declared the country’s amnesty laws unconstitutional (the 1986 “full-stop law” and the 1987 “due-obedience law”, which granted immunity from prosecution for human rights violations committed under military rule during 1976–83). In November the ruling was affirmed in November by a Buenos Aires appellate tribunal. In September 2001, the Under-Secretary for Human Rights publicly acknowledged that 15,000 people had “disappeared” during the period 1976–83. Federal and provincial judges continued to investigate “disappearances” and extrajudicial executions of that period in so-called “truth trials” (hearings seeking to establish the truth about the crimes even though those responsible could not be prosecuted or convicted because of the amnesty laws). Former head of state Jorge Videla and others were among a dozen former retired officers held under house arrest on charges of ordering the theft of babies born to mothers in secret detention and their handover for adoption to military families. These crimes had

been expressly excluded from the amnesty laws. In June 2001, Videla appeared in court to be questioned on charges of illicit association, illegal arrest and torture. He was accused of participating in Operation Condor (a secret criminal plan devised by Southern Cone military governments in the 1970s and 1980s to kidnap, exchange, or “disappear” political refugees from neighbouring states). Other judges sought the arrest and extradition of, among others, former dictators Alfredo Stroessner (Paraguay, 1954–89), Augusto Pinochet (Chile, 1973–90), and Hugo Banzer (Bolivia, 1971–79), for their alleged involvement in Operation Condor. In August 2001, the Chilean Supreme Court rejected the request for Pinochet’s extradition because of his parliamentary immunity from prosecution. (*See NCH #14 and #23 under Chile*).

[Sources: HRW, *World Report 2002* (2002) xvi, 105–106, 117–19, 131–32; AI, *Report 2002* (2002) 34–35, 51, 72.]

See also United States, Uruguay.

BELGIUM

An increasing number of cases were filed in Belgian courts under its universal jurisdiction law (drafted 1993; revised 1999). Many of these charged current or former heads of state with war crimes, genocide, or crimes against humanity, including Paul Biya (Cameroon), André-Félix Patasse (Central African Republic), Hissène Habré (Chad), Augusto Pinochet (Chile), Fidel Castro (Cuba), Saddam Husayn (Iraq), Hashemi Rafsanjani (Iran), Ariel Sharon (Israel), Laurent Gbagbo (Ivory Coast), Yasser Arafat (Palestinian Authority), and Paul Kagame (Rwanda). On 14 February 2002, the International Court of Justice in The Hague ruled that officials still in power enjoyed diplomatic immunity. Amnesty International called on Belgium not to weaken its universal jurisdiction legislation in any way.

[Sources include HRW, *World Report 2002* (2002) 600; AI, *Report 2002* (2002) 20, 48, 66, 83.]

In 2001 a parliamentary inquiry concluded that members of the Belgian government and other Belgian participants were “morally responsible” for the circumstances leading to the assassination of Congolese Prime Minister Patrice Lumumba in January 1961, but found no evidence that they had ordered his “physical elimination”. (*See NCH #17 under Congo*).

[Source: AI, *Report 2002* (2002) 47.]

See also Chad, Cuba, Israel, Palestinian Authority.

BOSNIA-HERZEGOVINA

Tens of thousands of people were still missing after the war (1992–95). Many of those who “disappeared” were presumed killed by members of armed forces or paramilitary groups, including over 7,000 Bosnian Muslim men and boys detained and killed in mass executions by the Bosnian Serb army in Srebrenica in July 1995. In May and December 2001, new forensic laboratories in Tuzla and Sarajevo started their work, with the aim of accelerating the identification process by DNA analysis.

[Source: AI, *Report 2002* (2002) 54.]

In May 2001, an estimated 2,000 Bosnian Serb protestors violently disrupted a rebuilding ceremony for the sixteenth-century Ferhad Pasha mosque in Banja Luka, which had been destroyed in the war (1992–95).

[Source: AI, *Report 2002* (2002) 53.]

See also Yugoslavia (Serbia & Montenegro).

BRAZIL

In May 2001 thirteen men were convicted of ordering or carrying out an attack on around 100 Ticuna Indians at Capacete Creek, state of Amazonas, in 1988, in which fourteen people died, including six children. They were sentenced to between 15 and 25 years’ imprisonment. These were the first convictions for genocide handed down by a court in Amazonas.

[Source: AI, *Report 2002* (2002) 57.]

See Paraguay.

BULGARIA

In March 2001 a public prosecutor initiated a criminal investigation for incitement to racial or national hatred in connection with leaflets distributed by the United Macedonian Organization “Ilinden” (OMO “Ilinden”), calling on the residents of the region to declare themselves in the census as Macedonians. In July police prevented OMO “Ilinden” activists from holding a peaceful assembly

to commemorate the foundation of the Republic of Macedonia. In October the European Court of Human Rights ruled that the authorities had violated the right to freedom of assembly and association when they prohibited OMO “Ilinden” activists from holding similar commemorative meetings in 1994–97. (*See NCH #5*).

[Source: AI, *Report 2002* (2002) 58, 60.]

BURUNDI

Trials related to the massacres of Tutsi civilians which followed the 1993 assassination of President Melchior Ndadaye continued in 2001. Thousands of Hutu, many of them supporters of FRODEBU (Front pour la démocratie au Burundi; Front for Democracy in Burundi), remained in detention awaiting trial. Few, if any, members of the security forces or Tutsi civilians were arrested and prosecuted by the Tutsi-dominated judiciary for their part in the reprisal killings of thousands of Hutu civilians. (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) 40–41; AI, *Report 2002* (2002) 63.]

CAMBODIA

In August 2001, the Cambodian King signed a law, passed by the National Assembly and Senate in July, to set up a tribunal to try some Khmer Rouge leaders of the former Democratic Kampuchea (1975–79). The law was criticized, inter alia because it did not contain the provision that prior amnesties would not be a bar to prosecution, a provision agreed upon earlier with the United Nations (UN). In November Prime Minister Hun Sen complained that the UN was causing delays in the process, and stated that the Cambodian side would proceed without the UN if necessary. In August, a seven-page letter by former Khmer Rouge leader Khieu Samphan was published, in which he offered an apology to the Cambodian people. (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) 179, 199, 204; AI, *Report 2002* (2002) 20, 64–65.]

CANADA

In January 2002, after six years of legal struggle, the Canadian Human Rights Commission ordered Holocaust denier Ernst Zündel to close his website of anti-Semitic propaganda. According to the commission, the social benefits of eliminating hate speech outweighed the issue of protection of free

speech.

[Source: IOC 6/85: 30–31, 2/02: 104.]

CHAD

In March 2001 Senegal's Court of Final Appeal (Cour de Cassation) ruled that former Chadian President Hissène Habré (1982–90) could not be tried in Senegal for crimes allegedly committed in Chad. In September the government agreed to consider any future request for Habré's extradition on charges of crimes against humanity. Habré's one-party regime, supported by the United States and France, was marked by widespread abuse and campaigns against the ethnic Sara (1984), the Hadjerai (1987), and the Zaghawa (1989). In 1992, a truth commission had accused Habré's regime of 40,000 political murders and systematic torture. In October 2000, seventeen victims had lodged criminal complaints for torture, murder, and "disappearance" against named members of the Direction de la documentation et de la sécurité (DDS; Directorate of Documentation and Security; Habré's political police) in Chad itself. President Idriss Déby promised to clean up the administration by removing all former DDS agents and to grant full access to the truth commission files. In May 2001, the N'Djaména court of appeal ruled that, although a special court to try Habré and his collaborators, provided for in a 1993 law, had never been established, the ordinary courts had jurisdiction over the cases. A judge began to hear witnesses. More than twenty victims filed new cases. In November 2000, Chadian victims had already filed a criminal complaint against Habré in Belgium. (*See NCH #17, #23*).

[Sources: HRW, *World Report 2002* (2002) 596–98; AI, *Report 2002* (2002) 70, 213–14.]

CHILE

In December 2000, former President Augusto Pinochet was indicted in Chile. He was named as a suspect in 241 lawsuits. Although the indictment was confirmed by the Santiago appeal court in March 2001, it temporarily suspended criminal proceedings against Pinochet on medical grounds in July 2001. In August the Supreme Court decided to consider the legal action filed by the prosecution lawyers against the suspension, but in July 2002 it confirmed the July 2001 decision. (*See NCH #14, #17, #23*).

[Sources: HRW, *World Report 2002* (2002) xvi, 105, 127–32, 584; AI, *Report 2002* (2002) 20, 71–72.]

In October 2001, the ban on journalist Alejandra Matus's book was lifted and Matus's prosecution was suspended. (See NCH #14, #23).

[Source: HRW, *World Report 2002* (2002) 130.]

See also Argentina, United States.

CHINA

In June 2000 historian Xu Zerong (anglicized name: David Tsui) (1954–), a specialist in the Chinese military intervention in the Korean War (1950–53), affiliated professor at the Southeast Asia Institute, Zhongshan University, Guangzhou (South China), and associate professor at the Provincial Guangzhou Academy of Social Sciences, Guangdong, was detained in Guangzhou and held incommunicado. In January 2002, he was sentenced to thirteen years' imprisonment on charges of "leaking state secrets" by sending photocopies of classified government documents related to the Korean War (concerning Chinese military operations and Chinese analysis of American and South Korean capabilities), obtained in 1992, to unknown parties overseas, and on charges of "economic crimes" by illegally publishing books and periodicals and selling book authorization numbers in China since 1993. His current place of detention is not known.

[Sources: HRW, *Chinese Academics Detained* (WWW-text; Washington 27 February 2002); International PEN Writers in Prison Committee, *Rapid Action Network 7/02* (London 20 February 2002); AAAS, Human Rights Action Network, *Case CH0206_xuz* (6 March 2002); NEAR; IOC 2/02: 105.]

A few weeks before Christmas 2000, hundreds of "illegal" Protestant and Catholic churches and Buddhist and Taoist temples and shrines in Wenzhou were demolished.

[Source: HRW, *World Report 2002* (2002) 210.]

In May 2001 "*Today's Celebrities*" was closed for printing articles about, inter alia, the Cultural Revolution (1966–76).

[Source: HRW, *World Report 2002* (2002) 207.]

Activists associated with the Southern Mongolian Democratic Alliance, which seeks to promote Mongolian traditions and cultural values, were monitored and in some cases arrested and sentenced on spurious charges.

[Source: HRW, *World Report 2002* (2002) 209.]

In May 2001, Wang Jinbo was arrested in Shandong after e-mailing out articles critical of official attitudes to the 4 June 1989 Tiananmen massacre. In November he was reportedly charged with subversion but his status has remained uncertain since. In mid-June, businessman Li Hongmin was detained after he had e-mailed a Chinese version of the *Tiananmen Papers* (a book published in New York and containing secret Chinese Communist Party documents from the period April-June 1989 concerning the Tiananmen massacre of 4 June 1989) to his friends. He faced a possible ten-year prison sentence for subversion. In September, Zhu Ruixiang, a former television editor who e-mailed texts from the book to twelve friends, was imprisoned for three years in Hunan Province on charges of subversion. In the same month, an Internet bulletin board at Huazhong University, Wuhan, Hubei Province, was reportedly closed after it carried items on the 1989 massacre. The authorities continued to refuse to hold a public inquiry into the Tiananmen massacre.

[Sources: IOC 1/02: 120–21, 4/01: 118, 1/02: 120; HRW, *World Report 2002* (2002) 206; AI, *Report 2002* (2002) 74.]

In October 2001, after Pope John Paul had apologized for Catholic Church errors committed during the “colonial period” and expressed hope of establishing normal relations, Chinese religious officials responded by demanding that the Vatican first sever its ties with Taiwan, refrain from “using the pretext of religious issues to meddle in Chinese internal affairs”, and apologize for the 2000 canonization of “foreign missionaries and their followers who committed notorious crimes in China.” (See NCH #23).

[Source: HRW, *World Report 2002* (2002) 210.]

See also Japan.

CONGO

See Belgium.

CROATIA

See Yugoslavia (Serbia & Montenegro).

CUBA

In early October 2001, Cuban exiles filed a lawsuit in Brussels against President Fidel Castro and other high Cuban officials under the Belgian universal jurisdiction law. The complaint mentioned torture and other abuses inflicted upon political prisoners since 1960.

[Source: HRW, *World Report 2002* (2002) 112, 145–46.]

CYPRUS

In 2001 the Turkish Cypriot newspaper *Avrupa* was closed after the publication of an article by a Turkish Cypriot history schoolteacher (?1967–), in which she described Turkey as “an occupying force in Cyprus”. The teacher was dismissed and *Avrupa* raided.

[Source: IOC, 1/02: 123, 2/02: 106–7, 162–63.]

EAST TIMOR

In June 2001, a regulation establishing a national Commission for Truth and Reconciliation was adopted. The selection process for commissioners began in September. In the same month, East Timorese nongovernmental organizations (NGO’s) called for an international tribunal to try Indonesian officers and the militia commanders they had armed for the crimes committed in East Timor around the popular consultation on independence of 30 August 1999. In October the NGO’s also called for an international ad hoc tribunal to be set up to prosecute perpetrators of war crimes and crimes against humanity in East Timor occurring after Indonesia’s invasion of the country in 1975. By the end of 2001, over thirty indictments had been issued by the United Nations Transitional Administration in East Timor (UNTAET) Serious Crimes Unit, responsible for the investigation and prosecution of cases relating to the 1999 violence. In Indonesia itself no one was brought to justice for the crimes; the ad hoc Human Rights Court on East Timor had not been established there by the end of 2001. UNTAET investigators continued to be denied access to witnesses and other evidence in Indonesia. (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) 179–80, 218, 235; AI, *Report 2002* (2002) 89, 90, 127.]

EL SALVADOR

In 2001 the *Asociación pro-búsqueda de niñas y niños desaparecidos* (Association for the Search for Disappeared Children) persisted with its requests to the government to create an official commission to locate children who had “disappeared” in the armed conflict (1980–92).

In November 2001 several NGO’s initiated the procedure for the case of Archbishop Oscar Arnulfo Romero, murdered in March 1980, to be examined by the Inter-American Court of Human Rights.

[Source: AI, *Report 2002* (2002) 94–95.]

ETHIOPIA

Trials of officials of the former Dergue government led by Mengistu Haile-Mariam (1974–91) on charges including genocide and extrajudicial executions proceeded slowly. Over 2,200 other former officials remained in prison awaiting trial. Several death sentences were imposed; no executions were reported. In March 2001, the special prosecutor for the trials said that they would be finished in 2004. (*See NCH #17, #23*).

[Source: AI, *Report 2002* (2002) 98, 99.]

EUROPEAN UNION

See Iraq.

FRANCE

In a book published in May 2001, General Paul Aussaresses, a high-ranking French military officer during the Algerian independence war (1954–62), admitted that he had personally taken part in torture and summary executions, claiming that they had been necessary, but maintained that the French government of the time had been directly implicated in them. In May and June, a number of legal proceedings against him and others were initiated. In July and September, an investigating judge refused to act on judicial complaints filed against Aussaresses for “crimes against humanity”. However, in November, Aussaresses appeared before a Paris court for “complicity in apology for war crimes”. Judgment was deferred until January 2002.

[Source: AI, *Report 2002* (2002) 103.]

Initial steps were taken to officially commemorate the 1961 massacre of up to 200 Algerians by

mounting a plaque on the Pont Saint-Michel to the memory of “the many Algerians killed during the bloody repression of the peaceful demonstrations of 17 October 1961”. (*See NCH #6, #23*).

[Source: AI, *Report 2002* (2002) 103.]

Also see Morocco.

GHANA

In 2001 a debate was underway about the terms of reference, powers and composition of a Reconciliation Commission. In a bill introduced in Parliament in July, there was broad agreement with the government proposal that the commission should receive complaints and make recommendations about human rights violations committed between independence and the end of military rule (1957–93). President John Kufuor agreed to exhume for positive identification and proper reburial the bodies of eight generals who had been executed in 1979 on charges of corruption and treason. This was the first official step to deal with and resolve various extrajudicial executions which took place both before and during Jerry Rawlings’ regime (1979, 1981–2001).

[Sources: HRW, *World Report 2002* (2002) 8; AI, *Report 2002* (2002) 109.]

GUATEMALA

In 2000 “friendly settlements” had been agreed between the Guatemalan government and plaintiffs under the aegis of the Inter-American Commission on Human Rights, in which the government had accepted state responsibility for abuses.

[Source: AI, *Report 2002* (2002) 113.]

In December 2000 the Audiencia Nacional de España, Spain’s highest court, dismissed a 1999 suit by the Rigoberta Menchú Foundation against General Efraín Ríos Montt (who ruled 1982–83) and seven other military officials for genocide and crimes against humanity on the grounds that the petitioners had not exhausted the possibility of prosecuting the defendants in Guatemala. The foundation appealed the decision. In March 2001, the Guatemalan Constitutional Court had lifted the immunity of members of the Congress, including its current President Ríos Montt, so that they could face prosecution for illegally altering the text of a law after it had been voted on by Congress. In June a group of indigenous Maya Indians sued Ríos Montt and others in Guatemala for crimes committed during military rule. All those involved in the charges against Ríos Montt were intimidated.

[Sources: HRW, *World Report 2002* (2002) 111–12, 149, 151; AI, *Report 2002* (2002) 113.]

In October 2001, Matilde Leonor González Izas, a historian working for the Asociación para el Avance de las Ciencias Sociales (AVANCSO: Research Centre for the Advancement of Social Sciences), was kept under surveillance and, after having gone into hiding, received a number of threatening telephone calls. Her laptop computer, containing information on her research, was stolen. González believed the Estado Mayor Presidencial (EMP; Presidential Chiefs of Staff)--known to have played a key role in army intelligence operations and frequently cited as implicated in some of Guatemala's notorious human rights abuses--to be responsible. She had investigated and published controversial information on the mechanisms used by the military to manipulate and control local communities, such as San Bartolomé Jocotenango, El Quiché, and San Ildefonso Ixtahuacán, Huhuetenango, revealing military complicity in mob violence and lynchings taking place in rural communities throughout Guatemala. Since the beginning of her research in 1998–99 she has received numerous threats and intimidations. (*See NCH #24*).

[Sources: AI, *Urgent Action Appeal 266/01* (19 October 2001) & *89/02* (22 March 2002); AI, *Report 2002* (2002) 113; AAAS Human Rights Action Network, *GU0113.Gon*, 25 October 2001; PEN in *Ifex Communiqué 11–9* (5 March 2002); NEAR].

In February, March and May 2002, anonymous threatening letters and phone calls were made against current or former employees of the nongovernmental Fundación de Antropología Forense de Guatemala (FAFG; Guatemalan Forensic Anthropology Foundation), the Oficina de Derechos Humanos del Arzobispado de Guatemala (ODHAG; Human Rights Office of the Archbishopric of Guatemala), the Centro de Antropología Forense y Ciencias Aplicadas (CAFCA; Centre of Forensic Anthropology and Applied Sciences), and the Asociación para el Desarrollo Integral de las Víctimas de la Violencia en las Verapaces Maya Achi (ADIVIMA; Association for the Integral Development of Victims of Violence in the Verapaces Maya Achi), all involved in carrying out exhumations of individuals massacred during the counter-insurgency campaign by the Guatemalan military in the early 1980s. It is believed that those behind the threats had ties to the military during Guatemala's civil war. At the time of the threats, there was a fire in a church in Nebaj, El Quiché, destroying most of the documents stored there, including information on 35 massacres recorded by the Catholic church between 1980 and 1983 in Nebaj alone. Since 1992, FAFG had carried out 191 exhumations of more than 2,000 victims of the armed conflict. Several of those threatened have given key forensic testimony in proceedings against former government officials for past human rights violations. Exhumations are also being carried out to provide further evidence in two genocide suits filed in Guatemala, by the Asociación Justicia y Reconciliación (AJR; Association for Justice and Reconciliation) and the Centro de Acción Legal en Derechos Humanos (CALDH; Centre for Legal

Action in Human Rights), against officials in the administrations of former Presidents Romeo Lucas García (1978–82) and Efraín Ríos Montt (1982–83). (See *NCH #26, #26 ii*).

[Sources: AI, *Urgent Action 68/02* (5 & 13 March 2002); AI, *Report 2002* (2002) 112–113; AAAS Human Rights Action Network, *GU0207.for*, 21 March & 16 May 2002.]

HAITI

On 26 May 2001, former General Prosper Avril, head of state after the 1988 coup (1988–90), was arrested on charges of assault, torture and illegal arrest. The circumstances and timing of the arrest suggested that it was politically motivated. It was made on the basis of a 1996 warrant ignored for years, but acted upon only after Avril attended a highly-publicized meeting of the main opposition coalition.

[Sources: HRW, *World Report 2002* (2002) 155–56; AI, *Report 2002* (2002) 120.]

In September 2001--on the tenth anniversary of the 1991 coup that drove him out of power--President Jean-Bertrand Aristide announced that the United States had returned thousands of pages of documents gathered from the offices of the Haitian military and the paramilitary *Front Pour l'Avancement et le Progrès d'Haiti* (FRAPH). The documents detailed paramilitary abuses after the 1991 coup and were seized by US forces in September 1994. It was believed, however, that the names of US citizens had been erased from the returned documents, a provision that previous Haitian administrations had publicly rejected. (See *NCH #6, #17*).

[Sources: HRW, *World Report 2002* (2002) 157; AI, *Report 2002* (2002) 120.]

HONDURAS

There was no significant progress in the investigation or judicial proceedings regarding cases of “disappearance” in the 1980s. During exhumations in a specific location no remains of known “disappeared” people were found.

[Source: AI, *Report 2002* (2002) 121.]

INDIA

In July 2001 a crowd of 300 people demolished a sixteenth-century mosque at Asind near Bhilwara, Rajasthan, and built a makeshift Hindu temple in its place. The mob was encouraged by activists of

two right-wing Hindu groups, the Vishwa Hindu Parishad and the Rashtriya Swayamsevak Sangh.

[Source: HRW, *World Report 2002* (2002) 223.]

In the hope of achieving a comeback victory in the February 2002 assembly elections in Uttar Pradesh, the Bharatiya Janata Party (ruling since 1998) and its allies amplified calls to build a temple to the Hindu god Rama at the site of the Babri Masjid, a mosque in the city of Ayodhya demolished by Hindu rioters in December 1992. The 1992 demolition had sparked the 1992–93 Mumbai (Bombay) riots, which claimed 1,788 lives, mostly Muslims. There was little progress, however, in the cases of individuals indicted by the Shrikrishna Commission for their role in the riots.

[Sources: HRW, *World Report 2002* (2002) 223–24; AI, *Report 2002* (2002) 124.]

INDONESIA

In late 2001 a bill in parliament to set up a National Truth and Reconciliation Commission along the lines of the South African model was not discussed.

[Source: HRW, *World Report 2002* (2002) 231.]

See also East Timor.

IRAN

In September 2001, Hassan Youssefi Eshkevari was allowed to leave prison for two days but it was unclear whether he remained under sentence of death. In November it was reported that his sentence had been reduced to thirty months' imprisonment and removal of his status as a cleric. (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) 428; AI, *Report 2002* (2002) 129.]

IRAQ

In a resolution adopted on 30 November 2000, the European Parliament urged the European Council and Member States to take the initiative at the United Nations and propose the formation of an ad hoc International Tribunal on Iraq to investigate the responsibility of Saddam Husayn's regime for war crimes, crimes against humanity and genocide.

[Source: HRW, *World Report 2002* (2002) 394, 438.]

IRELAND

The Independent Commission of Inquiry into the 1974 bombings in Dublin and Monaghan, which resulted in 33 deaths and many injuries, continued to collect evidence about the circumstances of the bombings.

[Source: AI, *Report 2002* (2002) 133.]

ISRAEL

In June 2001, lawyers representing 28 survivors of the September 1982 massacre by Lebanese Phalange militia of hundreds of Palestinian and other civilians at the Palestinian refugee camps of Sabra and Shatila in Beirut lodged a complaint in Brussels against Israeli Prime Minister Ariel Sharon, Israel's defence minister in 1982 who permitted the militia to enter the camps. Sharon was accused of war crimes, crimes against humanity, and genocide. In November 2001, a court heard opening arguments from the Belgian prosecutor and from Sharon's attorney. In January 2002, Elie Hobeika, whose militiamen carried out the massacre, was assassinated after he had declared to testify in the case. The Israeli Government's Kahan Commission that had investigated the massacre in 1983 concluded that Sharon bore "personal responsibility". (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) 394, 450, 599; IOC 2/02: 115.]

In July 2001 the Israeli Ministerial Committee for Legislation approved an application for continuity of an intifada law that would end compensation payments to Palestinians whose property was harmed during the 1987–93 intifada and preclude compensation suits by Palestinians injured during the current clashes.

[Source: HRW, *World Report 2002* (2002) 444.]

In August 2001 the Israeli authorities shut Orient House, the headquarters of the Palestine Liberation Organization in East Jerusalem, and confiscated its archives.

[Source: IOC, 2/02: 119.]

See also Palestinian Authority.

JAPAN

In December 2000, the issue of “comfort women” (women forced to provide sexual services to Japanese soldiers during the Pacific War of 1931–45) returned to centre stage when a people’s tribunal convened in Tokyo. In August, China and Korea were outraged by the new Japanese Prime Minister Koizumi Junichiro’s visit to the Yasukuni shrine honouring Japanese war heroes. (*See NCH #23*).

[Source: HRW, *World Report 2002* (2002) 180, 216.]

In March–April 2001, South Korea, North Korea, China, and Taiwan protested against a Japanese high school history textbook, *New History Textbook*, written for schoolchildren aged 13 to 15 and to be used in the classes from 2002, before and after its approval by Japan’s Ministry of Education. They demanded 35 revisions to the book, but only two changes were made. The textbook reportedly glossed over Japan’s militaristic past. The original draft of the textbook, written by the Japanese Society for History Textbook Reform—a group of nationalist historians including Nobukatsu Fujioka and Kanji Nishio—described the “unopposed” annexation of the Korean peninsula (1910) as “necessary for Japan’s security” and referred to the 1937 Nanjing Massacre as “nothing like a holocaust”. No reference was made to the question of “comfort women”. The approved version, containing more than 130 revisions, acknowledged that an “armed struggle” took place in Korea and had removed the attempt to downplay the Nanjing Massacre. Controversial sections were left in, including a description of Japanese soldiers braving “death with honour”. In a joint declaration, 900 historians condemned the textbook as a distortion of history. On 8 August an arson attack claimed by a radical left-wing group caused minor damage to the society’s offices. Almost all school districts in Japan reportedly rejected the textbook.

[Sources: HRW, *World Report 2002* (2002) 180, 216; IOC, 3/01: 102; and also *BBC News Online* (WWW-text; London) 2001: 15 March; 3, 4, and 9 April; 8, 10, and 15 August.]

See also Peru.

KENYA

A motion in parliament to establish a Truth and Reconciliation Commission to explore human rights violations since 1966 was defeated.

[Source: HRW, *World Report 2002* (2002) 60.]

In July 2001 a number of opposition activists were detained, following a tree-planting ceremony to commemorate the killing of protestors against one-party rule in 1990. The police, armed with anti-riot gear, used batons and tear gas to disperse the gathering, which had been authorized.

[Source: AI, *Report 2002* (2002) 146.]

In October 2001, 71 members of the nongovernmental group Release Political Prisoners were detained for several days and charged with holding an illegal meeting, because they commemorated Mau Mau day to honour those who had fought for Kenya's independence from British colonial rule (1952–56).

[Source: HRW, *World Report 2002* (2002) 62.]

KOREA

See Japan.

LEBANON

In February 2001, a Commission of Inquiry to investigate the fate of thousands of Lebanese who went missing or “disappeared” during the civil war (1975–90) started its work. The commission, headed by the Minister of State for Administrative Development, was said to have received information on at least 700 cases from relatives of “disappeared” people by the end of 2001. The commission's mandate was reportedly extended for a further six-month period.

[Source: AI, *Report 2002* (2002) 156.]

Also see Israel.

MALAYSIA

In [January] 2001 police stopped a book launch party at a restaurant attended by more than 1,000 former Labour Party members. The book was a historical account of the party disbanded three decades ago.

[Source: HRW, *World Report 2002* (2002) 240.]

MALDIVES

In November 2001 politician, writer and historian Mohamed Nasheed was found guilty of the theft of unspecified government property from the home of ex-president Ibrahim Nasir and sentenced to thirty months of internal exile. The real reason for his exile was believed to be his support for a political party system and his attempts to make government ministers accountable to the Majlis (parliament).

[Sources: IOC, 2/02: 116; AI, *Report 2002* (2002) 167–68.]

MAURITANIA

Despite official abolition in 1981, slavery or practices analogous to slavery continued.

[Source: AI, *Report 2002* (2002) 168.]

MEXICO

In December 2000, during his inaugural address, President Vicente Fox promised to establish a truth commission to examine past human rights abuses, such as the 1968 Tlatelolco massacre and the 1997 massacre of villagers in Acteal, Chiapas. By the end of 2001, no such commission had been established. Fox did, however, order his government to grant public access to files on “disappearances” of hundreds of suspected leftists in the 1970s and 1980s. In November 2001, after the Comisión Nacional de Derechos Humanos (CNDH; National Human Rights Commission) produced a report documenting 532 “disappearances” from the 1970s and 1980s, Fox ordered the creation of a Special Attorney to investigate these crimes. The commission report represented the Mexican government’s first official acknowledgement of responsibility for the abuses, but it did not name the estimated 74 public officials said to be personally implicated in them. Also in November, several of those reportedly responsible for the 1997 Acteal massacre were acquitted and released. New photographic evidence of the 1968 Tlatelolco massacre emerged, which increased pressure for investigations into the case to be reopened.

[Sources: HRW, *World Report 2002* (2002) 106, 160; AI, *Report 2002* (2002) 171-72.]

MOROCCO

For much of 2001 there were revelations in the media about the “dirty war” carried out against dissidents during the 1960s and 1970s and about the situation at the secret Tazmamert prison. While torturers were named, a taboo remained against implicating King Hassan II in the repression of those years. The memoir of Malika Oukfir, *Stolen Lives: Twenty Years in a Desert Jail*, was banned in Morocco. The book described how her entire family was imprisoned for nearly two decades in reprisal for a failed coup attempt by her father, Interior Minister Mohamed Oukfir, in 1972. Official steps were taken to compensate some victims. An arbitration commission, created in 1999 at King Mohamed VI’s request within the official Conseil Consultatif des Droits de l’Homme (CCDH; Human Rights Advisory Board), determined the amount to be paid to victims of prolonged illegal detention and to the relatives of “disappeared” persons who had applied for compensation. Critics pointed out that the process of compensating victims was neither transparent nor accompanied by any larger truth-seeking project. Some relatives of persons who “disappeared” said that they would accept no money so long as the fate of their loved ones was not revealed or their abusers either identified or held accountable. Despite the authorities’ stated commitment to address all past human rights violations, no additional steps were taken to adequately resolve the cases of grave abuses committed between the mid-1960s and the early 1990s, notably the “disappearance” of several hundred people, the majority of them Sahrawis. By the end of 2001, the deaths of scores of “disappeared” had still not been acknowledged by the authorities. Their families had not been told the whereabouts of the remains or received the bodies for burial. Among them were some 70 Sahrawis who “disappeared” in secret detention centres between 1976 and 1991. (See NCH #23).

[Sources: HRW, *World Report 2002* (2002) 394, 454–56; AI, *Report 2002* (2002) 174.]

In June 2001, former secret police officer Ahmed Boukhari published an article in *Le Journal Hebdomadaire* and the French daily *Le Monde* about the 1965 “disappearance” of the exiled opposition leader of the Moroccan Left Mehdi Ben Barka, who “disappeared” in Paris in October 1965. According to Boukhari, Ben Barka died in France while under interrogation by Moroccan agents, who secretly arranged to fly his body back to Morocco where it was dissolved in acid. Twice, in September and December, Boukhari was unable to appear as a witness at a French judicial inquiry into the Ben Barka case as he was sentenced in two different trials to several months’ imprisonment. The handling and timing of the case suggested that the Moroccan authorities were trying to prevent him from testifying. Also in June 2001, Alain Chabod, deputy chief editor of France 3 television station, was harassed by the Moroccan Secret Service (DST) as he tried to investigate new evidence regarding the Ben Barka case. DST officers also demanded a halt to the printing of the weekly *Demain*, which contained some of the new evidence. The weekly’s editor Ali Lmrabet was photographed and verbally threatened, but the printing restriction was later lifted. A coalition of international human rights groups

urged the United States and French governments to declassify and release all official documents related to the case. By the end of 2001, no judicial investigation had been launched in Morocco into alleged state involvement in Ben Barka's death. (*See NCH #17*).

[Sources: IOC 4/01: 127; HRW, *World Report 2002* (2002) 394, 456; AI, *Report 2002* (2002) 174.]

NETHERLANDS

See Suriname, Yugoslavia (Serbia & Montenegro).

NIGERIA

The Human Rights Violations Investigation Commission appointed by President Olusegun Obasanjo in June 1999 to investigate human rights abuses between 1966 and the return to civilian rule in May 1999 (including during the civil war of 1967–70) and named the Oputa Panel after its chairman, received over 10,000 submissions, of which it was only able to consider around 200; these included numerous testimonies of killings, rape, and other abuses by the security forces against Ogoni civilians in the oil-producing Niger Delta region in 1993–94. The commission held public hearings in Lagos, Abuja, Port Harcourt, Kano, and Enugu, that were televised and closely followed by the public. By October 2001, when the commission concluded its hearings, former heads of state Muhammad Buhari (1983–85), Ibrahim Babangida (1985–93) and Abdulsalami Abubakar (1998–99) had refused to testify. President Obasanjo himself appeared several times before the panel in connection with events during his first presidency as military ruler (1976–79). The Oputa Panel was underresourced and had limited powers: it could make recommendations but not ensure arrests or prosecutions. In May 2002 it presented its results. (*See NCH #17, #23*).

