

INTRODUCTION

The eighteenth *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists and archaeologists around the globe, as reported by various human rights organizations and other sources. It covers events and developments of 2011 and 2012. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

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AFGHANISTAN

Last *Annual Report* entry: 2011.

In 2012, the new series of official obligatory high school history textbooks, in preparation since 2002 and funded by the United States Commander's Emergency Response Program (the United States military's foreign aid arm), did not cover post-1973 history, thus stopping their coverage with the ouster of King Mohammad Zahir Shah in 1973 by Mohammed Daoud Khan and omitting the following period of political instability, including the Soviet occupation (1979–1989), the *mujaheddin* (Muslims who struggle in the path of God) and the civil war (1989–1996), the Taliban (1996–2001), and the United States military presence (2001–2012). In order to promote a single national identity, the depoliticization and deethnification textbooks were deemed necessary. In the post-1979 period, the USSR distributed books emphasizing communism and Marxism. In the late 1980s, the United States financed textbooks supporting the struggle of the *mujaheddin*. During the Taliban's reign, conservative Islamic texts were imported from Pakistan. In western Afghanistan, Iranian textbooks openly praising Iran-backed militant groups such as Hizbollah and Hamas were for years distributed in public schools. The depoliticized approach was chosen as there was no agreement of how Afghanistan descended into civil war. Even mention of such key figures as the Northern Alliance commander Ahmad Shah Massoud or the Taliban's Mohammad Omar was controversial. Despite broad consensus about the approach, Mir Ahmad Kamawal, history professor at Kabul University, criticized the omissions.

[Source: Kevin Sieff, "Afghanistan; a new approach to teaching history: Leave out the wars," *Washington Post* (5 February 2012).]

See also Libya.

ALBANIA

Last *Annual Report* entry: 1996.

After the collapse of communism, former communist ruler Enver Hoxha (1908–1985) was written out of history. In February 1991, students and academics at Tirana University demanded and obtained the removal of his name from courses of study. His body was removed from a national memorial and reburied in a public cemetery. Napalm was used to wipe his name from a mountain side where it had been written in stone. A new law passed on 14 July 2011 approved a plan to tear down a pyramid-

shaped landmark built on Tirana's main thoroughfare as a museum for Hoxha to open the way for a new parliament, to be built in honor of the 100th anniversary of Albania's independence in 1912 after 500 years of Ottoman domination.

[Sources: *BBC News* (19 November 2004); Derek Jones, ed., *Censorship: A World Encyclopedia* (London/Chicago 2001), 28; *Keesings historisch archief* (2011), 344; Benet Koleka, "Albania To Raze Hoxha's Pyramid for New Parliament" (Albanian.com; 14 July 2011).]

See also Macedonia, Serbia / Kosovo.

ALGERIA

Last *Annual Report* entry: 2011.

The authorities again took no steps to investigate the thousands of enforced disappearances and other serious abuses that took place during the internal conflict (1992–2000) or to ensure that perpetrators were held accountable. They continued to implement the Charter for Peace and National Reconciliation (Law 06-01), which gave impunity to the security forces, criminalized public criticism of their conduct and granted amnesties to members of armed groups responsible for gross human rights abuses. Families of people who disappeared faced pressure to accept generic certificates, which stated that their relatives were dead but did not specify the date or cause of death, as a precondition for claiming compensation. The security forces dispersed demonstrations organized by families of the disappeared.

[Sources: Amnesty International, *Report 2012* (London 2012), 60, 61–62; Human Rights Watch, *World Report 2012* (Washington 2012), 532–533.]

See also France, Morocco / Western Sahara

ANGOLA

Last *Annual Report* entry: 2009.

ARGENTINA

Last *Annual Report* entry: 2011.

In February 2011, Felipe Noble Herrera and Marcela Noble Herrera, who were adopted children of one of the richest women in Argentina, lost their legal challenge to the DNA laws, which forced them to give DNA samples in an attempt to establish their true parentage. In May 2010, following the pair's refusal to provide samples, their house was raided, they were stripsearched and samples from clothing and toothbrushes were taken. A 2009 law gave the courts power to forcibly obtain DNA if someone refused to submit to a blood test. The law's origin dated back to the 1970s and 1980s when left-wing activists were kidnapped, tortured and imprisoned by the military dictatorship. Many of those detained were young couples with either newborns or mothers expecting a child; babies were taken away and given to military or police officials to bring up as their own. The government that followed the military dictatorship set up a National Bank of Genetic Data, where grandparents and relatives of the missing children contributed DNA samples for identification purposes. Although campaigners attempted to identify the children of the disappeared, not all of them wanted to know about their biological parents.

[Source: *Index on Censorship* (2011, no. 2), 140.]

In April 2011, former Brigade General Reynaldo Bignone and politician and former police officer Luis Abelardo Patti were sentenced to life imprisonment for several cases of murder, abduction and torture in the town of Escobar during the 1970s. In October 2011, former navy captain Alfredo Astiz and 15 others were given prison sentences of between 18 years and life for their role in 86 crimes against humanity committed at a secret detention center in the Buenos Aires naval school (Escuela Superior de Mecánica de la Armada, ESMA). Under military rule, hundreds of people had been held in the ESMA after being abducted; some were killed under torture while others were flung to their deaths from airplanes. Among those killed were human rights activists Azucena Villaflor, María Bianco and Esther Careaga, cofounders of the Mothers of the Plaza de Mayo.

[Source: Amnesty International, *Report 2012* (London 2012), 12, 65.]

In August 2011, Osvaldo Bayer (1927–), a left-wing historian and film director, film codirector Mariano Aiello and historian Felipe Pigna were sued for defamation by José Alfredo Martínez de Hoz, who accused them of falsifying history and damaging his “family's honor” and demanded a ban on the film *Awka Liwen* (Rebelde Amanecer; Rebel Awakening; September 2010) and heavy fines. In this film, Bayer, Aiello and Pigna analyzed the 1879 Campaña del Desierto (Desert Campaign) of Julio Argentino Roca, a military campaign against the indigenous peoples of Argentina (Mapuche and

Tehuelce), during which part of the pampa and Patagonia was conquered. The film asserted that, in the preparation of the campaign, José Toribio Martínez de Hoz ([1823]–71) (José Alfredo Martínez de Hoz's great-great-grandfather), who had founded and presided the Sociedad Rural Argentina (Argentinian Rural Society) in 1866–70, had called for military intervention against the indigenous peoples, with the aim of evicting them and establishing latifundia with cattle instead.

[Sources: Rodrigo Alonso, “Osvaldo Bayer recibió el apoyo de centenares de santafesinos” (http://www.amsafelacapital.org.ar/Noticia_completa.php?ID=900); Amsafe [2011]); Osvaldo Bayer, “Los Martínez de Hoz al ataque,” *Página 12* (3 September 2011).]

Several important human rights cases from Argentina's last military dictatorship (1976–1983) were reopened in 2003 after Congress annulled the 1986 “Full Stop” law, which had stopped prosecution of such cases, and the 1987 “Due Obedience” law, which granted immunity in such cases to all members of the military except those in positions of command. Starting in 2005, federal judges struck down pardons that then-President Carlos Menem issued between 1989 and 1990 to former officials convicted of or facing trial for human rights violations. As of October 2011, according to the Center for Legal and Social Studies (CELS), 379 cases involving killings, “disappearances,” and torture were under judicial investigation or being tried in court. Of 1,774 alleged perpetrators, 749 were facing charges for these crimes, and 210 had been convicted. Trials have been subject to delays at the appellate level. As of late 2011, the Supreme Court had confirmed final sentences in only four of the cases reactivated after the annulment of the amnesty laws. In March 2011 the First Federal Oral Court sentenced an army general to life imprisonment and three agents to prison terms between 20 and 25 years for the murder, torture and illegal arrest of detainees held in the 1970s in a secret detention center in Buenos Aires, known as Automotores Orletti. It was the first conviction in Argentina of participants in Plan Condor, a scheme by which the military rulers of the region coordinated the abduction, interrogation and “disappearance” of political opponents. More than 30 Uruguayans abducted in Argentina in 1976 were held at Automotores Orletti, before some were transferred back to Uruguay. Others “disappeared.”

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 206–207.]

As of late 2011, no one had been convicted for the 1994 bombing of the Jewish Argentine Mutual Association in Buenos Aires in which 85 died and over 300 were injured. Criminal investigations and prosecutions were hindered by judicial corruption and political cover-ups in Argentina, and by the failure of Iran (suspected of ordering the attack), to cooperate with the Argentine justice system. An Argentine federal court issued an international warrant for the arrest of former Iranian President Ali Akbar Hashemi-Rafsanjani and six Iranian officials in 2006, but demands for their extradition fell on deaf ears. President Cristina Fernández de Kirchner repeatedly called for justice in annual speeches at

the United Nations (UN) since taking office in 2007, as did her husband, former President Néstor Kirchner (died 2010). In September 2011 she told the UN that she would accept an Iranian government proposal to open a dialogue about the case, but only if it brought concrete results.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 209.]

On 22 March 2012, the government declassified the 1983 Rattenbach report, which reviewed the mistakes made by the military junta in going to war with Britain in 1982. The report was so critical of the military leadership that the junta (particularly Brigade General Reynaldo Bignone) ordered it kept secret for fifty years. A version of the report was leaked by General Tomás Sánchez de Bustamante in 1983 to support the then still fragile civil government and to remove any blame from the army (which was positively referred to in the report). The war cost more than 900 lives.

[Sources: *Keesings historisch archief* (2012), 167; *Washington Post* (23 March 2012).]

See also Paraguay, Spain.

ARMENIA

Last *Annual Report* entry: 2010.

AUSTRALIA

Last *Annual Report* entry: 2009.

AUSTRIA

Last *Annual Report* entry: 2009.

AZERBAIJAN

Last *Annual Report* entry: 2011.

