

## 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](mailto: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](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](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](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/le/105.pdf](http://www.concernedhistorians.org/content_files/file/le/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](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](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](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.]

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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*

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*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](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](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](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](http://www.concernedhistorians.org/content_files/file/le/132.pdf).]

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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](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](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](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](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.](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.

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[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 Sivanesathurai 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



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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 Şendiler (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 Altaylı. 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).]