

<b>Network of Concerned Historians</b>	<b>NCH</b>
<i>Annual Report 2003</i>	<a href="http://www.concernedhistorians.org">http://www.concernedhistorians.org</a>

## **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.]