On 5 February 2011, history student Jabbar Savalan (Jabbar Savalanli) ([1991–]) was arrested when

returning home from a meeting of the opposition Azerbaijan Popular Front Party (APFP) in Sumgayit. He was interrogated for two days without access to a lawyer and reportedly slapped and threatened until he signed a confession that he used drugs—despite a blood test showing that he had not. According to Savalan, the drugs were planted on him by the police. On 4 May 2011, he was convicted of possessing illegal drugs for personal use and sentenced to 2,5 years' imprisonment. On 26 July 2011, the Sumgayit appeal court and on 29 November 2011, the Azerbaijan Supreme Court upheld this decision. The real reason was widely believed to be his peaceful anti-government activism. His activities included using the *Facebook* website to share a newspaper article criticizing President Ilham Aliyev, and calling for Egypt-inspired anti-government protests. On 26 December 2011, Savalan was released under a pardon decree issued by the president.

[Sources: Amnesty International, *The Wire* (October/November 2011), 41, no. 5, (insert); Amnesty International, "Jailed Azerbaijani Youth Activist Freed (Press release; 27 December 2011); Institute for Reporters' Freedom and Safety, *Ifex Alert* (29 December 2011).]

BAHRAIN

Last *Annual Report* entry: 2011.

In late June 2011, King Hamad bin ‘Issa Al Khalifa appointed the Bahrain Independent Commission of Inquiry (BICI), comprising five international legal and human rights experts, to investigate alleged human rights violations committed in connection with the mass pro-reform protests that had started on 14 February 2011. Most demonstrators were from the majority Shi’a community, who believed they were discriminated against by the ruling Sunni minority. BICI reported to the King on 23 November 2011. It said that it had examined more than 8,000 complaints; interviewed more than 5,000 individuals, including male and female detainees; and visited various prisons, detention centers and the Salmaniya Medical Complex in Manama. It confirmed that many detainees had been tortured by security officials who believed they could act with impunity; that police and other security forces had repeatedly used excessive force against protesters, resulting in unlawful killings; and that legal proceedings before the National Safety Court (NSC; a special military court set up under the state of emergency) had been seriously defective. Among its recommendations, the BICI called for all allegations of torture to be independently investigated, for those responsible for abuses to be held criminally liable whatever their rank, and for the release of all those imprisoned on account of their legitimate exercise of freedom of expression. The king and government undertook to implement BICI’s recommendations.

[Source: Amnesty International, *Report 2012* (London 2012), 72, 75.]

BANGLADESH

Last *Annual Report* entry: 2011.

In June 2011, the government amended the International Crimes (Tribunals) Act of 1973, established to prosecute those responsible for atrocities *during* the 1971 India-Pakistan war leading to the independence of Bangladesh, but it still fell short of international standards. The definitions of war crimes, crimes against humanity, and genocide did not conform to international standards and the government failed to amend the law to ensure due process. Defense lawyers, witnesses, and investigators said they had been threatened. Seven suspects, all coming from the two main opposition parties, were scheduled to be tried: Motiur Rahman Nizami, Ali Ahsan Muhammad Mojahid, Muhammad Kamaruzzaman, Abdul Quader Molla and Delwar Hossain Sayeedi [Delwar Hossein Sayedee] from Jamaat-e-Islami, and Salauddin Quader Chowdhury and Abdul Alim from the

Bangladesh Nationalist Party. They were indicted for war crimes but they denied the allegations and accused the government of carrying out a vendetta. All but Abdul Alim, who was released on bail, remained detained. Five of the detainees were in custody for more than 18 months without charge. In October 2011, the tribunal began proceedings in its first case, that of Delwar Hossain Sayeedi, charged for allegedly assisting the Pakistani army to commit genocide; kill, torture and rape unarmed civilians; torch houses of local Hindus; and force Hindus to convert to Islam. No one was indicted for crimes committed immediately *after* the victory of independence forces in late 1971. According to official figures, more than three million people were killed and many more were left homeless. Prime Minister Sheikh Hasina was the daughter of Sheikh Mujibur Rahman, who declared the country independent in 1971 and became its founding president after the war; he was later assassinated.

In May 2010, it was revealed that most of the official records of the 1971 war were shredded shortly after the war, probably deliberately. They included records documenting the creation of the *Mukti Bahini* (the Bangladesh freedom fighters) and the Indian army operations during the war. The Indian Army had housed and trained the *Mukti Bahini* in different camps across India; the fighters were later a part of the operations led by the eastern command.

[Sources include: Amnesty International, *Report 2012* (London 2012), 75–76; *BBC News* (20 November 2011); Human Rights Watch, *World Report 2012* (Washington 2012), 297–298; J. Joseph, “Truth Lost? Most Military Records of Bangladesh War Missing,” *Times of India* (9 May 2010); *Keesings historisch archief* (2011), 562.]

BELARUS

Last *Annual Report* entry: 2011.

BELGIUM

Last *Annual Report* entry: 2011.

In July 2008, Bart De Wever (1970–), a historian-turned-politician and chairman of the Nieuw-Vlaamse Alliantie (NV-A; New Flemish Alliance; a political party openly advocating the gradual breakup of Belgium), sued Belgian French-speaking writer Pierre Mertens (1939–), a professor of international law at the Free University of Brussels, for defamation. In October 2007, in reaction to an apology of Patrick Janssens, the Socialist mayor of Antwerp, for Antwerp’s overzealous role in the deportation of 1,2000 Jews in World War II, De Wever had called the apology “gratuitous” and

“opportunistic” and said: “Those in power at the time had to take decisions in difficult circumstances. I do not find it courageous to stigmatize them now.” De Wever later apologized to Antwerp’s Jewish leaders. In December 2007, Mertens had written in the French daily *Le Monde* and the Flemish weekly *Knack* that De Wever was a “undiluted negationist leader.” On 14 February 2012, the court dismissed the charge because the prescription term of three months had been passed.

[Sources: “Flemish Politician, Called a ‘Negationist,’ Sues Belgian Writer” (European Jewish Press; 10 July 2008); Hugo Franssen, “‘Natrappen’: het ‘softe revisionisme’ van Bart De Wever,” *De wereld morgen* (14 December 2011); *Knack* (23 & 24 May 2011; 14 February 2012); *Wikipedia* (31 January 2012); Julien Vlassenbroek, “La plainte de Bart De Wever contre Pierre Mertens a été rejetée” (RTBF; 14 February 2012).]

See also Chad.

BOLIVIA

Last *Annual Report* entry: 2011.

Those responsible for serious human rights violations, including enforced disappearance and extrajudicial executions, carried out before democracy was reestablished in 1982, continued to evade justice. By the end of 2011, the armed forces had not handed over to prosecutors information relating to past human rights violations, despite Supreme Court orders in April 2010 requiring them to declassify the information. The government did not press for the information to be disclosed.

[Sources: Amnesty International, *Report 2012* (London 2012), 82; Human Rights Watch, *World Report 2012* (Washington 2012), 211.]

In August 2011, the Supreme Court convicted seven former high-ranking military and civilian officials for their part in the events known as “Black October,” which left 67 people dead and more than 400 injured during anti-government protests in El Alto, near La Paz, in September and October 2003. This was the first time that a trial of military officials accused of human rights violations had reached a conclusion in a Bolivian civilian court. Five former military officers received prison sentences ranging from 10 to 15 years, while two former ministers were sentenced to three years’ imprisonment, later suspended. Former President Gonzalo Sánchez de Lozada and two of his ministers, who had fled to the United States soon after the violence, were facing extradition proceedings at the end of 2011. The trial, which began in May 2009, followed an impeachment procedure known as the “trial of responsibilities.”

[Sources: Amnesty International, *Report 2012* (London 2012), 12, 82; Human Rights Watch, *World Report 2012* (Washington 2012), 211.]

BOSNIA and HERZEGOVINA

Last *Annual Report* entry: 2011.

At the end of 2011, six war crimes cases concerning Bosnia and Herzegovina were pending before the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY). In addition, three cases were on appeal. Proceedings against former Bosnian leader Radovan Karadžić continued. In 2011, the ICTY examined evidence around crimes in north-west Bosnia and Herzegovina, including “Manjača” and “Trnopolje” camps and unlawful killings at the Korićanske cliffs, as well as many other crimes committed during the 1992–1995 conflict.

On 31 May 2011, Ratko Mladić, former commander of the main staff of the Army of Republika Srpska was transferred to the ICTY. An amended indictment against him, containing charges of genocide, crimes against humanity and war crimes (including the massacre of up to 8,000 Bosnian men and boys from Srebrenica in July 1995 and the siege of Sarajevo from 1992 to 1995), was filed in October 2011. Originally charged in a single indictment, both Karadžić and Mladić had been indicted for genocide, as well as extermination, murder, persecution, deportation, inhumane acts, acts of violence, terror, unlawful attack on civilians and taking of hostages amounting to crimes against humanity and war crimes. In December 2001, the ICTY agreed with the prosecution proposal to reduce the indictment against Mladić from 196 to 106 crimes, and to limit the number of municipalities concerned from 23 to 15.

[Sources: Amnesty International, *Report 2012* (London 2012), 83; Human Rights Watch, *World Report 2012* (Washington 2012), 431, 432.]

The domestic justice system continued to work on the large backlog of open war crimes cases. The implementation of the National Strategy for War Crimes Processing was delayed, primarily due to a lack of political and financial support. Progress in resolving war crimes cases was also hampered by political obstacles to improving regional cooperation, including failure to dismantle legal barriers to extradition of war crimes suspects between Bosnia and Herzegovina, Croatia, Serbia and Montenegro. A proposed bilateral agreement between Serbia and Bosnia and Herzegovina to resolve parallel investigations in war crimes cases reached a stalemate in June 2011.

Six cases relating to 10 mid- and low-level defendants transferred by the ICTY to the Bosnia and Herzegovina State Court, known as “11bis cases,” were completed. However, generally, prosecution

of crimes under international law continued before the domestic judiciary in Bosnia and Herzegovina at a slow pace. The continued practice of nonharmonized application of criminal law in war crimes cases, due to the use of the 1976 Criminal Code in cases tried in courts in the different entities, resulted in serious obstacles to the fair and efficient delivery of justice. These included: inability to charge acts as crimes against humanity; failure to prosecute command responsibility; and inequality before the law owing to the low mandatory minimum and maximum sentences for war crimes.