[Sources: HRW, *World Report 2002* (2002) 70; AI, *Report 2002* (2002) 185.]

PALESTINIAN AUTHORITY

In late November 2001, lawyers representing some thirty Israelis lodged a complaint in Brussels against Palestinian Authority President Yasser Arafat and other Palestinian officials and leaders, accusing them of murder, crimes against humanity, and genocide. The complaint named Arafat as the “principal conspirator” in a number of attacks on civilians carried out by Palestinians since 1996 in both Israel and other countries.

[Source: HRW, *World Report 2002* (2002) 394, 450.]

See also Israel.

PARAGUAY

In December 2000, a Paraguayan judge submitted a request for the extradition from Brazil of former General Alfredo Stroessner, whose rule (1954–89) was characterized by human rights abuses such as political killings and “disappearances”. Following the third periodic report on Paraguay of the Inter-American Commission on Human Rights in March 2001, the government stated that a National Plan for the Protection and Promotion of Human Rights had been devised and would include the creation of a Truth and Justice Commission. No information had been received on the operation of this commission by the end of 2001.

[Sources: HRW, *World Report 2002* (2002) 125; AI, *Report 2002* (2002) 193.]

See also Argentina.

PERU

In November 2000, the Human Rights Ombudsman’s office published a report on “disappearances” between 1980 and 1996, documenting 4,022 cases of victims whose fate was still unknown. In a November 2001 update, the ombudsman put the total number at 6,362. Dozens of mass graves were discovered during 2001; reports indicated that they dated from the same period. There were concerns from the Ombudsman and others that the investigations into the hundreds of bodies found in these graves were at risk because the evidence had been interfered with, in part because the authorities had failed to properly protect the sites. In June 2001 a Truth Commission headed by the rector of the Catholic University Salomón Lerner, was established by interim President Valentín Paniagua to investigate responsibility for the systematic human rights violations committed by the state and by armed opposition groups between May 1980 and November 2000. The government of Alejandro Toledo changed the commission’s title to the Truth and Reconciliation Commission. At the end of October, the commission published its “Rules on Organization and Functions” which established that the Commission would have access to all official files in the hands of the judiciary, public ministries and the military justice system. The commission was mandated to investigate violations of collective rights of Peru’s Andean and native communities as well as violations of individual rights. It was also

empowered to hold public hearings and to name those responsible for human rights violations, but not to subpoena government officials to testify.

[Sources: HRW, *World Report 2002* (2002) 106, 164–65, 167; AI, *Report 2002* (2002) 194–95.]

In August 2001 Congress voted unanimously to remove former President Alberto Fujimori's immunity from prosecution. In September the attorney general filed charges of murder, causing grave injuries, and "disappearances" against him and Vladimiro Montesinos, the former de facto chief of the Servicio de Inteligencia Nacional (SIN; National Intelligence Service). It was believed that Fujimori had full knowledge of the existence of the *Grupo Colina* death squad attached to SIN and thought to be responsible for the crimes. The same month, an international warrant was issued to Interpol for Fujimori's arrest, pending the submission to Japan of a formal extradition request. The Japanese government, which had recognized Fujimori's claim to Japanese nationality, stated repeatedly that its laws prohibited the extradition of its citizens.

[Sources: HRW, *World Report 2002* (2002) 164–5; AI, *Report 2002* (2002) 141.]

See also United States.

RWANDA

In March 2001 the attorney general issued a revised list of category-one suspects of the 1994 genocide. Some 800 persons had been added to the previous list issued in 1999, bringing the total to nearly 2,900. Among the additions was Pierre-Célestin Rwigema, a former prime minister (1995–2000) living in exile. In 2001 approximately 1,300 people were tried and at least 120 people were sentenced to death for crimes committed during the genocide, some after unfair trials. An estimated 111,000 people continued to be detained, 95 per cent of them had been accused of taking part in the genocide. The Public Prosecutor's Office continued the procedure begun in October 2000 of bringing such detainees before their local communities in order to gather testimony for the prosecution before *gacaca* tribunals (a controversial, community-based system of justice). Trials of leading genocide suspects continued at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. Fifty-two suspects were detained awaiting trial at the end of 2001. In early 2001, the Rwandese Patriotic Front (RPF)-led government agreed to cooperate with the ICTR's investigation into crimes against humanity allegedly committed by RPF members in 1994. (*See NCH #17, #23*).

[Sources: HRW, *World Report 2002* (2002) 79; AI, *Report 2002* (2002) 207–9.]

SENEGAL

In August 2001 human rights activist Alioune Tine was briefly detained for interrogation after declaring publicly that President Abdoulaye Wade's view that reparations for slavery would be "absurd and insulting" was "scandalous and inopportune."

[Source: AI, *Report 2002* (2002) 214.]

See also Chad.

SIERRA LEONE

The Truth and Reconciliation Commission, mandated under the 1999 Lomé Peace Accord, was yet to be set up. In July 2001 the United Nations Security Council approved plans to go ahead with the Special Court for Sierra Leone despite financial problems. Issues which remained unresolved included whether the court would have jurisdiction over crimes committed since the civil conflict began in 1991 or only from 1996, and the court's relationship with the prospective Truth and Reconciliation Commission. (*See NCH # 17, #23*).

[Sources: HRW, *World Report 2002* (2002) 84–85; AI, *Report 2002* (2002) 19, 216.]

SLOVAKIA

On 8 November 2001, parliament amended the Penal Code to make it a criminal offence to deny the Holocaust or belittle its crimes.

[Source: IOC 1/02: 136.]

SOMALIA

In May 2001 the Transitional National Government announced that it was appointing a 25-member National Commission for Reconciliation and Property Settlement. However, the chairperson resigned in July, citing a lack of government support.

[Source: AI, *Report 2002* (2002) 221.]

SOUTH AFRICA

The Truth and Reconciliation Commission (TRC) continued hearing amnesty applications until 31 May 2001, when its work was formally ended. The government stated that legislation setting the framework for reparations to the victims would be introduced to parliament in 2002. The court case brought against the TRC by Inkatha Freedom Party leader, Chief Mangosuthu Buthelezi, to compel it to reverse its finding that he was complicit in large-scale human rights abuses had not concluded by the end of 2001. In August 2001 the minister of justice told parliament that the government had committed funds for “final reparations” for victims of human rights violations, but that the details would not be discussed in parliament until the President received the final volumes of the TRC report.

[Sources: HRW, *World Report 2002* (2002) 89; AI, *Report 2002* (2002) 222, 223.]

In March 2001 the Promotion of Access to Information Act came into effect, giving substance to the constitutional right to access government and privately held information.

[Source: HRW, *World Report 2002* (2002) 89.]

See also “General”.

SPAIN

In 2000 contemporary historian Txema (=José María) Portillo (?1962–) and social anthropologist Mikel Azurmendi (?1943–), both working on the history of Basque nationalism at the Universidad del País Vasco, Vitoria, and involved in protests against terrorism, went into voluntary temporary exile in the United States after three years of ETA harassment and threats. Azurmendi had been an ETA member until 1970, but after ETA’s violent attacks on the Franco regime, he left to join the Basque prodemocracy movement. (*See NCH #14, #17, #23*).

[Sources: HRW, *World Report 2002* (2002) 560, 646; and also *El País* (WWW-text) 15 June 1998; 18 August 2000; 13 July 2001.]

See also Guatemala.

SRI LANKA

Sri Lankan authorities appeared more willing than in the past to acknowledge official responsibility for atrocities. In February 2001, the attorney general reportedly issued indictments against more than 600 police and armed forces personnel implicated in pre-1994 “disappearances”. In July President Chandrika Kumaratunga announced the formation of a three-member Truth Commission to investigate incidents of ethnic violence between 1981 and 1984, including anti-Tamil riots in July 1983 in which nearly 600 people were killed.

[Sources: HRW, *World Report 2002* (2002) 252, 255; but see also AI, *Report 2002* (2002) 228.]

After the state-run *Sunday Observer* had published an article questioning the authenticity of the Buddha’s tooth relic housed in a temple in Kandy, 97,000 copies of the 6 January 2002 edition were destroyed by the government.

[Source: IOC 2/02: 123–24.]

SUDAN

In [August] 2001 professor Bona Malwal, a senior research fellow at Oxford University, filed a court action in Nairobi against Michael George Garang Deng, editor of *Update* magazine (a publication supporting the Sudanese People’s Liberation Army), which according to Malwal falsely linked him to the assassination of southern Sudanese leader William Deng Nhial in 1968.

[Source: IOC 4/01: 133.]

SURINAME

In March 2001, an Amsterdam appeal court issued a ruling allowing Dutch prosecutors to investigate the “possible involvement” of former Suriname military leader Desi Bouterse in the December 1982 assassinations of leading members of the Suriname society (called the “December murders”). The appeal court authorized the retrospective application of Dutch legislation that implemented the 1984 Convention against Torture. The judges found that because the acts had been prohibited by preemptory norms of international law, it was permissible to apply the 1988 Dutch enabling legislation to the 1982 acts. In September the Dutch Supreme Court reversed this decision. Prosecution efforts continued in Suriname. Trade unionist and political leader Fred Derby, sole survivor of the massacre, died in May 2001.

[Sources: HRW, *World Report 2002* (2002) 600; AI, *Report 2002* (2002) 231.]

During the follow-up of the United Nations World Conference against Racism in September 2001,

the government of the Netherlands expressed regret for past Dutch involvement in slavery in Suriname, its former colony.

[Source: AI, *Report 2002* (2002) 231.]

See also "General".

SYRIA

Following his release from prison in May 2001, human rights activist Nizar Nayouf campaigned for accountability for past abuses, including torture, deaths in detention (including the 1980 summary execution of as many as 1,100 Islamist inmates at the Tadmor military prison in retaliation for an assassination attempt on the then President Hafez al-Asad), and extrajudicial executions. He formed the National Council for Truth, Justice and Reconciliation to document abuses, press for perpetrators to be brought to justice, and assist former political prisoners who were stripped of their civil and political rights and denied reemployment in their former jobs.

[Source: HRW, *World Report 2002* (2002) 394, 470.]

THAILAND

In September 2001, the government appointed a new committee to investigate the military crackdown against prodemocracy demonstrators in May 1992, which resulted in over thirty "disappearances", more than fifty deaths, and hundreds of injuries. However, by the end of 2001, no one had been brought to justice and there was no information about the fate of the "disappeared".

[Source: AI, *Report 2002* (2002) 242–43.]

TOGO

Impunity for those responsible for human rights violations in the last two decades continued. In February 2001 an International Commission of Inquiry on Togo, set up by the United Nations and the Organization of African Unity to verify allegations made by Amnesty International in 1999 of hundreds of extrajudicial executions at the time of the 1998 presidential elections, published its report. It concluded that those killed were mostly opposition supporters. At least a dozen of those who testified before the commission were intimidated and harassed during its visit and after

publication of its report.

[Source: AI, *Report 2002* (2002) 243, 244.]

TURKEY

In March 2001 plainclothes police officers arrested archeology student Emrullah Karagoz (?1978-) and held him at the Diyarbakir Police Headquarters, where he was reportedly tortured. In early July he was released. On 28 October he was rearrested and on 1 November brought before a judge, charged with “aiding and abetting an illegal organization”, and remanded to Diyarbakir prison. Before arriving there on 11 December, he was allegedly intimidated and severely tortured at the gendarmerie headquarters for forty-four days. Karagoz, who worked for the youth wing of the legal pro-Kurdish political party HADEP, was previously detained in June 1999 and November 2000 for political reasons. Plainclothes police apparently raided his house several times shortly before Newroz (the Kurdish New Year which is celebrated on 21 March). (See NCH #21, #21[ii], #21[iii], #21[iv], #23).

[Sources: AI, *Urgent Action 22/01* (28 March & 16 August, 2001), 280/01 (5 & 20 November 2001; 3 January 2002)].

In January 2002, publisher Ayse Nur Zarakolu (1947–2002) died. She was the director of Belge publishers, known for her books on minority rights and Turkey’s military history. Zarakolu had served prison terms in 1982 (for publishing documents from the Turkish Communist Party’s founding congress), 1984, 1994 (for publishing a book on Kurdish history of Ismail Besikci), and 1996. She lived under constant harassment. Her offices were bombed in 1995. She published, inter alia, *Genocide As a Question of National and International Law: The 1915 Armenian Event and Its Consequences*, by Vahakn Dadrian, *The Armenian Taboo*, by French historian and surgeon Yves Ternon, and “*Disaster of Dersim*”, by Haydar Isik.

[Sources include: PEN in *Ifex Communiqué 11–9* (5 March 2002); IOC, 2/02: 126].

In February 2002 the National Security Court of Diyarbakir started an investigation into American linguist and philosopher Noam Chomsky’s speech at the city’s theater hall. Chomsky had spoken about “the noble and tragic history of the Kurds”.

[Source: IOC, 2/02: 125–26.]

TURKMENISTAN

In March 2001 state libraries were instructed to confiscate the works of about twenty authors, some of whom had “inaccurately depicted” the country’s history.

[Source: HRW, *World Report 2002* (2002) 364.]

UNITED STATES

Within the framework of the Clinton Administration Chile Declassification Project, initiated after General Augusto Pinochet’s arrest in London in October 1998, 16,000 secret US documents on political violence in Chile in 1968–90 were declassified by November 2000. They included 700 heavily censored controversial CIA records of US covert operations in 1968–75, which the Central Intelligence Agency (CIA) Directorate of Operation had initially refused to release. On 31 July 2000 Archivist of the United States John Carlin had written a letter to national security adviser Samuel Berger, denouncing the refusal. Much of the released information had already been summarized in the 1975 reports of the Senate Select Committee to Study Government Operations with Respect to Intelligence Activities.

[Sources: HRW, *World Report 2002* (2002) 131; and also: National Security Archive, *History Held Hostage: The CIA’s Refusal to Declassify the Covert Record on Chile* (WWW-text by P. Kornbluh; 17 August 2000), and idem, *Chile: 16,000 Secret US Documents Declassified* (Press release; 13 November 2000).]

In November 2000 the then Secretary of State Madeleine Albright promised to declassify State Department documents on “disappearances”, the theft of babies, and Operation Condor in Argentina. The documents, which would probably not include CIA or Defense Department files, were still awaited in November 2001. In July and August 2001 an Argentine and a Chilean judge sent letters rogatory to the State Department requesting depositions by former Secretary of State Henry Kissinger on several cases. Declassified documents showed that Kissinger had been informed about Operation Condor. *See Argentina*.

[Source: HRW, *World Report 2002* (2002) 120–21, 131.]

In 2001 proposed legislation that could criminalize the disclosure of classified information was presented again by senator Richard Shelby. The original bill, vetoed under the Clinton administration, included sanctions against leaks of information not of national security interest and could be used to force journalists to reveal their sources.

[Source: IOC 4/01: 137.]

In June 2001 the nongovernmental National Security Archive published documents declassified under the Freedom of Information Act about the early links of the United States with Vladimir Montesinos in the 1970s. *See Peru*.

[Source: HRW, *World Report 2002* (2002) 169.]

In [2002], following a parent's complaint, *Sophie's Choice*, a book about the Holocaust by William Styron, was withdrawn from La Miranda High School library for containing sexual references. The National Coalition against Censorship (NCAC) appealed to the school official on the grounds of students' First Amendment rights.

[Source: IOC 2/02: 129.]

See also Argentina, Haiti, Morocco.

URUGUAY

In August 2001 the Peace Commission, established in August 2000 to clarify the fate of Uruguayans who "disappeared" between 1973 and 1985, reported that it had shed light on 15 out of 34 cases of "disappeared" persons. It established that they died in custody as a result of torture but that their bodies had not been found. It also uncovered information about five out of hundred who "disappeared" in Argentina. The commission would reportedly extend its working period until it had been able to clarify more cases. However, the 1986 Expiry Law prevented perpetrators from being brought to justice; the law granted exemption from punishment to police and military personnel for human rights violations committed for political motives or when obeying orders before 1 March 1985. (*See NCH #23*).

[Source: AI, *Report 2002* (2002) 261]

See also Argentina.

VATICAN

See China.

VIETNAM

In September 2001 military historian and dissident Pham Que Duong (?1933–) was arrested after he and others had submitted a request to the government to form an independent anti-corruption organization and campaigned for the repeal of decree 31/CP, which authorized detention for up to two years without trial. (*See NCH #23*).

[Source: HRW, *World Report 2002* (2002) 260, 649.]

YUGOSLAVIA (Serbia & Montenegro)

On 28 June 2001, former Serbian President Slobodan Milosevic was surrendered for trial at the International Criminal Tribunal for the former Yugoslavia. In May 1999 and in October 2001, he was charged with responsibility for crimes against humanity, war crimes, and sexual violence committed in Kosovo in 1998–99; for war crimes and crimes against humanity in Croatia in 1991–92; and for genocide and crimes against humanity in Bosnia-Herzegovina in the 1992–95 conflict, either by giving direct orders or through omission as effective commander of Serbian police, army and paramilitary groups. The prosecution of a former head of state, initially indicted when he or she was a sitting president, by an international tribunal was a groundbreaking precedent. In his first appearance before the tribunal in July, Milosevic refused to accept its jurisdiction. Apart from Milosevic's transfer, the authorities largely failed to address impunity for alleged war crimes in Bosnia-Herzegovina, Croatia and Kosovo. Little progress was made in investigating the alleged abductions of some 1,300 Serbs and Roma by the Kosovo Liberation Army since 1999, or the "disappearance" of around 3,000 ethnic Albanians probably arrested by Serbian security forces in 1999. Between June and September 2001, the police exhumed five unmarked mass graves in Serbia, containing more than 300 bodies thought to be ethnic Albanians transported from Kosovo and reburied in Serbia to avoid detection during the 1999 NATO Operation Allied Force. In December 2001 the European Court of Human Rights ruled inadmissible a complaint brought in October 1999 against seventeen NATO member states by a survivor and five relatives of people killed in the bombing of Serbian television station RTS during NATO's 1999 military operation. In an unprecedented move, the state-run television showed a BBC documentary about the 1995 killings of more than 7,000 Bosnian Muslims in Srebrenica. (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) xvi, xxi, 271, 275, 278, 280, 306, 378–79, 383, 386, 548, 589–91; AI, *Report 2002* (2002) 19, 53, 84, 268, 269, 270.]

See also Bosnia-Herzegovina.

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; the Network of Education and Academic Rights [NEAR, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

GENERAL

In March 2001 Japanese historian Ienaga Saburô (1913–) (*see NCH #10*) was nominated for the Nobel Peace Prize.

In May 2000 the Preparatory Committee for the September 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance discussed five themes for the provisional conference agenda, including the provision of effective remedies. Dissent turned primarily on the reference to compensation, with former European colonial powers and the United States opposed to language that implied their acknowledgment of material obligations to remedy past abuses. This was an echo of debates within the United States on the issue of reparations to address the heritage of slavery and segregation. *See also United States.*

[Source: HRW, *World Report 2001* (2000) 501–2.]

AFGHANISTAN

On 26 February 2001, in breach of a pledge made in 1999, the Taliban issued an edict to destroy pre-Islamic and Buddhist objects, including the world's largest standing Buddha statues at Bamiyan. The

destruction went ahead in the days before 12 March. On 14 March BBC correspondent Kate Clark was given 36 hours to leave the country after she had interviewed Afghans who said they disapproved of the planned destruction.

[Sources: *UNESCO International Petition to Safeguard Afghanistan Cultural Heritage*, February 2001; IOC 2/01: 5, 3/01: 96.]

ALGERIA

When asked in November 1999 at a press conference in Italy about investigations into responsibility for killings, President Abd al-Aziz Bouteflika replied that “politics are one thing and history another. Now I am extinguishing a fire and tackling political issues, with priority given to the present.” In May 2000, Ministry of Interior officials declared that the problem of 3,000 “disappearances” and missing persons out of a population of 30 million since 1993 did not compare unfavourably with Algeria’s war of independence (1954–62), which had left some 50,000 individuals out of a population of around 9 million unaccounted for. The Ministry of Justice stated that out of the 3,019 complaints of “disappearances” received, 1,146 had been “clarified”, but only a list of seven names was provided.

[Sources: HRW, *World Report 2001* (2000) 367–68, 371; AI, *Report 2001* (2001) 29.]

See also France.

ARGENTINA

Nine people, including former presidents Brigade General Reynaldo Bignone and General Jorge Videla, and former junta member Admiral Emilio Massera, remained under house arrest in relation to the alleged kidnapping of over 200 children during the military dictatorship (1976–83). In 1996 the case had been brought by the Abuelas de Plaza de Mayo (Grandmothers of Plaza de Mayo), because it was not excluded by Argentina’s amnesty laws. It involved the armed forces’ practice of taking babies who were forcibly “disappeared” with their parents or who were born in captivity after the detention of their parents, and of handing them over to military families and others not considered subversive (*see NCH #17*).

[Source: HRW, *World Report 2001* (2000) 92, 102–3, 137, 484.]

Investigations into the fate of nationals under the dictatorship took place in Italy, Spain and Germany. In August 2000, the Israeli Parliament announced that it had formed an interministerial commission to investigate the fate of some 1,800 Jewish Argentines who had “disappeared” in 1976–

83, in order to establish the whereabouts of their bodies and bury them with the appropriate religious rites.

[Sources: HRW, *World Report 2001* (2000) 103; AI, *Report 2001* (2001) 33, 139.]

In October 2000, an Argentine judge requested the extradition of former Chilean dictator Augusto Pinochet and six former members of the Chilean secret police for their alleged involvement in the 1974 Buenos Aires car-bombing that killed former Chilean commander-in-chief General Carlos Prats and his wife. In November in the same case, the court found Enrique Arancibia Clavel, a former member of the Chilean secret police, guilty of double homicide and sentenced him to life imprisonment. *See also Chile.*

[Sources: HRW, *World Report 2001* (2000) 102, 109; AI, *Report 2001* (2001) 33, 69.]

AUSTRALIA

In May 2000, Prime Minister John Howard failed to participate in public events to recognize past human rights violations against indigenous peoples and indicated his opposition to proposals for reconciliation and racial tolerance developed by the government-funded Council for Aboriginal Reconciliation over the past ten years.

[Source: AI, *Report 2001* (2001) 35.]

See also Indonesia.

AUSTRIA

An international team of historians is at work to establish an accurate record of certain aspects of Austria's history in the period 1938–45.

[Source: IOC 1/01: 61.]

On 26 September 2000, the far-right Freedom Party leader Jörg Haider lost a defamation trial against *Kurier* newspaper. The journal had criticised his reference to Nazi concentration camps as “punishment centres”. The judge said that “The term ‘punishment centre’ comes from a single document from the Third Reich in 1941 which referred to mass extermination camps as punishment centres. That is the only place the term has come from.” (*see NCH #17*).

[Source: IOC 6/00: 166, also 9.]

On 18 April 2001 political scientist Anton Pelinka won his appeal in the defamation trial started by Jörg Haider over Pelinka's comments in a May 1999 interview (*see NCH # 17*)

[Source: IOC 3/01: 96–97.]

BANGLADESH

In 2000 the government did not bring to justice those responsible for past human rights violations during the armed conflict in the Chittagong Hill Tracts which lasted from the mid-1970s until 1997.

[Source: AI, *Report 2001* (2001) 43.]

On 30 November 2000, Pakistan recalled Irfanur Raja, its deputy high commissioner, from Dhaka, three days after Raja had alleged that the ruling Awami League—and not the Pakistani army—was responsible for starting atrocities in Bangladesh's 1971 war of independence.

[Source: IOC 1/01: 101.]

On 14 December 2000, the High Court upheld the death sentences on ten of the fifteen people sentenced to death by a lower court in November 1998 for the killing of Sheikh Mujibur Rahman and his family in August 1975. A split judgment in the case of the other five was to be clarified by a judicial panel.

[Source: AI, *Report 2001* (2001) 43.]

BOSNIA-HERZEGOVINA

Most perpetrators of the massive and grave human rights abuses committed during and in the wake of the civil war continued to enjoy immunity in 2000, although some were prosecuted domestically or by the International Criminal Tribunal for the former Yugoslavia. According to the International Committee of the Red Cross (ICRC) more than 17,5000 people remained unaccounted for, including 280 detained prisoners registered by the ICRC during the war who subsequently “disappeared”. Exhumations continued by both Muslim/Croat Federation and Republika Srpska commissions on missing persons. Some local authorities actively obstructed the preservation of sites thought to contain mass graves. *See also Croatia; Yugoslavia.*

[Source: AI, *Report 2001* (2001) 51–53.]

BRAZIL

In April 2000, a police decision to impede a march organized by 2,000 indigenous leaders from all over Brazil during celebrations of the arrival of the first Portuguese explorers to Brazil in 1500, and the violence employed by the Bahia state military police against indigenous activists, led the president of the government's indigenous institute FUNAI to resign in protest.

[Sources: HRW, *World Report 2001* (2000) 105; AI, *Report 2001* (2001) 56.]

BURKINA FASO

The widow of former President Thomas Sankara lodged a complaint against persons unknown before the Criminal Appeal Court concerning her husband's death. Sankara and at least twelve others were killed during the coup in 1987 which brought President Blaise Compaoré to power. In January 2000, the Court rejected the case saying that it was a military matter. The family intended to pursue the case before the Supreme Court.

[Source: AI, *Report 2001* (2001) 59.]

BURUNDI

Trials related to the political violence and massacres of Tutsi which followed the 1993 assassination of President Melchior Ndadaye continued in 2000. The subsequent reprisal killings of Hutu have not been investigated. Several thousand people remained in detention awaiting trial, some since 1993.

[Source: AI, *Report 2001* (2001) 61.]

CAMBODIA

In July 2000, a Memorandum of Understanding between the Hun Sen government and the United Nations over the establishment of a tribunal under Cambodian law with international participation to bring to justice those suspected of responsibility for gross human rights violations during the period of Khmer Rouge rule (1975–79) was drafted but not signed. At the end of December, debate on the draft law to establish the tribunal began in the National Assembly, but the law raised serious human rights concerns, casting doubt on the government's resolve. (*see NCH #17*).

[Sources: HRW, *World Report 2001* (2000) xxiv-xxv, 166, 176-77, 182; AI, *Report 2001* (2001) 62-63.]

CHAD

No one was brought to justice for serious human rights violations, including thousands of extrajudicial executions, which occurred under the government of Hissène Habré (1982-90). In 1992 a government Commission of Inquiry had identified the Direction de la Documentation et de la Sécurité (DDS; Directorate for Documentation and Security), which was directly responsible to Habré, as one of the main units responsible for violations. In November, a judge investigating several cases ruled that he did not have jurisdiction to try the cases because a special court to try Habré and his collaborators, provided for in a 1993 law, had never been established.

[Source: AI, *Report 2001* (2001) 67.]

On 3 February 2000, a Senegalese court, acting at the request of Chadian victims, indicted Habré on charges of complicity with torture and ordered his arrest. Habré had taken refuge in Senegal in 1991. On 4 July 2000, a court of appeal dismissed the indictment on the grounds that it could not prosecute crimes committed in Chad. An appeal against this verdict to the Court of Cassation was pending at the end of 2000. The Chadian Association of Victims of Political Repression and Crime (AVCRP) compiled information on each of 792 victims of the repression in 1982-90. The 1992 commission report had accused Habré's regime of 40,000 political murders and systematic torture. With many ranking officials of the current Idriss Déby government, including Déby himself, involved in Habré's crimes, however, the government did not pursue Habré's extradition from Senegal (*see NCH #17*).

[Sources: HRW, *World Report 2001* (2000) xxv-xxvi, 7, 482-84; AI, *Report 2001* (2001) 18, 67, 208-9.]

CHILE

In May 2000 right-wing parliamentarians (unsuccessfully) tried to persuade the Ricardo Lagos government to withdraw a Ministry of Education primary school history textbook which covered the 1973 military coup. They complained about nineteen "tendentious" or "biased" assertions, including use of the word "coup" instead of "pronouncement" to describe the events of 11 September 1973 and the statement that the 1925 Constitution recognized a "lay society" instead of freedom of religion.

[Source: HRW, *Chile: Progress Stalled; Setbacks in Freedom of Expression Reform* (March 2001)].

On 8 August 2000, the Chilean Supreme Court stripped former President (1973–90) Augusto Pinochet of his parliamentary immunity (*desafuero*). Under the 1980 constitution, Pinochet had awarded himself the non-elected post of lifetime senator when he stepped down as President in 1990. The *desafuero* allowed judge Juan Guzmán Tapia in December to prosecute Pinochet for his role in the so-called Caravana de la Muerte (Caravan of Death, a helicopter flight during which 75 suspected leftists were dumped into the sea in October 1973). The court held that, since the fact of death for several of the “disappeared” in the case could not be established, it was impossible to be sure that they had been killed during the 1973–78 period covered by the amnesty law, and the amnesty was therefore found to be inapplicable. The Supreme Court overturned the order, ruling that the judge had failed to interrogate Pinochet before issuing the order, and that mental and physical tests should be carried out to determine his fitness to stand trial before the interrogation could take place. On 7 February 2001, a previously unpublished document directly incriminating Pinochet in the “Caravana” case was published by the electronic newspaper *El Mostrador*. The presentation included a handwritten note by Pinochet, proposing ways of hiding one of the executions. By the end of 2000, a total of 202 criminal complaints had been filed against Pinochet in Chile. In June 2000, members of the Mesa de Diálogo, a dialogue set up in 1999 to deal with the issue of “disappearances” during 1973–90, signed a declaration. For the first time, the armed forces acknowledged “the responsibility of agents of organizations of the State” for grave human rights violations during 1973–90. In July Congress passed legislation to grant anonymity to those who came forward with information on the location of the remains of the “disappeared” (*see NCH #14, #17*). *See also Argentina; United States*. [Sources: HRW, *World Report 2001* (2000) xxv-xxvi, 92, 99, 109-11, 482, IOC, 02/01: 99; AI, *Report 2001* (2001) 10, 18, 68-69, 257.]

In November 2000, several Mapuche indigenous organizations filed a libel suit against historian Sergio Villalobos for a newspaper article which they called defamatory for the honor of the Mapuche people. The article, “*Araucania: Errores Ancestrales*” (Araucania: Ancestral Errors), appearing in the 14 May 2000 edition of *El Mercurio*, dealt with events that took place during the sixteenth- and seventeenth-century colonization of the Araucanians (the ancestors of the Mapuche) by the Spanish conquistadores.

[Source: HRW, *Chile: Progress Stalled; Setbacks in Freedom of Expression Reform* (March 2001)].

In December 2000, a Chilean judge upheld the conviction of Alejandra Matus on contempt charges, but in July 2001 the Santiago Appeals Court annulled the arrest order against her. Her book is still prohibited (*see NCH #14*).

[Sources include: IOC 1/00: 92; PEN, *Centre to Centre*, 2001, no.1: 2; HRW, *World Report 2000*

(1999) 112, 114, 2001 (2000) 527.]

CHINA

In February 1998 Tohti Tunyaz (pen name: Tohti Muzart), an Uighur historian and writer graduated from the Central Institute of Nationalities history department, Beijing (1984), later assigned to work for the China National Standing Committee, and studying for a Ph.D. in Uighur history and ethnic relations at Tokyo University, Japan (1996–), was arrested when returning to China to visit his relatives. Charged in April 1998 with “inciting national disunity” and “stealing state secrets for foreign persons” (later “illegally acquiring”), he was tried, and after an appeal, sentenced by the Supreme Court in February 2000 to eleven years’ imprisonment and two years’ deprivation of political rights for reasons believed to be linked to his historical research on Uighur history (which also included one published book and several papers). He is probably detained in Urumchi, Xinjiang (*see NCH #17, #22*).

[Sources: AI, *China: Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region* (1999); PEN, *Ifex Alert*, 9 May 2001, & *Rapid Action Network*, 3 October 2001.]

The central government’s Liaison Office warned Hong Kong Catholics to keep celebrations “low key” over the canonization of 120 victims of the 1900 Boxer Rebellion.

[Source: HRW, *World Report 2001* (2000) 187.]

In September 2000, relatives of 1989 Tiananmen Square victims filed a civil complaint in a New York court against Li Peng, head of the National People’s Congress in Beijing (and in 1989 Chinese premier), for human rights violations, including crimes against humanity and torture.

[Sources: HRW, *World Report 2001* (2000) 166; AI, *Report 2001* (2001) 70.]

A blacklist of eleven banned journalists and academics, given to senior editors in Guangdong on 12 December 2000, included the names of historians Liu Junning and Qian Liqun. Earlier, in April, Liu’s writings, frequently on issues of political and economic reform, had been banned from appearing in official publications and branded as “objectionable bourgeois-liberal” by the state propaganda department.

[Source: IOC 03/00: 91, 02/01: 99.]

In December 2000, riots took place in Nanjing during the commemoration of the 1937 Nanjing massacre. *See also Japan*.

[Source: IOC 02/01: 11.]

On 27 December 2000, 1989 student leader Jiang Qisheng (?1948–) was sentenced to four years' imprisonment. He had been detained in the run-up to the tenth anniversary of the Tiananmen massacre (1999). In April 1999 he had written and distributed an open letter, advocating a reassessment of the 1989 events (*see NCH #17*).

[Sources: PEN, *Ifex Alert*, 8 June 1999, 23 January 2001].

On 5 January 2001 *The Tiananmen Papers*, a book translated by Andrew Nathan and Perry Link, was published in New York. It allegedly contained secret CCP documents from the period April-June 1989 concerning the Tiananmen massacre of 4 June 1989. They were collected and smuggled abroad by Zhang Liang (a pseudonym), who said he was a CCP member.