The War Crimes Chamber of the Bosnia and Herzegovina State Court continued to play the central role in war crimes prosecutions. However, verbal attacks on this and other judicial institutions dedicated to investigating and prosecuting war crimes, along with the denial of war crimes—including the genocide in Srebrenica in July 1995—by high-ranking politicians, undermined efforts to prosecute war crimes cases. In addition, the authorities failed to collect data on the total number of investigations and prosecutions at all levels of crimes under international law.

[Source: Amnesty International, *Report 2012* (London 2012), 83–84.]

Despite problems with budget allocations for exhumations caused by the absence of the government, exhumations continued. In January 2011, the state prosecutor's office assumed control of exhumations previously conducted by local prosecutors, which had a positive impact in expediting the recovery of the remains of missing people from mass and clandestine graves. Around 10,000 people were still unaccounted for. Unwillingness of insider witnesses to provide information on mass graves remained the biggest obstacle in the process.

In February 2011, the Central Record of Missing Persons was created as a permanent database in Bosnia and Herzegovina. It gathered around 34,000 names from various existing databases and conducted verification of those names. It was expected that the database would help the national Missing Persons Institute to strategically address the remaining cases.

Despite the accurate DNA-led identifications made by the International Commission on Missing Persons over the past years, the identification process began to slow down. The Commission reported that around 8,000 bodies had already been identified through the classical methods of identification. However, due to the existence of hundreds of secondary, tertiary and quaternary mass grave sites, the recovery of body parts of already identified and buried people could continue for years. Despite progress made in the recovery and identification of disappeared people and the prosecution of perpetrators, victims' families were still denied the rights to justice and reparation. The nonimplementation of the 2004 Law on Missing Persons led to problems for the families of the disappeared, including the lack of independent functioning of the Missing Persons Institute and the nonexistence of the Fund for Providing Assistance to the Families of Missing Persons. In addition, many judgments of the Constitutional Court of Bosnia and Herzegovina in cases involving enforced disappearances remained unimplemented.

[Source: Amnesty International, *Report 2012* (London 2012), 84-85.]

See also Croatia, Montenegro, the Netherlands, Norway, Serbia.

BRAZIL

Last *Annual Report* entry: 2011.

On 13 March 2012, federal prosecutors announced that they were charging Colonel Sebastião Curió Rodrigues de Moura with “aggravated kidnapping” for his alleged role in five enforced disappearances in Pará state in 1974. The five were members of a small guerrilla organization detained during military operations. Witnesses reportedly saw them last in military custody. Their fate remained unknown. The case was the first in which criminal charges were brought against a Brazilian official for the human rights crimes committed during the military dictatorship (1964–1985). More than 475 people were forcibly disappeared during that era, and thousands more were illegally detained or tortured. The Amnesty Law from 1979, however, had effectively barred criminal prosecutions of state agents for dictatorship-era abuses, an interpretation that the Supreme Court had reaffirmed in April 2010. In November 2010, however, the Inter-American Court of Human Rights ruled in *Gomes-Lund et alii (Guerrilha do Araguaia) versus Brazil* that this law must not prevent the investigation and prosecution of serious human rights violations committed during military rule. As a party to the *International Convention for the Protection of All Persons from Enforced Disappearance*, ratified by Brazil in November 2010, Brazil had specific obligations to ensure that, whenever an offense occurred, there was effective investigation and prosecution, and a proper remedy for the victim. Moreover, while international law forbids the retroactive application of the criminal law, this prohibition was not intended to prevent the punishment of acts that were recognized as criminal under international law at the time that they were committed. On 18 November 2011, President Dilma Rousseff ratified laws limiting to 50 years the period state secrets could be held, and creating a Truth Commission to investigate human rights violations committed between 1946 and 1988. The Commission, made up of a seven-member panel (six lawyers and a psychoanalyst) appointed by the president, would hear evidence for two years, before issuing a report. Brazil also granted over US\$1 billion in financial compensation to more than 12,000 victims of abuses committed by state agents during the military dictatorship from 1964 to 1985.

[Sources: Amnesty International, *Report 2012* (London 2012), 12, 86; Human Rights Watch, *World Report 2012* (Washington 2012), 220; Human Rights Watch, “Brazil: Human Rights Prosecution a Landmark Step: First Criminal Charges for Abuses During Military Rule” (13 March 2012).]

BULGARIA

Last *Annual Report* entry: 2009.

On 18 June 2011, an anonymous street artist transformed the Red Army soldiers on a Soviet war monument in Sofia into storybook characters (including such figures as Superman, Ronald McDonald, Santa Claus and the Joker). Underneath the memorial the artist spraypainted the caption: “In step with the times.” Russia urged Bulgaria to punish the “hooligans” behind the vandalism.

[Source: *Index on Censorship* (2011, no. 3), 172–173.]

BURKINA FASO

Last *Annual Report* entry: 2005.

BURUNDI

Last *Annual Report* entry: 2011.

A committee established to amend the 2004 Truth and Reconciliation Commission (TRC) Law presented President Pierre Nkurunziza with a draft law in October 2011. If passed by parliament, the draft law would exclude civil society and religious groups from the TRC (which still had to be established), thereby compromising its independence. It could prevent the Special Tribunal, a judicial body recommended by the United Nations in 2005 and set up to follow the TRC, from prosecuting cases independently. The draft law did not explicitly prohibit the granting of amnesties, including for genocide, war crimes and crimes against humanity. The TRC would cover grave crimes in Burundi since 1962. Bob Rugurika, chief editor of African Public Radio (RPA), was questioned by the public prosecutor’s office about programs that touched on the composition of the technical committee set up to prepare the TRC.

[Sources: Amnesty International, *Report 2012* (London 2012), 6, 92, 94; Human Rights Watch, *World Report 2012* (Washington 2012), 93, 95.]

CAMBODIA

Last *Annual Report* entry: 2011.

Flawed proceedings and allegations of government interference with the Extraordinary Chambers in the Courts of Cambodia (ECCC), the United Nations-backed Khmer Rouge tribunal, cast a shadow over its credibility. The Co-Investigating Judges announced the closure of Case 003 in April 2011, apparently without having undertaken full investigations. Case 004 remained with the Co-Investigating Judges. In October 2011, the pretrial chamber rejected an appeal by a victim to be recognized as a civil party in Cases 003 and 004. The two international judges who supported the appeal revealed that there had been several errors, including alleged manipulation of documents, which denied the rights of both victims and suspects. The international Co-Investigating Judge resigned a few days before these findings were made public, citing political interference. His replacement by Reserve Judge Laurent Kasper-Ansermet was delayed after the government failed to agree to the appointment. The trial of Nuon Chea, Ieng Sary and Khieu Samphan began in November 2011. All three, aged between 79 and 85, were alleged senior leaders during the Khmer Rouge period and defendants in Case 002. They were charged with crimes against humanity, war crimes and genocide. With ongoing concerns about the health of the accused, the Trial Chamber found defendant Ieng Thirith, aged 79, unfit to stand trial, stayed proceedings against her, and ordered her release. In December 2011, however, the Supreme Court Chamber overturned this decision and ordered her continued detention in hospital or in another appropriate facility, pending a medical examination and another fitness assessment.

On 10 August 2011, the *Voice of America* Khmer-language service (VOA) revealed confidential information about a case under investigation by the Extraordinary Chambers in the Courts of Cambodia (ECCC). In an article and a video posted on its website, VOA quoted *verbatim* an official confidential court document about Case 004—the fourth and last ECCC case—containing new allegations of mass killings by three Khmer Rouge officials between 1975 and 1979. On 31 August 2011, the ECCC Office of the Co-Investigating Judges (OCIJ) started contempt of court proceedings against VOA. Critics feared that this was a sign that the OCIJ actively sought to ensure the closure of the ECCC with the end of Case 002.

[Sources: Amnesty International, *Report 2012* (London 2012), 27, 95–96; Cambodian Center for Human Rights, *Ifex Alert* (8 September 2011); Human Rights Watch, *World Report 2012* (Washington 2012), 310; Reporters without Borders, “Court Contempt: Special Khmer Rouge Court Starts Contempt Proceedings against VOA” (1 September 2011).]

See also Thailand.

CAMEROON

Last *Annual Report* entry: 2010.

In February 2011, at least eight political activists, including former members of a students' association, were arrested by members of the Directorate of Territorial Surveillance security service in Yaoundé. They had met to organize a demonstration to commemorate victims of human rights violations during demonstrations in February 2008. The detainees were denied access to lawyers and charged with endangering the security of the state. They were provisionally released but had not been brought to trial by the end of 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 98.]

CANADA

Last *Annual Report* entry: 2009.

On 15 April 2008, the Barrick Gold Corporation, Toronto, the world's biggest gold mining company, sued the publishing house Éditions Écosociété in Montréal for defamation and demanded six million Canadian dollars in damages. In June 2008, the Banro company also sued the same publisher for five million Canadian dollars in damages in Ontario. One of Écosociété's books, *Noir Canada: Pillage, corruption et criminalité en Afrique* (2008; *Black Canada: Plundering, Bribery, and Crime in Africa*), written by Alain Deneault (1970–), a lecturer at the Université de Québec à Montréal (UQAM), Delphine Abadie, and William Sacher, discussed Barrick's responsibility in the expulsion of thousands of self-employed miners and their families from the Bulyanhulu mine in Tanzania in August 1996, in the course of which 52 miners were reportedly buried alive. In a section called "Thèse 1: Homicide et génocide involontaires" ("Thesis 1: Killings and involuntary genocide"), the authors called for an independent public inquiry into the events. Barrick emphasized that the 1996 events took place before its purchase of the property from Sutton Resources, Vancouver, in 1999. Deneault declared that the book did not hold Barrick directly responsible for the incident, but rather presented opinions, including Barrick's, on the case. In October 2011, the parties settled the case, then before the Superior Court of Québec, out of court: Écosociété stopped publishing and reprinting the book and made a payment to Barrick. The authors acknowledged that they had no evidence of involvement of Barrick in Tanzania in 1996. Previously, Barrick had apparently threatened to sue *Guardian* journalist Greg Palast with defamation if he did not apologize for his report, which was the first publication containing these allegations.

[Sources: Alain Deneault, Delphine Abadie, William Sacher, *Noir Canada: Pillage, corruption et criminalité en Afrique* (Montréal: Écosociété, 2008) 17–26; *The Gazette* (15 April 2008); *Globe and Mail* (14 April 2008); *The Militant* (23 June 2008); *Settlement of Barrick Gold Lawsuit against the Authors and the Publisher of Noir Canada* (18 October 2011).]

In October 2011, the Canadian government failed to arrest former United States President George W. Bush when he travelled to British Columbia, despite clear evidence that he was responsible for crimes under international law, including torture.

[Source: Amnesty International, *Report 2012* (London 2012), 13.]

A Truth and Reconciliation Commission, mandated to document and raise awareness of the abuses against First Nations, Metis and Inuit children, and broader harms caused by Canada's historic residential school system, held sessions throughout 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 100.]

CENTRAL AFRICAN REPUBLIC

Last *Annual Report* entry: 2011.

The trial of Jean-Pierre Bemba, former vice-president of the Democratic Republic of the Congo, continued before the International Criminal Court (ICC) in The Hague. Bemba faced two counts of crimes against humanity and three counts of war crimes, accused of leading militias in the Central African Republic in 2002 and 2003 that killed and raped civilians. No other government or armed group leaders who committed war crimes and crimes against humanity in the Central African Republic were issued with an arrest warrant by the ICC or prosecuted by the national justice system.

[Source: Amnesty International, *Report 2012* (London 2012), 101–102.]

CHAD

Last *Annual Report* entry: 2011.

Although the African Union (AU) had stated since 2006 that former Chadian President Hissène Habré should be tried in Senegal “on behalf of Africa,” this failed to take place. In June 2011, a coalition of NGOs and victims of Habré's government brought a case against Senegal before the International

Court of Justice for failing to try or extradite him. In July 2011, however, the Senegalese government announced its decision to return Habré to Chad, where he has been sentenced to death in his absence, but this was suspended after protests by United Nations (UN) bodies and human rights organizations. During the same month, the AU Commission identified Rwanda as “the country most suitable to be entrusted with the Habré trial.” This followed the meeting of the Assembly of Heads of States and Governments of the AU that urged Senegal to try Habré or extradite him to another country willing to do so. Human rights organizations, Chadian victims and their lawyers stated their preference for the trial to take place in Belgium, which had investigated the case, charged Habré with serious violations of international human rights and humanitarian law, and made an extradition request to Senegal in 2005, reiterated in November 2011. The Chadian government publicly supported this option. In November 2011, the UN Committee against Torture called on Senegal to comply with its obligation to prosecute or extradite Habré.

[Source: Amnesty International, *Report 2012* (London 2012), 5, 105, 290, 291.]

CHILE

Last *Annual Report* entry: 2011.

In early January 2011, the National Education Council decided that the dictatorship of General Augusto Pinochet should not be called a “dictatorship” but a “military regime” in primary school history textbooks. Left-wing opposition parties accused the center-right government of President Sebastián Piñera of trying to whitewash history.

[Sources: ANP, “Woord ‘dictatuur’ uit lesboek Chili gehaald” (6 January 2012; <http://www.nu.nl/buitenland/2708494/woord-dictatuur-lesboek-chili-gehaald.html>); *BBC News* (5 January 2012).

In May 2011, the remains of former President Salvador Allende (1908–1973) were exhumed as part of a new judicial investigation into his death. In July 2011, international forensic experts confirmed that his death during the 1973 military coup led by General Augusto Pinochet was not the result of third parties.

[Source: Amnesty International, *Report 2012* (London 2012), 106.]

In August 2011, the Valech II Commission issued a report confirming five additional cases of enforced disappearance, 25 political killings and 9,795 cases of torture. The commission had been established in 2010 to assess cases of enforced disappearance, political killings, political

imprisonment and torture that had not been presented to the Rettig and Valech Commissions. By the end of 2011, the total number of people officially recognized as disappeared or killed during the Pinochet dictatorship (1973–1990) stood at 3,216 and survivors of political imprisonment and/or torture at 38,254. The number of cases of human rights violations under investigation by the courts rose to its highest level yet following the submission in January 2011 by a court prosecutor of 726 new criminal complaints and more than 1,000 complaints filed over the years by relatives of those executed on political grounds. According to the Interior Ministry Human Rights Program, as of May 2011 there were 1,446 ongoing investigations. Between 2000 and the end of May 2011, 773 former members of the security forces had been charged or sentenced for human rights violations and 245 had had final sentences confirmed. However, only 66 were in prison, the rest having benefited from noncustodial sentences or sentences that were later reduced or commuted. In many cases, the Supreme Court had used its discretionary powers to reduce sentences against perpetrators in recognition of the time elapsed since the criminal act.

[Sources: Amnesty International, *Report 2012* (London 2012), 12, 106; Human Rights Watch, *World Report 2012* (Washington 2012), 226.]

On 8 June 2012, relatives of victims of Augusto Pinochet's military rule (1973–90) held a rally in Santiago, calling for the screening of a new pro-Pinochet documentary, entitled *Pinochet*, to be banned. On the day of the screening at the Caupolicán theater (10 June 2012), thousands of Pinochet supporters turned up for the screening, including right-wing politicians and former members of the Chilean military. Hundreds of demonstrators clashed with the police.

[Source: *BBC News* (8 & 11 June 2012).]

CHINA

Last *Annual Report* entry: 2011.

In June 2011, historian Xu Zerong (1954–) was released [see NCH *Annual Report 2002*].

[Source: Lik Hang Tsui (Free Speech Debate), “History Reclassified as State Secret: the Case of Xu Zerong” (<http://freespeechdebate.com/en/case/history-reclassified-as-state-secret-the-case-of-xu-zerong>; 16 March 2012)].

On 23 August 2011, Lü (Lu) Gengsong (1956–) was released from prison in Hangzhou. He refused the conditions of deprivation of political rights imposed on him. The prison administration reportedly did not return to Lü the six diaries he kept in prison and the manuscript of a book he wrote [see NCH

Annual Report 2008].

[Source: Human Rights in China, “Writer Lü Gengsong Released from Prison; Refuses Conditions of Deprivation of Political Rights” (24 August 2011).]

In August 2011, during Chinese Vice Premier Li Keqiang’s threeday visit to Hong Kong, police set up “core security areas” keeping protesters and press away from him. Police dragged away one resident wearing a t-shirt commemorating the 1989 Tiananmen massacre.

[Source: Amnesty International, *Report 2012* (London 2012), 110.]

On 15 August 2011, Chen Zhong, president of the Guangzhou-based biweekly *Nanfeng Chuang* (Window on the South), was removed from his post (though not dismissed); editor Zhao Lingmin was suspended during an internal meeting. These measures were related to Zhao’s interview with Taiwanese historian Tang Chi-hua, working at National Chengchi University, Taipei, on 25 July 2011. The *Nanfeng Chuang*’s editorial committee had taken issue with Tang’s criticism of Sun Yat-sen (1866–1925), the founding father of modern China. Tang had said that Sun had been prepared to cede Chinese territory to the Japanese in return for military support against a local warlord and that the historical narratives of the Chinese Communist Party might not be factual.

[Source: Committee To Protect Journalists, *Ifex Alert* (22 August 2011).]

In October 2011, during the commemoration of the centenary of the 1911 Revolution, books on the revolution were carefully scrutinized, apparently to block parallels between the lack of reforms during the last stage of the Qing empire and the present situation. Two new biographies of Sun Yat-sen (1866–1925), the founder of the Republic of China in 1911, were withdrawn by their publishers. On 30 September 2011, the premiere of an opera featuring Sun was canceled. Some Chinese-American historians were denied entry in the country.

[Sources: *BBC News* (10 October 2011); *NRC Handelsblad* (10 October 2011), 10–11 and (15–16 October 2011), 28.]

On and around 4 June 2012, the authorities blocked all internet access to search terms relating to the twenty-third anniversary of the Tiananmen Square massacre. The search terms “six four,” “23,” “June 4+truth,” “candle,” “commemorate,” “mourn” and the expression “never forget” were added to the list of words banned under Chinese censorship rules. Names of famous student leaders and titles of old books and plays about injustice were also banned. Users of Sina Weibo (China’s largest social network site with perhaps as many as 300 million users) were greeted by a message warning them that their search results could not be displayed “due to relevant laws, regulations and policies.” Sina Weibo also prevented users from changing display photos to block the distribution of images

commemorating the anniversary (although some images slipped through). Tens of thousands of bloggers complained that their posts were “harmonized” (a censorship-friendly word for “censored”) within minutes of being posted; the complaints themselves were also removed. A new book by the former mayor of Beijing in 1989, questioning the use of the army to stop the students, was banned. Commemorative demonstrations in Hong Kong, which were allowed, were not covered by the media in the rest of the country. In 2011, protesters had defeated censors by referring to the anniversary as “May 35” instead of “June 4,” but in 2012 even that nonexistent date was added to the list of blocked terms.

[Sources: Sophie Beach, “Google Gives Chinese Web Users Glimpse into Censorship” (5 June 2012); Human Rights Watch, “Impunity for June 1989 Massacre Impedes Needed Legal Reform” (1 June 2012); *Ifex Communiqué* (6 June 2012); *NRC Handelsblad* (4 June 2012), 9; Reporters without Borders, “Anniversary Crackdown: Beijing Authorities Step Up Censorship and Repression in June” (5 June 2012).]