[Sources include: IOC 02/01: 100.]

On 13 February 2001 the trial of Huang Qi, founder of a website with information on the 1989 Tiananmen massacre, began in Chengdu, Sichuan. In August 2001 he was secretly tried, but no verdict was released (*see NCH #17*).

[Sources: IOC 02/01: 101; AI, *Report 2001* (2001) 71; HRW, *Ifex Alert Update*, 9 February 2001.]

CROATIA

The new government of Ivica Racan made immediate efforts to ensure fuller cooperation with the International Criminal Tribunal for the former Yugoslavia. The fate and whereabouts of thousands of people who “disappeared” during the war years remained unknown. Despite large-scale exhumations, mostly of mass graves in eastern Slavonia, more than 1,500 Croats were still unaccounted for. Some 600 Croatian Serbs were still missing since operations Flash and Storm in 1995. The slowness with which cases were resolved was largely due to the lack of progress in negotiations between the government commissions on missing persons of the Federal Republic of Yugoslavia and Croatia, which met twice during 2000. *See also Bosnia-Herzegovina; Yugoslavia.*

[Source: AI, *Report 2001* (2001) 83-84.]

CUBA

In April 2000 Orestes Rodríguez Horrúitiner (*see NCH #17*) was conditionally released.

[Source: AI, *Report 2001* (2001) 86.]

EAST TIMOR

With the support of the UN Transitional Administration in East Timor (UNTAET), a Special Crimes Unit was established to investigate the hundreds of extrajudicial executions and other human rights violations by the Indonesian security forces and pro-Indonesian militia during 1999. UNTAET also provided assistance to Indonesia in its investigations into crimes committed in East Timor during 1999, but. In both cases, progress was slow.

[Source: AI, *Report 2001* (2001) 89–90, 127.]

On 15 September 2000, the United Nations announced that it would reinvestigate the killing of five Australian reporters in Balibo on 16 October 1975 in the run-up to Indonesia's full-scale invasion of the former Portuguese colony of East Timor. They had gone into East Timor to examine rumours about an impending Indonesian attack. According to several sources, they were executed by the Indonesian army. The case of Roger East, a free-lance Australian journalist, executed during the actual invasion on 7 December 1975, may also be opened.

[Source: IOC 6/00: 173.]

EGYPT

In January 2001 the Ministry of Culture incinerated 6,000 books of poetry by medieval poet Abu Nawas, because they allegedly “violated public decency” and “threatened moral norms” by celebrating homosexuality, revelry and carousing.

[Source: IOC 02/01: 103–4.]

Islamist groups failed to publicly revoke death threats issued in previous years against civilians whom they considered political and ideological enemies, including Nasr Hamed Abu Zeid (*see NCH #6, #14*).

[Source: AI, *Report 2001* (2001) 94.]

EL SALVADOR

In September 2000, the work of the non-governmental Asociación Pro-Búsqueda de Niñas y Niños

Desaparecidos (Association for the Search for Disappeared Children) suffered a setback when its proposal that the Legislative Assembly create a commission to investigate the whereabouts of children who “disappeared” during the armed conflict (1980–92) was rejected. The army, which had initially expressed its willingness to participate, changed its position. The commission would have had power to summon people to provide information and would have had access to archives which were not open to Pro-Búsqueda. In October 2000, efforts to end impunity for past human rights violations, including massacres in which hundreds of civilians were killed, suffered a serious setback when the Supreme Court of Justice declared the 1993 General Amnesty Law to be constitutional. The judicial authorities failed to implement the recommendations of the Inter-American Commission on Human Rights.

[Source: AI, *Report 2001* (2001) 94–95.]

ETHIOPIA

The South African government did not accede to a request by the Ethiopian government for the extradition of former Ethiopian President Mengistu Haile Mariam (who ruled in the period 1974–91). Mengistu visited South Africa from Zimbabwe, where he was living in exile, for medical treatment in late 1999. The trials of 46 officials of the former Dergue government led by Mengistu proceeded slowly on charges including genocide and extrajudicial executions. Some trials began of more than 2,200 other former officials, most of whom had been held since 1991 and were facing lesser charges (*see NCH #17*).

[Sources: HRW, *World Report 2001* (2000) 77; AI, *Report 2001* (2001) 98, 100.]

On 22 December 2000, up to two hundred Oromo students from Addis Ababa University were beaten by police when they were arrested after a fight between Oromo and other students, which started after a Tigrayan student had presented a paper in his sociology class about the Oromo which offended Oromo students. Among the arrested was fourth-year history student Badada Bayene. Up to 150 students, including Badada, were taken into police custody and were reportedly at risk of torture. Later they were released (*see NCH #20, #20[ii]*).

[Sources: AI, *Urgent Action 07/01* (12 & 19 January 2001); AI, *Report 2001* (2001) 100.]

In May 2001 Garuma Bekele was released (*see NCH #10, 12, 14, 17*).

[Source: HRW, *Ifex Alert*, 29 May 2001.]

EUROPEAN UNION

See United States.

FRANCE

Pressure grew on the Paris police authorities to grant access to its archives on the October 1961 massacre by police officers of Algerians at a peaceful demonstration in Paris during the Algerian war of independence (1954–62). Disagreement persisted about the number of demonstrators killed; figures varied between 32 and 200 (*see NCH #6, #14*). In October 2000 twelve public figures appealed to the authorities to acknowledge and condemn torture committed during the war. Generals Jacques Massu and Paul Aussaresses both admitted their direct involvement in torture and extrajudicial executions during the war. In May 2001 Aussaresses claimed that details of these abuses were regularly transmitted to François Mitterand, minister of justice at the time. He also reported that the government acquiesced in the use of torture during the 1957 Battle of Algiers.

[Sources: AI, *Report 2001* (2001) 21–22, 103; IOC 3/01: 106.]

See Haiti.

GUATEMALA

In March 2000 the new President Alfonso Portillo declared a national day in honour of the estimated 200,000 victims of Guatemala's civil conflict (1960–96), ratified the Inter-American Convention on Forced Disappearances, and admitted state responsibility for past violations. Impunity continued to prevail, however, for most human rights violations perpetrated during the conflict. Portillo also called the 1998 murder of Juan Gerardi and its botched investigation a “national embarrassment”, publicly committing himself to bringing those responsible to justice. Witnesses, prosecutors, and judges continued to receive threats related to the case. In October a long-promised report on the case was made public by Portillo but provided no new information. In June 2001 three army officers and a priest were sentenced to between twenty and thirty years' imprisonment in the Gerardi case (*see NCH #10, 13, 14, 17*).

[Sources: HRW, *World Report 2001* (2000) 93, 126–27; AI, *Report 2001* (2001) 113–14; AI, *Guatemala: Human Rights Community under Siege* (2001).]

In April 2000 a lawyer filed a suit against Nobel Peace Prize winner (1992) Rigoberta Menchú for treason for filing her case (*see NCH #17*) in Spain, a charge that carries a ten to twenty year prison term. General Ríos Montt, former president, founder of President Portillo's political party, and current president of Congress, was among those named in Menchú's suit as being responsible for genocide and torture during the period when he ruled Guatemala (March 1982–August 1983). In December the Spanish High Court ruled that it did not currently have jurisdiction to judge the crimes. The plaintiffs immediately appealed; judgment on their appeal was pending at the end of 2000.

[Sources: HRW, *World Report 2001* (2000) 128; AI, *Report 2001* (2001) 114.]

In May 2000, a database of 650,428 names, apparently compiled by military intelligence during the 1980s, was made public by a government official. Guatemalan analysts believed the coded number against each name contained information on their fate.

[Source: AI, *Report 2001* (2001) 113–14.]

In May 2000, the Centre for Legal Action in Human Rights (CALDH) assisted survivors of ten massacres to file genocide charges before the Guatemalan courts against former Head of State General Romeo Lucas García (1978–82) and several officials from his administration.

[Source: AI, *Report 2001* (2001) 114.]

In September 2000, gunmen entered the offices of the Families of the Detained and Disappeared of Guatemala (FAMDEGUA) and HIJOS (children of the “disappeared” who want their parents' fate clarified), forcing three staff members to the floor at gunpoint. The gunmen repeatedly threatened to kill the three. Office equipment and case records, including some concerning the 1982 Dos Erres massacre (in which 350 indigenous villagers were killed), were stolen.

[Sources: HRW, *World Report 2001* (2000); AI, *Report 2001* (2001) 113–14.]

See also United States.

HAITI

In November 1999 a French court dismissed a lawsuit filed by several Haitians against former dictator Jean-Claude Duvalier (ruled 1971–86), exiled in France since 1986. The suit accused him of crimes against humanity, but the court ruled that French law does not cover such crimes committed prior to 1994, except those that occurred during World War II (*see NCH #17*).

[Source: HRW, *World Report 2001* (2000) 133.]

HONDURAS

In June 2000, the Supreme Court ruled that two amnesty decrees on a 1982 case of “disappearance” and torture were unconstitutional. In July the Attorney General’s Office, who had filed the appeal against the decrees in January 1999, requested clarification, as it considered that the decision should be applicable to all military personnel suspected of human rights violations in the 1980s, especially 184 “disappearance” cases, and not just one specific case.

[Source: AI, *Report 2001* (2001) 121–22.]

INDIA

In May 2000 a new one-man Commission of Inquiry was established to investigate the 1984 riots in Delhi which claimed the lives of more than 2,500 people, mainly Sikhs. In October the retired judge presiding over the inquiry was reported to have already received over 10,000 affidavits (sworn written statements). An earlier inquiry in 1985–86 had led to proceedings against only twenty of 147 police officers found guilty of dereliction of duty. In Mumbai (formerly Bombay), recommendations made by the Srikrishna Commission of Inquiry into riots which took place in the city in 1992–93 remained unimplemented.

[Source: AI, *Report 2001* (2001) 124.]

INDONESIA

In 2000 *The Year of Living Dangerously*, a banned 1982 film about the 1965–66 killings, was screened in a sold-out theatre at the Jakarta International Film Festival. The Censorship Board released the film on the condition that its single showing would be to a private audience only (*see NCH #10, under Singapore*).

[Source: IOC 1/01: 109.]

On 1 January 2000, President Abdurrahman Wahid changed the name of Irian Jaya into Papua to signal a change in policy toward the rebellious province. The name change had not been approved by parliament by the end of the year. In December 1999, tens of thousands of Papuans had celebrated the thirty-eighth anniversary of “West-Papuan independence” in ceremonies throughout the province, the

first time that such coordinated pro-independence demonstrations were permitted. In a compromise with the authorities, both the Indonesian and West Papuan flags were raised in the 1 December ceremonies. Tension and conflict over flag raisings continued throughout 2000.

[Source: HRW, *World Report 2001* (2000) 202–3.]

On 14 March 2000, President Wahid asked for forgiveness on television for the 1965–67 massacre of suspected members of the banned Partai Komunis Indonesia (PKI; Indonesian Communist Party), and for the role of his own organization, Nahdlatul Ulama, in the killings. He also called for repeal of a 1966 decree that instituted a pattern of discrimination against families of suspected PKI followers down to the third generation. The President’s call, however, was greeted with noisy street protests from some Muslim groups and, in August, the Majelis Permusyawaratan Rakyat (MPR; People’s Consultative Assembly) set aside the proposal, leaving the 1966 decree in effect.

[Source: HRW, *World Report 2001* (2000) 204–5.]

See also East Timor.

IRAN

On 5 August 2000, Iranian authorities arrested Hojatoleslam Hassan Youssefi Eshkevari, director of the Ali Shariati Research Center and author of several books on Iranian history, after his return from Berlin where he had presented a paper on “*Dictatorship and its History*”. He was held in solitary confinement for two months and tried in October before a Special Court for the Clergy on charges of apostasy and “being corrupt on earth”, which carry the death penalty. By the end of 2000, his sentence had not been made public.

[Sources: HRW, *World Report 2001* (2000) 354; PEN, *Centre to Centre*, 2001, no.2: 3, 4; AI, *Report 2001* (2001) 130; IOC 3/01: 109.]

IRAQ

On 27 March 2001, Kurdish scholar and historian Muhammad al-Ruzbayani (?1913–) was murdered with an axe in his Baghdad home. A former adviser on Kurdish affairs to the government, he was reportedly receiving financial support from institutions in Iraq’s Kurdish-controlled areas, a factor which may have aroused the suspicion of the authorities.

[Source: IOC 3/01: 110.]

ISRAEL

In December 1999, Human Rights Watch wrote to Israeli Prime Minister Ehud Barak to condemn the appointment of Major General (Reserves) Amos Yaron as director-general of Israel's Ministry of Defense, urging his immediate dismissal from public service. While serving as an Israeli Defense Forces (IDF) division commander during Israel's invasion of Lebanon in 1982, his actions and omissions facilitated the September massacre in the refugee camps of Sabra and Shatila in Beirut. In the massacre at least 700 to 800 Palestinians, and possibly as many as several thousand, were killed by the Israeli-armed and -allied Lebanese Phalange (*Kata'eb*) militia while nearby IDF personnel looked on and did nothing to stop the sixty-two-hour indiscriminate killings.

[Source: HRW, *World Report 2001* (2000) 360–61.]

See also Argentina, Lebanon, Palestinian Authority.

ITALY

On 9 November 2000, Francesco Storace, a member of the far-right Alleanza Nazionale, voted for the creation of a commission to evaluate history textbooks in the Lazio region. This sparked a controversy because professional historians feared that it was the first step in a process in which right-wing political parties would demand the end of the anti-Fascist paradigm, a condemnation of the Communist experience and a re-evaluation of Mussolini's Nazi-backed Republic of Salò (1943–45) which fought against the partisans after the 1943 armistice.

[Sources include: IOC 1/01: 13–14.]

JAPAN

Throughout the countries occupied by Japan during World War II, women forced into sexual slavery as “comfort women” were still campaigning for individual compensation from the Japanese government. (*see NCH #5, 6, 10, 14*).

[Source: HRW, *World Report 2001* (2000) 166.]

On 28 November 2000, a Chinese survivor of the 1937 Rape of Nanking, Xia Shuqin (?1929–), filed

a libel suit against two Japanese writers who claimed that Ms. Xia's testimony of the massacre was false. The writers, Higashinakano Osamu and Magsumura Goshio, also claimed in their books, *"Thorough Review of Nanjing Massacre"* and *"Big Question in Nanjing Massacre"*, that all historical data about the massacre are not true. *See also: China.*

[Source: IOC 1/01: 104.]

In March–April 2001 South Korea, North Korea, China and Taiwan protested against a Japanese high school history textbook before and after its approval by Japan's Ministry of Education. The textbook reportedly glossed over Japan's militaristic past. The original draft of the textbook, written by the Japanese Society for Textbook Revision, a group of nationalistic historians including Nobukatsu Fujioka, reportedly described the "unopposed" annexation of the Korean peninsula (1910) as "necessary for Japan's security" and referred to the 1937 Nanjing Massacre as "nothing like a holocaust". No reference was made to the question of "comfort women". The approved version, containing more than 130 revisions, reportedly acknowledged that an "armed struggle" took place in Korea and had removed the attempt to downplay the Nanjing Massacre. Controversial sections were left in, including a description of Japanese soldiers braving "death with honour". In a joint declaration, 900 historians condemned the textbook as a distortion of history.

[Source: IOC 3/01: 102. Also consulted: *BBC News Online* (WWW-text; London) 2001: 15 March, 3 April, 4 April, 9 April]

See also: General (Ienaga Saburo).

KAZAKHSTAN

On 6 July 2000, retired historian and dissident Karishal Asanov wrote an article criticising President Nursultan Nazarbayev in the opposition weekly *SolDat*, printed in Russia. Although the issue containing the article was seized by Kazakh customs police and never distributed within Kazakhstan, a trial for defamation of the president was started against Asanov and *SolDat*'s chief editor in March 2001. On 3 April Asanov was acquitted for lack of evidence. The chief editor was sentenced to one year' imprisonment, but immediately pardoned under a presidential amnesty. The court ordered that the 6 July print run of *SolDat* should be burned. In 1992–93 Asanov had already been charged with insulting the president. After a trial, retrial and appeal, he had been acquitted.

[Sources include: HRW, *World Report 2001* (2000) 300–301; AI, *Report*, 1993: 178, 1994: 181; IOC 3/01: 111.]

LEBANON

Human Rights Watch sent a letter to Lebanese President Emile Lahoud inquiring about legal or administrative measures that the government of Lebanon initiated or was contemplating with respect to investigation and prosecution of Lebanese citizens who were known or suspected to have had direct responsibility for the September 1982 Sabra and Shatila killings. *See also Israel.*

[Source: HRW, *World Report 2001* (2000) 360.]

In January 2000 the government set up an official Commission of Inquiry into the fate of those missing and kidnapped during the civil war (1975–90). A committee for the Relatives of the Kidnapped and Missing held vigils near the premises of the weekly cabinet meetings outside the Beirut museum. In July the commission made public the conclusions of its report stating that none of the “disappeared” was alive in Lebanon and recommending that those missing for at least four years should be considered dead. Lists with names of “disappeared” were sent to Israel and Syria, who denied all knowledge of the whereabouts of those on the lists.

[Source: AI, *Report 2001* (2001) 156.]

On 23 May 2000 local residents stormed the Khiam prison, which since its opening in 1985 had been a joint enterprise of Israel and the South Lebanon Army. Within days, the facility was transformed into an informal museum, drawing thousands of Lebanese who toured the cramped cells and solitary confinement rooms, and read the names of torturers which were prominently posted on a large handwritten list near the entry gate.

[Source: HRW, *World Report 2001* (2000) 351.]

In September and October 2000, at least 90 suspected members or supporters of the unauthorized Lebanese Forces (LF) party were arrested after a church mass and demonstration in Mount Lebanon to commemorate the death of Bashir al-Gemayel, President–elect and LF founder killed in 1982. Most were detained for a few hours or days and released without charge.

[Source: AI, *Report 2001* (2001) 155.]

See also Syria.

LIBERIA

In 2000, no progress was made by the authorities in bringing to justice the perpetrators of massive human rights abuses carried out during the civil war (1990–97) or later, including in September 1998 against members of the Krahn ethnic group.

[Source: AI, *Report 2001* (2001) 159.]

In late March 2000, James Torh, the executive director of a children’s rights organization who had been detained and charged with sedition for a speech he had made about the need for a truth commission to be established in Liberia to investigate violations committed during the civil war (*see NCH #17*), was released on bail after [three or five] days and fled the country.

[Sources: HRW, *World Report 2001* (2000) 16, 57; AI, *Report 2001* (2001) 159.]

MAURITANIA

The government of President Maaouiya Ould Sid’Ahmed Taya, which came to power in December 1984 following a military coup, has consistently prevented investigations into widespread human rights violations, including political killings, “disappearances” and torture, during the late 1980s and early 1990s.

[Source: AI, *Report 2001* (2001) 167–68.]

MEXICO

The full circumstances surrounding the massacre of dozens of students on Tlatelolco Square, Mexico City, on 2 October 1968 and other political killings remained unclear.

[Source: AI, *Report 2001* (2001) 170.]

MOROCCO

In July 2000, the arbitration commission, established in 1999 to decide on compensation for the victims of “disappearance” and arbitrary detention and their families, announced that it had examined 148 of the 5,849 claims. However, the authorities failed to clarify the cases of several hundred who “disappeared” between the mid-1960s and early 1990s, most of them Sahrawis, or to acknowledge the deaths of some 70 Sahrawis who “disappeared” in secret detention between 1976 and 1991.

[Source: AI, *Report 2001* (2001) 171–72.]

In October 2000, Moroccan activists protested at Tazmamert prison (officially closed in 1991), carrying candles and red roses to commemorate those who died under horrific conditions at the secret facility in the 1970s and 1980s. The demonstrators were not permitted access to the prison itself. They called for the trial of those responsible for “disappearances”, deaths in custody, and arbitrary detention, and the return to the families of the bodies of those perished.

[Sources: HRW, *World Report 2001* (2000) 350; AI, *Report 2001* (2001) 172.]

On 2 December 2000, Communications Minister Mohamed Achaari announced a permanent ban on three weekly newspapers after they published a letter written by exiled opposition leader Mohamed Basri, in which he directly implicated Prime Minister Abderrahmane Youssoufi in an attempted coup against King Hassan II in 1972.

[Sources: IOC 1/01: 112; AI, *Report 2001* (2001) 172.]

MYANMAR

In July 1999 history teacher Ma Khin Khin Leh (?1965–) was detained with eighteen others in Pegu, on suspicion that they were planning a prodemocracy march scheduled for 19 July (Martyrs’ Day, commemorating the 1947 assassination of General Aung San, independence leader and father of opposition politician and Nobel Peace Prize winner Daw Aung San Suu Kyi). The local Military Intelligence arrested her and her three-year old daughter after officials from the State Peace and Development Council (military junta) attempted to detain her husband, Kyaw Wunna, a political activist and one of the organizers of the march, but could not locate him. The child was released after five days’ detention. In December 1999, a Special Court sentenced Ma Khin Khin Leh to life imprisonment. In January 2000, she was transferred to an unknown location (*see NCH #18*).

[Source: AAAS, Human Rights Action Network, *BU0009.Daw*, 5 December 2000.]

NIGERIA

The seven-member Human Rights Violations Commission chaired by retired judge Chukwudifu Oputa, appointed by President Obasanjo in June 1999 to investigate human rights abuses between 1966 and May 1999, began hearing evidence from witnesses. From the more than 11,000 petitions received, it selected about 150 of the most serious cases for public hearing in sessions in five cities. Witnesses described killings and torture by agents of the military government of General Sani

Abacha (1993–98). Security officials denied the most serious accusations or refused to appear before the commission. In December former head of state General Ibrahim Babangida and former military and police security chiefs obtained a High Court injunction restraining the commission from compelling them to appear before it, on the grounds that their personal security would be at risk (*see NCH #17*).

[Sources: HRW, *World Report 2001* (2000) 60; AI, *Report 2001* (2001) 182, 184.]

NORTH KOREA

In April 2000, North Korea and Japan resumed talks, including on key issues such as Japanese compensation for its occupation of the Korean peninsula (1910–45). North Korea also returned the remains of 26 United States servicemen lost in action during the Korean war (1950–53).

[Source: AI, *Report 2001* (2001) 148.]

See also Japan; South Korea.

PAKISTAN

On 14 May 2000 it was reported that dr. Younis Shaikh was imprisoned on blasphemy charges. He had asserted that Mohammed was not a Muslim until the age of 40; that his parents were not Muslims; that his first marriage, at 25, was made without an Islamic marriage contract; and that, therefore, he had never removed his underarm hair or been circumcised. He faced the death penalty.

[Source: IOC 3/01: 114.]

See also Bangladesh.

PALESTINIAN AUTHORITY

Although the High Court of Justice ordered the immediate release of Abd al-Sattar Qassim on 11 July 2000, he remained in detention until 28 July (*see NCH #15, 17*).

[Sources: HRW, *World Report 2001* (2000) 353, 358. 396; AI, *Report 2001* (2001) 187.]

See also Israel.

PERU

In October 2000, the Alberto Fujimori government proposed to extend from 1995 to 2000 two 1995 amnesty laws granting immunity for those who had committed human rights violations since 1980. The proposal was refused by the opposition and members of civil society.

[Source: AI, *Report 2001* (2001) 190.]

POLAND

President Aleksander Kwasniewski acknowledged Polish responsibility for the massacre of about 1,600 Jews in Jedwabne on 10 July 1941. Cardinal Jozef Glemp issued an apology. The massacre, formerly ascribed to the Nazis, was the subject of new research by Jan Tomasz Gross (1947–), a Polish political science lecturer at New York University.

[Source: IOC 3/01: 76–85.]

RUSSIA

Memorial, a leading human rights group investigating past and present abuses, continued to face difficulties while working inside Chechnya.

[Source: HRW, *World Report 2001* (2000) 318.]

On 28 August 2000, masked police commandos stormed the office of the Glasnost Foundation, a human rights organization, without any apparent reason. The police carrying out the raid taunted Sergei Grigoryants, historian and head of the organization, with the knowledge that he was a former dissident (*see NCH #5*).

[Sources: HRW, *World Report 2001* (2000) 318; AI, *Report 2001* (2001) 200.]

RWANDA

During 2000, an estimated 125,000 people continued to be held in detention, the overwhelming majority on charges of participation in the 1994 genocide. At least 2,283 people were tried and at least 140 sentenced to death, some after unfair trials, but there were no judicial executions. Trials of genocide suspects also continued at the International Criminal Tribunal for Rwanda in Tanzania,

where 46 leading genocide suspects were held. Since the launch of genocide trials in 1996, only 4,875 suspects had been tried. In Switzerland, ex-mayor Fulgence Niyonteze, was tried for war crimes. This was the first trial of a Rwandese genocide suspect under the national jurisdiction of a foreign country. In May 2000 the Organization of African Unity's International Panel of Eminent Personalities submitted the report of its investigation into the 1994 genocide and made recommendations to prevent conflict in the region.

[Source: AI, *Report 2001* (2001) 202–4.]

SAUDI ARABIA

Among the discriminatory measures taken against Shia Muslims was the discouragement of the traditional annual Shia mourning procession of Ashura.

[Source: HRW, *World Report 2001* (2000) 403–4.]

Saudi Arabia continued to provide refuge and financial support to Idi Amin, the exiled Ugandan leader whose regime (1971–79) was responsible for a reign of terror. Invited by the late King Faisal, Amin has been protected by government-paid Saudi guards since 1979.

[Source: HRW, *World Report 2001* (2000) 405.]

SENEGAL

See Chad.

SIERRA LEONE

Following the hostage crisis in May 2000, in which rebel forces captured UN peace-keeping troops, activity towards establishing a Truth and Reconciliation Commission, mandated to be established within 90 days of the signing of the Lomé Peace Accord (July 1999), was officially frozen by the United Nations Office of Human Rights (*see NCH #17*). On 14 August 2000, United Nations Security Council Resolution 1315 authorized to set up a Special Court for Sierra Leone with a mix of local and foreign prosecutors and judges to try crimes against humanity, war crimes, and other serious violations of international humanitarian law. The tribunal will effectively overturn the July 1999 amnesty and make possible the prosecution of those responsible for crimes during the civil war

(1991–99).

[Sources: HRW, *World Report 2001* (2000) xxiv, 23, 71–72; AI, *Report 2001* (2001) 212]

SOMALIA

In no part of the collapsed state of Somalia were public officials known to have been prosecuted for human rights violations, past or present. Several held public office now, including some prominent alleged war criminals of the former Siad Barre government (1969–91) who were nominated to the transitional national assembly by their clans.

[Source: AI, *Report 2001* (2001) 219.]

SOUTH AFRICA

Further evidence emerged about past human rights violations during trial proceedings against the former head of the chemical and biological warfare program, dr. Wouter Basson, and in hearings held by the Truth and Reconciliation Commission (TRC) amnesty committee. By the end of 1999, the TRC amnesty committee had granted amnesty in 568 cases and refused amnesty in 5,287 cases, while 815 matters remained outstanding (*see NCH #14*).

[Sources: HRW, *World Report 2001* (2000) 76; AI, *Report 2001* (2001) 219–21.]

See also Ethiopia.

SOUTH KOREA

Efforts were underway to hold the United States accountable for the No Gun Ri massacre in July 1950, during the Korean War (1950–53), in which some four hundred civilians may have died.

[Source: HRW, *World Report 2001* (2000) 166.].

See also Japan; North Korea.

SPAIN

See Guatemala.

SRI LANKA

Impunity for the perpetrators of human rights abuses remained a major concern during 2000. Victims who sought justice through the courts received death threats. The report of a presidential commission of inquiry, set up in 1998 to investigate complaints of past “disappearances” not examined by three earlier commissions, was handed over to president Chandrika Bandaranaike Kumaratunga in late August 2000. The implementation of the recommendations of previous commissions and of the UN Working Group on Enforced or Involuntary Disappearances, which visited the country in 1999, proceeded slowly. (*see NCH #14, #17*).

[Source: AI, *Report 2001* (2001) 225.]

SURINAME

On 31 October 2000, after the government of President Ronald Venetiaan took power, the Court of Justice ordered the prosecution of former military leader Desi Bouterse and others in connection with the so-called 1982 December murders, when fifteen journalists, academics and labour leaders were extrajudicially executed at Fort Zeelandia in Paramaribo. At the end of 2000, the Public Prosecutor’s Office was working on a summons to start a preliminary judicial investigation. Bouterse denied charges that he presided over the murders, saying that he took responsibility only because he was head of government and the military at the time. Also unresolved remained the case of the 1986 massacre of civilians at the village of Moiwana.

[Source: AI, *Report 2001* (2001) 228.]

SYRIA

Despite the presidential succession, the fate of hundreds of people who “disappeared” in connection with their involvement with the Muslim Brotherhood in the late 1970s and 1980s remained unknown. Unresolved remained the massacre of possibly as many as 1,100 unarmed prisoners at Tadmor in 1980 and the military assault on the city of Hama in 1982 in which thousands were killed. Among the 99 signatories of a September 2000 statement in the Lebanese newspaper *al-Safir* calling for the lifting of martial law (in place since 1963) and the release of political prisoners was researcher and historian Abdullah Hanna (1932–). From Beirut, a Lebanese member of parliament, Boutros Harb,

called for an “opening of the files” on some two hundred Lebanese known or suspected of being imprisoned in Syria, some of whom had been detained without trial for over fifteen years.

[Sources: HRW, *World Report 2001* (2000) 409–10; IOC 6/00: 189; AI, *Report 2001* (2001) 233–34.]

SWITZERLAND

See Rwanda.

TAIWAN

On 3 March 2001 Japanese cartoonist Yoshinori Kobayashi was barred entry following publication of a non-fiction comic in which he said that comfort women in Taiwan had volunteered to associate with occupying Japanese forces as a way out of poverty. Yoshinori was censured on the grounds that he had “insulted national dignity”.

[Source: IOC 3/01: 118–19.]

See also Japan.

THAILAND

In May 2000, after pressure from victims’ families, the government released a classified 605-page Defense Ministry report on the army’s shooting of prodemocracy demonstrators in Bangkok in May 1992, in which at least 52 people were killed. A summary had been made public in June 1999. The government censored about ten per cent of the report, however, and the May 92 Relatives Committee, an organization of families of 38 people whose fate has still not been clarified, demanded that the remaining material be revealed. The committee also called for the release of two other official reports on the incident. In June 2000 the government released a largely uncensored version, but calls to bring to justice those found responsible remained unanswered.

[Sources: HRW, *World Report 2001* (2000) 166, 223; AI, *Report 2001* (2001) 240.]

TUNISIA

On 23 October 2000, a double issue of the French weekly *Jeune Afrique—L'Intelligent* was impounded, presumably because President Zine al-Abidine Ben Ali took umbrage at a lengthy profile, “*The Tunisian Sakharov*”, of historian and human rights activist Mohamed Talbi (?1920–), specialist in medieval islamic history, former dean of Tunis University, and author of works on the medieval historian Ibn Khaldun.

[Sources include: IOC 1/01: 124.]

TURKEY

Reporter Julide Kalic of the daily *Yeni Evrense* was beaten and interrogated after photographing a police attack on a remembrance day meeting for Haci Bektas Veli (?1248–?1337), a dervish and scholar who founded a Sufi order. She was driven to a far-off police station and her film was confiscated.

[Source: IOC 6/00: 191.]

Officials put pressure on the Microsoft management to modify an article in its digital encyclopedia *Encarta*, that calls the 1915 murder of thousands of Armenians “the first genocide of the twentieth century”. The authors, including professor of political science and Armenian history Ronald Grigor Suny, were asked to “tone down” the article and remove the word “genocide”.

[Source: IOC 6/00: 191.]

In October 2000, officials warned the United States that it risked losing the use of a military base for launching air patrols over northern Iraq if the American House of Representatives approved a resolution accusing Turkey of genocide against Armenians in 1915. The resolution was not put to the vote.

[Sources include: IOC 6/00: 192.]

On 23 October 2000, Istanbul State Security Court charged Akin Birdal, vice president of the International Federation for Human Rights and former president of the Turkish Association for Human Rights, with “incitement to hatred” for his criticism of Turkey’s stance on the 1915 genocide of the Armenians. Birdal, who had also called for Turkey to apologise for the events, was accused of having openly insulted “Turkishness”.

[Source: IOC 1/01: 125, 3/01: 119.]

On 22 December 2000, it was reported that the Istanbul State Security Court ordered the confiscation

of all copies of the book “*Famous Kurdish Scientists and Intellectuals of the First Generation*”, by Mehmet Kemal Isik, describing it as “separatist propaganda”.

[Source: IOC 02/01: 120.]

On 27 March 2001, plainclothes police officers arrested archeology student Emrullah Karagoz (?1978–) and two others, and held them at the Diyarbakir Police Headquarters, where they were at risk of torture. Karagoz was previously detained in June 1999 and November 2000 for political reasons. Plainclothes police apparently raided his house several times shortly before Newroz (the Kurdish New Year which is celebrated on 21 March) (*see NCH #21*).

[Source: AI, *Urgent Action 22/01* (28 March 2001).]

TURKMENISTAN

President Saparmurad Niazov ordered that the entire printing of a new Turkmen history textbook be burned.

[Source: HRW, *World Report 2001* (2000) 331.]

UGANDA

See Saudi Arabia.

UNITED KINGDOM

On 27 March 2000, the Bloody Sunday Inquiry—a new tribunal of inquiry into the British army killings of fourteen people in Derry on 30 January 1972—opened. It was expected to last at least two years. The original tribunal, finding the army not liable for any of the deaths, was discredited. In November 2000, hundreds of soldiers were arguing that their safety was compromised by the disclosure of their identities, and that they should not have to give evidence in Londonderry. Although the decision of the inquiry chairman to disclose their names was overturned by the courts, the men were worried that their faces could be linked with previously leaked details (*see NCH #10, 14, 17*).