Hong Kong

On 4 June 2011, police held 53 people for illegal assembly in Hong Kong after a massive candlelight vigil to mark the anniversary of the 1989 Tiananmen massacre.

[Source: Mike Clarke, “Hong Kong Journalists Say Freedom under Threat” (AFP, 2 July 2011).]

Tibet

On 16 March 2011, Phuntsok Jarutsang ([1991–2011]), a monk at Kirti monastery, Aba (Tibetan: Ngawa) prefecture, Sichuan province, set himself on fire to commemorate the March 2008 uprisings in the region. Security personnel tried to extinguish the flames but also allegedly beat Phuntsok, who died the next day, leading to protests in the following days and weeks by more than 1,000 lay Tibetans and monks. Phuntsok’s death was followed by a series of self-immolations in later months.

[Sources: Human Rights Watch, “China: End Crackdown on Tibetan Monasteries” (12 October 2011); *Keesings historisch archief* (September 2011), 430–31.]

Xinjiang

When in 2011 historian Sergey Radchenko, a lecturer in history of American-Asian relations at the University of Nottingham in Ningbo, China, attempted to order Jonathan Spence’s *The Search for Modern China*, customs officials refused to allow the book shipment into the country. They proposed to manually cut out the censored sections—including photos of the 1989 Tiananmen Square massacre and Spence’s account of the Cultural Revolution—to get the customs clearance. Key archives, especially post-1945 archives (including Chinese Communist Party archives), remained largely inaccessible, even though the Chinese archives law provided for the opening of official documents to

the public after 30 years.

[Source: *Washington Post* (31 December 2011).]

COLOMBIA

Last *Annual Report* entry: 2011.

On 22 May 2009, Miguel Ángel Beltrán Villegas (1965–), a historian, sociologist and associate professor (2005–) at the Universidad Nacional in Bogotá, was arbitrarily detained in Mexico where he did postdoctoral research at the UNAM, Mexico City, and deported to a prison in Colombia on the charge of being the member of the International Committee of the guerrilla movement FARC known as “Jaime Cienfuegos” and responsible for writing “ideological material and articles” for them. Even President Álvaro Uribe’s official website stated this. The evidence was based on supposed information from the “FARC computers” allegedly seized in the Colombian army’s raid on a FARC camp in Ecuador in 2008. Beltrán admitted that he met FARC leader Raúl Reyes (killed in March 2008) and other FARC members during peace talks hosted in Mexico and later interviewed Reyes as part of his academic research into the conflict, but denied being Cienfuegos. Beltrán’s trial began on 29 December 2009. He was charged with “rebellion” and “criminal conspiracy for terrorist purposes.” In early June 2011, the Supreme Court declared that evidence from the computers allegedly belonging to Reyes did not fulfil legal prerequisites and were therefore illegal. On 7 June 2011, Beltrán was released.

[Sources: *Colombia Reports* (8 June 2011); Education International, “Colombia: Political Prisoner Miguel Beltran Absolved of All Charges” (16 June 2011); International PEN Writers in Prison Committee, *Half-yearly Caselist to 31 December 2009* (2010) 25.]

On 28 April 2011, a judge sentenced retired General Jesus Armando Arias Cabrales to 35 years’ imprisonment for his role in the enforced disappearance of 11 people in November 1985 after the army stormed the Palace of Justice where people were being held hostage by members of the M-19 guerrilla group. The government and the military high command both made statements criticizing his conviction and that of retired Colonel Luis Alfonso Plazas Vega, sentenced in 2010 to 30 years’ imprisonment in the same case. Retired General Ivan Ramirez Quintero, who was charged with one of the disappearances, was acquitted in December 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 13, 114.]

Over the past decade the Colombian Army committed an alarming number of extrajudicial killings of

civilians. In many cases—commonly referred to as “false positives”—army personnel murdered civilians and reported them as combatants killed in action, apparently in response to pressure to boost body counts. The executions occurred throughout Colombia and involved multiple army brigades. The government did not keep statistics for cases of “false positives” as a separate category of crimes, but the Office of the United Nations High Commissioner for Human Rights in Colombia estimated that more than 3,000 people may have been victims of extrajudicial killings by state agents, and that the majority of cases were committed by the army between 2004 and 2008. There had been a dramatic reduction in cases since 2008; however, some alleged cases of extrajudicial killings attributed to state agents were reported in 2010 and 2011. Investigations into such cases advanced slowly: as of September 2011 the Human Rights Unit of the Attorney General’s Office was investigating 1,622 cases of alleged extrajudicial killings committed by state agents involving 2,788 victims, and had obtained convictions for 77 cases. In July 2011, a judge convicted former army Colonel Luis Fernando Borja Giraldo, the highest-ranking military officer to be sentenced for “false positives.” Accountability achieved to date was due to the fact that civilian prosecutors were investigating most cases. However, as of July 2011, more than 400 cases involving alleged extrajudicial killings remained in the military justice system, where there was little chance that justice would be obtained.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 231–232.]

The Justice and Peace process made little progress. Under this process, introduced in 2005, some 10 percent of the more than 30,000 paramilitaries who supposedly demobilized could qualify for reduced prison sentences in return for confessing to human rights violations. The remaining 90 percent received de facto amnesties. By the end of 2011 only 10 paramilitaries had been convicted under the process; most had appeals against their convictions pending at the end of 2011. In February 2011, the Constitutional Court ruled that Law 1424, which sought to grant de facto amnesties to tens of thousands of supposedly demobilized rank- and- file paramilitaries if they signed a so-called Agreement to Contribute to the Historic Truth and to Reparation, was constitutional.

As of late 2011, the government had backed two constitutional reform proposals that threatened to facilitate impunity for military abuses: a “justice reform” bill that would increase the likelihood that military abuse cases were handled by military courts, and a “transitional justice” bill that would allow Congress, at the president’s behest, to authorize the Attorney General’s Office to drop prosecutions for human rights violations, including those committed by members of the military.

[Sources: Amnesty International, *Report 2012* (London 2012), 113; Human Rights Watch, *World Report 2012* (Washington 2012), 232.]

See also Ecuador.

CONGO (Democratic Republic)

Last *Annual Report* entry: 2011.

There was mixed progress in the government's efforts to hold perpetrators of serious violations to account. Congo's judicial officials had some notable successes in prosecuting sexual violence and other crimes. On 25 March 2011, the High Military Court in Kinshasa began the trial of General Jérôme Kakwavu, on war crimes charges for rape and torture. Kakwavu was the first general in Congo's history to be arrested on rape charges.

The government took action in response to the 2010 human rights "mapping report" published by the United Nations Office of the High Commissioner for Human Rights (OHCHR), which documented 617 incidents of serious violations of international humanitarian law between 1993 and 2003. In August 2011, the Minister of Justice and Human Rights presented a draft law to parliament to establish a specialized mixed court with national and international judicial staff to try those responsible for genocide, crimes against humanity and war crimes. Congolese civil society groups strongly supported the draft legislation, but on 22 August 2011 the Senate rejected it and asked the government to harmonize its proposal with other draft laws to combat serious human rights violations.

Efforts to combat impunity also suffered a serious blow with the promotion and growing power of former rebel leader Bosco Ntaganda, who faced an International Criminal Court (ICC) arrest warrant but remained in charge of military operations in eastern Congo. At the ICC three former Congolese armed group leaders were tried for war crimes and crimes against humanity.

[Sources: Amnesty International, *Report 2012* (London 2012), 128; Human Rights Watch, *World Report 2012* (Washington 2012), 108–109.]

On 14 March 2012, the International Criminal Court (ICC) found guilty Thomas Lubanga, charged with war crimes consisting of recruiting and using children aged under 15 for the Union des Patriotes Congolais armed group in Ituri. His sentence was expected in June 2012; the ICC prosecutor demanded a sentence of thirty years. The Lubanga trial would be the first to be concluded by the ICC, which was established a decade ago, in July 2002.

[Sources include: Amnesty International, *Report 2012* (London 2012), 129.]

See also Central Africa Republic, Congo (Republic), Germany, Rwanda.

CONGO (Republic)

Last *Annual Report* entry: 2011.

A delegation of the United Nations (UN) Working Group on Enforced or Involuntary Disappearances visited Congo from 24 September to 3 October 2011 to gather information on efforts to investigate and prevent enforced disappearances. Discussions focused on the 1999 disappearance of some 350 refugees returning from the Democratic Republic Congo, and the 2005 trial of 16 security and government officials which failed to establish individual criminal responsibility. The UN Working Group on Enforced or Involuntary Disappearances made several recommendations to the government, including enactment of a law criminalizing enforced disappearances.

[Source: Amnesty International, *Report 2012* (London 2012), 116.]

COSTA RICA

Last *Annual Report* entry: 2010.

CROATIA

Last *Annual Report* entry: 2011.

Five cases related to crimes under international law committed on Croatian territory during the 1991–1995 war were pending before the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague. In April 2011, the ICTY convicted two generals, Ante Gotovina and Mladen Markač, for crimes against humanity and war crimes. They were found guilty of having participated in a joint criminal enterprise during and after “Operation Storm” between August and November 1995, with the aim of permanently removing the ethnic Serb population from the Krajina region of Croatia. Gotovina held the rank of Colonel-General in the Croatian Army and was the Commander of the Split Military District at the time. Markač held the position of Assistant Minister of Interior in charge of special police matters. They were convicted of persecution, deportation, plunder, wanton destruction, murder, inhumane acts and cruel treatment of the civilian Serb population. They were sentenced to 24 and 18 years’ imprisonment respectively. The convictions of the generals led to days of protests by veterans’ groups and others opposed to the ruling, and condemnation from political leaders in Croatia, including Prime Minister Jadranka Kosor and President Ivo Josipovic. The Prime Minister stated repeatedly that

the Croatian government found it unacceptable, and that the Croatian nation should be proud of all people who took part in the operation and contributed to the Croatian victory. In May 2011, both generals appealed against the judgment. In July 2011, Goran Hadžić was arrested in Serbia on charges of crimes against humanity and war crimes in eastern Slavonia in Croatia. He was transferred to the ICTY where he awaited trial at the end of 2011. Hadžić had been President of the self-declared Serb-controlled Republic of Serbian Krajina. He was charged with ordering the killing of hundreds and the deportation of thousands of Croats and other non-Serbs between 1991 and 1993. In August 2011, he pled not guilty to 14 counts of war crimes and crimes against humanity.