[Sources: HRW, *World Report 2001* (2000) 334; IOC 1/01: 103; AI, *Report 2001* (2001) 255.]

UNITED STATES

In June 2000, the National Security Archive, an NGO in Washington, released a report entitled *The Guatemalan Military: What the U.S. Files Reveal*. The report named 232 Guatemalan officers and contained information on their activities and command responsibilities, thus assisting NGOs and victims in their efforts to identify and bring to justice those responsible for gross abuses during Guatemala's civil war (1960–96). *See also Guatemala*.

[Source: HRW, *World Report 2001* (2000) 130.]

In accordance with a 1999 declassification directive, some 7,500 confidential documents on Chile in the 1968–90 period from the State and Defense Departments and other United States (US) agencies, including the Central Intelligence Agency (CIA), were released by mid-2000 (*see NCH #17*). Hundreds of documents, believed to reveal details of US covert action in Chile prior to and following the 1970 election of the Salvador Allende government and of US support for the military junta, were held back on the order of CIA director George Tenet. Of particular concern was the fact that the missing documents might contain information crucial to Pinochet's trial in Chile, such as the functioning of his secret police DINA, and the CIA's liaison with it. In September 2000, the Intelligence Authorization Act required the CIA to submit a report to Congress on its relations with Pinochet's military government (1973–90). In the report the CIA revealed that it had maintained a liaison with DINA head Manuel Contreras in 1974–77. Later in 2000, the CIA and other agencies were preparing for the release of 16,000 declassified documents related to the US role in Chile. *See also Chile*.

[Source: HRW, *World Report 2001* (2000) 98, 113.]

On 19 September 2000, it was reported that newly declassified government documents showed that at least in 1950–65 United States intelligence funded and directed a campaign to bring about a federal Europe.

[Source: IOC 6/00: 192.]

In March 2001 students at Brown University, Rhode Island, stole nearly 4,000 copies of the campus newspaper *Brown Daily Herald* in protest to its publication of an advertisement denouncing reparations for slavery, placed by the conservative columnist David Horowitz. Later in April, when Princeton's *Daily Princetonian* ran the advert opposite an editorial describing Horowitz's views as "racist", the writer withdrew his payment pending an apology, describing himself as the victim of a "left-wing witch hunt". *See also General*.

[Source: IOC 3/01: 120.]

On 6 June 2001 Random House agreed to stop distributing copies of a memoir by Bryan Magee, *Confessions of a Philosopher: A Personal Journey Through Western Philosophy from Plato to Popper* (1998). In the book Magee accused lecturer Ralph Schoenman of being a CIA operative who had been planted to spy on philosopher Bertrand Russell, a noted 1960s opponent of the Vietnam war.

[Source: IOC 3/01: 121.]

See also Chile, China, Guatemala, South Korea, Turkey.

URUGUAY

In 2000, after President Jorge Battle took office in March, steps were taken to establish the fate of people who “disappeared” or were tortured under military governments between 1973 and 1985. In August the government established a Comisión para la Paz (Peace Commission) to clarify the fate of the “disappeared”. However, the 1986 Expiry Law, which granted exemption from punishment to all police and military personnel who committed human rights violations for political motives or to obey orders before 1 March 1985, prevented the perpetrators from being brought to justice. The Inter-American Commission on Human Rights stated that the Expiry Law violated the American Convention on Human Rights.

[Source: AI, *Report 2001* (2001) 261.]

VENEZUELA

Of some 300 cases of human rights abuses registered by local non-governmental organizations between 1985 and 1999, only 40 had been resolved as a result of judicial proceedings.

[Source: AI, *Report 2001* (2001) 265.]

VIETNAM

In December 1999, members of the Buddhist Hoa Hoa sect in An Giang province clashed several times with police, who reportedly blocked a pilgrimage to their prophet’s birthplace, and detained and beat

some adherents.

[Source: HRW, *World Report 2001* (2000) 229.]

In 2000 Nguyen Dinh Huy (*see NCH #6, #17*) continued to be held in prison.

[Source: AI, *Report 2001* (2001) 266.]

In March 2000 the Ministry of Culture and Information ordered the confiscation and withdrawal from circulation of a book by Hanoi author Bui Ngoc Tan. The only book to be banned during the year, *Chuyen Ke Nam 2000* (An Account of the Year 2000) described the author's experience in North Vietnamese prisons between 1968 and 1973.

[Source: HRW, *World Report 2001* (2000) 228.]

In August 2000 the Ministry of Culture proposed new regulations (not yet officially adopted as of October), which would impose fines for the production or possession of "culturally inappropriate" materials, including those which "distorted Vietnam's history or defamed its national heroes".

[Source: HRW, *World Report 2001* (2000) 227.]

In September 2001 Pham Que Duong (?1933–), colonel, military historian, was arrested while campaigning for reform. In 1987 he had been dismissed as chief editor of "*Military History Journal*" (1982–87) because he had refused to obey orders not to mention exploits of dismissed officers. Investigated and accused of supporting advocates of pluralism in 1990, he resigned from the CPV in solidarity with a dissident in 1999 and became an (often harassed) pro-democracy activist.

[Sources include: HRW, *Ifex Alert*, 29 May 2001.]

YEMEN

The fate of hundreds of people who had "disappeared" in Yemen since the late 1960s remained unknown. Undertakings made by the government to investigate the cases of those who had "disappeared" since 1994 were apparently not implemented.

[Source: AI, *Report 2001* (2001) 268.]

YUGOSLAVIA

The Serbian and federal governments failed to cooperate with the International Criminal Tribunal for

the former Yugoslavia in arresting and handing over individuals, indicted for violations of international humanitarian law, including former Federal President Slobodan Milosevic. On 28 June 2001, however, Milosevic was arrested and brought to the tribunal in The Hague.

[Sources include: AI, *Report 2001* (2001) 270.]

Exhumations of grave sites led to the identification of around 260 mortal remains during 2000, but some 1260 bodies which were exhumed in 1999 and 2000 remained unidentified. Not all grave sites had been examined by the end of 2000. *See also Bosnia-Herzegovina; Croatia.*

[Source: AI, *Report 2001* (2001) 271.]

ZIMBABWE

In February 2000, a Supreme Court order granted two human rights organizations the right to sue the President's office to obtain the release of the Dumbutshena and Chihambakwe reports, both the result of commissions of inquiry, the first into clashes between guerrillas of the two former liberation armies in Bulawayo in 1981, the second into killings in Matabeleland in 1983. Neither report had ever been published. The government's response on the first of these was that only one copy of the report had ever existed, and that it had been lost. In the past, wide-ranging amnesties had been granted for human rights violations committed during the war of independence and after the large-scale atrocities in Matabeleland in 1983.

[Sources: A19, *'Who Wants to Forget?' Truth and Access to Information about Past Human Rights Violations* (2000) 9–14; AI, *Report 2001* (2001) 275.]

See also Ethiopia.

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; the Network of Education and Academic Rights [NEAR, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

AFGHANISTAN

The public library of Pol-I-Khomri, which contained 55,000 books and old manuscripts, was burned to the ground by Taliban militia.

[Source: HRW, *World Report 2000* (1999) 503.]

ARGENTINA

In 1999 investigations and judicial proceedings concerning cases of human rights violations committed during the period of the military government (1976-83) were initiated in Spain, Italy and Germany. Investigations into cases of “disappeared” children continued in Argentina. Investigations by the Federal Court of La Plata, Buenos Aires Province, into past “disappearances” continued in proceedings known as *Juicio por la Verdad* (the Truth Trial).

[Source: AI, *Report 2000* (London 2000) 34-35, 140-41.]

In April 1999, journalist Eduardo Krimel received a suspended one-year prison sentence and a fine in connection with his book *The Massacre of San Patricio* - about the 1976 murder of five priests and seminarians - after a former judge sued him for slander over statements about the latter’s role as

investigating judge in the case.

[Source: HRW, *World Report 2000* (1999) 103.]

On 30 August 1999, the Supreme Court upheld a lower court decision that former junta member Admiral Emilio Massera must pay compensation of \$120,000 in a civil lawsuit brought by Daniel Tarnapolsky regarding the 1976 disappearance of his parents and two brothers during the dictatorship (1976-83). The court also ordered the state to pay \$1,000,000 to Tarnapolsky.

[Source: HRW, *World Report 2000* (1999) 103.]

In November 1999 in the Lapacó case (*see NCH #14*), the government acknowledged and guaranteed the right to the truth as a right unaffected by statutes of limitations.

[Source: AI, *Report 2000* (2000) 35.]

AUSTRIA

In May 2000 a Vienna court found political science professor Anton Pelinka (1941-) of Innsbruck University guilty of “defaming the character” of Jörg Haider, former leader of the far-right Freedom Party, because in an interview in May 1999 he had declared that Haider trivialized Nazism. Pelinka was fined. Haider’s former lawyer, Dieter Böhmendorfer, who had initiated the case, was serving as Austria’s Minister of Justice at the time of the court’s ruling. In another case (about statements Pelinka had made to Cable News Network (CNN) in the spring of 1999 comparing the link Haider made between Austria’s level of unemployment with the number of foreigners in the country to the way the Nazis linked high unemployment rates to the size of the Jewish population), the court dismissed the defamation charge in October.

[Sources include: AAAS, Human Rights Action Network Case AU0003.pel, 17 July 2000; IOC 4/00: 86.]

BELARUS

On 27-28 February 1998, the Belarusian Helsinki Committee (BHC) held a conference on “Political Repression in Belarus in the Twentieth Century” in Minsk. Among the historians attending were Nina Stuzhinskaya, Igor Kuznetsov, V. Karbalevich, and possibly A. Zalessky, chair of the Belarusian Republican Association “Historical Knowledge”. They also wrote articles later published by the BHC in a collection entitled “*Political Repression in Belarus in the Twentieth Century: Materials from the*

Conference". In October 1998 the state newspaper *Slavyansky Nabat* (The Slavic Alarm Bell) published an article encouraging criminal charges against the conference organizers and the authors of the book because they were "guilty of humiliating the honor and dignity of the President". Despite their repeated attempts, the accused academics were denied the opportunity to respond to the article in the state newspapers.

[Source: HRW, *Republic of Belarus: Violations of Academic Freedom* (1999) 14.]

In March 1998, the publication of the first issue of the newspaper of the Belarusian Association of Students contained an article on the front page about the uprising in Kalinovsky in April 1863, in which students seized power in the town. In April 1998, one of the students responsible for the publication was questioned by, among others, a KGB (secret police) officer.

[Source: HRW, *Republic of Belarus: Violations of Academic Freedom* (1999) 26-27.]

CAMBODIA

In March 1999, a United Nations (UN) Group of Experts produced a report recommending the formation of a special international tribunal to bring to justice those suspected of responsibility for gross human rights violations during the Khmer Rouge period (1975-79). The Cambodian authorities rejected the report and stated their intention to hold trials in Cambodia under domestic law. Several Cambodians, however, expressed concern about standards of fairness and judicial independence in Cambodia. In August, the UN sent a second group of experts to Cambodia to assess options for bringing the Khmer Rouge leadership to justice through a tribunal that met international standards.

[Sources: AI, *Report 2000* (2000) 64-65; HRW, *World Report 2000* (1999) xxii-xxiii, 163.]

CANADA

On 15 September 1999, 3,000 Quebec orphans who were sexually and physically abused in church-run institutions in the 1940s and 1950s were told that they would receive no apology from the Roman Catholic church on the grounds that to do so would "constitute a denial of the historic work accomplished under difficult conditions by the religious communities involved".

[Source: IOC 6/99: 235.]

CHAD

On 3 February 2000, former President Hissene Habré was indicted for torture. Much of the evidence was supplied by Senegalese journalist Daniel Bekoutou, who began to receive death threats and fled to Paris. He wrote an account about his experience, *Hunting the Dictator*.

[Source: IOC 3/00: 89.]

CHILE

In 1999, the case against General Augusto Pinochet, the first international prosecution of a former head of state since Nuremberg, went ahead (*see NCH #14*). On 8 October 1999, a magistrate ordered Pinochet's extradition for thirty-five cases of torture or conspiracy to torture committed after 8 December 1988, and on cases of torture resulting from 1,198 "disappearances". He ruled that Pinochet's conduct before 1988 could be examined when finding evidence for the cases. The Chilean government maintained that only Chilean courts had the right to try Pinochet (justifying its endeavours in the name of national sovereignty, the right of Chileans to deal with their own past, and national reconciliation). Judge Juan Guzmán Tapia was investigating forty lawsuits filed in Chilean courts against Pinochet and other members of the military junta (1973-90). On 20 July 1999, the Chilean Supreme Court had upheld the doctrine underlying Guzmán's decision, namely that "disappearance" is a permanent crime until the victim's death is legally certified. On 2 March 2000, Pinochet returned to Chile after he was released on humanitarian grounds.

[Sources: HRW, *World Report 2000* (1999) xiii, xx, xxiv, 93, 96, 99-100, 110-13, 479-80; AI, *Report 2000* (2000) 14-17, 70-71.]

Also see: United States.

CHINA

In June 1992, Wang Wanxing was arrested on Tiananmen Square, Beijing, for unfurling a banner commemorating the 4 June 1989 massacre. In July 1992, he was confined to a psychiatric hospital and forcibly given drugs. After a brief period of release in 1999, he was confined to the hospital again in November 1999.

[Sources: AI, *Report 1993* (1993) 94; IOC 1/00: 91-92.]

In 1998, Tohti, a Uighur scholar who had been a visiting scholar in Japan, was reportedly arrested when

returning to China to visit his relatives. Prior to visiting Japan, he had worked at the Minorities Institute in Beijing. After his arrest, he was reportedly tried and sentenced to seven years' imprisonment for publishing a Chinese-language book on Uighur history while in Japan.

[Source: AI, *China: Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region* (WWW-text of ASA 17/18/99; 1999).]

In 1999, police in several cities prevented those wishing to publicly commemorate the tenth anniversary of the 4 June 1989 crackdown from laying wreaths or visiting cemeteries. Jian Qisheng, a student leader in 1989, was formally arrested for calling on people to remember the crackdown with a candlelight vigil. In June an estimated 60,000 people joined the annual vigil. Exiled history student and former student leader Wang Dan did not receive a visa for Hong Kong to attend a commemorative conference there in May (for Wang, see *NCH #4, #5, #6, #10*). In June 2000, Huang Qi, founder of a website with information on the 1989 Tiananmen massacre, was arrested on charges of subversion. Ding Zilin (?1937-) issued a letter signed by 108 families of victims of the massacre. From 1991 Ding had campaigned for an independent investigation into the killings. She compiled a list of those killed and wounded (220 names in March 1999), wrote *The Factual Account of a Search for the June Fourth Victims* (1994), and tried to persuade the government to reverse its opinion that the 1989 demonstrations were counter-revolutionary. She was frequently harassed by the police.

[Sources: HRW, *World Report 2000* (1999) 182; AI, *Report 2000* (2000) 73, 75; IOC 4/00: 91-92, 5/00: 92.]

On 7 August 1999, Song Yongyi (1949-), a Chinese-born librarian and historian working at Dickinson College, PA, United States, since 1989 and specialized in contemporary Chinese history, was detained when he was in Beijing to collect published documents on the Cultural Revolution (1966-76). He was confined and on 24 December officially charged with "the purchase and illegal provision of intelligence to foreign people" and arrested. On 28 January 2000, he was released. One source suggested that he was arrested because his research seemed to indicate that former Premier Zhou Enlai - admired by Premier Li Peng - had played a more ruthless role in the Cultural Revolution than was generally accepted. During the Cultural Revolution, Song had to interrupt his education and became a dockworker. From 1971 to 1976, he was imprisoned for organizing a book club with others interested in discussing political ideas. After the Cultural Revolution, he was cleared of all criminal charges (see *NCH #16*).

[Sources include: HRW, *World Report 2000* (1999) 180.]

On 23 July 2000, it was reported that *Devils on the Doorstep*, a tragi-comic film by Jiang Wen (winner of the 2000 Grand Prix Jury Prize at Cannes, France) about villagers capturing and collaborating with Japanese soldiers during the Sino-Japanese war (1931-45), had been banned by the Film Censorship

Committee of the State Administration of Radio, Film and Television, allegedly because it “severely distorted history” and depicted the Chinese as “ignorant” and “not hating the Japanese troops as they should”.

[Source: IOC 5/00: 92-94.]

Also see: Japan.

COLOMBIA

On 2 September 1999, the remains of historian Darío Betancourt Echeverry were found in a rural area outside the capital Bogotá. He had been abducted by gunmen on 30 April 1999. A specialist on political violence, Betancourt had headed the social sciences department at the Universidad Pedagógica Nacional (National University of Educational Sciences), Bogotá. Military intelligence files reportedly linked his name to armed opposition groups. In 1998, the Twentieth Brigade of the Colombian army, responsible for military intelligence, was disbanded after it was implicated in human rights violations against people on whom they had filed false information. The government repeatedly stated that it was committed to revising military intelligence archives in order to prevent further human rights violations, but such revisions had not taken place.

[Sources: AI, *Urgent Action 103/99* (11 May & 15 September 1999); AAAS, Case CO9908.Bet, 23 June 1999, 8 October 1999; HRW, *World Report 2000* (1999) xxvii, 458.]

CONGO

On 26 July 2000, BBC television producer Caroline Parr was detained in Kinshasa by the security services, along with her assistant Pierre Mombele and Jonas Munkamba, whom she was interviewing about the 1961 assassination of former Prime Minister Patrice Lumumba (1925-61).

[Source: IOC 5/00: 96.]

CROATIA

In October 1999, a court found Nazi-era concentration camp commander Dinko Sakic guilty of crimes against humanity.

[Source: HRW, *World Report 2000* (1999) 262.]

The contents of the documents in possession of former President and historian Franjo Tudjman (1922-1999) were to be made public by the new President Stipe Mesic, who said on 14 March 2000 that only documents containing military secrets would remain classified.

[Source: IOC 3/00: 92].

CUBA

On 14 January 1999, about a dozen people were reportedly detained, allegedly to stop them from participating in a march to commemorate the anniversary of the birth of United States civil rights activist Martin Luther King.

[Source: AI, *Report 2000* (2000) 88.]

CZECH REPUBLIC

In October 1999, the European Union pressured the government to declare obsolete the 1945 “Benes decrees”, which revoked the citizenship and property rights of Germans and Hungarians in Czechoslovakia and expelled most Germans from Sudetenland.

[Source: HRW, *World Report 2000* (1999) 267.]

The classified police file from the Communist era on Minister of Foreign Affairs Jan Kavan was leaked and made into a book.

[Source : IOC 4/00: 93.]

EGYPT

Among the books banned in 1999 at the American University of Cairo at the request of government censors was *The Prophet and Pharaoh: Muslim Extremism in Egypt* (originally French 1984; London 1985), a history of the Muslim Brotherhood by Giles Kepel.

[Source: HRW, *World Report 2000* (1999) 325, 347.]

ETHIOPIA

In 1999 the prosecution case against forty-six members of the former military government (known as *Dergue*, ruled 1974-91) for genocide and other crimes against humanity, which started in 1994, continued. There were international demands for former President Mengistu Haile-Mariam to be tried. He lived in exile in Zimbabwe.

[Source: AI, *Report 2000* (2000) 102.]

On 23 December 1999, Abera Wogi, chief editor of the weekly *Maebe*, was sentenced to a year's imprisonment on charges of defamation and "fabrication and dissemination of false information" in connection with an article on a General exiled in Sudan, who accused Prime Minister Meles Zenawi of having killed eighty people with cyanide when he fought the government of former President Mengistu.

[Source: IOC 2/00: 99.]

On 28 April 2000, Gamachu Malka Fufa (?1957-) (pen name: Moti Biya) was unexpectedly released on bail (*see NCH #10, #12*). He had been held since October 1997.

[Source: *Centre to Centre: Newsletter of the Writers in Prison Committee of International PEN*, 3/2000: 6.]

GERMANY

On 5 November 1999, it was reported that a controversial exhibition detailing crimes committed by the German army (*Wehrmacht*) during World War II was to be closed for about three months following accusations by independent historians that some photographs in the exhibition were labelled incorrectly, attributing murders committed by Soviet forces to the *Wehrmacht*. The exhibition provoked demonstrations among those incensed at its implicit rejection of the popularly held belief that the *Wehrmacht* fought a honourable war while the SS (Schutzstaffel, Defense Corps; special NSDAP security force) retained sole responsibility for war crimes and the Holocaust.

[Source: IOC 1/00: 95.]

In 2000, historian Ernst Nolte receive the Konrad Adenauer Prize, a fact that many German historians found controversial because since the mid-1980s Nolte had been suggesting that National Socialism was a response to and an imitation of Bolshevism, a thesis that sparked the so-called Historikerstreit (Historians' Battle).

[Source: IOC 4/00: 13.]

Also see: Czech Republic, United States.

GUATEMALA

In December 1999, Nobel Peace Prize winner (1992) Rigoberta Menchú filed charges against eight former Guatemalan officers, for genocide, state terrorism, torture and extrajudicial executions, carried out while they were in office. They included former President General Efraín Ríos Montt, who was elected to Congress in the 1999 elections and served as its President. The charges were filed in Spain.

[Source: AI, *Report 2000* (2000) 115.]

The Juan Gerardi case (*see NCH #10, 13, 14*) remained unresolved. Four people were arrested at various points in connection with the murder of Gerardi, but none remained in custody at the end of 1999. A number of people involved in the case fled abroad after death threats; they included members of the Archbishop's Human Rights Office; two former judges; a prosecutor who had asked for DNA blood tests of twelve military officers and five others to be compared with tests on blood samples found at the murder scene; a witness; and a member of the Presidential High Command who had accused some of his colleagues of involvement in the murder.

[Sources: AI, *Report 2000* (2000) 115; AI, *News*, January 2000.]

HAITI

On 10 September 1999, four Haitians who had been imprisoned and tortured in the 1970s filed complaints in a Paris court against former Haitian dictator Jean-Claude Duvalier for crimes against humanity. They received the support of the Committee to Bring Duvalier to Justice.

[Source: HRW, *World Report 2000* (1999) 135.]

Also see: United States.

INDIA

In December 1999 (or earlier), the Indian Council of Historical Research (ICHR) allegedly decided to order Oxford University Press to suspend publication of two volumes in its *Towards Freedom* series (a documentation project on the 1938-47 period) by social historians Sumit Sarkar, Delhi University, and

K.N. Panikkar, Jawaharlal Nehru University, New Delhi, and return them to the ICHR for review. The volumes, about the years 1940 and 1946, had been submitted in 1995 and 1996 and already in press. The authors and general series editor Sarvepalli Gopal (1923-) were informed of the suspension by the ICHR on 11 February 2000. On [15] February dozens of historians and academics from the four New Delhi universities protested in front of the ICHR office. A statement signed by over thirty academics, including three former ICHR chairpersons (Ram Sharan Sharma, Irfan Habib, and Ravinder Kumar), denounced the withdrawal of the volumes as “the grossest form of censorship”. Panikkar declared that the volumes were withheld because the militant Hindu organization Rashtriya Swayamsevak Sangh, close to the ruling Bharatiya Janata Party (ruling since 1998), claimed a prominent place in the freedom movement for themselves by emphasizing that Sangh leaders like (Prime Minister) Atal Vajpayee and organizations like Hindu Mahasabha played an important role in the freedom struggle. On 3 March the Rajya Sabha (Council of States) discussed the affair.

[Sources include: IOC 3/00: 95.]

IRAN

After his release in December 1998 (*see NCH #10, #14*), hojatoleslam Sayed Mohsen Saidzadeh’s status as a clergyman was rescinded. In October 1998, the Culture and Islamic Guidance Ministry refused to allow publication of his new book, *Freedom of Women During the Time of Muhammad*, charging that the book showed disrespect to the Prophet.

[Source: HRW, *World Report 2000* (1999) 504.]

A plan of documentary maker Rob Gardner to film a history of Islam met with the support of the Iranian government, which offered a permit without inspection of the script. In the United States, the venture was initially rejected because of economic sanctions imposed following the 1979 occupation of the United States embassy in Tehran, but an exemption was found.

[Source: IOC 1/00: 12-13.]

IRAQ

In early December 1998, Ayatollah Muhammad Sadiq al-Sadr, the leading Shi’a cleric in Iraq, reportedly called off a march to the shrine of Imam Hussein in Kerbala after the government massed security forces around the city to enforce its ban on the march. In February 1999, the Ayatollah was assassinated, probably because of his criticism of the government.

[Source: HRW, *World Report 2000* (1999) 358.]

IRELAND

On 7 March 2000, the Irish Censorship Board unbanned 420 books, including *Marriage Past, Present and Future: An Outline of the History and Development of Human Sexual Relationships* (London 1930), by Ralph De Pomerai, banned in 1931.

[Source: IOC 3/00: 15, 97.]

ISRAEL

Education Minister Yossi Sarid stepped up a controversial campaign to change the way in which modern history was taught in schools. He urged teachers to incorporate the 1956 Kafr al-Qassem massacre in the curriculum and to commemorate an event in which fifty Arab villagers were gunned down by troops.

[Source: IOC 6/99: 244.]

JAPAN

The Chinese government repeatedly expressed indignation to Japan for allowing a conference entitled “The Biggest Lie of the Twentieth Century: Documenting the Rape of Nanking” to proceed on 21 January in Osaka. Osaka officials refused to halt the conference “because it would infringe the constitutional right of free speech”. The government confirmed the fact that the massacre had taken place but said it was a matter for Osaka authorities to decide.

[Source: IOC 2/00: 104.]

KAZAKHSTAN

In April 1999, police in Almaty stopped members of the Union of Semirechie Cossacks from entering an Orthodox cathedral for Easter services, claiming that the traditional military uniforms worn by the Cossacks violated the ban on creating “military organisations with uniforms and insignia”.

[Source: HRW, *World Report 2000* (1999) 276.]

KENYA

In [February] 2000, the court charged reporter Johann Wandetto, among other things, with publishing false news in connection with an article in which he quoted a minister in President arap Moi's government who had called for the posthumous trial of Kenya's first President (1963-78) Jomo Kenyatta for alleged "crimes" committed during his presidency. The minister denied having called for such a trial. The court granted bail on this charge.

[Source: IOC 3/00: 99.]

KUWAIT

Political scientist Ahmad al-Baghdadi and historian Sulaiman al-Badr from Kuwait University were criticized by some clerics because in 1996 they had written in a student magazine that the Prophet Muhammad had failed to convert non-believers during his time in Mecca. Al-Badr publicly apologized but al-Baghdadi was found guilty of blaspheming Islam and given a suspended six-month sentence in May 1999. On appeal his sentence was reduced to one month. He was imprisoned on 5 October. The court had found him guilty of "spreading views that ridicule, scorn, or belittle religion." He went on hunger strike. After the Emir, Sheik Jaber al-Ahmad al-Sabah, pardoned him, he was released on 18 October.

[Sources include: IOC 6/99: 245, 1/00: 99; HRW Academic Freedom Committee, *Letter to the Emir of Kuwait*, 13 October 1999; HRW, *World Report 2000* (1999) 276; AI, *Report 2000* (2000) 151.]

LEBANON

In October 1999, *A Civilized People*, a film about the civil war (1975-90) by Chahal Sabbag, was cut by fifty minutes by the government censor because of "inflammatory remarks" against Christ, the Virgin Mary, and Islam. None of Sabbag's previous films about the conflict were screened in Lebanon.

[Sources: IOC 1/00: 173, 2/00: 106.]

LIBERIA

On 15 December 1999, police arrested James Torh on charges of sedition after criticising the government in a talk to secondary-school students. Torh had a record of speaking out about human rights concerns in Liberia. In the weeks leading up to his arrest, he publicly clashed with President Charles Taylor about the need for a truth commission to be established in the country to investigate violations committed during the seven-year civil war (1990-97). He was released on bail after three days. He may face up to five years in prison.

[Sources: AI, *Report 2000* (2000) 159; AI, *News*, May 2000.]

LIBYA

See: United Kingdom.

MOROCCO

The 4 March 2000 edition of the French daily *Le Figaro* was blocked from distribution for carrying an article based on the book *Secrets of the King's Friend*, written by the late King Hassan's personal doctor François Cleret. The article revealed that "[leader of the Moroccan Left] Mehdi Ben Barka's body was cut into pieces under orders of King Hasan and brought to Morocco in diplomatic suitcases".

[Source: IOC 3/00: 101.]

During a visit to Morocco from 3 to 9 June 2000, Joseph Tual, a journalist for France 3 television station, was continually harassed by security services because he had been reporting on the ongoing investigation into Ben Barka's assassination.

[Source: IOC 5/00: 102-03.]

MYANMAR (BURMA)

U Ohn Myint (?1917-) (*see NCH #14, also NCH #8, #10*) was released in January 1999 following the visit of United States Congressman Tony Hall.

[Source: HRW, *World Report 2000* (1999) 170.]

NIGERIA

In May, President Olusegun Obasanjo announced the appointment of a seven-member judicial commission of inquiry to investigate “mysterious deaths”, assassinations and other human rights abuses under the military governments in office between 1984 and May 1999. In October 1999, the scope of the investigation was extended back to 1966, thus including the abuses of the Biafran war (1967-70). The commission received more than 11,000 submissions, many related to human rights violations in Ogoni-land in the mid-1990s. Hearings had not yet started by the end of 1999.

[Sources: HRW, *World Report 2000* (1999) 58-59; AI, *Report 2000* (2000) 182.]

PALESTINIAN AUTHORITY

During 1999, history student Wael Ali Farraj (*see NCH #9, #10, #14*) remained in prison.

[Source: AI, *Report 2000* (2000) 187.]

Among eleven academics and critics arrested on 28 November 1999 for signing a petition which accused the Palestinian political leadership of corruption and political mismanagement, was Abd al-Sattar Qassim (?1949-), professor of history or political science at An-Najah National University, Nablus. He was arrested by Palestinian General Security Services and held in Jericho. On 16 December, documents and papers were confiscated during a search of his house. On 6 January 2000, he was released without charge. On 18 February, he was rearrested. In 1995, Qassim had also been shot after writing an article criticising President Yasser Arafat (*see NCH #15*).

[Sources: AAAS Human Rights Action Network, *Case Number PA9915* (9 December 1999); AI, *Urgent Action 319/99* (London 15 and 20 December 1999, 10 January 2000), *50/00* (25 February 2000); IOC 1/00: 100, 2/00: 108, 3/00: 102-03.]

POLAND

According to Rafal Pankowski, editor of the anti-Fascist magazine *Nigdy Wiecej* (Never Again), Warsaw, historical revisionism was flourishing in Poland and incorporated the denial of the Holocaust, which was officially forbidden. David Irving’s work was translated and issued by Bellona, the Ministry of Defense publishing house, and in 1999 Dariusz Ratajczak, a research historian at the University of Opole, published a monograph questioning the existence of the gas chambers in Auschwitz extermination camp.

[Source: IOC 2/00: 148.]

Also see: United Kingdom.

ROMANIA

A law passed by the Chamber of Deputies in June 1999 allowed Romanians access to their secret police files and requires that the Romanian Information Service reveal if candidates for public office had been members of the Securitate.

[Source: HRW, *World Report 2000* (1999) 285.]

RWANDA

In 1999, at least 1,420 people were tried in Rwandese courts on charges of participation in the 1994 genocide. At least 180 people were sentenced to death. There were no judicial executions. The quality and conduct of trials varied. Tens of thousands of genocide suspects remained in detention without trial. Trials also continued at the International Criminal Tribunal for Rwanda in Arusha, Tanzania. By the end of 1999, 38 people were detained in Arusha.

[Source: AI, *Report 2000* (2000) 203-04.]

SENEGAL

See: Chad.

SIERRA LEONE

A Human Rights Manifesto for Sierra Leone adopted during a visit by the United Nations (UN) High Commissioner for Human Rights in June 1999, pledged UN support for a Truth and Reconciliation Commission which would examine human rights abuses committed during the civil war (1991-99). The UN did not recognize the general amnesty which provided impunity for human rights abuses.

[Source: AI, *Report 2000* (2000) 208, 210-11.]

SOUTH AFRICA

The National Director of Public Prosecutions established a unit to investigate possible prosecutions of perpetrators of past human rights violations who had failed to receive amnesty (more than 5000 by the end of 1999) or to cooperate with the Truth and Reconciliation Commission (TRC) (*see NCH #14*). In October 1999, survivors of past human rights violations publicly protested against the government's failure to implement the TRC's recommendations for financial and other reparations to thousands of victims.

[Source: AI, *Report 2000* (2000) 217.]

SOUTH KOREA

At his trial in September 1999, Suh Joon-sik (*see NCH #14*) was found guilty of violating the Security Surveillance Law and put on probation.

[Source: HRW, *World Report 2000* (1999) 474.]

SPAIN

See: Chile, Guatemala.

SRI LANKA

Official efforts continued to account for the tens of thousands of persons who "disappeared" at the hands of the security forces since the conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam began in 1983 (*see NCH #14*). In January 1999, the Presidential Commission on Disappearances, set up in May 1998 to investigate complaints which three earlier presidential commissions of inquiry into involuntary removal and disappearances had not examined, submitted an interim report based on investigations since June 1998. The commission received more than ten thousand complaints. The report provided details on about one hundred court cases filed against perpetrators of "disappearances". More than 18,000 people applied for death certificates for "disappeared" relatives (a necessary prerequisite for obtaining government compensation). In June 1999, the exhumation of mass graves in Jaffna began. The remains of fifteen people who allegedly "disappeared" in mid-1996 were exhumed and investigations into the circumstances of their deaths continued. After

taking Jaffna in 1996, the army had allegedly killed Tamil civilians and buried them in some twenty-four graves.