The trial of Vojislav Šešelj, who was accused of crimes in Bosnia and Herzegovina, Croatia and the Vojvodina province of Serbia, continued. He was indicted for crimes against humanity, including persecution on political, racial or religious grounds, deportation and inhumane acts. He was also accused of war crimes, including murder, torture, cruel treatment, wanton destruction of villages, or devastation not justified by military necessity, destruction or wilful damage done to religious or educational institutions and plunder of public or private property. In October 2011, the Trial Chamber found him guilty of contempt for publishing confidential information on protected witnesses and sentenced him to 18 months' imprisonment for this additional charge.

[Sources: Amnesty International, *Report 2012* (London 2012), 38, 120–121; Human Rights Watch, *World Report 2012* (Washington 2012), 436–437.]

In 2011, the number of war crimes trials conducted *in absentia* increased in Croatia, particularly in cases in which the defendant was a Serb. An ongoing plan by the Chief State Attorney's Office to revise past convictions rendered *in absentia* failed to address the continuing problem of conducting trials *in absentia*. In the first eight months of 2011, 20 of the 33 active war crimes trials took place at least partially *in absentia*, and of the 20 newly-indicted individuals in 2011, 10 were indicted *in absentia*, primarily Serbs. Suspects continued to face trial in regular district courts rather than the four courts specially designated for war crimes trials.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 436–437.]

See also Norway, Serbia.

CUBA

Last *Annual Report* entry: 2011.

In February 2011, the authorities detained more than 100 people in a single day and placed over 50

people under house arrest in a pre-emptive strike designed to stop activists marking the death of activist Orlando Zapata Tamayo, who died in 2010 following a prolonged hunger strike while in detention. Reina Luisa Tamayo, Orlando Zapata's mother; her husband, José Ortiz; and Daniel Mesa, a human rights activist, were arrested on 22 February 2011 by about 15 state security agents as they left their home in Banes, Holguín province. The arrests were intended to prevent them from undertaking any activities in memory of Orlando Zapata on the first anniversary of his death on 23 February 2011. All three were released 12 hours later. In June 2011, Reina Luisa Tamayo went into exile in the United States with her family.

[Source: Amnesty International, *Report 2012* (London 2012), 122.]

In January 2011, the United States (US) government announced minor changes to the embargo against Cuba, allowing greater travel to Cuba for educational, cultural, religious and journalistic activities. In October 2011, for the 20th consecutive year, the United Nations (UN) General Assembly adopted a resolution calling on the US to lift its economic and trade embargo against Cuba, in place since 1961. UN agencies working in Cuba, such as the WHO, UNICEF and UNFPA, continued to report the negative effects of the US embargo on the health of the population, particularly members of marginalized groups. Access to specific commodities, equipment, medicines and laboratory materials remained scarce as a result of restrictions imposed on the importation of items manufactured by US companies and their subsidiaries or produced under US patents.

[Source: Amnesty International, *Report 2012* (London 2012), 123.]

See also United States of America.

CYPRUS

Last *Annual Report* entry: 2011.

CZECH REPUBLIC

Last *Annual Report* entry: 2000.

DENMARK

Last *Annual Report* entry: 2007.

DJIBOUTI

Last *Annual Report* entry: 2008.

ECUADOR

Last *Annual Report* entry: 2011.

In June 2010, a truth commission created by the administration of President Rafael Correa published a report documenting 68 extrajudicial executions and 17 enforced disappearances between 1984 and 2008, and named 458 alleged perpetrators of abuses. According to the commission, few of those responsible for the abuses had been held accountable, due to statutes of limitations, jurisdictional disputes and procedural delays. In October 2010, the attorney general appointed a team of prosecutors to reopen investigations into cases reported by the commission. As of September 2011 the prosecutors were reported to have renewed investigations into several key cases, but no suspects had been charged. In October 2011, the Attorney General announced that he was replacing the team of prosecutors investigating the enforced disappearance of Colombian teenage brothers Carlos Santiago and Pedro Andres Restrepo in 1988 because of lack of progress.

[Sources: Amnesty International, *Report 2012* (London 2012), 134; Human Rights Watch, *World Report 2012* (Washington 2012), 242–243.]

On 21 January 2012, in a public Saturday talk in the weekly series called “the enlace” (the bond), President Rafael Correa discussed the forthcoming celebrations of the hundredth anniversary of the death of General Eloy Alfaro on 28 January (1842–1912). Correa’s government, calling itself “alfarista,” was strongly inspired by Alfaro, a former liberal president (1895–1901, 1906–1911) who fought conservative Catholicism and was a proponent of secularism. In 1911 Alfaro had been deposed and upon return from exile, imprisoned; he was executed on 28 January 1912 in Quito in unclear circumstances, after which his corpse was burned. His remains were secretly buried. Correa declared that it was not “the people [of Quito] which assassinated Alfaro,” but “the dominant oligarchy, the corrupt press, the fundamentalist sectors of the church, and ‘these’ politicians.” Historians, including Enrique Ayala Mora, protested against this interpretation and accused Correa of trying to change the death certificate (dated 11 March 1912), which mentioned that “the people” killed Alfaro. On several occasions, including on 28 January 2012, Correa alluded to his version of Alfaro’s murderers, implying that they were also the enemies of today.

[Sources: Rafael Correa, *Enlace* (http://www.youtube.com/watch?v=jVrL-_h7uis; minutes 2:28–2:32; 21 January 2012); Rafael Correa, “Cien años de la hoguera bárbara, Parque el Ejido” (speech; Quito, 28 January 2012); Rafael Correa, “Conmemoración 100 años de la hoguera bárbara” (speech; Montecristi, 28 January 2012); Rafael Correa, “CXVII aniversario de la revolución alfarista de 1895” (speech; Montecristi, 5 June 2012); R.D. Buitrón & C. Rojas Araujo, “Interview with Enrique Ayala Mora,” *El Comercio* (22 January 2012); F. Criollo & P. Zamora, “Siete hitos fueron recorridos en el

camino a la Hoguera,” *El Comercio* (29 January 2012); “La historia juzgó el crimen de Alfaro” (Interview with Érika Silva), *El Comercio* (26 January 2012); Luc Spanhove, personal communications (June 2012); Luc Spanhove, “Eloy Alfaro (deel 3): Wie vermoordde hem?” *Esmeraldas* (June 2012), 17–20; *Wikipedia* (13 June 2012).]

See also Colombia.

EGYPT

Last *Annual Report* entry: 2011.

The authorities prosecuted some of those allegedly responsible for orchestrating the killings in January and February 2011 but otherwise failed to deliver justice to the relatives of those killed and to people injured during the “25 January Revolution.” In April 2011, the trial began of former Interior Minister Habib Ibrahim El Adly and six of his former aides on charges arising from the killings of protesters. The case was joined to that of Hosni Mubarak and his two sons and all then went on trial in August 2011, charged with premeditated and attempted murder. The trial, whose first two sessions were broadcast on national television, was continuing at the end of 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 138.]

On 17 December 2011, the Egyptian Scientific Institute, the oldest scientific institute in Egypt (founded in 1798 as the Institut d’Égypte by Napoléon Bonaparte during his Egyptian campaign and containing a historical archive), was largely destroyed by fire during clashes between soldiers and police and street protesters in Tahrir Square. Volunteers carried tens of thousands of fragments of charred books to the basement of the nearby National Archives. One of the most precious books in its collection was the original *Description d’Égypte*, a first-of-its-kind, 20-volume illustrated description of the country’s geography, landmarks, customs, and history that 150 scholars who accompanied the French expedition spent 20 years assembling. Eight of the 20 volumes were reportedly recovered.

[Source: Ursula Lindsey, “Egyptian Scholars Struggle to Protect Country’s History amid New Violence,” *Chronicle of Higher Education* (15 January 2012).]

EL SALVADOR

Last *Annual Report* entry: 2011.

The 1993 Amnesty Law remained in place, despite repeated decisions from the Inter-American Court of Human Rights ordering the state to repeal it. The Law sought to obstruct anyone, including the armed forces, from being held to account for human rights violations, including crimes against humanity, committed during the armed conflict (1980–1992). In March 2011, the case of 700 men, women and children who were tortured and killed by the armed forces over a three-day period in 1981 in El Mozote and surrounding hamlets, Morazán province, was referred to the Inter-American Court. This was one of the thousands of cases of human rights violations, including crimes against humanity committed by members of the military, where the 1993 Amnesty Law had prevented those responsible being brought to justice. In December 2011, during a ceremony to mark the anniversary of the massacres, the Minister of Foreign Affairs acknowledged state responsibility for the crimes against humanity perpetrated in El Mozote and surrounding hamlets. However, the minister gave no commitment to repealing the Amnesty Law or holding perpetrators accountable for their crimes.

In August 2011, the Supreme Court decided not to fulfil a red alert from Interpol, originating from the Spanish authorities. This demanded the arrest and extradition of nine former members of the military accused of the killing in 1989 of six Spanish Jesuit priests, their housekeeper and her daughter. The court demanded that further procedural steps be fulfilled by the Spanish authorities before they could consider the order.

[Source: Amnesty International, *Report 2012* (London 2012), 139–140.]

ERITREA

Last *Annual Report* entry: 2008.

ESTONIA

Last *Annual Report* entry: 2007.

ETHIOPIA

Last *Annual Report* entry: 2011.

FIJI

Last *Annual Report* entry: 2010.

FINLAND

Last *Annual Report* entry: 2011.

In September 2011, appeal proceedings began in the Helsinki Court of Appeal in the case of François Bazaramba, who had been convicted for crimes of genocide committed in Rwanda in 1994. Some of the hearings were conducted in Rwanda and Tanzania to facilitate the hearing of witness testimony and allow the judges to visit locations relevant to the case.