[Sources: HRW, *World Report 2000* (1999) 213; AI, *Report 2000* (2000) 221.]

SWITZERLAND

On 10 April 2000, far-right editor and publisher Gaston-Armand Amaudruz (1921-) was imprisoned for one year for his denial of the Holocaust.

[Source: IOC 4/00: 109.]

TURKEY

On 5 February 2000, *The Chronological Album of the Kurds: 1900 to 2000*, a book distributed by the pro-Kurdish daily *Ozgur Bakis*, was banned on the grounds that it was “separatist propaganda”.

[Source: IOC 3/00: 109.]

UNITED KINGDOM

The new inquiry into the killings of thirteen unarmed people by the army on “Bloody Sunday” was delayed by arguments over whether security force witnesses would be allowed to remain anonymous (*see NCH #10, #14*). The inquiry judges continued to collect and process large amounts of evidence. The Independent Commission on Policing failed to recommend a mechanism to deal with the legacy of past human rights abuses.

[Source: AI, *Report 2000* (2000) 250.]

In the autumn of 1996 Deborah Lipstadt (1947-), Dorot professor of modern Jewish and Holocaust studies, Emory University, Atlanta GA, and Penguin Books were sued for libel by the extreme right-wing historian David Irving because in her book *Denying the Holocaust: The Growing Assault on Truth and Memory* (1993) she had characterized him as a Holocaust denier. During the trial (January-April 2000) Irving rejected the accusation although he did question the number of Jewish deaths and denied the systematic extermination of the Jews in concentration camps. He charged that the book had irrevocably damaged his reputation. He was forced to subpoena two witnesses, historians John Keegan and Donald C. Watt, who would not give evidence voluntarily. On 10 April 2000, the judge ruled that

Irving had “for his own ideological reasons persistently and deliberately misrepresented and manipulated historical evidence” and that he was “an active Holocaust denier”. He also said “that no objective, fair-minded historian would (...) doubt that there were gas chambers at Auschwitz and that they were operated on a substantial scale to kill hundreds of thousands of Jews.” Overall, he said, he said, Irving had “treated the historical evidence in a manner which fell far short of the standard to be expected of a conscientious historian”. Under British libel laws, the burden of proof falls on the defendant. Among the evidence submitted by the defence were the testimony by Holocaust historian Robert Jan van Pelt and a 700-page report on Irving’s historical methods written by Richard Evans, professor of modern history at Cambridge University. In 1996 Irving also sued *The Observer* and writer Gitta Sereny because, in a review of his Goebbels biography, she had accused him of deliberately falsifying history. In the course of the Lipstadt-Irving trial, the Israeli government released the complete memoirs of Adolf Eichmann, which were written in an Israeli prison cell.

[Sources include: IOC 2/00: 5, 32, 120, 128-29, 3/00: 98, 111.]

On 23 May 2000 it was revealed that MI5 (domestic security service) officers had destroyed a secret tape containing potentially vital evidence of a murder during an operation by the Royal Ulster Constabulary in Lurgan County, Armagh (Northern Ireland) in October 1982.

[Source: IOC 4/00: 88.]

On 21 August 2000, former MI5 officer David Shayler was arrested on his return to the United Kingdom and charged with breaching the Official Secrets Act. Shayler fled to mainland Europe after publicly revealing MI5’s mishandling of an investigation into IRA (Irish Republican Army) terrorist activity and alleging that the Secret Intelligence Service MI6 had played an instrumental part in a 1996 plot to assassinate Libyan leader Colonel Moammar Qaddafi. Shayler plans to confirm the veracity of his allegations in court. (*see NCH #10.*)

[Source: IOC 5/00: 90-91.]

Also see: Chile, Poland.

UNITED STATES

Washington continued to hold 160,000 documents seized from the Haitian military and the paramilitary group FRAPH during its 1994 intervention, maintaining that it wanted to hand them over to the Haitian government but only after blacking out the names of American citizens, a condition the Préval government rejected (*see NCH #6.*)

[Sources: HRW, *World Report 2000* (1999) 137; IOC 1/00: 95.]

On 1 February 1999, the White House issued a directive ordering United States agencies to collect and review for release documents “that shed light on human rights abuses, terrorism, and other acts of political violence in Chile.” On 30 June 1999, the government declassified and made public an estimated 5,300 documents related to events during 1973-78, from agencies including the Federal Bureau of Investigation, the Central Intelligence Agency, and the Defense Department. Thousands more documents from the pre-coup period were promised later in 1999. Although heavily censored, the released documents confirmed the direct chain of command between General Augusto Pinochet and the head of the secret police DINA, Manuel Contreras. They also showed that United States Secretary of State Henry Kissinger had received detailed intelligence about the human rights violations.

[Sources: HRW, *World Report 2000* (1999) 115-16; AI, *Report 2000* (2000) 70.]

On 8 October 1999, it was reported that George Washington’s fob watch had to be censored from a nineteenth-century portrait in a school textbook because it risked being mistaken for his genitals. The watch, hanging down the president’s thigh, was painted out by hand from over two thousand copies of *The United States in Modern Times*.

[Source: IOC 6/99: 256.]

On 5 November 1999, Kansas teacher Stan Roth was dismissed after forty years’ service for calling the teaching of creationism “non-scientific crap”. The decision came a few weeks before the state board of education was due to remove the teaching of evolution from the compulsory curriculum.

[Source: IOC 1/00: 111.]

On 18 November 1999, it was reported that the mail order Internet company Amazon.com had been shipping huge numbers of copies of Adolf Hitler’s book *Mein Kampf* to customers in Germany. While it is illegal to publish or sell the book in Germany, ordering it by mail is legal and resulted in the book reaching Amazon’s top ten best-seller list for Germany during the summer. Following pressure from the Simon Wiesenthal Centre, Amazon ceased shipping the book outside of the United States.

[Source: IOC 1/00: 112.]

A 25-feet-high ceramic mural by artist Mike Alewitz representing Harriet Tubman who, armed with a musket, leads slaves to liberation upset the Associated Black Charities Inc. that had planned to display it in Baltimore. The group, fearing that the piece could be interpreted as “racist and violent”, asked Alewitz to replace the musket with a staff, but he refused.

[Source: IOC 4/00: 10.]

On 12 May 2000, it was reported that Louis Farrakhan had admitted that his words could have contributed to the 1965 assassination of his rival Malcolm X. In December Farrakhan had written “Such a man is worthy of death”, after Malcolm X had criticized the Nation of Islam’s spiritual leader Elijah Muhammad.

[Source: IOC 4/00: 112.]

Also see: Chile, China, Cuba.

VATICAN

On 5 November 1999, it was announced that the beatification of Pope Pius XII would be delayed. According to some, the controversy over his role during World War II was responsible for the delay.

[Source: 1/00: 113.]

VIETNAM

Nguyen Dinh Huy (1932-), a high school teacher of history and English, journalist, and editor of *The Progressive* and *Human Rights*, continued to be detained in a prison camp. Around 13 November 1993, he had been arrested with eight others for planning to hold an “illegal” international conference on economic development and democracy in Ho Chi Minh City. After an unfair trial on 11-12 August 1995, he was found guilty of “acting to overthrow the people’s government” and sentenced to fifteen years’ imprisonment for his leadership of the “Movement to Unite the People and Build Democracy”, a non-violent political group advocating political change which had organized the conference. He was permitted only brief, infrequent family visits and his health was deteriorating rapidly. Nguyen Dinh Huy had previously been imprisoned in 1957-59 (under the Ngo Dinh Diem government) and in 1975-92 (under the Communist government) for his alleged “counter-revolutionary” political beliefs (*see NCH #6.*)

[Sources: HRW, *World Report 1996* (1995) 182-83; AI, *Report 1996* (1996) 323, 1998: 359, 1999: 360, 2000: 261; International PEN Writers in Prison Committee, *Half-Yearly Caselist* (London 1997) 41-42.]

In March 1999, six months after his release from prison (*see NCH# 10*), Buddhist scholar and author of several studies of Buddhist history Thich Quang Do was summoned for questioning and ordered to

return to Ho Chi Minh City after he had traveled to central Vietnam to visit the Supreme Patriarch of the unofficial Unified Buddhist Church of Vietnam. On 6 August he was interrogated about his letter to European Union ambassadors in Hanoi calling for human rights and religious freedoms. On 13 August he was intimidated at his pagoda. In September 1999, he was again threatened with arrest.

[Source: HRW, *World Report 2000* (1999) 216-17.]

ZIMBABWE

In April 1999, two non-governmental organisations issued a summary of the report *Breaking the Silence, Building True Peace*, about atrocities committed in Matabeleland during the armed conflict that followed Zimbabwe's independence (1980-88).

[Source: AI, *Report 2000* (2000) 269.]

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; the Network of Education and Academic Rights [NEAR, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

ARGENTINA

In 1998, the government consistently refused to collaborate with the judicial investigation opened by Spanish judge Baltasar Garzón into the “disappearance” of 600 Spanish citizens under the military government (1976-83), claiming that the Spanish courts did not have jurisdiction.

[Source: HRW, *World Report 1999* (1998) 100-01.]

In 1998, one of the groups that faced increasing official pressure was *Hijos por la Identidad y la Justicia contra el Olvido y el Silencio* (Children for Identity and Justice Against Oblivion and Silence), a group formed by children of “disappearance” victims.

[Source: HRW, *World Report 1999* (1998) 102.]

On 13 August 1998, the Supreme Court refused Carmen Aguiar de Lapacó’s petition for access to the military and civilian archives in an attempt to trace her daughter Alejandra, who “disappeared” under the military government. The court denied access on the grounds that the case had been legally closed, although prosecution was stated not to be the aim of the plaintiff. In late September 1998, the Supreme Court upheld the right of a man to access to government files in order to determine the whereabouts of his brother (a guerrilla leader killed in a confrontation in 1976 and whose body was subsequently hidden by the military government).

[Sources: IOC 6/98: 88; HRW, *World Report 1999* (1998) 101.]

BANGLADESH

On 27 July 1999, a mass grave, apparently from the 1971 liberation war, was discovered by workers extending a mosque in Dhaka, close to an alleged site of massacres committed by the Pakistani military and their collaborators. Once forensic investigations are completed, the Liberation Museum intends to file a case with the International Court of Justice, The Hague.

[Source: IOC 5/99: 124.]

BELARUS

In [January] 1998, Liubov Lunyova, who since 1992 had worked as a lecturer of ancient and medieval history on a fixed-term contract in the history department at the Belarusian State University in Minsk, was dismissed, most likely for being an activist for the human rights organization Minsk Spring 96. When she applied for a job at another school, the principal told her that he “would be fired within half an hour”, if he gave her a job.

[Sources: HRW, *World Report 1999* (1998) 453; HRW, *Republic of Belarus: Turning Back the Clock* (W.W.W.-summary; 1998) 4-5.]

On 22 March 1998, up to fifty men and women were arrested and beaten by the police following a peaceful demonstration in the capital, Minsk, to mark the eightieth anniversary of the independence of Belorussia (the former name of Belarus).

[Source: AI, *Report 1999* (1999) 92.]

BRAZIL

In April 1998, a series of articles in the Rio daily *O Globo* based on security force documents from 1970 to 1981 shed light on the conduct of the military campaign to eliminate the Araguaia guerrilla movement in the 1970s, demonstrating state responsibility for the detention and death of persons whose whereabouts the military had consistently denied knowledge of. The revelations prompted new calls for the release of all documents held by governmental authorities concerning the abuses by security forces and the military under the military government (1964-85).

[Source: HRW, *World Report 1999* (1998) 107.]

In April 1998, members of the Rio de Janeiro-based *Grupo Tortura Nunca Mais* (Group Torture No More) received a number of anonymous death threats and suffered other forms of intimidation, following the group's public campaign against the promotion of an army doctor alleged to have participated in torture under the military government.

[Source: AI, *Report 1999* (1999) 106.]

BURUNDI

The calls to end impunity for human rights violations, originally focusing on recent events, grew to include demands for justice for the massacres of 1972 and of even earlier years.

[Source: HRW, *World Report 1999* (1998) 33.]

CAMBODIA

The government chose to allow senior former Khmer Rouge leaders Khieu Samphan and Nuon Chea to escape justice despite the fact that the two men were believed to be the key surviving architects of the deaths of over one million Cambodians during the Khmer regime.

[Source: IOC 2/99: 102.]

CHILE

In September 1998, marches in Santiago to mark the 25th anniversary of the military coup led by General Augusto Pinochet Ugarte, former head of state (1973-90), former head of the army (-1999) and senator for life (1999-), were met with large-scale repression by the *Carabineros*. Hundreds of demonstrators were arrested.

[Source: AI, *Report 1999* (1999) 126.]

On 16 October 1998, General Pinochet was placed under restraint in the United Kingdom on request of Spain, which demanded his extradition because it sought justice for the Spanish citizens tortured and murdered under his regime. Several other governments supported this request for extradition. On 25 November, the Law Lords ruled by a three to two majority that he was not immune from extradition to

Spain, thereby reversing a decision of the High Court. On 18 December, it ruled to overturn this decision, because one of the Lords who cast the deciding vote failed to declare an affiliation with Amnesty International. The arrest emanated from an investigation by Spanish judges into the so-called Operation Condor, in which military rulers of Chile, Argentina, and Uruguay cooperated in the assassination of leftists during the 1970s. On 24 March 1999, the Law Lords finally ruled that the extradition could go ahead though only with the charges limited to crimes committed after 1988 (when the United Kingdom ratified the International Convention on Torture). On 15 April Home Secretary Jack Straw allowed extradition proceedings to go ahead, but General Pinochet's lawyers appealed against the decision.

[Sources: IOC 6/98: 87, 82, 114, 1/99: 5, 103, 2/99: 104, 124, 3/99: 118; HRW, *World Report 1999* (1998) xviii-xix, 95; AI, *Report 1999* (1999) 24, 27, 51-52, 125-26, 308, 347, 350.]

On 14 April 1999, the entire print run (1,200 copies) of "*The Black Book of Chilean Justice*" (Santiago), launched the day before and written by Alejandra Matus Acuña, a journalist based in Miami, was seized by the police, on the instruction of the Santiago High Court, and banned. It was considered insulting to the authorities. The book, the product of six years' research, examined the conduct of the Chilean High Court between its inception in 1826 and 1998, with special emphasis on the military government of President Pinochet (1973-90). A. Matus immediately flew abroad to avoid arrest; the two publishers were briefly detained.

[Sources: IOC 4/99: 130-31, 5/99: 23-24, 126-27.]

CHINA

During 1998, a "patriotic education campaign" continued to force Tibetans, especially monks and nuns, to admit, inter alia, that Tibet had always been a part of China. Authorities reported that 76 per cent of Tibetan monasteries and nunneries had been "rectified". On 3 March 1999, the fortieth anniversary of the failed Tibetan uprising against Chinese rule, two monks were arrested for shouting pro-independence slogans in the Tibetan capital Lhasa. (*see NCH #6, #10*)

[Sources: HRW, *World Report 1999* (1998) 180, IOC 3/99: 99.]

Liu Nianchun (*see NCH #10*) continued to be held in a labour camp beyond the expiration of his three-year sentence on 21 May 1998. On 20 December 1998, he was expelled to the United States. He had been arrested with others for taking part in events commemorating the June 1989 Tiananmen massacre.

[Sources: HRW, *World Report 1999* (1998) 178; IOC 2/99: 103.]

Two Guangdong (Canton) magazines, “*New Weekly*” and “*Shenzen Pictorial Journal*”, were banned by the propaganda department for mentioning the Tiananmen massacre.

[Source: IOC 2/99: 103.]

On 26 March 1999, the China News Publishing Agency banned further sales of a biography of Fidel Castro, “*The Last Revolutionary of the Twentieth Century*”, by a historian of the Chinese Academy of Social Sciences, after a complaint from the Cuban embassy that it “hurt” Cuba’s image.

[Source: IOC 4/99: 131.]

On 9 April 1999, the police warned reformist political thinker Bao Tong, former chief-of-staff of Premier and Chinese Communist Party secretary-general Zhao Ziyang, that his letter to the leadership, calling for an official reassessment of the 1989 Tiananmen massacre (officially an “appropriate response to a counter-revolutionary rebellion”), “endangered state security”. An estimated fifty activists were reportedly detained in the run-up to the tenth anniversary.

[Source: IOC 4/99: 131-32.]

Also see: United States.

COLOMBIA

Error: “Jorge Eliécer Gaetan” (*NCH #10*) should read: “Jorge Eliécer Gaitán”.

CONGO

In April 1998, the United Nations discontinued its most ambitious human rights investigative mission in Africa, the Secretary General’s Investigative Team (SGIT) into the alleged massacres of tens of thousands Rwandan Hutu refugees in Congo (then Zaire) during 1997, after the team had been persistently blocked by the Kabila government from examination of massacre sites. The obstruction also included the harassment of witnesses and the detention of an investigator. On 13 July 1998, the Security Council, debating SGIT’s report, condemned the massacres but did not authorise an independent investigation and prosecution of perpetrators. (*see NCH #10*)

[Source: HRW, *World Report 1999* (1998) xvii-xviii, 13-14, 20, 34, 37.]

CROATIA

On 22 December 1998, Victor Ivancic, chief editor of the satirical Split weekly *Feral Tribune*, and commentator Marinko Culic (*see NCH #5, #6, #10*) were acquitted again.

[Sources: IOC 2/99: 104; AI, *Report 1999* (1999) 143.]

CUBA

On 11 November 1997, Orestes Rodríguez Horruitiner, a leader of two opposition groups in Santiago, was sentenced to four years for enemy propaganda. In July 1997, he was arrested when during a house search books by prominent independence leaders - José Martí, Máximo Gómez and Antonio Maceo - were seized. They later served as evidence in his lawsuit.

[Source: HRW, *World Report 1999* (1998) 118.]

EGYPT

During 1998, Nasr Hamed Abu-Zeid remained under threat of death from *al-Gihad* (Holy Struggle). He and his wife continued to live in The Netherlands, fearing for their safety if they returned home. (*see NCH #6*)

[Source: AI, *Report 1999* (1999) 157.]

On 13 May 1998, the Minister of Higher Education officially requested that the American University in Cairo remove from its curriculum *Mahomet*, a biography of the Prophet written by French orientalist and historian Maxime Rodinson, because it allegedly contained “fabrications harmful to the respected Prophet and to the Islamic religion.” The book, available in Egypt since the 1970s, was withdrawn from the reading lists and removed from the library and campus bookstore.

[Sources: HRW, *World Report 1999* (1998) 349, 453; IOC 2/99: 56.]

ETHIOPIA

In 1999, Moti Biyya was in bad health following a prison transfer. In July 1999, Garuma Bekele was charged with violating the press law and with engaging in “terrorist activities”. (*see NCH #10, #12*)

[Sources: PEN Rapid Action Network 23 July 1999; IOC 5/99: 130.]

FRANCE

On 10 June 1999, the National Assembly acknowledged having fought a “war” against Algerian nationalists (1954-62), when unanimously it abandoned the official viewpoint that the event had only been “an operation for keeping order”.

[Source: IOC 5/99: 130.]

GERMANY

On 15 January 1999, it was reported that media giant Bertelsmann launched an internal but independent inquiry led by American-Israeli historian Saul Friedlander (b. 1932) into its own activities during the Nazi era.

[Source: IOC 2/99: 107.]

GREECE

In 1998, a leader of the ethnic Macedonian Rainbow party was awaiting trial on charges of incitement for having brought calendars from Macedonia bearing the names of Greek towns in Macedonian and praising the interwar pro-Macedonian policy of the Communist party. Many ethnic Macedonians who fled Greece as a result of the 1946-49 Civil War were not allowed to enter Greece in 1998, even for brief visits, or to attend events related to the fiftieth anniversary of their exodus in July.

[Source: HRW, *World Report 1999* (1998) 266.]

GUATEMALA

In February 1997, the Interamerican Commission on Human Rights admonished the Guatemalan government to actively investigate the 1982 Plan de Sánchez massacre of 268 people. In response, forensic reports and ballistic evidence disappeared from the Public Prosecutor’s Office. The entire file of another massacre of 35 men at Chichupac, Rabinal, also disappeared in 1998.

[Source: HRW, *World Report 1999* (1998) 125.]

On 25 February 1999, the official *Comisión de Esclarecimiento Histórico* (CEH; Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan Population to Suffer), set up by the United Nations in June 1994 and which in August 1997 started its work, submitted its 3,400 page report, “*Guatemala: Memories of Silence*”. Based on evidence from more than 9,000 witnesses and survivors on the cases of some 42,000 victims during the Civil War (1960-96), it concluded that the Guatemalan state had been responsible for acts of genocide against indigenous Mayan communities as well as massive human rights violations, that more than eighty per cent of the estimated 200,000 victims were Mayans, and that the military and their civilian adjuncts bore the main responsibility. It referred to the direct and indirect role of the Central Intelligence Agency (CIA) in supporting a number of illegal operations. The Guatemalan authorities withheld information requested by the CEH and restricted access to certain military installations. In a reaction, former President Vinicio Cerezo (1986-91) said that the United States government knew about the extrajudicial executions carried out by army death squads and that they prevented him from revealing the facts while he was in office. During his visit to Guatemala in March 1999, President Bill Clinton made a limited apology for the role of the United States in the Civil War. (*see NCH #10*)

[Sources: AI, *Is Guatemala Falling Back To Its Tragic Past?* (London 13 May 1998); IOC 2/99: 108; AI, *Report 1999* (1999) 178; IOC 4/99: 135; AI *News*, May 1999: 1.]

Following the murder of Bishop Juan Gerardi in April 1998 (*see NCH #10, #13*), several other supporters and collaborators of the Recuperation of the Historical Memory Project REMHI, including researcher Pietro Notta, forensic anthropologist Carlos Federico Reyes López (*see NCH #5*) and the Archbishop, received death threats.

[Sources: AI, *Urgent Actions 139/68* (1 & 15 May 1998, 1 December 1998, 7 January 1999) and 142/98 (1 May 1998); IOC 2/99: 108; AI, *Report 1999* (1999) 178-80.]

On 20 May 1999, a document released by human rights organisations revealed that military death squads kept detailed records of their operations. The document contained photos and names of 183 victims between August 1983 and March 1985. It was smuggled out of army intelligence files and handed to human rights advocates in February 1999.

[Source: IOC 4/99: 134-35.]

GUINEA-BISSAU

During the armed rebellion from 7 June to 25 August 1998, the *Instituto Nacional de Estudos e Pesquisa* (INEP; National Institute of Studies and Research) was heavily damaged. The National

Archives and Audiovisual Archives at INEP were scattered, shredded and exposed to rain and dirt. Hundreds of audio cassettes which recorded the history of the national liberation struggle and of the different regions had disappeared. This loss of sources would seriously hamper the writing of a first general history of Guinea-Bissau. After the 25 August ceasefire INEP continued to be a military camp. INEP staff was forbidden to engage in work to rehabilitate or save it from further destruction.

[Sources include: IOC 2/99: 81-82.]

IRAN

On 29 July 1998, Mohammed Reza Zaeri, publisher of *Khaneh*, was arrested and released on bail for publishing an anonymous letter criticising Ayatollah Khomeini (d. 1989) for being responsible for the deaths of hundreds of thousands of youths during the Iran-Iraq war (1980-88) and causing Iran's international isolation by issuing a *fatwa* against writer Salman Rushdie. He was fined and given a six-month suspended sentence.

[Sources: IOC 5/98: 88, 6/98: 97.]

On 24 September 1998, the government announced that it was dissociating itself from the *fatwa* imposed on Salman Rushdie in February 1989 after the publication of *The Satanic Verses*, and from the reward offered for killing him, but several senior religious figures and members of parliament continued to support the *fatwa*. In October the 15 Khordad Foundation augmented the bounty on S. Rushdie. (*see NCH# 5*)

[Sources: IOC 6/98: 97, 1/99: 87; HRW, *World Report 1999* (1998) 357.]

Student rallies on 2 November 1998 commemorating the 1979 takeover of the United States embassy did not include the traditional burning of the United States flag and included welcoming invitations to the ex-hostages.

[Source: IOC 1/99: 87.]

On 24 November 1998, the translator and author Majid Sharif, a key member of the Committee for Research into the Books of Dr. Shariati, was found dead. [On sociologist and historian 'Alī Sharī'atī (1933-1977), once called "the Ideologue of the Iranian Revolution", *see NCH #5 & #6*].

[Source: IOC 1/99: 87.]

On 26 November 1998, the funeral in Tehran of veteran opposition leader Dariush Forouhar and his wife Parvaneh, both assassinated on 22 November, turned into a nationalist rally with some of the tens

of thousands of mourners chanting liberation slogans and praising former Prime Minister Mohammed Mossadegh (1880-1967; dismissed in 1953) who had helped inspire D. Forouhar and his Iran Nation Party.

[Source: IOC 1/99: 87.]

In December 1998, Sayed Mohsen Saidzadeh, arrested in June (*see NCH #10*), was released.

[Source: AI, *Report 1999* (1999) 199.]

On 5 January 1999, it was announced that the weekly *Shalamcheh* was banned after publishing information regarding the relationship between the late Ayatollah Abolqassem al-Khoei and the Shah's secret police.

[Source: IOC 2/99: 110.]

JAPAN

On 27 April 1998, in a landmark ruling, a district court ordered the government to pay damages to three South Korean "comfort women" forced into sexual slavery by Japanese soldiers during World War II. The ruling was a rejection of existing policy denying government compensation to individuals. During the visit of South Korean President Kim Dae-jung to Tokyo in October 1998, the Japanese Emperor, Akihito, and Prime Minister Obuchi made the strongest official apology thus far for the abuses of the past, expressing Japan's "remorseful repentance" for "the unbearable damage and pain" inflicted on the Korean people during colonial rule (1910-45). But the government announced no changes in its policy on "comfort women". A report by the United Nations Special Rapporteur on systematic rape and sexual slavery, Radhika Coomaraswamy, criticised Tokyo for failing to acknowledge any legal responsibility for the "comfort women" issue, but gave the government credit for apologising and expressing remorse to the women and for including reference to the sexual slavery in Japanese textbooks. (*see NCH #5, #6, #10*)

[Sources: HRW, *World Report 1999* (1998) 196, 197; AI, *Report 1999* (1999) 215.]

KAZAKSTAN

In May 1998, the procuracy opened an investigation alleging that the Kazak mass media had committed 273 violations of the Press Law in 1997, including "incitement of national enmity...aimed at instigating disputes and controversy over the country's history and sovereignty."

[Source: HRW, *World Report 1999* (1998) 270.]

KENYA

On 15 November 1998, *Kenya: Return to Reason* (1993), a book by opposition leader Kenneth Matiba, containing a concise record of Kenya's political, economic, and human rights history, was unbanned. It had been banned since 14 January 1994.

[Sources: IOC 1-2/94: 242, 1/99: 90.]

KUWAIT

On 18 August 1998, forty men of the Salab tribe ransacked the offices of the daily *Al-Qabas* in Kuwait City in response to the republication of a picture from the 1940s showing Salab women dancing without veils in front of men. The caption explained that the Salab acted this way because they were "a mix of Arabs and other peoples who came to Islam later".

[Source: IOC 6/98: 100.]

MACEDONIA

In January 1999, radio reporter Gorica Popova of the state-owned Macedonian Radio and Television was demoted from her editorial position to that of a "junior associate" as punishment for her commentary on a memorial service held in Novo Selo in honour of the controversial interwar historical figure Todor Aleksandrov.

[Source: IOC 2/99: 113.]

Also see: Greece.

MEXICO

On 3 May 1994, two unidentified men tried to enter the Institute of Anthropological Advice for the Maya Region in San Cristóbal de las Casas, Chiapas, in order "to take away the computer". The Institute had compiled important historical archives which were widely consulted by representatives of non-

governmental organisations and journalists covering the Chiapas uprising which began in January 1994. The Institute's coordinator, Andres Aubry, French historian and anthropologist, had received several death threats accusing him of sympathising with the Ejército Zapatista de Liberación Nacional (EZLN) rebels. He and his wife, Angélica Inda, an archivist and writer, assisted the Comisión Nacional de Intermediación, which was conducting peace talks between the Mexican government and the EZLN. In 1998, they and other scholars were intimidated and harassed. Attacks against them included attempted detention by unidentified security forces, theft of computers, notes, and manuscripts, break-ins and vandalism of their home, and attempted break-ins at their archives. (*see NCH #11*)

[Sources: IOC 3/94: 179; *Analysis of the AAAS Human Rights Action Network Alerts: October 1993 to June 1996* (W.W.W.-text); AAAS Human Rights Action Network, *Case Me9815.Chi*, 16 November 1998.]

MOLDOVA

On 22 February 1999, the offices of the daily *Flux* were attacked by a group of veterans from the war in Afghanistan (1979-89), because it had published a critical article regarding the tenth anniversary of the withdrawal of Soviet troops.

[Source: IOC 3/99: 108]

MYANMAR

A third author possibly involved in writing and distributing a history of the student movement in Myanmar (*see NCH #8, #10*) was U Ohn Myint (?1917-), an unofficial National League for Democracy adviser. He was sentenced to seven years' imprisonment.

[Source: AI, *Report 1999* (1999) 258.]

PALESTINIAN AUTHORITY

Updated information of NCH #9 & #10: On 24 April 1996, Wa'el 'Ali Farraj, history student (?1975-) at the Islamic University in Gaza, was arrested by members of the General Intelligence Services. He had his house searched. He was interrogated about membership of Hamas and possession of weapons. During the first three days of his detention, he was hooded, severely beaten, and deprived of sleep and food. He was detained in solitary confinement without charge or trial. In August 1997, he was moved to

Gaza Central Prison where his treatment improved. The Attorney General's office informed his father that it could not intervene on the grounds that the case was a political one. On 20 February 1999 the High Court of Justice ordered his immediate release, but his arrest continued.

[Sources: *AI News*, November 1998: 7; *AI, Palestinian Authority Defying the Rule of Law: Political Detainees* (Document MDE 21/03/99, April 1999) 14.]

On 23 April 1999, it was reported that a postage stamp commemorating the October 1998 Wye Accords had cropped Benjamin Netanyahu out of a picture of Yasser Arafat and Bill Clinton. The postal services explained that it was a stamp "commemorating those who have invested a lot of effort in peace".

[Source: *IOC 5/99*: 138]

SOUTH AFRICA

In June 1998, a former agent of the Civil Co-operation Bureau was sentenced to life imprisonment for the 1989 murder of historian and anthropologist D. Webster. (*see NCH #5, #10*)

[Source: *AI, Report 1999* (1999) 307]

The release of the Truth and Reconciliation Commission (TRC) report in October 1998 provoked strong reactions. Former President F.W. de Klerk reached an agreement with the TRC to remove findings against him (namely that he had been an accessory-after-the-fact to two bombings in the late 1980s) from the report, pending a further court hearing in March 1999. The African National Congress (ANC) claimed that its own abuses were justified because it was fighting a war of national liberation against an abusive regime. A court injunction, intended to delay the disclosure of some of its findings on ANC human rights violations such as the targeting of civilians and indiscriminate use of landmines, failed.

[Sources: *HRW, World Report 1999* (1998) xix, 70; *AI News*, January 1999: 1; *AI, Report 1999* (1999) 304.]

In mid-November 1998, a Jewish extremist group threatened to take action against the Muslim family of Layla Cassim, a grade-ten pupil at Crawford College. Her article, written as a history assignment and pasted on the school's notice board, reportedly "reflected the Palestinian Liberation Organisation's political philosophy. The South African Jewish Board of Deputies said that there was no evidence of anti-Semitism. On 20 November, however, L. Cassim was suspended from the college.

[Sources include: *IOC 1/99*: 99.]

SOUTH KOREA

In November 1997, Suh Joon-sik, Korean editor and columnist, director of the human rights group *Sarangbang* (1988-), was arrested. During his trial, he was charged, inter alia, with violating the National Security Law for showing the documentary “*Red Hunt*” at the 1997 Korean Human Rights Film Festival. The film detailed government collusion in a 1948 massacre of suspected pro-Communist sympathisers on Cheju Island, off South Korea. Although he was released on bail in February 1998 after protests, the charges against him were not dropped. He had already served seventeen years as a political prisoner (until 1988).

[Sources: IOC 2/98: 101; HRW, *World Report 1999* (1998) 467, 493.]

Also see: Japan.

SPAIN

In 1998 Spain’s public television channel withdrew a 1997 drama series on Philip II (1527-1598) because “it made more sense to combine it with a series on his father, Charles V, which was scheduled to be completed in 2000”. The original script included critical material on Philip’s role in inquisition trials, anti-Semitism, and the 1572 Paris Massacre. The Spanish State Memorial Society for the Philip II and Charles V Anniversaries rejected the passages and issued guidelines that Philip be portrayed as a family man of high moral standing. Academics were disturbed by what was seen as an “an attempt to brush up the darkest sides of a ruler who always preferred the brute suppression of dissidents over diplomacy or negotiations, whether it involved the Protestants in the Netherlands or the conversos (Jews converted to Christianity) in Spain.”

[Sources include: IOC 2/99: 10.]

Also see: Argentina, Chile.

SRI LANKA

In January 1998, the government made good its promise to release the reports of three regional commissions of inquiry into 16,742 “disappearances” dating back as far as 1988. In July 1998, a new commission with islandwide jurisdiction was appointed to investigate and report on about 11,000 complaints left uninvestigated by these earlier commissions. The Board of Investigation which inquired

into more than 700 “disappearances” reported in Jaffna in 1995-97, submitted its report to the President in April 1998. The Civil Rights Movement of Sri Lanka criticised the government’s failure to address the many “disappearances” of Tamils in eastern Sri Lanka from 1984 to 1988. On 14 January 1999 the police sought a court order to exhume the alleged mass graves site in Jaffna.