[Source: Amnesty International, *Report 2012* (London 2012), 149.]

FRANCE

Last *Annual Report* entry: 2011.

On 22 December 2011, the National Assembly (lower house of parliament) backed a proposal criminalizing the public denial, contestation and “outrageous minimization” of genocides, explicitly including the Armenian genocide of 1915. On 23 January 2012, the Senate also endorsed the bill (with 127 to 86 votes). Under the bill, those guilty could face a year in prison and a fine of 45,000 euros. Foreign Minister Alain Juppé, however, condemned it as “useless and counter-productive.” Valérie Boyer, a member of the ruling conservative Union pour un Mouvement Populaire (UMP; Union for a Popular Movement) and the author of the bill, was threatened with death by Turkish nationalists. Many thought that the bill was inspired by the fact that the votes of half a million ethnic Armenians living in France would be important support for President Nicolas Sarkozy in the presidential elections of 2012. In reaction, Turkey halted military and diplomatic relations with France and announced plans for economic sanctions. Turkish Prime Minister Recep Tayyip Erdogan declared that “approximately 15% of the population in Algeria was subjected to a massacre by the French, starting from 1945. This is genocide.” France had formally recognized the Armenian killings as genocide in 2001. A proposal similar to the bill had been backed by the National Assembly in October 2006 but it had been voted down in the senate in May 2011. The NGO Article 19 rejected genocide denial laws as unnecessary interference by the state with the right to freedom of expression, in

violation of international standards. It also said that “it is undesirable for States to interfere with the right to know and the search for historical truth, especially when those events took place in another country.” On 28 February 2012, the Constitutional Council ruled that the law was incompatible with the right to free expression and therefore unconstitutional.

[Sources: Article 19, “France: Senate Must Reject Armenian Genocide Law” (19 January 2012); Article 19, “France: Genocide-Denial Law Declared Unconstitutional” (29 February 2012); *BBC News* (22 & 23 December 2011; 4 & 24 January 2012); Conseil constitutionnel, “Décision no. 2012–647 DC du 28 février 2012: Loi visant à réprimer la contestation de l’existence des génocides reconnus par la loi”; *Guardian* (18 January 2012); *NRC Handelsblad* (19 & 24 January & 1 March 2012); Reporters without Borders, “After Victory for Free Speech in France, Turkey’s Turn Next?” (26 January 2012); *Trouw* (28 December 2011).]

See also Haiti, Morocco / Western Sahara, Panama.

GEORGIA

Last *Annual Report* entry: 2011.

Over three years after the Georgian-Russian conflict over South Ossetia, Georgian authorities had yet to ensure a comprehensive investigation into, and accountability for, international human rights and humanitarian law violations by their forces. During the war, the Georgian military used indiscriminate force including firing multiple rocket launchers, an indiscriminate weapon that should not be used in civilian areas. The Office of the Prosecutor at the International Criminal Court—to which Georgia was a party—continued with its preliminary examination of the situation.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 462–463.]

GERMANY

Last *Annual Report* entry: 2011.

In 2008, Germany's coalition government reached an "informal agreement" on the transfer of the Stasi files to the national archives in 2019, thirty years after the reunification of Germany. The new head of the Stasi Archives, however, objected, wanting to keep them as a separate institution.

[Source: Human Rights Working Group of the International Council on Archives, *News of May 2012*, 7.]

In 2011, a commission of four independent historians (including Klaus-Dietmar Henke) found that in 2007 the Bundesnachrichtendienst (BND; the German foreign intelligence agency) destroyed personnel files of 250 BND employees who had been in the SS or Gestapo and some of whom had been investigated after 1945 for war crimes. The incident raised suspicion that BND employees deliberately tried to obstruct the efforts by BND head Ernst Uhrlau to investigate the BND history. The historical commission had not yet been appointed in 2007, but Uhrlau had already announced that he planned to look into the Nazi past of the BND. The commission did not allege a deliberate cover-up. Reportedly, about 10% of BND recruits during the Cold War had previously served in the SS.

[Sources: *BBC News* (30 November 2011); *Der Spiegel Online* (2 December 2011).]

In May 2011, a criminal trial against Rwandan citizens Ignace Murwanashyaka and Straton Musoni was opened before the Higher Regional Court of Stuttgart. As the former President and Vice-President of the Democratic Forces for the Liberation of Rwanda, they were accused of having

commanded 26 crimes against humanity and 39 war crimes on Congolese territory between January 2008 and November 2009 via telephone and internet. This was the first trial in Germany based on the German Code of Crimes against International Law, which came into force in 2002.

[Source: Amnesty International, *Report 2012* (London 2012), 156.]

On 3 February 2012, in a case concerning jurisdictional immunities of a state (Germany versus Italy), the International Court of Justice found, by twelve votes to three, that Italy had violated its obligation to respect the immunity which Germany enjoyed by allowing civil claims to be brought against it (that is, Germany) in Italy based on violations of international humanitarian law committed by the German Reich between 1943 and 1945. *Jurist* noted that this ruling was “effectively ending thousands of reparations claims,” all of which relied on significant archival resources as evidence.

[Sources: Human Rights Working Group of the International Council on Archives, *News of February 2012*, 3; International Court of Justice, *Judgement: Jurisdictional Immunities of the State (Germany versus Italy: Greece Intervening)* (<http://www.concernedhistorians.org/le/251.pdf>; 3 February 2012).]

See also Congo (Democratic Republic), the Netherlands.

GHANA

Last *Annual Report* entry: 2008.

GREECE

Last *Annual Report* entry: 2011.

GRENADA

Last *Annual Report* entry: 2007.

GUATEMALA

Last *Annual Report* entry: 2011.

In March 2009, President Álvaro Colom created the Military Archive Declassification Commission, tasked with sorting and declassifying military documents from 1954 to 1996. In June 2011, the government made 12,287 declassified documents publicly available. According to a commission member, 55 were kept secret on national security grounds, but they could be consulted by a court if required. There were almost no documents presented from the crucial years 1980–1985, because according to the government these files were lost.

The government also announced that all the staff of the Peace Archives would be fired in June 2011. The Peace Archives, established by the previous government as part of the national office of the Secretary of Peace, helped declassify and digitize military archives from the period of the internal armed conflict (1960–1996) and provided expert testimony in several important human rights cases. The secretary said that the digitized records might be transferred to the General Archives of Central America located in Guatemala City.

[Sources: Amnesty International, *Report 2012* (London 2012), 161; Human Rights Watch, *World Report 2012* (Washington 2012), 248–250; Human Rights Working Group of the International Council on Archives, *News of May 2012*, 7.]

In June 2011, General Héctor Mario López Fuentes, former defense minister in the de facto government of General Oscar Humberto Mejía Victores, was detained for his alleged role in massacres committed in 1982–1983. It was the first arrest of a top-ranking official for human rights violations.

In August 2011, four former members of an elite army unit were sentenced to lengthy prison terms for their role in the 1982 Dos Erres massacre of 250 men, women and children; many of the women and girls were raped. Of 626 documented massacres, the Dos Erres case was only the fourth to have led to a conviction.

Also in August 2011, four forensic experts from the Fundación de Antropología Forense de Guatemala (FAFG; Guatemalan Forensic Anthropology Foundation) received death threats after giving evidence in the 1982 Dos Erres massacre case. Four days earlier someone had slashed the tire of a pickup truck belonging to FAFG's director while he was waited in traffic in Guatemala City. As of October 2011, the attorney general's office had not identified those responsible for these threats.

In October 2011, the Constitutional Court ordered the Supreme Court to clarify its ruling that a civilian court should try those suspected of the 1992 enforced disappearance and torture of Efraín Bámaca Velásquez. They had already been tried and acquitted in a secret military trial in 1994.

Former generals Hector Lopez Fuentes, Oscar Mejía Víctores and José Mauricio Rodríguez Sánchez were charged with planning and overseeing genocide, organized sexual violence and the forced transfers of populations in 1982–1983. The three were awaiting trial at the end of 2011.

In January 2012, a Guatemalan court charged former dictator Efraín Ríos Montt with genocide for his brutal war against the country's Mayan people in the 1980s.

The discovery in July 2005 of approximately 80 million documents of the disbanded National Police, including files on Guatemalans killed or “disappeared” during the conflict, could play a key role in prosecutions for past human rights violations. Documents from the archive led to the arrest in March 2009 of two former National Police agents for their participation in the “disappearance” in 1984 of student leader and activist Edgar Fernando García. In October 2011, a court sentenced both men to 40 years in prison for the crime.

[Sources: Amnesty International, *Report 2012* (London 2012), 161; Human Rights Watch, *World Report 2012* (Washington 2012), 247, 248–251; National Security Archive, *Press Release* (19 June 2012).]

See also Spain, United States of America.

GUINEA

Last *Annual Report* entry: 2011.

There was insufficient progress in holding to account members of the security forces implicated in the 28 September 2009 massacre of some 150 people and the rape of over 100 women during the military regime of Dadis Camara. A 2009 report by the United Nations-led International Commission of Inquiry concluded that the abuses committed by security forces very likely constituted crimes against humanity. In 2010 the then-government committed to bringing the perpetrators to justice, and appointed three investigating judges to the case. As of late 2011, there was little public evidence of the investigation's progress, and no evidence of government efforts to locate the over 100 bodies believed to have been disposed of secretly by the security forces. The government's refusal for much of 2011 to provide security to the investigating judges and President Alpha Condé's appointment of two men implicated in the massacre to high-level positions within his administration called into question his commitment to ensure justice for the crimes. The International Criminal Court (ICC), which in October 2009 confirmed that the situation in Guinea was under preliminary examination, visited the country in March, April, and October 2011 to assess progress made in national investigations. The ICC expressed its willingness to take on the case should the Guinean government

fail to do so. In September 2011, the government disallowed a ceremony by human rights groups and a march by the political opposition to commemorate the 2009 massacre. Meanwhile, there had been no attempts by the authorities to investigate, much less hold accountable, members of the security forces responsible for the 2007 killing of some 130 demonstrators.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 128, 130.]