[Sources: HRW, *World Report 1999* (1998) 206, 208; IOC 5/98: 98, 6/98: 110, 2/99: 120; AI, *Report 1999* (1999) 311-12.]

SWITZERLAND

On 12 August 1998, Credit Suisse and Union Bank of Switzerland, the two largest Swiss banks, agreed terms on a compensation deal with Jewish Holocaust groups over monies left in Swiss banks by victims of the Holocaust. They will pay US \$1.25 billion to survivors over a three-year period.

[Source: IOC 6/98: 110.]

THAILAND

In [November] 1998, the film board rejected two revised scripts for the new version of the film *The King and I* (Twentieth-Century Fox), about King Mongkut [Rama IV] (reigned 1851-68), on the grounds that he was depicted as a tyrant rather than a scholar.

[Source: IOC 1/99: 100-01.]

UNITED KINGDOM

On 29 January 1998, Prime Minister Tony Blair announced the establishment of a new inquiry into the events of *Bloody Sunday* (30 January 1972) when British paratroopers in Derry, Northern Ireland, fired on civil rights marchers killing thirteen unarmed people. He noted that recently recovered evidence deserved a fair and impartial adjudication. Hearings were planned to begin in February 1999. On 28 July 1999, the Appeal Court in London ruled that seventeen soldiers should be granted anonymity when giving evidence to the inquiry. Relatives of the victims protested against the decision. (*see NCH #10*)

[Sources: HRW, *World Report 1999* (1998) 226, 304, 305; AI, *Report 1999* (1999) 348; IOC 5/99: 146.]

Also see: Chile.

UNITED STATES

According to State Department documents published in September 1998, the Central Intelligence Agency (CIA) gave the Dalai Lama over one million dollars a year for most of the 1960s for operations against China. The money supported Tibetan guerrillas in Nepal, a training base in Colorado, “Tibet Houses” to publicise the Tibetan cause, and university education for Tibetan operatives.

[Source: IOC 6/98: 114.]

In October 1998, the Clinton administration released heavily edited excerpts from a 1995 CIA investigation into death squad activities in Honduras in the 1980s. The investigation was ordered after allegations of CIA complicity in atrocities committed by a secret Honduran military intelligence unit. (*see NCH #10*)

[Source: HRW, *World Report 1999* (1998) 95-96.]

Also see: Guatemala.

VIETNAM

In September 1998, Le Manh That (known as Thich Tri Sieu) (b. 1943), a Buddhist monk of the Unified Buddhist Church of Vietnam (UBCV) and professor of Vietnamese Buddhist history and literature at Van Hanh University, Saigon, author of, inter alia, *A Short History of Vietnamese Buddhism*, was released. On 2 April 1984, he was arrested with many others. He had worked for several years to compile a Vietnamese Buddhist Encyclopaedia. Held without charge for four years, he was sentenced to death at a closed trial on 30 September 1988, for membership of an illegal organisation and attempting to overthrow the government. The sentence was commuted to twenty years’ imprisonment. In 1989, he was transferred to a “re-education’ camp. In 1995 at a political indoctrination session, he spoke out for democracy and human rights and was put in solitary confinement. (*see NCH #10*)

[Sources: IOC 4/84: 44, 7/90: 24; AI, *Report 1986* (1986) 267, 1987 (1987) 275-76, 1989 (1989) 206-07, 1990 (1990) 257-58, 1991 (1991) 247, 1992 (1992) 275, 1993 (1993) 309, 1999 (1999) 361; *AI Newsletter*, January 1993: 4; HRW, *World Report 1990* (1991) 337, 1999 (1998) 214, 493; A19, *Information, Freedom and Censorship: World Report* (1991) 239; PEN, *Half-Yearly Caselist June to December 1997* (1998) 42.]

Also released under the September 1998 amnesty was Thich Quang Do (*see NCH #10*).

[Source: AI, *Report 1999* (1999) 360.]

YUGOSLAVIA (Serbia & Montenegro)

In 1998, government officials stated that they intended to disband the Faculty of Philosophy (including the History Department) at the University of Belgrade, and move its component departments to other faculties, because over seventy professors (nearly one-third of the staff) refused to sign contracts under the new University Act. The act, approved in May 1998, was widely thought to remove basic protections for academic freedom and university autonomy.

[Source: HRW, *Deepening Authoritarianism in Serbia: the Purge of the Universities* (1999) 14.]

On 11 April 1999, historian Branka Prpa was knocked unconscious when her companion, Slavko Curuvija, publisher and chief editor of *Dnevni Telegraph*, a daily critical of the Slobodan Milosevic government, was assassinated in Belgrade.

[Source: IOC 3/99: 95, 114]

ZIMBABWE

The government continued to deny the alleged massacres of thousands of non-combatants in Matabeleland during the early 1980s.

[Source: HRW, *World Report 1999* (1998) 15.]

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; World University Service [*WUS, Amsterdam*]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

ARGENTINA

On 8 March 1998, the offices of Amnesty International and the Association for the Relatives of the Detained and Disappeared were targeted by arsonists, with the loss of valuable documents related to the disappearance of Italian and Spanish nationals during the dictatorship (1976-83). On 21 June 1998, the Italian government became the plaintiff in a trial of military officers involved in the disappearance of eight Italian nationals.

[Sources: IOC 3/98: 102, 5/98: 81.]

On 9 June 1998, ex-dictator Jorge Rafael Videla was arrested for offering for adoption to families with links to the armed forces children born in captivity to kidnapped pregnant women. The impunity laws preventing the prosecution of military personnel for human rights abuses excluded the crime of 'appropriation of minors' with which Jorge Videla is being charged.

[Source: IOC 5/98: 80-81.]

AZERBAIJAN

The Ganja local government confiscated all 2,400 copies of a book about the 19th-century Russian

occupation of Ganja.

[Source: HRW, *World Report 1998* (1997) 233.]

BELARUS

In May 1997, the Prosecutor-General issued a warning to the independent newspaper *Nasha Niva* because it published an article by an historian [name unknown] about the killing of civilians by Soviet partisans during World War II. This allegedly 'infringe[d] the morality, honour and dignity of citizens', although, according to the newspaper, the facts as stated in the article were verified by the former secret police KGB.

[Source: A19, *IFEX Alert*, 5 August 1998: 3.]

In [November] 1997, Pavel Zhuk, publisher of the Minsk opposition newspaper *Svaboda*, received warnings from the State Press Commission that the paper could face criminal prosecution for publishing a series of articles which compared the government to that of Joseph Stalin.

[Source: IOC 1/98: 79-81.]

BULGARIA

See Vietnam.

Following legislation passed in July 1997, over 15,000 citizens registered to check whether secret files had been kept on them by Communist intelligence services. On 22 September 1997, the Constitutional Court rejected an appeal to declare the law unconstitutional, but also ruled that the files of court members would not be opened. On 18 November 1997, eleven citizens became the first persons to read their files. On 6 November 1997, the two Bulgarian Orthodox Synods requested that the secret police files on the clergy also be opened to the public [*see NCH #6*].

[Sources: IOC 6/97: 105, 1/98: 82.]

CANADA

In a case that begun in mid-October 1997, Holocaust denier Ernst Zundel is being tried before the Canadian Human Rights Commission for allegedly creating and maintaining a San Diego Internet web-

site.

[Sources: IOC IOC 6/85: 30-31, 6/88: 35, 7/92: 10, 1/98: 83.]

CHILE

On 17 September 1997, the military prosecutor-general presented a new petition to the Supreme Court of Justice calling for all appeal courts and judges to close legal proceedings into cases of human rights violations, extrajudicial executions and 'disappearances' during 1973-78.

[Source: IOC 6/97: 106.]

CHINA

In 1994, Tibetan Lukhar Sham was sentenced to seventeen years for collecting information and starting a pro-democracy group. He received eight years for purchasing classified documents and was accused of planning to send history and economy books abroad. The details of the case emerged on 7 November 1997.

[Source: IOC 1/98: 101.]

On 21 May 1995, Liu Nianchun (born [1950]), former editor of the Democracy Wall Movement's *Today* magazine, was arrested with others for taking part in events commemorating the June 1989 Tiananmen massacre. He was sentenced to three years' re-education through labour plus seven months for 'refusing to reform'. In December 1996, his sentence was upheld on appeal. A second appeal in January 1997 led to an additional 216 days' detention for 'refusing to reform'. He has reportedly been held in isolation and subject to torture.

[Sources: PEN, *Half-Yearly Caselist June to December 1997* (1998) 26, PEN, *Half-Yearly Caselist To 30th June* (1998) 25.]

In 1997, Wang Dan [*see NCH #4, #5, #6*] was in poor health. On 19 April 1998, he was released on medical parole and expelled to the USA, reportedly as part of a deal between China and the USA.

[Sources: HRW, *World Report 1998* (1997) 172; AAAS Human Rights Network, Case CH9621.Dan, 22 April 1998.]

In 1997, the re-education campaign for Tibetan monks and nuns continued [*see NCH #6*]. They were supposed to accept, inter alia, that Tibet had been part of China for centuries.

[Source: HRW, *World Report 1998* (1997) 177.]

In June 1997, on the eight anniversary of the Tiananmen massacre, dissident Shen Liangqing, a former state prosecutor and political prisoner, sent a petition to the National People's Congress demanding, inter alia, an official reassessment of the 1989 events (officially, a 'counter-revolutionary rebellion'). Two months later, he was ordered to evacuate his private residence and surrender it to the local authorities. The following month, he was taken into police detention after he signed a letter expressing solidarity with demonstrating workers. He was held incommunicado. In September 1997, Lin Mu issued a public appeal to senior delegates to the Fifteenth Chinese Communist Party (CCP) Congress, urging them, inter alia, to reverse the official verdict on the 1989 events.

In the same month, a letter, supposedly written by ousted politician Zhao Ziyang, was sent to the fifteenth Communist Party Congress in September 1997, demanding that the official verdict of the 1989 Tiananmen Massacre be rewritten. The Foreign Ministry denied that remarks made in mid-November 1997 by President Jiang Zemin at Harvard University were a 'rewriting' of the official verdict.

[Sources: IOC 6/97: 106, 1/98: 83; HRW, *World Report 1998* (Washington 1997) 172-73.]

In June 1997, Yu Zhenbin (born [1962]) was released. A staff member of the Qinghai Provincial Archives Bureau, he had been detained in Xining, the capital of Qinghai Province on 27 June 1989. In January 1991 he was sentenced to twelve years' imprisonment. He was convicted of setting up the Democratic Opposition Parties' Alliance, an organisation that the authorities claimed to be 'counter-revolutionary' and aimed at overthrowing the CCP. He was also accused of having made 'reactionary speeches' and of having distributed leaflets in which current policies and leaders were criticised and political reforms called for. He was released after his twelve-year sentence was reduced by four years.

[Sources: AI, *People's Republic of China: Preliminary Findings on Killings of Unarmed Civilians, Arbitrary Arrests and Summary Executions Since 3 June 1989* (ASA 17/60/89, 1989); AAAS, *Directory of Persecuted Scientists, Engineers, and Health Professionals* (1992) 15 and (1994) 39; AI, *Report 1998* (1998) 131.]

In August 1997, Hong Kong textbook publishers revised modern history texts for primary and secondary schools, removing references to the Tibet conflict, the 1957 Anti-Rightist campaign, the Cultural Revolution (1966-69), 1976 dissident protests and the 1989 Tiananmen massacre and its aftermath.

[Source: HRW, *World Report 1998* (1997) 433.]

Plans by the Kunqu Opera company to perform the *Peony Pavilion*, a 20-hour opera based on a 400-year-old Chinese love story, in New York, Paris, Caen, Sydney and Hong Kong, failed after censors in Shanghai called the opera 'feudal, superstitious and pornographic', impounded the sets and refused to

let the cast leave the country.

[Source: IOC 4/98: 11.]

COLOMBIA

On 18 April 1998, lawyer and legal professor José Eduardo Mendoza was killed at home by two unidentified persons. The assassination is thought to be linked to his attempts to reopen the inquiry into the 1948 murder of liberal presidential candidate Jorge Eliécer Gaetan.

[Sources: IOC 3/98: 88, 4/98: 109-10.]

CONGO

In early April 1998, forensic experts looking for mass graves left by the rebels led by Laurent-Désiré Kabila in 1996-97, were forced to leave the northwestern town of Mbandaka after facing hostilities from the local population for allegedly 'disturbing traditional burial sites'.

[Source: IOC 3/98: 106.]

CROATIA

The September 1996 acquittal of *Feral Tribune* journalists Victor Ivancic and Marinko Culic [*see NCH #5*] was annulled by the Supreme Court on 5 May 1997. A retrial on the same charges, adjourned in December 1997, was resumed on 18 May 1998.

[Sources: IOC 6/96: 172, 4/97: 110, 1/98: 86, 2/98: 87; A19, *Bulletin*, October-November 1996: 3; HRW, *World Report 1997* (1996) 212; AI, *Report 1997* (1997) 131, *Report 1998* (1998) 146; PEN, *Half-Yearly Caselist June to December 1997* ([1998]) 45, PEN, *Half-Yearly Caselist To 30th June* (1998) 42.]

After protests from their parents in November 1997, ethnic Serbian students in eastern Slavonia were not required to study Croatian history from 1990 onwards.

[Source: IOC 1/98: 86.]

CUBA

On 7 April 1997, Cuban authorities briefly detained Fidel Emilio Abel Tamayo, the father of one of several school children who had refused to sign the *Declaración de los Mambises del Siglo XX* (Declaration of the Mambises of the Twentieth Century) in March. The declaration, named after the mambises who fought for Cuban independence, was meant to support the Ley de Reafirmación de la Dignidad y Soberanía Cubanas (Law Reaffirming Cuban Dignity and Sovereignty), which created broad restrictions on free expression and was a response to the Helms-Burton law (which tightened the U.S. embargo of Cuba).

[Source: IOC 1/98: 110.]

CZECH REPUBLIC

On 23 January 1998, a Prague court acquitted ultra-nationalist leader Miroslav Sladek of incitement to racial hatred. During a demonstration against the signing of the reconciliation agreement with Germany in early 1997, he said: 'We can only be sorry that during World War II we slaughtered so few Germans.' The court ruled that his remarks should 'be judged in the context of his entire speech'. He was immediately released from prison, where he had been detained for over two weeks.

[Source: IOC 2/98: 88.]

EGYPT

On 7 January 1992, the Committee of the Koran and its Sciences, an organ of the Al-Azhar University Islamic Research Academy confiscated five books of Mohammed Said al-Ashmawi, author, retired judge and former head of the Supreme State Security Court, at the Cairo Book Fair. All books were published by the Sinai publishing house. The author subsequently threatened with issuing a writ against Al-Azhar and suing its sheikh for damages. In March 1992, the Committee severely criticised him for distorting Islamic history. There was considerable concern for his safety. He wrote widely and critically on the rise of militant political Islam. In 1997, he was reported living under 24-hour protection.

[Sources: IOC 3/92: 35, 6/92: 27, 1-2/94: 119-121, 124, 129, 237, 255, 5/96: 88; *WUS & Human Rights*, June 1992: 5; A19, *Bulletin*, December 1997: 8.]

On 14 January 1998, the artistic production police raided the Sinai publishing house and confiscated fifteen copies of two books by Khalil Abdel Karim, *The Yathrib Society* (Yatrib being the pre-Islamic name for Medina) and *The Rabaa Songs on the Companions of Prophet Mohammed*, apparently in

relation to a ruling from Al-Azhar Islamic Research Academy saying they were blasphemous.

[Source: IOC 2/98: 89.]

ETHIOPIA

In October 1997, two writers were arrested, allegedly for their involvement as journalists for the Oromo newspaper *Urji* and their activism as members of the Ethiopian Human Rights League. During the first ten months of their detention, they were held in solitary confinement and denied any visits from their family. They are held without charge or trial. Moti Biyya (pen name) (born [1957]) is a journalist and social anthropologist interested in the Oromo identity and through his books he provides Oromo society with historical background and coherence. In 1995, he published *Oromyan Befereqa* (Oromia, the Hidden Atrocities), a political analysis of the colonisation of the Oromo people by successive Abyssinian groups. In 1997, he published *Abyssinocracy or Democracy?*, in which he compared the situation of the Oromo minority under the socialist government of Menghistu and the current government. Garuma Bekele (born [1960]) is a journalist who published, inter alia, a historical novel, *One Day*, on the Oromo experience of the 1950s and 1989.

[Sources: PEN, *Half-Yearly Caselist June to December 1997* (1998) 6; PEN, *Half-Yearly Caselist To 30th June 1998* (1998) 7; *Centre to Centre: Newsletter of PEN*, October 1998: 4.]

FRANCE

On the eve of Rosh Hashana, the Jewish festivals of New Year and atonement, the Bishop of Saint-Denis, Olivier de Berranger, apologised at the site of a former deportation camp for the Church's complicity in the wartime deaths of 73,000 French Jews.

[Source: IOC 6/97: 110.]

The author of the introduction and conclusion of *Le Livre Noir du Communisme* (The Black Book of Communism), historian Stéphane Courtois was forced to drop the original title for the work, *Le Livre des Crimes Communistes* (The Book of Communist Crimes), when two of the six contributing historians threatened to withdraw.

[Source: IOC 1/98: 88.]

In mid-December 1997, National Front leader Jean-Marie Le Pen repeated the statement he made ten years previously that the Nazi gas chambers were a 'mere detail' of history. The last time he made such

a claim, he was fined under the anti-racist laws.

[Source: IOC 2/98: 89.]

GEORGIA

In [December] 1997, President Eduard Shevardnadze categorically opposed the opening of former KGB archives, arguing that it would give rise to ‘a new wave of resistance, mistrust and hatred’ and would ‘reopen old wounds’.

[Source: IOC 2/98: 90.]

GERMANY

Since 1995, specific legislation relating to the internet has been passed, outlawing, inter alia, Nazi propaganda and Holocaust denial.

[Source: IOC 4/98: 113.]

On 31 May 1998, *Welt am Sonntag* published classified German government papers, intended to be kept secret until 2019, relating to the reunification of West and East Germany. They revealed that the then Prime Minister of Great Britain Margaret Thatcher was opposed to an immediate reintegration of East Germany.

[Source: IOC 4/98: 113.]

In late July 1998, the Bundesbank and state archive in Koblenz issued a report stating that documents detailing the property stolen from Holocaust victims had been ‘misplaced’. Jewish activists, who did not accept the official explanation that the loss of the files was purely accidental, demanded an official investigation.

[Source: IOC 5/98: 86-87.]

GUATEMALA

See United States.

Those involved in the exhumations of mass burial sites, of which there were an estimated 500

throughout the country, continued to be intimidated, threatened and harassed, apparently by those seeking to prevent naming those responsible for the massacres, such as former military commissioners and local civil patrol members. [see NCH #5 and #6].

[Source: AI, *Report 1998* (1998) 181.]

In September 1997, the Historical Clarification Commission requested the US government to declassify records concerning human rights abuses committed during the armed conflict. US government archives most likely contain much information essential to the truth-seeking process underway in Guatemala. The release of US documents is also likely to expose important aspects of US policy that contributed to human rights violations in Guatemala.

[Source: HRW, *World Report 1998* (1997) 120.]

Two days after the publication of the voluminous episcopal report *Guatemala: Nunca Más* on 24 April 1998, bishop Juan Gerardi (born [1923]), who had presented it to the press, was murdered. The report, based on thousands of testimonies, identified the army as responsible for at least eighty per cent of the human rights violations counted in the 36-year civil war. It remained uncertain, however, whether the murder was politically inspired or not [see NCH #2].

[Sources: IOC 4/98: 113; HRW, *World Report 1998* (1997) 118; AI, *Report 1998* (1998) 179.]

HONDURAS

See United States.

On 10 March 1998, the Committee of the Relatives of Detained and Disappeared (COFADEH) denounced a draft law which would halt investigations into disappearances during the last decade.

[Source: IOC 3/98: 109.]

INDIA

See Sri Lanka.

INDONESIA

On 13 April 1994, Wimanjaya K. Liotohe, a writer and Protestant teacher of religion, was interrogated by the police in connection with *Prima Dosa* (Prime Sin), a collection of documents for submission to the courts in the context of a lawsuit in which he accused President Suharto of being behind the move in 1965 to overthrow President Soekarno. The collection was banned in January 1994 and Wimanjaya K. Liotohe, under arrest for a while, faced up to seven years and four months in prison for insulting the President, but in the end he was released. In September 1997, he nominated himself for Vice-President for the 1998 elections, but he was arrested on charges of insulting the President.

[Sources: IOC 3/94: 176; AI, *Power and Impunity: Human Rights Under the New Order* (1994) 22; AI, *Report 1998* (1998) 197.]

On 11 November 1997, Lynn Fredriksson, an American freelancer covering a ceremony commemorating the 1991 massacre of civilians by the military, was expelled from East Timor.

[Source: IOC 1/98: 90.]

IRAN

From about September 1995, militant students from the Ansar-e Hezbollah (Supporters of the Party of God) intimidated Abdolkarim Soroush (born 1945), philosopher and historian of philosophy and science, research fellow at the Institute for Research in Humanities and lecturer at Tehran University. They interrupted his lectures or prevented him from delivering them, including a May 1996 lecture in a seminar commemorating the martyrdom of Professor Motahhari at Amir Kabir College. The Intelligence Ministry repeatedly summoned and threatened him. He was attacked by the clergy and in the press. His passport was withdrawn. In an open letter of 9 May 1996 to President Rafsanjani, he denounced this situation and wrote that no-one dared offer teaching posts to him and that he was allocated only one course (the philosophy of social sciences) at Tehran University. In one of his articles, he argued that religious jurisprudence did not suffice for the organisation of society. Reputedly a moderate in the Shi'ite world, called by some the 'Luther of Islam', he is accused by militants of undermining religion under the guise of scientific discourse. In 1997, the Ministry of Information seized his passport, preventing him from attending academic seminars to which he was invited in Germany, Malaysia and the UK. He was banned from teaching and warned that he faced possible imprisonment if he continued to speak his mind.

[Sources: IOC 4/96: 104, 165-78; HRW, *World Report 1997* (1996) 283, *World Report 1998* (1997) 332, 436.]

In 1996, Karamollah Tavahodi (born [1927]), a Kurdish writer, historian, and retired director of the

University Library of Mashhad, was arrested and held incommunicado until his trial. In January 1997, he was sentenced to one or two years' imprisonment for 'propagating non-Islamic ties', following official objections to the content of volume five of his *Historical Movement of Kurds in Khorasan*, a book based on research concerning Kurdish tribal migrations from Kurdistan to other regions of Iran over four hundred years ago. His files, the product of thirty years of research, were reportedly confiscated.

[Sources: HRW, *World Report 1998* (1997) 330; PEN, *Half-Yearly Caselist June to December 1997* (1998) 60; PEN, *Half-Yearly Caselist To 30th June 1998* (1998) 56.]

On 30 October 1997, poetess Simin Behbani's speech about, inter alia, 'Ali Akbar Sa'idi-Sirjani, a liberal writer and historian who died in prison in 1994, was interrupted at the Grand Hall of Art in Teheran when the sound system was disconnected and lights switched off before she could finish.

[Source: IOC 1/98: 90.]

On 6 December 1997, Akbar Ganji, managing editor of the journal *Rah-e Now* (New Way), was arrested and in 1998 he was tried in camera. The charges against him were not known, but his trial was believed to relate to a research paper entitled *Shariati and Fascism*, presented to university students in Shiraz on 10 June 1997. An edited text of the paper was published in Teheran in November 1997 by the journal *Kiyan* under the title *Satan Is the First Fascist*. [On Ali Shariati, see *NCH #5* and *NCH #6*].

[Source: IOC 2/98: 93.]

On 30 June 1998, Hojatoleslam Sayyid Mohsen Sa'idzadeh (born 1958), a cleric and writer, was arrested and taken to an unknown destination, presumably for advocating equal opportunities for women and for writing an article for the newspaper *Jameah* in which he constructed legal arguments for a progressive view of Islam. A judge in the revolutionary courts of Kermanshah until 1986, he became a scholar, of Islamic law and, in 1995, an adviser and researcher to the Ministry of Justice. He is the author of a two-volume local history of his home town Qa'en, and of a study of resurrection.

[Sources: IOC 5/98: 88; PEN, *Half-Yearly Caselist To 30th June 1998* (1998) 56; *Centre to Centre: Newsletter of PEN*, October 1998: 1, 6.]

IRAQ

In June 1997, Iraqi forces set up roadblocks outside Karbala, turning back some Shi'a pilgrims making the annual walk to the tomb of Imam Husayn (who died there in AD 680). Some Shi'a opposition groups also reported clashes between pilgrims and security forces resulting in many arrests.

[Source: HRW, *World Report 1998* (1997) 334.]

ISRAEL

In March and April 1998, Ronit Weiss-Berkowitz received death threats from Jewish extremists for her contribution to a 22-part television series *Tkuma* (Rebirth) marking Israel's fiftieth anniversary and analysing Israel's history from 1936 to 1995. Her views on the fate of the Arab population in Israel after its foundation in 1948, the confiscation and administration of their territories, and the Palestinian refugee problem since 1948 challenged the traditional Israeli view of history.

[Sources: IOC 3/98: 76-77, 4/98: 115; PEN, *Half-Yearly Caselist To 30th June 1998* (1998) 58.]

ITALY

In early July 1998, art experts criticised *Artemisia: the Untold True Story of an Extraordinary Woman*, a film about 17th-century Florentine painter Artemisia Gentileschi. The film depicts her as the willing lover of perspective teacher Agostino Tassi, whereas the historical view is that Gentileschi was raped by Tassi. During his trial, she underwent torture to validate her accusations.

[Source: IOC 5/98: 89.]

JAPAN

In 1993, Takashima Nobuyoshi (born [1942]), former teacher of social studies in Tokyo and writer of many textbooks, later professor at Ryuku University, sued the state because the Ministry of Education had thoroughly revised his four-page manuscript about Emperor Hirohito, the Japanese army, the Gulf War and Japanese colonialism (inter alia in Malaya), to be included in a reader. He had already faced problems concerning textbook certification in 1989 and 1992. On 22 April 1998, a district court ruled that two changes to a textbook demanded by the ministry were illegal. One passage quoted philosopher Yukichi Fukuzawa who described other Asian nations as 'savage', the other stated that Japan should have consulted other Asian countries before sending minesweepers to the Persian Gulf in 1991. The court ordered the ministry to pay damages to Takashima Nobuyoshi.

[Sources: IOC 3/98: 49, 4/98: 115.]

The government rejected the 1996 recommendation of the United Nations special rapporteur on

violence against women that it provide individual compensation to 200,000 women forced into sexual slavery by the Japanese army during World War II; instead it established a voluntary fund. In early April 1998, it was announced that women who served as ‘comfort women’ during World War II will receive compensation from the government. Each of the 155 women registered for compensation will get 25,000 US dollars.

[Sources: AI, *Human Rights are Women’s Right* (1995) 53-56; HRW, *World Report 1998* (1997) xxxii, 197; AI, *Report 1998* (1998) 215, IOC 3/98: 113.]

On 29 August 1997, the Supreme Court ruled as illegal the deletion from history textbooks of references to Unit 731 (a camp where germ experiments were carried out on live prisoners in China during World War II) and to the 1937 Nanking Massacre. At the same time, it upheld the Ministry of Education’s constitutional right of textbook screening, saying that it did not constitute censorship, because it did not prohibit the book from being published commercially. The other claims against textbook screening brought by history professor Ienaga Saburô (born 1913) against the ministry were dismissed. The court declared that the ministry’s power had been abused in expunging cases of well-documented atrocities from textbooks.

[Sources: IOC 3/83: 35, 5/86: 6, 1/90: 38, 3/94: 177, 6/97: 114, 3/98: 48-52; A19, *Information, Freedom and Censorship: World Report* (1991) 181-82; HRW, *World Report 1998* (1997) 197.]

In September 1997, the government announced that it would not issue an apology or provide compensation to more than 16,000 mentally or physically disabled Japanese women who were forcibly sterilised under a government programme that began in 1948.

[Source: HRW, *World Report 1998* (1997) xxxii, 197.]

In [December 1997], no cinema in Tokyo was willing to screen the film *Don’t Cry Nanjing*, a 1995 China-Hong Kong co-production depicting the December 1937 Nanking massacre. The first showing went ahead in Nagoya on 8 December to an audience of thirty.

[Source: IOC 2/98: 94.]

On 23 May 1998, a film about General Tojo Hideki (Prime Minister during World War II), entitled *Pride: the Fateful Moment*, was released. It prompted criticism from North Korea and China.

[Source: IOC 4/98: 116.]

LATVIA

On 10 March 1998, the prosecutor-general filed criminal charges against publicist Juris Rudevskis for a series of articles in the political weekly *Nacionala Neatkariba* (National Independence) in which he criticised Russia, citing numerous examples of massacres, court treachery and murder from Tsarist times to the Communist era and discussing the role of the Russian Orthodox Church in supporting 'state tyranny' through the ages. The charges - incitement of racial or ethnic hatred - carry a three-year sentence.

[Source: IOC 3/98: 180.]

On 16 March 1998, the SS Legion held a memorial day rally for its fifty-fifth anniversary. Russia's foreign ministry expressed indignation saying that the legion '(...) destroyed thousands of Jews, Russians and Belarusians.'

[Source: IOC 3/98: 114.]

MYANMAR (Burma)

In February 1998, Ko Aung Tun (b. 1967) was arrested and sentenced to a total of seventeen years' imprisonment under various acts, including the 1962 Printers and Publishers Registration Act. The State Peace and Development Council, Myanmar's military government, claimed that he was collaborating with 'terrorist groups'. Opposition sources stated, however, that the real reason for his arrest was because he had written a history of the student movement in Myanmar. Ko Aung Tun was active in the student-led 1988 pro-democracy movement and was imprisoned from 1990 to 1994. U Myo Htun assisted Aung Tun in writing the book, which the authorities claim was distributed 'illegally'. He was reportedly sentenced to ten years' imprisonment. Both were held incommunicado in solitary confinement and tortured. Their health was precarious [see *NCH #9*].

[Sources: AI, *Urgent Action 163/98* (26 May 1998); *Centre to Centre: Newsletter of PEN*, July 1998: 6; PEN, *Half-Yearly Caselist To 30th June 1998* (1998) 31-32.]

NICARAGUA

On 24 October 1997, students at the former Instituto Autónomo Rigoberto Lopez Perez, named after the Sandinista fighter who assassinated former President Somoza, went on strike after it was announced that the school was to be renamed after a poet. The episode followed a government decision to wipe out the last vestiges of Sandinismo by changing the national symbols. The most notorious action so far has been the replacement of Sandino's image on the banknotes by that of the 19th-century general José Santos

Celaya.

[Source: IOC 1/98: 93.]

PAKISTAN

On 22 January 1998, Prime Minister Nawaz Sharif promised to punish those responsible for the 'tragedy' when East Pakistan broke away to become Bangladesh in 1971. He did not specify whom he blamed for the disintegration of the country.

[Source: IOC 2/98: 98.]

PALESTINE

On 24 April 1996, Wa'el 'Ali Farraj, a history student (b. [1972]), was arrested by members of the Palestinian Authority's General Intelligence. During the first few days of his detention, he was hooded, severely beaten and deprived of sleep and food. He was then interrogated for another month. He is detained without charge or trial. The Attorney General's office informed a relative that it could not intervene on the grounds that the case was a political one. He was a suspected supporter of Islamist groups [see NCH #9].

[Source: AI, *News*, November 1998: 7.]

On 19 January 1998, intellectuals and officials marched through Gaza to condemn the prosecution of Roger Garaudy, a French writer accused of denying the Holocaust, in France. In his book *The Founding Myths of Israeli Politics*, Roger Garaudy maintained that the killing of Jews during World War II amounted to 'pogroms' or 'massacres' and not 'genocide' or 'Holocaust'. The protesters denounced 'Zionist cultural terrorism' as the enemy of free expression.

[Source: IOC 2/98: 99.]

POLAND

On 13 November 1997, Prime Minister Aleksander Kwasniewski said that he wanted to make Communist-era secret service files public and that he had submitted a bill to parliament to that effect.

[Source: IOC 1/98: 96.]

ROMANIA

On 1 October 1997, the National Peasant Party Christian Democratic's Disciplinary Commission suspended Senator Ticu Dumitrescu's membership for one year after he repeatedly criticised the leadership's lethargy in drafting a law to open the Communist era secret police files. On 25 June 1998, the Senate approved such a law by 109 to 7 on the condition that it would not affect 'national security'. The law has yet to be approved by the Chamber of Deputies. It will establish a National Council for the Study of the Archives of the Former Securitate, but leaves files with the Intelligence Service and the ministries of defence and justice.

[Sources: IOC 6/97: 120, 5/98: 95.]

On 16 December 1997, the Senate approved amendments to the education law making the teaching of history and geography in the Romanian language compulsory. It also forbade separate universities in the language of minorities.

[Source: IOC 2/98: 100.]

RUSSIA

On 30 October 1997, the Voronezh Oblast Duma adopted a non-binding recommendation urging teachers not to use an allegedly 'anti-Russian' textbook on 20th-century European history. Deputies claimed that the book, written by professor Aleksandr Kreder of Saratov University, was 'unpatriotic and tendentious', belittling and distorting Russian history, although these claims were not supported by the federal education ministry.

[Source: IOC 1/98: 97.]

RWANDA

On 19 December 1997, Philomène Mukabarali (born [1942]), a director of a catering and tourism training college at Gikondo in the capital Kigali, who was threatened several times in 1997, was arrested and held first at Nyamirambo brigade, then at the Criminologie (a detention center of the Gendarmerie), and, on 8 January 1998, at Kigali Central Prison. She was reportedly charged with endangering state security for possessing leaflets, allegedly found in her home at the time of her arrest, which expressed support for the monarchy of Rwanda. Philomène Mukabarali was a member of Abatangana ('those who

do not hate each other'), which organised cultural activities, including traditional songs and dances, with the objective of promoting reconciliation. Some of its activities referred to the pre-1959 history when Rwanda was ruled by a monarchy. This was reportedly viewed as a political threat by some elements in the current republican government. Philomène Mukabarali was released later [see NCH #7].

[Source: AI, *Urgent Action 405/97* (22 December 1997; twice re-issued 6 and 14 January 1998).]

SINGAPORE

On 13 July 1998, the Film and Publicity Department announced a review of, inter alia, the long-banned film *The Year of Living Dangerously*, about the 1965-66 killings in Indonesia.

[Source: IOC 5/98: 97.]

SOUTH AFRICA

In September 1997, a former agent of the Civil Cooperation Bureau was remanded in custody to stand trial for the murder of David Webster [see NCH #5].

[Source: AI, *Report 1998* (1998) 308].

SOUTH KOREA

On 30 January 1998, the trial of Suh Joo-sik, representative of human rights group Sarangbang, began. He was charged, inter alia, with violating the National Security Law for showing a documentary at the 1997 Human Rights Film Festival about a 1948 civil uprising on Cheju Island, which authorities claimed was subversive.

[Source: IOC 2/98: 101.]

On 13 March 1998, historian Park Chang-hee [see NCH #2] was released under a presidential amnesty.

[Sources: AI, *Report 1998* (1998) 226; *Centre to Centre: Newsletter of PEN*, April 1998: 2; PEN, *Half-Yearly Caselist To 30th June 1998* (1998) 38.]

The recently published book *Eroticism in Korean Art History*, by professor Lee Tae-ho, finds that, unlike contemporary attitudes towards sex, ancient Koreans had a candid attitude towards sex, which they expressed openly. Other compilations of art eroticism were usually censored.

[Source: 5/98: 98.]

SRI LANKA

BBC plans in 1997 to make a five-part television serial, *Saleem's Story*, based on Salman Rushdie's historical novel *Midnight's Children*, were unsuccessful, because Indian and Sri Lankan authorities did not allow shooting the film on their territory, after Muslims had protested against earlier permissions.

[Source: IOC 1/98: 100.]

SWEDEN

The government could face thousands of legal claims for compensation because of a secret programme of forced sterilisation of more than 60,000 women (1935-76), revealed in August 1997.

[Source: IOC 6/97: 125.]

TAIWAN

The anniversary of a massacre of mainly Taiwanese civilians by government troops in February 1948 was made a national holiday. A government proposal to 'pardon' the Taiwanese leaders of the protests which led to the massacre was opposed by survivors on the grounds that the protesters had committed no offence and therefore needed no pardon.

[Source: AI, *Report 1998* (1998) 325.]

TURKEY

In December 1991, *Dersim: Folk Song of an Insurrection*, a book by poet Hüseyin Karatas, was confiscated. On 1 April 1993, the author was sentenced to 20-months' imprisonment and a fine for 'disseminating separatist propaganda'. He was, however, not imprisoned as he was appealing to the European Human Rights Court. His sentence was reduced to sixteen and later to thirteen months' imprisonment, which he began on 18 March 1998. The book refers to a Kurdish revolt which took place in the Dersim (renamed Tunceli) area in 1930-38.

[Sources: PEN, *Half-Yearly Caselist June to December 1997* (1998) 53; PEN, *Half-Yearly Caselist To*

30th June 1998 (1998) 49.]

In April 1994, journalist Ragip Duran (born [1954]) wrote an article for the journal *Ozgur Gundem* entitled ‘Apo 91/Ocalan 94’, in which he analysed two interviews he had conducted with PKK (Workers’ Party of Kurdistan) leader Abdullah Ocalan, also known as Apo. In the article he made a casual comparison between Abdullah Ocalan and the Italian hero of independence Giuseppe Garibaldi. On the basis of this comparison, he was accused of separatist propaganda and sentenced to ten months in prison. In October 1997, the Supreme Court confirmed the sentence, which he began on 16 June 1998.

[Sources: HRW, *World Report 1998* (1997) 454; *Centre to Centre: Newsletter of PEN*, July 1998: 1; A19, *Bulletin*, September 1998: 4.]

In February 1997, the second Turkish-language edition of Leo Muller’s book *Gladio: Das Erbe des Kalten Krieges* (Gladio: The Legacy of the Cold War) was confiscated and both the publisher and the translator were tried, inter alia for ‘inciting racial hatred’. In September 1997 they were given a suspended sentence and a fine. Both sentences are under appeal.

[Source: HRW, *World Report 1998* (1997) 286.]

On 17 February 1997, the centre-left daily *Radikal* was seized because it reprinted an article from the French weekly *Figaro Magazine*, entitled ‘Turkey: Army Against the Islamists’ and written by Islamist intellectual Abdurrahman Dilipak. The article described Kemal Ataturk, Turkey’s first president, as an ‘authoritarian military ruler’.

[Source: IOC 2/97: 100.]

The University of California at Los Angeles refused to allow the Turkish government to fund a chair in Ottoman studies because the Turkish government attached conditions to their offer of one million US dollars that would have forced scholars to ignore the 1915 massacre of Armenians.

[Source IOC 2/98: 104.]

UNITED KINGDOM

New revelations regarding the conduct of British paratroopers and soldiers who opened fire on unarmed civilians killing thirteen people on Bloody Sunday (30 January 1972), and the tampering with evidence submitted to the 1972 Widgery Tribunal - tasked with investigating the events of that day - led to calls for a fair and transparent public inquiry.

[Sources: HRW, *World Report 1998* (1997) 291, 293; AI, *Report 1998* (1998) 347, 349.]

On 26 August 1997, former journalist and staff member of the domestic Security Service MI5, David Shayler, alleged that the MI5 had kept thousands of secret files on individuals. An injunction was placed on the *Mail on Sunday*, preventing it from publishing any further allegations. On 4 September 1997, the injunction was extended. On 29 July 1998, Home Secretary Jack Straw revealed that MI5 had amassed files on nearly 500,000 people since its inception in 1909. The files would not be made available to the public.

[Sources: IOC 6/97: 127, 5/98: 103.]

In 1998, Greater Manchester's obscene publications squad confiscated 535 video tapes from David Flint, the publisher of a magazine called *Sexadelic* commissioned by Creation Press to write a history of pornographic film.

[Source: IOC 3/98: 127.]

On 8 June 1998, the third edition of *Lord Elgin and the Marbles*, a book about Lord Elgin who removed the Parthenon sculptures from the Acropolis of Athens at the end of the eighteenth century was published. Its author, William St Clair, He claimed that, in the late 1930s, the Marbles were irreparably damaged when scrubbed with metal scrapers. The British Museum denied suppressing the facts surrounding this incident, but, in 1994, William St Clair was denied access to its records.

[Source: IOC 4/98: 132.]

UNITED STATES

See Turkey.

In May 1997, the Clinton administration declassified 1,400 pages of Central Intelligence Agency (CIA) documents about its involvement in a coup that overthrew the elected government of Guatemalan President Jacobo Arbenz in 1954 [*see* NCH #6]. The documents revealed the CIA's encouragement of political assassination and murder. In August 1997, the CIA released documents confirming that in the 1980s it had known about the interrogation and torture of civilians by a military death squad in Honduras.

[Source: HRW, *World Report 1998* (1997) xxxii, 90, 120-21.]

On 17 March 1998, the Mississippi Department of Archives and History opened some 124,000

documents from the files of its now defunct Sovereignty Commission, responsible from 1956 to 1977 for spying and plotting against civil rights activists thought to be supportive of desegregation. This ended a 21-year legal battle between Mississippi and the American Civil Liberties Union.

[Source: IOC 3/98: 127-28.]

VATICAN

In mid-March 1998, the Vatican issued a statement expressing 'deep sorrow' at the involvement of some Roman Catholics in the Holocaust. Jewish leaders and Holocaust historians criticised the statement on the grounds that it did not implicate the Church itself in Nazi extermination programmes.

[Source: IOC 3/98: 128.]

VIETNAM

On 4 January 1995, Dang Phuc Tue (religious name: Thich Quang Do) (born 1927), a Buddhist scholar and poet, author of several novels and studies of Buddhist history, lecturer at the Buddhist university of Van Hanh, Saigon until April 1975, General Secretary of the Unified Buddhist Church of Vietnam (UBCV), was arrested and sentenced to five years' imprisonment on the charge of 'undermining national security' for writing a letter in November 1994 protesting the arrests of UBCV monks who had distributed relief to flood victims without government approval. He was in very poor health. He benefited from an amnesty on 2 September 1998. He had been arrested several times before. In 1982, he had been placed under surveillance, in virtual isolation and confined to his home village because his presence in Ho Chi Minh City was deemed 'dangerous for the well-being of the people'.

[Sources: AI, *Report 1985* (1985) 252, *Report 1986* (1986) 267, *Report 1987* (1987) 276, *Report 1988* (1988) 189, *Report 1989* (1989) 206; PEN, *Half-Yearly Caselist June to December 1997* (1998) 41; PEN, *Half-Yearly Caselist To 30th June* (1998) 38-39; *Centre to Centre: Newsletter of PEN*, October 1998: 6.]

In December 1997, writer Pham Van Viem was kidnapped by the Vietnamese secret police in Bulgaria and returned to Hanoi after he had translated a book entitled *Fascism*, written by Zhelyu Zhelev before he became the first President of post-Communist Bulgaria. Pham Van Viem has not been seen nor heard from since.

[Sources: PEN, *IFEX Action Alert* (27 May 1998) 2, PEN, *Half-Yearly Caselist To 30th June* (1998) 40-41.]

ZIMBABWE

In January 1996, the film *Flame*, a fictional account of the struggle of two women against white minority rules in Rhodesia, by script writer and film director Ingrid Sinclair, was almost banned before its completion because of a short scene in which one of the women is raped by her commander in the freedom fighters camps in Zambia and Mozambique. The film was based on seven years of research with women ex-fighters.

[Source: HRW, *World Report 1998* (1997) 410.]

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; World University Service [WUS, Amsterdam]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

GENERAL

Among the 45 recipients of the 1997 HRW Hellman/Hammett grants (a program for writers who have been victims of political persecution and are in financial need) were the following:

- *China*: Su Xiaokang, living in exile in the United States, author of works on the history of the Great Leap Forward (1958-60) and co-author of *Heshang (River Elegy)*, a controversial but very popular 1988 television documentary series in which the Chinese cultural traditions were criticised; former history student Wang Dan, imprisoned (see NCH #5); Zhang Xianliang, veteran human rights campaigner living in exile in the United States, after having served a sentence for attempting to organise a commemoration of the June 1989 events in June 1993.

- *South Africa*: Gertrude Fester, poet and short story writer, who spent two years in prison for African National Congress (ANC) activities under the *apartheid* regime and who was writing a history of the South African women's movement within the ANC.

- *Turkey*: Aysenur Zarakolu (see NCH #5); Ahmet Altan, a journalist dismissed in April 1995, charged with 'inciting racial hatred' and given a twenty-month suspended sentence, because he had written a satirical article suggesting that the Turkish war of independence that followed the First World War had

been led by Kurds rather than Turks.

- *Vietnam*: Nguyen Dinh Huy, a high school history teacher, journalist, and editor, sentenced to 15 years' imprisonment for his involvement in the *Movement to Unite the People and Build Democracy*, a non-violent political group which advocated political change and attempted to organise a conference on economic development and democracy in November [1994].

[Source: HRW, *Ifex Alert: 45 Writers from 16 Countries Receive Hellman/Hammett Grants* (7 July 1997)].

ARGENTINA

In July 1996, eleven young people were arrested in Buenos Aires and allegedly beaten in a police station. Some were held incommunicado for 17 hours and interrogated about their attendance at a public meeting organised by *Hijos por la Identidad y la Justicia contra el Olvido y el Silencio* (*Children for Identity and Justice Against Oblivion and Silence*), a group formed by children of the 'disappeared'.

[AI Report 1997 (London 1997) 75.]

AUSTRALIA

In a speech on 23 September 1996, the prime minister, John Howard, said that his government would lift 'the pall of censorship' created by the previous government's adherence to 'political correctness'. Shortly after this speech the British revisionist historian David Irving (see NCH #5 under USA) announced that he would apply for a visa to enter the country. David Irving has been denied entry since 1992, because of his denial of the Holocaust. On 8 November 1996, Federal Government decided to deny entry to him, as he failed to meet the good character requirement under the Immigration Act.

[Source: IOC 6/96: 167, 1/97: 104.]

At the end of October 1996, Federal Parliament decided to ban photographs of the 1991 Dili massacre in East Timor from an exhibition about the island to be held at Parliament House because they were 'offensive'.

[Source: IOC 1/97: 103.]

AZERBAIJAN

On 18 February 1995, a historian, Movsum Aliyev, was released (see NCH #2).

[Source: AI Country Report, *Azerbaijan: Allegations of Ill-Treatment in Detention* (document EUR 55/01/96; London 1996: 4).]

BELARUS

In early 1996, the printing of the third volume of the official *Encyclopedia of Belarussian History* was brought to a halt, reportedly to be purged of all material which represented a 'negative' attitude to the USSR and Tsarist rule. Belarussian historians were considering a boycott of all future volumes of the *Encyclopedia*.

[Source: IOC 3/96: 102.]

During a march on 26 April 1996 commemorating the tenth anniversary of the Chernobyl disaster, more than 200 of the close to 50,000 marchers were arrested and, after summary trials usually held inside their prison cells, given administrative sentences of three to fifteen days. Many demonstrators and passers-by were beaten, and two members of the opposition Belarussian Popular Front, which had sponsored the march, were arrested and charged with organising a mass disturbance.

[Sources: IOC 4/96: 93; HRW *World Report 1997* (New York 1996) 202.]

On 7 May 1997, President Lukashenka reportedly criticised the institutes of history and economics for destabilising the country.

[Source: IOC 4/97: 105.]

In 1997, Belarus's official independence day was moved from 27 to 3 July by President Lukashenka to coincide with the Soviet expulsion of the Germans during World War II. Demonstrators celebrating independence on 27 July were detained.

[Source: IOC 5/97: 165.]

BULGARIA

On 30 July 1997, Parliament approved a bill permitting secret police files to be opened. The new law meant the exposure to public scrutiny of all those who may once have collaborated with the Communist intelligence services. On 8 August 1997, opposition parties appealed to the Constitutional Court to

block the law, saying it would jeopardise the normal functioning of the state.

[Source: IOC 5/97: 166.]

CHINA/TIBET/HONG KONG

See GENERAL: Su Xiaokang, Wang Dan, Zhang Xianliang.

On 25 October 1996, Ngawang Tharchin, a monk, was administratively sentenced to three years' 're-education through labour', because he had interrupted a lecture by a well-known Tibetan historian (name unknown) during a re-education campaign at the Drepung monastery, near Lhasa, and contradicted the claim that Tibet had been an integral part of China since the thirteenth century.

[Sources: IOC 5/96: 104-105, 1/97: 69, 124; HRW, *Ifex Action Alert*, 15 January 1997: 3; *AI Report 1997* (London 1997) 119.]

It was reported that *Wild Swans: Three Daughters of China* (New York 1991), a bestselling memoir written against the background of Chinese history (1909-1978) by Jung Chang (b. 1952), is currently banned.

[Source: IOC 1/97: 76.]

Under the new regulations governing control of society and media in Hong Kong, revealed by China in October 1996, anti-China activities such as the annual Tiananmen massacre demonstrations were prohibited, and institutions were forbidden to organise events advocating 'two Chinas'. Restrictions imposed on the media included a ban on references to 'Taiwan's independence' or 'self-determination for Hong Kong'.

[Source: IOC 1/97: 114.]

On 10 March 1997, Chinese Foreign Minister Qian Qichen suggested that Hong Kong schoolbooks that 'do not accord with history or reality' and 'contradict the spirit of "one country, two systems" and the Basic Law' should be revised after 1 July 1997.

[Source: IOC 3/97: 121.]

On 20 May 1997, Hong Kong's Urban Council rejected the request of the Hong Kong Alliance in Support of Democratic Movement in China to display a statue commemorating the 4 June 1989 Tiananmen Square massacre in a local park from June to September. In early June 1997, posters commemorating the massacre were banned from a Kowloon technical institute. On 14 June 1997, Tung

Chee-wa, Hong Kong's new chief executive, said that protest rallies similar to the annual 4 June demonstration would still be tolerated, but had to be more subdued.

[Source: IOC 4/97: 7, 114.]

On 11 July 1997, a guidebook on seventeenth-century Tibetan history was officially banned at the start of a new literature campaign.

[Source: IOC 5/97: 185.]

COLOMBIA

On 24 June 1997, files and archives of the Association of Relatives of the Detained and Disappeared in Medellín were destroyed in a bomb attack, just as key cases, in which members of the armed forces and paramilitary organisations were implicated, reached the courts.

[Source: IOC 5/97: 168.]

CROATIA

On 26 September 1996, Victor Ivancic, chief editor of the satirical weekly *Feral Tribune*, and commentator Marinko Culic (see NCH #5) were acquitted, but, on 10 October, the state prosecutor appealed against the acquittals.

[Source: IOC 6/96: 172.]

On 7 December 1996, the historian Ivo Banac (b. 1947), a former professor of history and Master of Pierson College at Yale University, a corresponding member of the Croatian Academy of Sciences and Arts, and a member of the human rights organisation Croatian Helsinki Committee, was reportedly labeled an 'internal enemy' by President and historian Franjo Tudjman. In the autumn of 1993 he wrote an open letter to Tudjman in the journal *Erasmus*, together with five other Croatian intellectuals, including the historian Krsto Cviic, an editor for the BBC World Service (1964-69), a journalist for *The Economist* (1969-90) and an editor of the periodical *The World Today* (1984-). In the letter, Tudjman was criticised for his policies and asked to resign.

[Source: HRW *World Report 1997* (New York 1996) 213.]

CUBA

In August 1996, the Cuban government refused to renew the visa of Robin Diane Meyers, the United States Interests Section human rights officer, complaining, *inter alia*, that she had distributed 'anti-government literature', including writings about José Martí. Martí, the independence leader, could reportedly not be criticised either in Cuba or among Miami exiles.

[Sources: HRW *World Report 1997* (New York 1996) 95; International PEN Writers in Prison Committee, "*Dangerous Writers*": *Freedom of Expression in Cuba* (London 1997) 16.]

CZECH REPUBLIC

On 1 June 1997, new regulations came into force allowing Czech citizens to examine any files kept on them by the *StB*, the former secret police. Names of any third parties mentioned in the files will be deleted before the documents are released.

[Source: IOC 4/97: 110, 112.]

EGYPT

In the beginning of April 1996, thirteen members of the Muslim Brothers, including dr Gamal 'Abd al-Hadi, a lecturer in Islamic history at the University of al-Azhar, were arrested, tried by a military court in June and charged with membership of an illegal organisation (the Muslim Brothers) which 'aims to overthrow the regime'. Eight of them were sentenced to three years' imprisonment, but dr Gamal 'Abd al-Hadi was acquitted.

[Source: *AI News Release* (document MDE/12/96; London, 20 August 1996).]

In March 1993, Nasr Hamid Abu-Zeid (b. 1943), a professor of Arabic Literature at the University of Cairo, was denied a promotion to full professor after a member of the review committee, Abd el-Sabour Shahin, called his writings an insult to Islam. Despite protests of the department professors, this minority report was endorsed by the university. In a mosque on 2 April 1993, he publicly accused Abu-Zeid of apostasy. In May 1993, seven Islamist lawyers accused Abu-Zeid of apostasy under the *Hisbah* rule (Islamic personal status law allowing Muslims to file suits against those alleged to have violated religious law) because he had called for an historical interpretation and recontextualisation of the Koran in his writings, in particular in *Naqd Al-Khitab Al-Diny* (1992, 1996, *Criticism of Islamic Discourse*), a semantic study of Islamic texts (in which he also repeated a 1988 attack against Islamic investment companies on behalf of one of which Shahin had acted as a religious adviser before its collapse). On 27

January 1994, the Giza Family Court ruled the case inadmissible, but, on 14 June 1995, the Cairo Court of Appeals overturned the decision, declared Abu-Zeid an apostate, and ordered the divorce from his wife. On 5 August 1996, this was confirmed by the Court of Cassation. After the 1995 verdict, the militant Islamist group *Al Jihad* issued a death threat against Abu-Zeid, and, in September 1995, he and his wife subsequently went into exile in Spain, and then the Netherlands to teach at Leiden University. On 25 September 1996, the Giza Court of Urgent Cases suspended implementation of the divorce order (this was confirmed in December 1996).

[Sources: Letter from HRW Committee for International Academic Freedom to the President of Cairo University, 1 July 1993; Writers in Prison Committee, International PEN, *Ifex Action Alert*, 20 June 1995 and 6 August 1996; *AI Report 1996* (London 1996) 143, *1997* (London 1997) 143; HRW, *World Report 1997* (New York 1996) 267, 279, 353; IOC 7/93: 33, 36, 4/96: 30-39 (written by Nasr Hamid Abu-Zeid), 43, 157; 5/96: 88; *Article 19 Bulletin*, October/November 1996: 6.]

FRANCE

The 17 October 1996 issue of the Algerian daily *Liberté* was seized by the French police. No official reason was given, but the seizure was thought to be associated with an article, entitled ‘When the Seine Rolled With Corpses’, commemorating the 35th anniversary of a demonstration by Algerians in Paris, and indicating that there may have been as many as 200 deaths instead of the official three deaths and 64 injured.

[Source: IOC 1/97: 113.]

GERMANY

Simon Wiesenthal criticised plans to close the Central Agency, Ludwigsburg, Germany’s main institution for investigating crimes committed under the Nazi regime. Some of Germany’s states wanted the storage of hundreds of thousands of files and 1.5 million index cards moved to the federal archives as a cost-cutting measure. The Agency’s director, Willi Dressen, expressed concern that many of the files it held would fall apart, and endanger the task of reminding younger Germans about the Third Reich.

[Source: IOC 1/97: 113.]

On 17 August 1997, the Federal Constitutional Court upheld a ban on a rally commemorating the death of Rudolf Hess.

[Source: IOC 5/97: 170.]

GUATEMALA

In early September 1996, former military commissioners threatened with mass killings on 15 September, the day that a group of widows planned to commemorate the massacres of their husbands by the army and civil patrols in the Rabinal area in the early 1980s.

[Source: HRW *World Report 1997* (New York 1996) 102.]

In [October 1996], several students from the School of Anthropology and History Association were threatened and intimidated.

[Source: IOC 1/97: 113.]

In 1997, it was reported that government officials obstructed efforts to exhume the bodies of victims of human rights violations buried in mass graves. Those conducting exhumations were also subjected to death threats and intimidation. In no case had exhumations led to the trial of those responsible for authorising, planning or carrying out the killings.

[Source: AI *Report 1997* (London 1997) 165; also see NCH #5.]

GUYANA

In June 1996, Gregory Smith, a former soldier in the Guyana Defence Force living in French Guiana was charged with the 1980 murder of historian Walter Rodney.

On 15 October 1968 Walter Rodney (1942-1980), a Guyanese Marxist history lecturer at the University of the West Indies in Kingston since January 1968, was refused re-entry in Jamaica, after having attended a Black Writers' Conference in Montreal, and was sent back to Canada. As a history lecturer he had organised many off-campus lectures for nonacademic audiences, including Rastafarians and the urban poor, in which he had discussed African history and the concept of Black Power. This was considered a security threat to the government, and after the vice-chancellor refused to terminate his contract, he was served with a banning order. In the wake of the ensuing student protests, serious rioting (known as The Rodney Riots) took place on 16 and 17 October 1968. The university was kept under a state of siege for over a week. In an emergency debate in the House of Representatives, broadcast live throughout Jamaica on radio and television, Prime Minister Hugh Shearer accused Rodney of Communist views. He returned to University College, Dar es Salaam (Tanzania), where he had already

been teaching from July 1966 to January 1968, and worked there until 1974. In 1974, he returned to Guyana because he was offered a history professorship by the Senate of the University of Guyana. However, the appointment was withdrawn by the Board of Governors as a result of political intervention by the government of President Forbes Burnham. At the same time, he and his wife were blocked from all employment. It was assumed that he had been denied the right to work because of his reputation as an activist. In 1975, he became a founder and leader of the left-wing opposition party Working People's Alliance (WPA) in Guyana, with a revolutionary and multiracial programme. On 11 July 1979, several WPA leaders, including Rodney, were arrested by the security forces and charged with arson and possession of arms. The day before an anti-government demonstration had taken place and, during the night, an explosion and fire had destroyed several government buildings and the headquarters of the ruling party. The trial was adjourned three times for lack of evidence and Rodney was released on bail. In April 1980, the authorities tried to prevent his presence at the Zimbabwe independence celebrations. On 13 June 1980 he was killed by a bomb concealed in a walkie-talkie in his brother's car in Georgetown. His brother Donald survived but was implicated in his death by the government. It was generally believed that the government itself was involved in the death. On 7 January 1981, the government terminated the state press agency's contract with a Barbados-based firm because its reporting of Rodney's death was deemed unsatisfactory. In the same year his book, *A History of the Guyanese Working People 1881-1905*, published posthumously, was banned. Four academics faced disciplinary charges as a result of remarks in their reports for the 1979-80 academic year in which they referred to Rodney's death. In October 1987, an inquest into his death was ordered by the government. In February 1988, the final verdict of the inquest was 'death by accident or misadventure'.

[Sources: 'Guyana: Suspicious Death of Leading Opposition Intellectual', *IOC Briefing Paper*, 26 June 1980; IOC 6/79: 66, 5/80: 32, 3/81: 75, 4/81: 46, 6/81: 26-30, 6/85: 52-54, 5/88: 127; *AI Report 1980*: 145, *1981*: 156, *1982*: 144, *1988*: 117, *1989*: 128, *1997*: 169.

HAITI

In October 1994, the US Government transferred 160,000 documents seized from Haitian army headquarters and from the offices of the paramilitary organisation *Front Pour l'Avancement et le Progrès d'Haiti* (FRAPH) to its embassy, reportedly after having removed the names of US nationals. They were believed to contain information relating to human rights violations committed by both the military and FRAPH under the military government, including the possible collusion of the US government in such activities. The US authorities agreed to hand over the documents to the Haitian Government on condition that the safety of any Haitian nationals mentioned in the documents was ensured. However, the Haitian Government refused to accept the documents unless they were returned

in their original form.

[Source: *AI Report 1997* (London 1997) 171-72.]

HONG KONG

See CHINA

HUNGARY

In early September 1996, Budapest's 137-year-old Great Synagogue, destroyed during World War II, was reopened.

[Source: IOC 6/96: 175.]

On 18 April 1997, the data protection commissioner said that documents relating to a Hungarian-Slovak dam dispute were not classified and that, therefore, the Foreign Ministry had acted illegally when it had denied access to the documents for thirty years.

[Source: IOC 3/97: 121.]

On 18 June 1997, the Municipal Court of Budapest banned *Mein Kampf* under the provisions of the press law. In November 1996, the prosecutor-general's office had suspended publication of the book and advised the courts to ban it.

[Source: IOC 5/97: 171.]

On 13 August 1997, it was announced that state security files would be opened from 1 September 1997 to researchers and Hungarian citizens who believed that they were under surveillance by the state during the Communist era. It was estimated that the security services had files on 160,000 people.

[Source: IOC 5/97: 171.]

INDIA

On 15 August 1997, Independence Day, the film *Train to Pakistan*, by Pamela Rook, was denied broadcasting permission, shortly before its scheduled showing. The story, based on a novel by Khushwant Singh, concerns communal tension in a Punjabi village during India's 1947 partition. The

Central Board of Film Certification asked the director to remove the word 'Muslim' (recurring throughout the screenplay) and all indirect references to Mahatma Gandhi.

[Source: IOC 5/97: 171.]

IRAN

In 1995, at least ten followers of the sociologist and historian 'Alî Sharî'atî (1933-1977), once called 'the Ideologue of the Iranian Revolution', were still serving long prison terms after unfair trials [see NCH #5].

[Source: *AI Report 1997* (London 1997) 185.]

JAPAN

In a 31 January 1997 article, the newspaper *Yomiuri-Shinbun* accused the Kanagawa Human Rights Centre of 'oppressing freedom of speech', because it had criticised local politicians' distorted statements on Korean comfort women and the Japanese colonisation of Korea, and it had protested against the invitation of one of them to address a local business community meeting.

[Source: IOC 2/97: 9.]

In early May 1997, it was reported that an elementary school history textbook was banned in the Miyagi prefecture, because of its presentation of the 1937 Nanking massacre and the Sino-Japanese war.

[Source: IOC 4/97: 116.]

KAZAKSTAN

Karasaev Khusein, who writes about the epic storytellers of Kazakstan, was imprisoned as a member of the Social Turan Party, a party which was reported not to exist.

[Source: *HRW World Report 1997* (New York 1996) 365.]

MEXICO

On 2 May 1996, Javier Elorriaga Berdegué, a historian and journalist who made video reports of the

1994 rebellion of the *Ejército Zapatista de Liberación Nacional* (EZLN), was sentenced to thirteen years' imprisonment on the charge of terrorist activities because of his alleged EZLN membership. He was held in the Cerro Hueco prison in Tuxtla Gutierrez. The trial was widely believed to be unfair. On 6 June 1996, he was acquitted on appeal.

[Source: HRW *World Report 1997* (New York 1996) 111.]

MYANMAR (BURMA)

On 27 January 1996, six members of the opposition political party *National League for Democracy* were arrested for having written a poem to commemorate the 1991 death in detention of their colleague U Tin Maung Win.

[Source: HRW *World Report 1997* (New York 1996) 138.]

NEW ZEALAND

In late February 1997, *Salo - 120 Days of Sodom*, a film by Pier Paolo Pasolini about the wartime Fascist Republic of Salo in North Italy, and banned for more than twenty years, was seized at the Wellington customs.

[Source: IOC 3/97: 127-28.]

POLAND

In the spring of 1997, US publishers *Doubleday* claimed that the Polish version of a papal biography, *His Holiness*, by journalists Carl Bernstein and Marco Politi, was doctored by its Polish partners, Amber Publishing, to avoid giving offence to Roman Catholics in Poland as well as to the (Polish) Pope. Controversial references to Polish history, particularly passages referring to the Auschwitz concentration camp, were reportedly removed.

[Source: IOC 4/97: 11.]

RUSSIAN FEDERATION

On 19 September 1996, the commission responsible for declassifying documents of the Central

Committee of the Communist Party of the Soviet Union permitted the release of information about, *inter alia*, the origin of the Strategic Missile Troops, political censorship in the USSR, and the history of the Communist International.

[Source: IOC 6/96: 184.]

In early December 1996, it was announced that the Academy of Sciences and the Centre for Gender Studies were seeking damages for the publication in the Moscow edition of *Playboy* of provocative portraits of famous women from Russian history, such as Catherine the Great, 17th-century religious dissident Feodosiva Morozova and 19th-century mathematician Sofia Korvalevskaya.

[Source: IOC 2/97: 95.]

SLOVAKIA

On 2 July 1997, the government announced that it would withdraw a controversial history textbook, *The History of Slovakia and the Slovaks*, by Catholic priest Milan Durica, following an outcry from, *inter alia*, Slovak historians, that it denied the persecution of Slovak Jews during World War II (less than 10,000 of 70,000 Jews survived). The textbook was written and published with funding from the European Union (EU), but its treatment of the wartime Fascist Slovak state persuaded EU external relations commissioner Hans van den Broek to press the government to ban it. Prime Minister Vladimir Meciar conceded that parts of the book were historically inaccurate, but initially he refused to ban it from the bookstores. Deputies from the ultra-right Slovak National Party, a partner in the governing coalition, condemned the EU's 'censorship order'.

[Source: IOC 5/97: 181.]

SOUTH AFRICA

See GENERAL: Gertrude Fester.

SPAIN

On 14 February 1996, Francisco Tomás y Valiente ([1933]-1996), former judge and president of the Constitutional Court (1986-92) and professor of legal history at the Universidad Autónoma de Madrid (1992-96), was murdered by an alleged member of the Basque separatist movement ETA.

[Source: *AI Report 1997* (London 1997) 290.]

In late March 1997, the Supreme Court ruled that secret military intelligence documents detailing the operation of covert government actions against the Basque separatist movement ETA (1983-87), when 28 suspected militants died, should be declassified.

[Source: IOC 3/97: 132.]

SWITZERLAND

In December 1996, amidst a large-scale controversy on dormant accounts of Holocaust victims, Christoph Meili, a night watchman of the *Union Bank of Switzerland* (UBS), discovered in its shredder room documents related to property sold by Jews in Germany under the Nazis. In April 1997, he went into exile with his wife and children in the United States, because he said he felt their lives were in danger. They were given permanent resident status there.

[Source: IOC 4/97: 126.]

On 23 July 1997, the Swiss Bankers Association released a list of dormant bank accounts dating back to World War II, in an attempt to trace the survivors of the Holocaust or their families. In response to an international outcry that banks had been blocking claims on these accounts, the Swiss government had lifted the secrecy laws, forcing the banks to allow their files to be searched.

[Source: IOC 5/97: 185.]

TURKEY

See GENERAL: Aysenur Zarakolu, Ahmet Altan.

On 22 August 1996, a trial against writer and Human Rights Association Deputy Secretary Erol Anar began. He was the author of *Insan Haklar Tarihi* (*The History of Human Rights*) and was charged with 'separatist propaganda' under the Anti-Terror Law for a four-page chapter in the book entitled *Kurt Sorunu* (*The Kurdish Question*), which discussed state relations with Turkey's Kurds in both the Ottoman and Republican periods.

[Source: HRW, *Ifex Action Alert*, 23 August 1996; HRW *World Report 1997* (New York 1996) 244-245.]

On 17 February 1997, the centre-left daily *Radikal* was seized because it reprinted an article from the French weekly *Figaro Magazine*, entitled ‘Turkey: Army Against the Islamists’ and written by Islamist intellectual Abdurrahman Dilipak. The article described Kemal Ataturk, Turkey’s first president, as an ‘authoritarian military ruler’.

[Source: IOC 2/97: 100.]

UNITED STATES

In 1997, George C. Herring, a historian at the University of Kentucky and a former member of the official CIA Historical Review Panel (1990-96), accused the CIA of not releasing records on its covert operations (including the 1953 Iranian coup, the 1954 Guatemalan coup, the 1961 invasion of Cuba), despite the policy of openness promised in 1984. CIA officials replied to this accusation that various files on the operations in the 1950s had been destroyed in the early 1960s, among others nearly 100 percent of the files on the Iranian coup. At the same time, they released 1,400 pages of documents on the Guatemalan coup (less than one percent of the CIA files on the incident). In August 1996, George Herring and two other historians were removed from the panel, possibly because of their criticism of the low levels of declassification of CIA materials.

[Source: IOC 4/97: 15.]

VIETNAM

See GENERAL: Nguyen Dinh Huy.

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; World University Service [WUS, Amsterdam]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

ALBANIA

In September 1995 Elvira Shaplo, a historian, Vladimir Qiriaqi, an archeologist, and two others were briefly detained on charges of 'distributing anti-constitutional writings', an offence punishable by up to three years' imprisonment. They were the authors of a guide book to Gjirokastër which apparently contained a photograph of former Communist ruler Enver Hoxha, a native of the town. In February 1996 they went on trial in Gjirokastër, but the trial was adjourned. The court was due to reconvene in March 1996. It appeared that the four defendants were not in detention.

[AI Report 1996: 70; AI, Further Information on Urgent Action 50/96, 11 March 1996; IOC 3/96: 98; see also NCH #3.]

In November 1995 police in Vlora and Durrës arrested and briefly detained some fifty people who tried to lay wreaths on the graves of partisans who died in the Second World War.

[AI Report 1996: 70.]

On 30 November 1995 parliament passed a law allowing selective access to the files of the Sigurimi, the secret police under the Communist regime. Under the so-called Verification Law a committee will examine the files of all those seeking public office, as well as those working in the state media and newspapers with a wide circulation. Those found to have collaborated with the Sigurimi will be barred

from office until 2002. The files of all other citizens will be closed for thirty years. In January 1996 appeals against the Law were rejected as 'groundless' by the Constitutional Court.

[Source: IOC 1/96: 169, 2/96: 80.]

On 9 June 1996 historians Jorgo Balo, Pullemb Xhufi and Fatos Baxhaku were among a group of 27 Albanian writers, scientists, artists, journalists and editors who wrote an open letter about free speech and democracy in Albania after the elections of 26 May 1996.

[Source: IOC 4/96: 91.]

ALGERIA

On 13 January 1996 Khaled Aboukacem, archivist at L'Indépendant newspaper, was killed, and a colleague of his was wounded, in a gun attack as they left their offices.

[Source: IOC 2/96: 80.]

BELARUS

On 26 April 1996 a 50,000-strong memorial rally commemorating the tenth anniversary of the Chernobyl disaster was attacked by the police, who arrested over 200 people.

[Source: IOC 4/96: 93.]

BULGARIA

At least since 1990 organizations of ethnic Macedonians, such as Obedinena Makedonska Organizatsiya 'Ilinden' (OMO Ilinden; United Macedonian Organization 'Ilinden'), named after the Ilinden Uprising of 12 August 1903, were denied registration by the government because they were considered separatist organizations that threaten the security of Bulgaria. In April 1993, 1994 and 1995 police used force to prevent assemblies of OMO Ilinden at Rozhen Monastery. The annual gathering commemorating the death of Yane Sandanski, a prominent figure in the struggle against Ottoman rule, was deemed anti-Bulgarian. In July 1995 the members of OMO Ilinden were forbidden to meet at Samuil Castle to commemorate the foundation of the Republic of Macedonia. It was widely reported that a Bulgarian court upheld the ban stating that 'the territory of Bulgaria cannot be used as a place to celebrate events that have no relation to Bulgarian history'.

[Sources: HRW World Report 1990: 352, 1992: 499, 1993: 211, 1994: 208, 1995: 199, 1996: 208-209; IOC 3/94: 166-167; AI Report 1994: 82-83, 1995: 82, 1996: 102.]

CHINA

On 30 October 1996 Wang Dan (b. [1969]), a former history student from Beijing University and cited as number one on the list of the most wanted student leaders issued by the government on 13 June 1989, was sentenced to eleven years' imprisonment. On 6 July he 1989 was arrested when he made preparations to leave the country. He was charged with 'counter-revolutionary propaganda and incitement' and held in solitary confinement for four months. Then he was sent to Beijing Prison No. 2, a 'reform through labour camp' and reportedly held in a cell with five common criminals. He was tried on 23 January 1991. On 26 January 1991 he was sentenced to four years' imprisonment and one year's deprivation of political rights. According to official sources, 'he had shown repentance such as confessing his own crimes and exposing others'. On 17 February 1993 he was released on parole for good behaviour. He stated that he had no regrets. He peacefully resumed his activities to promote human rights, contributed articles on democracy and human rights to domestic and overseas Chinese media, as well as to international media, and raised funds to help people suffering repression. On 16 February 1994 his civil and political rights were officially restored, but he has been harrassed and arrested for short terms by the police ever since his release. He was denied permission to reregister at Beijing University and in January 1994 he began taking a correspondence course from the University of California. In March 1994 he was sent on 'vacation' outside Beijing to prevent 'disruption' during the visit of US Secretary of State Warren Christopher. After he received death threats from the police in December 1994, he filed a lawsuit against the Public Security Bureau to protest police harassment. In May 1995 he was detained again as a leading signatory of pro-democracy petitions. Crew members from the US television network National Broadcasting Company were questioned for several hours after interviewing him. After holding him in incommunicado detention for 17 months, the authorities indicted Wang Dan on 11 October 1996 for 'conspiring to subvert the government'. The three charges against him were 'accepting a scholarship from the University of California', 'publishing anti-government articles abroad', and 'joining other dissidents to set up a mutual aid plan.' Wang Dan's parents were given only one day to choose a lawyer. On 30 October 1996 he was sentenced to eleven years' imprisonment. In 1988-1989 Wang Dan had taken the lead in organizing seventeen unofficial open-air 'democracy salons' at Beijing University, at which participants were urged to discuss controversial political issues. In April 1989 the government attempted to close down the salons, and officials later cited them as evidence that Wang Dan had incited the student unrest. During the student uprising in the spring of 1989, he had been one of the top student leaders and chairman of the

Autonomous Federation of Beijing University Students.

[Sources: IOC 1/91: 17, 2/91: 36, 3/91: 37, 4/93: 35, 5-6/93: 43, 1-2/94: 235, 3/94: 169, 6/95: 172, 4/96: 97; AAAS, Directory of Persecuted Scientists, Engineers, and Health Professionals 1992: 13, 1994: 36-37; AI Report 1991: 65, 1994: 99, 1996: 118; HRW World Report 1995: 143, 144; AAAS Human Rights Network, Case 9621.dan, 28 October 1996; see also NCH #4].

In early December 1995 historian Chen Xiaoya (b. [1955]) was dismissed from the Chinese Academy of Social Sciences (CASS) in connection with the publication of her manuscript, 'The History of the 1989 Democracy Movement' (in Chinese). The expulsion of Chen Xiaoya and some of her colleagues came after a secret conference in Xibobo, attended by CASS commissars, held to discuss the growth of rightism. Scholars who attempted to revive traditional Chinese culture, such as Cheng Ming, publisher of the neo-Confucianist journal *The Original Way*, have also been subject to official criticism.

[Source: IOC 2/96: 84.]

CROATIA

On 3 May 1996 Victor Ivancic, chief editor of the satirical weekly *Feral Tribune*, and reporter Marinko Culic were charged with 'rudely and falsely slandering' President (and historian) Franjo Tudjman, because they published an article criticising the plans to rebury the remains of Croatian fascists at the Jasenovac concentration camp where between 100,000 and 150,000 Serbs, Gypsies, Jews and Croat partisans were killed during World War II. Their trial began on 14 June 1996 but was adjourned until 25 September. If convicted they could face up to three years' imprisonment.

[Source: IOC 4/96: 22-24, 97.]

EGYPT

In early June 1996 police raided an Alexandria bookshop and confiscated copies of 'The Truth of the Veil', a book by Said al-Ashmawi, author, retired judge and former head of the State Security and Higher Criminal Courts. In March 1992, he was reported to be severely criticised for distorting Islamic history by the Committee of the Koran and its Sciences, an organ of the Islamic Research Academy of Al-Azhar, Egypt's Islamic university. There was considerable concern for his safety. He wrote widely and critically on the rise of militant political Islam. On 7 January 1992 the Committee confiscated five of his books at the Cairo Book Fair.

[Sources: IOC 1-2/94: 119-121, 124, 129, 237, 255, 5/96: 88; WUS & Human Rights, June 1992: 5.]

FRANCE

Among the books that the far-right mayor of Orange, Jacques Bompard, had refused to purchase for the new municipal library in July 1996 because they ‘offended good morals’, was a history of World War II.

[Source: IOC 5/96: 89.]

GUATEMALA

On 12 and 19 June and on 2 August 1996 Carlos Federico Reyes Lopez (b. [1970]), the coordinator of the Equipo de Antropología Forense de Guatemala (Guatemalan Forensic Anthropology Team, established 1992), and his family received death threats. In March 1996 Carlos Federico Reyes Lopez participated in the exhumation of one of the clandestine cemeteries in the country. Thousands of noncombatant civilians are believed to be buried in these cemeteries after they were massacred during counterinsurgency operations conducted by the armed forces in the late 1970s and early 1980s. The team of anthropologists, established in 1992, collected important and substantial evidence for use in future investigations into the massacres.

[Sources: AI, Urgent Action 173/96, 8 July 1996; AAAS Human Rights Network, Case GU9615.LOP, 10 July 1996 and 11 October 1996.]

HONG KONG

In mid-November 1995 a delegation of educationalists visited Beijing and learned of forthcoming revisions of history and geography textbooks. On 11 June 1996 the Hong Kong Educational Publication Association announced that school textbooks would be revised after 1997 to reflect the official Chinese view of history. More emphasis would be placed on Hong Kong’s past within China. References to the Opium War (1840-1842) were to be purged of ‘western bias’, Taiwan would no longer be a ‘country’ and there would be a ban on the expression ‘mainland China’, with its implication that there is more than one China. Details of the 1989 Tiananmen Square massacre would be left to the discretion of individual editors, but fears were expressed by the Teachers’ Union Resource Centre that schools were already dropping the use of teaching materials on the massacre in anticipation of a possible ban.

[Source: IOC 1/96: 178, 4/96: 103.]

INDIA

In 1996 it was reported that the following books were banned: ‘Nine Hours to Rama,’ by Stanley Wolpert, a reconstruction of the plot to kill Gandhi in which the killer is reportedly sympathetically portrayed; ‘The History of Sexuality’, by historian Michel Foucault (1926-1984); ‘Reclaiming the Past? The Search for Political and Cultural Unity in Contemporary Jammu and Kashmir’, by Vernon Hewitt, a book on Kashmir critical of Pakistan and India. The second and the third book were held up at customs; Michel Foucault’s book had previously been freely available.

[Source: IOC 2/96: 90, 166, 168.]

INDONESIA

In May 1996 it was reported that the government had banned the book ‘Bayang Bayang PKI’ (In the Shadows of the PKI), published by the Institute for Studies on the Free Flow of Information (ISAI). The book focuses on the 1965-1966 events leading to the assumption of power by President Soeharto.

[Source: IOC 4/96: 103.]

IRAN

In 1995 at least ten followers of the sociologist and historian ‘Alî Shari’atî (1933-1977), once called ‘the Ideologue of the Iranian Revolution’, were still serving long prison terms after unfair trials.

[Sources: AI Report 1996: 179, IOC 4/96: 152.]

The threat of extrajudicial execution extended to many Iranian nationals abroad, as well as to non-Iranians such as Salman Ahmed Rushdie (b. 1947), a British writer who studied history at Cambridge University (1965-1968) and showed special interest in the history of early Islam and the history of independent India, and whose killing has been called for in a fatwa (religious edict) in 1989 for writing and publishing an allegedly blasphemous novel, ‘The Satanic Verses’ (1988).

[Sources: AI Report 1996: 180; IOC 4/96: 8.]

ISRAEL

In 1995 Prime Minister Yitzhak Rabin rejected calls for an investigation into allegations that Israeli soldiers killed Egyptian prisoners during the 1956 and 1967 wars with its neighbours. Egypt demanded a full enquiry.

[Source: IOC 6/95: 177.]

JAPAN

In June 1995 the Diet (parliament) adopted a resolution in which 'deep remorse' was expressed to the victims of Japanese aggression during the Second World War. In August 1995 the Prime Minister made a public apology. The victims included up to 200,000 women, known as 'comfort women', mostly from Korea and several other countries in East and Southeast Asia, who had been forced into prostitution by the Japanese armed forces. The government was criticised for its decision to set up a private fund for the 'comfort women' instead of paying individual compensation to the victims.

[Source: AI Report 1996: 191.]

In mid-February 1996 New Zealand author James Mackay received a death threat from an anonymous man, in an apparent attempt to prevent publication of his forthcoming book on Japanese war crimes. In late 1995 the author reportedly refused bribes to scrap the book.

[Source: IOC 3/96: 111.]

In March 1996 curators of an exhibition at the Atomic Bomb Museum, Nagasaki, removed controversial photographs and texts from display. Items depicting the 1937 Rape of Nanking and the Bataan Death March were replaced by pictures of victorious Japanese soldiers and the 1941 attack on Pearl Harbor. The items, introduced at a late stage to give a balanced overview of the war, were removed after a formal protest from conservative members of the city council. In late June 1996 the Museum replaced a picture of the Nanking massacre by order of the mayor. The Prime Minister instructed the Foreign and Education Ministries to investigate whether photos of Japanese military aggression in museums around Japan were real or fabricated.

[Source: IOC 3/96: 111, 5/96: 94.]

MALAYSIA

On 19 October 1995 the Prime Minister ordered a review of the 20-year-old ban on television programmes featuring people in Chinese historical costumes after two such programmes had to be

withdrawn that month.

[Source: IOC 6/95: 179.]

In early August 1996 the Terenggau Umno Youth Movement called upon the religious authorities to ban a book on Islamic history which, it claimed, promoted Shi'ism. The first edition of the book, 'Fitnah Terbesar Dalam Sejarah Islam', by the Egyptian poet and historian Taha Hussain (1889-1973), was published by a state-owned press in 1992 but sold out. Malay authorities are campaigning to curb the influence of Shi'ism.

[Source: IOC 5/96: 96-97.]

PALESTINE (AREAS UNDER THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

On 24 or 25 December 1995 Maher al-Alami, a senior editor at the Arabic-language daily al-Quds was summoned for questioning in Jericho and detained for six days, apparently because he put a story on page eight and not on the front page. The story was about the Greek Orthodox Patriarch granting President Yasser Arafat, Chairman of the Palestine Liberation Organization and head of the Palestinian Authority, symbolic custody of Christian holy sites in Jerusalem by likening him to the seventh-century Arab caliph Umar, who delivered Jerusalem to Islam. After a personal reprimand from President Arafat, he was released.

[Sources: IOC 2/96: 73, 98; AI Report 1996: 187.]

POLAND

On 15 October 1995 President Lech Walesa accused historian Adam Michnik, editor-in-chief of the daily 'Gazeta Wyborcza', of 'highly unethical manipulation' in publishing the 'unauthorised text' of an interview with him, which, President Walesa said, was 'too frank'.

[Source: IOC 1/96: 183.]

On 6 February 1996 Jerzy Urban (b. 1933), editor-in-chief of the satirical weekly 'Nie' ('No'), former government spokesman (1981-1989), former Minister of Information (1989), was fined and barred from managing a publication or working as a journalist for one year, after he was found guilty of publishing classified documents. He was also given a one-year suspended sentence. The charge arose from a 1992 article which contained extracts from the former Communist political police archives, revealing, among other things, an undertaking to co-operate with the secret police, signed in 1958 by Zdzislaw Najder,

who later became director of the Polish section of Radio Free Europe and an adviser to premier Jan Olszewski (1991-1992).

[Source: IOC 2/96: 99-100, 152.]

ROMANIA

During 1995 local authorities in Transylvania attempted to remove all traces of Hungarian history and culture from several towns. The mayor of Cluj had sought to remove the statue of King Mathias in 1994, and in mid-April 1995, announced that he would place a Romanian and English-language inscription at King Mathias' birthplace, explaining that the greatest Hungarian king was a Romanian.

[Source: HRW World Report 1996: 226.]

RUSSIA

On 15 December 1995 Sergei Grigoryants, a historian and literary specialist, chairman of the organizing committee of the International Public Tribunal on Chechnya, was detained with two colleagues at Moscow airport as they were about to leave for the tribunal's hearings in Stockholm. Books, computer disks, videotapes and documents were confiscated. From 1975 to 1980 Sergei Grigoryants had been imprisoned. On 25 February 1983 he and Viktor Beskrovnykh were arrested in the Kaluga region, apparently in connection with the publication of a samizdat human rights bulletin, probably 'Bulletin V'. In early February 1987 he was released. Shortly afterwards, a group of former prisoners, led by Sergei Grigoryants, asked permission to publish an unofficial current affairs journal, 'Glasnost'. On 9 May 1988 he was detained at the headquarters of 'Glasnost', where the third session of the founding conference of a new political party, the Democratic Union, was due to take place. He was put under administrative arrest for seven days for allegedly 'resisting the police'. As the chief informant for the western press on the situation in Armenia and Karabakh, he came under attack in the official press because of his regular contact with Western correspondents. While he was in prison, the magazine's equipment was confiscated and its archives destroyed. On 28 November 1988 he and Andrei Shilkov, another editor of 'Glasnost', were detained in Yerevan, Armenia's capital, charged with taking photographs in contravention of emergency regulations, and sentenced to thirty days' imprisonment. On 26 February 1990 Sergei Grigoryants was refused permission to travel to Paris for a UNESCO conference on the press in Eastern Europe.

[Source: IOC 4/83: 43, 3/87: 40, 5/87: 41, 7/87: 40, 1/88: 6, 6/88: 41, 7/88: 40, 2/89: 41, 6/90: 43, 2/96: 99.]

SAUDI ARABIA

In 1995 it was reported that the authorities prohibited, among other subjects, the study of evolution.

[Source: IOC 4/96: 79.]

SOUTH AFRICA

In 1995 it was reported that possibly 'tens of thousands' of classified documents had been destroyed since the unbanning of the African National Congress in 1990.

[Source: IOC 6/95: 184.]

On 3 May 1996 Maggie Friedman testified to the Truth and Reconciliation Commission in Johannesburg on the murder of her companion, David Webster. She denounced the many investigations and inquiries into his death that had remained without results, and the destruction of some of the documentation. On 1 May 1989 David Joseph Webster (1945-1989), lecturer of social anthropology at the University of the Witwatersrand, editor of 'Essays in South African Labour History' (1978) and a member of the History Workshop, was shot dead in Johannesburg by three unidentified gunmen believed to belong to a hit squad of the Civil Co-operation Bureau, a secret wing of the South African Defence Force. As an anthropologist, he conducted research into the culture of the Thembe-Tonga people of the Kosi Bay region. As a human rights activist, he was possibly involved in the opposition against removals due to take place as a result of conservation policies in the region; he was also interested in the secret South African aid to Renamo rebels in Mozambique passing through the region. As a member of the Detainees' Parents Support Committee (an organization publicising the situation of thousands of detainees held without charge or trial, itself banned in 1988), he was engaged in research into the death squads.

[Sources: AI Report 1990: 215; Africa Watch, Academic Freedom and Human Rights Abuses in Africa 1991: 81-82; IOC 6/92: 31, 5-6/93: 22, 5/96: 58-60.]

TURKEY

In January 1995 the Turkish author and journalist Günay Aslan (see NCH #2) was released.

[Source: AI Report 1996: 20.]

In the spring of 1995 the book 'Genocide as a Question of National and International Law: The 1915 Armenian Event and its Consequences', written by US historian Vahakn Dadrian, was banned. The publisher of the Turkish translation of this book, Ayse Zarakolu, already serving a two-year prison sentence for publishing 'The Armenian Taboo', another book on the Armenian genocide by French historian Yves Ternon, faced prosecution for separatist propaganda. On 29 December 1995 she was acquitted for this book (but charges for other books were upheld).

[Source: IOC 4/95: 188; 6/95: 186, 2/96: 104.]

In early June 1996 the Islamist-run town council of Kayseri in central Turkey banned 'Istanbul Beneath My Wings', a popular Turkish film which portrays seventeenth-century Sultan Murat IV (1623-1640) as bisexual. The mayor declared that the film 'approaches our history from a distorted viewpoint'.

[Source: IOC 4/96: 113.]

UKRAINE

In August 1996 the Hungarian community was refused permission to erect a monument and hold a religious service in the Verecke pass. The monument and service were intended to mark the 1,100th anniversary of the crossing of Hungarian tribes through the Verecke pass into the Carpathian basin in the year 896.

[Source: IOC 5/96: 105.]

UNITED KINGDOM

In 1995, among the subjects surrounded by secrecy, according to historian and Conservative Member of Parliament Alan Clark, were the following: the cabinet discussion of peace terms with Adolf Hitler; the contents of Rudolf Hess' brief which he brought on his mission in 1941; the wartime antics and financial speculations of the Duke of Windsor; the full degree of pressure applied by the Americans over Suez; the text of the consultations during the Cuban missile crisis.

[Source: IOC 2/95: 32.]

In February 1995 the Imperial War Museum withdrew permission to use its film archive of war crimes, given previously to the company Still Movements. The company wanted to produce a commercial video, 'Executions', a history of capital punishment in the twentieth century, but the Museum expressed

concern over the possibility of the subject being sensationalised. Earlier Amnesty International, who campaigns for the complete abolition of capital punishment, had withdrawn from the project. The disputed footage was eventually acquired from US archives and from private collections in the UK, and the video was released in June 1995.

[Source: IOC 4/95: 21-23.]

UNITED STATES

In a 1995 interview the Ethiopian film-maker and professor of cinematography at Howard University, Washington, Haile Gerima claimed that he could not get funding for his film 'Sankofa', about slavery, and that, after its release in 1993, it was ignored by the big distributors, because the topic was still too sensitive.

[Source: IOC 6/95: 137, 191.]

On 6 December 1995 an exhibition of the Library of Congress, 'Sigmund Freud: Conflict and Culture', was postponed after protests from academics who said that Sigmund Freud's theories were now widely discredited. On 19 December 1995 the Library of Congress scrapped 'Back of the Big House: the Cultural Landscape of the Plantation', after complaints from black staff members and officials that the display lacked a proper historical context.

[Source: IOC 2/96: 105.]

In 1996 the US publisher of revisionist historian David Irving suddenly canceled publication plans for his biography of Goebbels.

[Source: IOC 3/96: 7.]

VATICAN/GERMANY

Pope John Paul II was censored by his own bishops on a visit to Germany in June 1996. They excised from his homily, which was delivered at the stadium built by Adolf Hitler for the 1936 Olympics, a passage praising the Catholic hierarchy's 'glorious' record of resisting Nazism.

[Source: IOC 4/96: 6.]

VIETNAM

On 8 November 1995 it was reported that two veterans of the Vietnamese revolution, Hoang Minh Chinh and Do Trung Hieu, were sentenced to twelve and fifteen months respectively, for 'anti-socialist propaganda'. They had written articles calling for the rehabilitation of about thirty senior party officials purged during the 1960s for revisionism and opposing the party line.

[Source: IOC 1/96: 192.]

INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington]; Amnesty International [AI, London]; Article 19 [A19, London]; Human Rights Watch [HRW, Washington/New York]; Index on Censorship [IOC, London]; International PEN Writers in Prison Committee [PEN, London]; Scholars at Risk [SAR, New York]; World University Service [*WUS, Amsterdam*]; and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

AZERBAIJAN

According to an Azeri publication dated 7 December 1994, historian Movsum Aliyev was arrested for insulting the president in an article he wrote for the publication 'Azadlyk', entitled 'The Answer to the Falsifiers of History'.

[Source: IOC 1/95: 233]

BULGARIA

In August 1995 British archaeologist Dr Douglas Bailey was deported after taking part in an excavation project at Podgoritsa, north-east Bulgaria. Fourteen of his students were searched and interrogated at Sofia airport and accused of military espionage. When Douglas Bailey later returned to Bulgaria to reclaim confiscated equipment, his passport was seized and he was interrogated for three days before being deported on 24 August. Bulgarian project members have had their offices and homes searched and documents confiscated.

[Source: IOC 5/95: 171-172]

CHINA

In May 1995 Xu Liangying (b. [1920]), a retired physicist, translator of Einstein's collected works and formerly working in the Institute of the History of Science of the Chinese Academy of Sciences, and one of the intellectuals publicly calling for an end to repression of free speech and for the release of political prisoners, was harassed by government officials, after drafting and initiating a petition, signed by forty-five intellectuals, including historian Bao Zunxin and former history student Wang Dan, appealing to the government to free all political prisoners. In March 1994 he was placed under surveillance and virtual house arrest during the visit of foreign dignitaries to China. In October 1992 copies of the scientific journal 'Future and Development' containing several articles dealing with political and economic reform, including one by Xu, had been confiscated.

[Sources: American Association for the Advancement of Science, Directory of Persecuted Scientists, Engineers, and Health Professionals (Washington 1994) 37-38; American Association for the Advancement of Science Human Rights Action Network (AAASHRAN), Case CH9539: 23 May 1995 (and update 5 June 1995); IOC 4/95: 173]

CROATIA

On 2 February 1995 Members of Parliament launched a Croatian Statehood Campaign, in which they accused the media of being anti-Croatian and of falsifying Croatian history.

[Source: IOC 2/95: 173]

GERMANY

In early January 1995 it was reported that customs officials in Wuppertal seized the entire print run of a book by the left-wing author and historian Karl-Heinz Jahnke. The book was printed in Hungary and banned in Germany for 'reasons of national security'.

[Source: IOC 1/95: 239]

On 17 February 1995 the book 'Eye for an eye' by John Sack was withdrawn by the publisher before any copies had been sold. It argued that Stalin deliberately chose Jews to oversee concentration camps in post-war Poland, and has been labelled 'anti-Semitic fodder' by a literary critic.

[Source: IOC 2/95: 175]

On 29 August 1995 Bela Ewald Althans was sentenced to three-and-a-half years in prison for denying the Holocaust. In 1992 he had told tourists queueing up to visit Auschwitz that it had not been a death camp.

[Source: IOC 5/95: 177]

GREECE

On 28 April 1995 President Costis Stephanopoulos accused Macedonia of claiming the entire Macedonian region, which includes areas in Greece and Bulgaria, because of its refusal to remove an ancient Greek symbol from its flag. On 27 January 1995 the Foreign Minister had refused to attend the commemoration of the liberation of Auschwitz in protest at the Polish government's plan to raise the Macedonian flag during the ceremony.

[Source: IOC 2/95: 175, 5/95: 178]

GUATEMALA

On 24 April 1995 the Catholic bishops launched an alternative Truth Commission under the slogan 'Recovering the Historic Memory'. The project is in response to popular frustration with the official Truth Commission, set up by the UN, which is scheduled to spend only six months investigating 35 years of violence.

[Source: IOC 4/95: 176]

HONDURAS

On 28 June 1995 the national human rights commissioner Leo Valladares said that he would ask the US embassy to declassify documents relating to the disappearance of 184 Honduran civil leaders during the 1980s. The Honduran Armed Forces have burned all their files on the disappearances.

[Source: IOC 4/95: 177]

HUNGARY

On 22 December 1994 Radio Budapest reported that the Historical Investigation Committee had been

abolished by the government. Part of the Committee's role was to account for the omissions in history books left by censors under the Communist regime. The investigations had reportedly proved uncomfortable for some of the politicians who were returned to power in the spring 1994 elections.

[Source: IOC 1/95: 240]

JAPAN

In January 1995 the popular youth magazine Marco Polo was closed down and its editor dismissed by the publishers after it carried an article denying the Holocaust.

[Source: IOC 2/95: 178]

NAMIBIA

In early 1995 Nazi sympathisers distributed information in which the Holocaust was claimed to be a hoax. It had to be decided whether or not they would be prosecuted under the Racial Discrimination Prohibition Act.

[Source: IOC 3/95: 181]

In August 1995 an ex-editor and ex-director were charged under the Racial Discrimination Prohibition Act for publishing a full page advertisement commemorating the death of Nazi leader Rudolf Hess, in which he was referred to as a 'martyr of peace'.

[Source: IOC 5/95: 182]

NETHERLANDS

On 9 June 1994 author Graa Boomsma was found not guilty of insulting Dutch war veterans. The charges arose over comments Boomsma made in an interview about his novel 'The Last Typhoon'. In it he compared the Dutch army's conduct in Indonesia in the late 1940s to that of the Nazi's during World War II. In late July 1994 the government launched an appeal against the Groningen Court decision but it was dismissed on 26 January 1995. Graa Boomsma reported having received threatening telephone calls throughout January.

[Source: IOC 3/94: 179, 4-5/94: 245, 2/95: 181]

POLAND

On 11 December 1994 several dozens of writers and intellectuals issued an appeal, calling for the opening of the Security Administration Archives covering the Stalinist period (1944-1956).

[Source: IOC 1/95: 245]

On 30 March 1995 the Interior Ministry announced that many more files from the Communist secret police archive would be made available to historians. Journalists seeking access to the archive will still have to apply directly to the interior minister for permission.

[Source: IOC 3/95: 184]

SOUTH KOREA

On 21 March 1995 Kim Mu-yong [b. 1961], a history lecturer at Bangsong Tongshin University, was arrested under the National Security Law for possessing, distributing and producing writings on the Korean guerrilla movement (1948-1953). He was awaiting trial in Seoul Prison.

[Sources: IOC 3/95: 187; WUS Human Rights Bulletin, August 1995: 4]

On 26 April 1995 history professor Park Chang-hee [b. 1932] was arrested under the National Security Law at his home in Seoul and reportedly ill-treated since then. On 9 June 1995 he was charged for meeting an alleged North Korean agent in Japan, for passing state secrets and for praising North Korea.

[Sources: IOC 4/95: 186; WUS Human Rights Bulletin, August 1995: 4]

THAILAND

On 5 August 1984 Ajahn Sulak Sivaraksa (b. [1933]), noted social critic and Buddhist writer, was arrested while his book 'Interviews with S. Sivaraksa: Unmasking Thai Society' was banned. Thousands of copies of the book were seized by the police. The arrest centred around an article on the history of Thai education in which he criticised kings and princes of the last two hundred years for their ignorance of Buddhist teaching and tradition. On 30 November 1984 the charges of lèse majesté (defamation of the monarchy) were withdrawn. In September 1991, he fled to Sweden after an arrest warrant had been issued for similar reasons, but on 14 December 1992 he was arrested again after his return from exile. He was put on trial in June 1993, but the court dismissed his case on 26 April 1995.

[Sources: IOC 6/84: 43, 48, 1/85: 65, 2/85: 36, 4/85: 4, 10/91: 56, 3/93: 40, 3/95: 187; AI Report 1985:

248-249, 1992: 251, 1993: 282, 1995: 283]

TURKEY

On 5 October 1993 Günay Aslan, a writer and television journalist, was arrested and imprisoned when he tried to leave Turkey, detained and condemned to serve a two years' sentence (reduced to eighteen months after appeal) for 'separatist propaganda' on the basis of the Anti-Terror Law. In 1989 he had written a book, 'Thirty-Three Bullets: History in Mourning', about the 1943 execution of thirty-three Kurds suspected of stealing horses and about contemporary events in southeastern Turkey against this historical background. Following publication, the book was confiscated and the writer accused on the basis of a Penal Code Article that was revoked in April 1991. Subsequently, the charge was dropped and the book reprinted, but Günay Aslan was prosecuted again under a new law and condemned in January 1993. At the end of 1994, he was still in jail.

[Source: AI Report 1995: 291]

In the spring of 1995 the book 'Genocide as a Question of National and International Law: The 1915 Armenian Event and its Consequences', written by US historian Vahakn Dadrian, was banned. The publisher of the Turkish translation of this book, already in prison for publishing another book on the Armenian genocide, faced prosecution for separatist propaganda.

[Source: IOC 4/95: 188]

UNITED STATES

In mid-November 1994 the federal government declassified 44 million official secrets, nearly half of which related to World War II.

[Source: IOC 6/94: 252, 1/95: 253]

In January 1995 the Smithsonian Institution decided to eliminate text and pictures of Japanese victims of the atomic bomb in a planned exhibition. Only the fuselage of the Enola Gay, the aeroplane that dropped the bomb, a plaque and a film of the plane's crew would be displayed. The change came after criticism from Congress and veteran groups in September 1994. Some found the the portrayal of the Japanese in the aftermath of the war too sympathetic.

[Source: IOC 6/94: 252, 2/95: 190]

On 17 April 1995 President Bill Clinton signed an executive order requiring that all top secret, secret and confidential documents 25 years or older be automatically declassified. The order reverses a system of intense classification that has been in place for the past decade. In January 1994 a draft report on the new governmental classification had proposed a 40 years term.

[Source: IOC 3/95: 190]