In June 2011, President Alpha Condé issued a presidential decree creating a “Reflection Commission” to promote reconciliation, and in August 2011 appointed two leading religious figures as copresidents. There was, however, inadequate consultation with civil society about the mandate, composition, or powers of the commission. While the president appeared to limit its mandate to promoting reconciliation, local human rights groups pushed for a commission that could meaningfully address impunity, including provisions to recommend individuals for prosecution. Communal violence in the southeast that left some 25 dead in May 2011, the appointment by the president of a disproportionate number of senior civil servants from his Malinke ethnic group, and rising tension between the Malinke and Peuhl communities demonstrated the urgent need for a truth and reconciliation mechanism with the capacity to make recommendations aimed at addressing the root causes of communal conflicts.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 126, 127.]

GUINEA-BISSAU

Last *Annual Report* entry: 1999.

In 2011, no one was brought to justice for the killings of politicians and high-ranking military officers in 2009 and before. In March 2011, the former Procurator General announced that investigations into the killings of President Joao Bernardo Vieira and the Chief of Staff of the Armed Forces, General Tagme Na Waie, had reached a dead end because of difficulties in gathering evidence. In May 2011, he also announced that there was no evidence of an attempted coup in June 2009 and provisionally closed the investigation. He submitted the case of two politicians killed in the alleged coup to the Military High Court, which he said had jurisdiction over it. The Military High Court refuted this and the case was passed to the Supreme Court. No decision had been made by the end of 2011 on who should deal with the case. Thousands of people, however, took to the streets to demand an end to impunity.

[Source: Amnesty International, *Report 2012* (London 2012), 163, 164.]

GUYANA

Last *Annual Report* entry: 1997.

HAITI

Last *Annual Report* entry: 2009.

On 16 January 2011, after nearly 25 years in exile in France, former President-for-Life Jean-Claude “Baby Doc” Duvalier returned to Haiti. He was quickly charged with financial and human rights crimes allegedly committed during his 15-year tenure. From 1971 to 1986, Duvalier commanded a network of security forces that committed serious human rights violations, including arbitrary detentions, torture, enforced disappearances, rape and summary executions. Thousands of Haitians were victims of extrajudicial killings or otherwise died from torture or inhuman detention conditions. Many more were forced to flee, building the modern Haitian diaspora. Duvalier’s prosecution faced many obstacles, including the fragility of the justice system. Lack of political will from the international community to support the prosecution left the government without the adequate resources or technical assistance needed for a robust judicial process. Victims and their families felt intimidated by Duvalier’s lawyers and supporters, who interrupted victims’ audiences before the investigative judge, yelled at victims in public markets, and otherwise created an environment that discouraged witnesses and victims from coming forward. The investigation into crimes against humanity committed under his government progressed slowly. The investigating judge submitted his findings to the Office of the Prosecutor of Port-au-Prince in July 2011. However, by the end of 2011, a decision from the Prosecutor’s Office on next steps remained pending. On 30 January 2012, a judge ruled that a statute of limitations could be invoked to prevent Duvalier from going to trial for murder, assassination, torture and extreme corruption under his rule, but not for misappropriation of public funds.

Many of Haiti’s public records were destroyed in the 2010 earthquake. Nevertheless, archives of Amnesty International in London, collected over the decades, would support the complaints relating to crimes against humanity filed in January 2011 against Duvalier by his victims and their families.

[Sources: Amnesty International, *Report 2012* (London 2012), 13, 166, 167; Gerardo Ducos, “Amnesty Archives Support Case Against Haiti’s Former Dictator,” *Wire* (October/November 2011), 3; Human Rights Watch, *World Report 2012* (Washington 2012), 256–258; Human Rights Watch, “Haiti: Duvalier Ruling Disappoints Justice” (31 January 2012).]

HONDURAS

Last *Annual Report* entry: 2011.

Following the June 2009 military coup, the disproportionate use of force led to several deaths, scores

of injuries and thousands of arbitrary detentions. In April 2011, the Porfirio Lobo government established a Truth and Reconciliation Commission (TRC) to analyze the events leading up to and during the coup. In its report issued in July 2011, the TRC acknowledged that the events of 2009 did constitute a coup d'état and that multiple human rights violations occurred, including acts of excessive use of force by the military and police. By the end of 2011, no one had been brought to justice or held to account for these human rights violations. The commissioners documented the cases of 20 people, 12 of whom they concluded had been killed due to excessive police or army force, and eight of whom had died in selective killings by government agents. The TRC also reported that police and army officials were responsible for "systematic obstruction" of investigations into these abuses, including altering crime scenes and official documents and helping suspects escape.

[Sources: Amnesty International, *Report 2012* (London 2012), 168; Human Rights Watch, *World Report 2012* (Washington 2012), 259–260.]

HUNGARY

Last *Annual Report* entry: 2011.

On 20 May 2011, the executive director (2009–11) of the Holokauszt Emlékközpont (Holocaust Memorial Center), László Harsányi, was dismissed by the museum's new government-appointed board of curators headed by György Haraszti, a historian teaching at the Jewish Theological Seminary in Budapest. The board temporarily appointed historian Szabolcs Szita to take over his duties. The dismissal was preceded by a controversy over the center's permanent exhibition (mounted in 2006), which the government believed gave a distorted picture of Hungary's ties with Nazi Germany. At its core was a picture of Admiral Miklós Horthy (1868–1957), who led Hungary from 1920 to 1944 and who entered into an alliance with the Nazis in exchange for the restoration of territories (including southern Slovakia and northern Transylvania) lost under the 1920 Trianon Treaty. Undersecretary András Levente Gál of the Ministry of Justice said that picture unjustifiably linked Hungary's re-appropriation of territory with the deportation of Jews to Nazi concentration and death camps (some 560,000 Hungarian Jews perished in the Holocaust), shown in nearby pictures, and had asked the Interior Ministry from which the center depended that the exhibit be reassessed—something which Harsányi had refused. Historians accused the government of censorship.

[Sources: AFP, "Hungary Sacks Holocaust Museum Chief" (21 May 2011); *Historisch nieuwsblad* (July-August 2011), 29; "Hungary's Nazi Past in Spotlight as Kepiro Goes on Trial," *The New Age* (5 May 2011); "Rewriting History: The Fate of the Holocaust Memorial Center," *Hungarian Spectrum* (23 May 2011).]

INDIA

Last *Annual Report* entry: 2011.

On 25 February 2008, Akhil Bharatiya Vidyarthi Parishad activists, led by Vikas Dahiya, vandalized the office of S. Z. H. Jafri, head of the history department at Delhi University, and allegedly manhandled him, in protest against the history syllabus. They claimed that the essay “Three Hundred Ramayanas: Five Examples and Three Thoughts on Translation,” a classic essay on the Ramayanas by the late linguist A.K. Ramanujan (–1993; an authority on pre-modern literature and culture who had taught at Chicago University), be removed from the reading list of the B.A. History honors course on ancient Indian culture (of which it had been part since 2006). The essay attracted the ire of the activists because it maintained that 300 versions of the epic existed, that the epic had had many different interpretations and variations, and that it contained supposedly “objectionable” references to Hindu gods. Student activists called it a perversion of tradition, especially the inclusion of early versions of the tale with numerous sexual references. The history department staff refused to comply. A writ petition was consequently filed in the High Court on the grounds that the essay hurt religious sentiments. The matter was then taken up by the Supreme Court, which directed the university to seek the opinion of experts and place it before the Academic Council. The names of the expert team were kept confidential. Three of the four historian-members stated that the essay ought to be read by students but the fourth expressed the opinion that second-year students may find it difficult. None of the experts found anything offensive. On 9 October 2011, the Vice Chancellor and the Academic Council overruled the majority opinion of this committee. The Academic Council declared that the essay was an inappropriate subject of history, given its religious theme. Only nine of the 120 council members dissented. In mid-October, students and teachers at Delhi University went on marches to protest against the removal. Publisher Oxford University Press informed the history department that there had been not a sufficient number of back orders since 2008 to justify a normal reprint of the book *The Collected Essays of A.K. Ramanujan*, edited by Vinay Dharwadker; it denied acting under pressure from right-wing protesters when reaching this decision. On 9 December 2011, however, it announced that it would reprint *The Collected Essays*, along with *Many Ramayanas: The Diversity of a Narrative Tradition in South Asia*, in which Ramanujan’s essay also appeared, and *Questioning Ramayanas: A South Asian Tradition*, both edited by Paula Richman.

[Sources: *BBC News* (18 October 2011); *Chronicle of Higher Education* (9 December 2011); Free Speech Debate, “Non-State Censorship in Modern-Day India” (<http://freespeechdebate.com/en/media/nonstate-censorship-in-modern-day-india>; 16 March 2012); “Historian’s Office in India Vandalized by Activists,” *The Hindu* (26 February 2008); *IOC*, 4/08: 167–68; Petition (<http://www.petitiononline.com/ramanuj/petition.html>); A. Maurya, personal communication (21 October 2011); *Reuters* (1

November 2011); Hasan Suroor, “Ramanujan Essay Row: OUP Denies ‘Censorship’,” *The Hindu* (30 November 2011); Nandini Thilak, “Removal of Ramanujan Essay Sends out Wrong Message,” *Indian Express* (4 November 2011); S.N. Vijetha, “Historians Protest as Delhi University Purges Ramayana Essay from Syllabus,” *The Hindu* (15 October 2011); S.N. Vijetha, “Ramayana Row: DU Council Ignored Opinion of Three Experts,” *The Hindu* (19 October 2011).]

On 11 May 2012, Union Human Resource Development minister Kapil Sibal asked the National Council for Educational Research and Training (NCERT) to withdraw the political science textbook for class XI, *Indian Constitution at Work* (2006)—produced within the National Curriculum Framework 2005 (a major attempt to reverse the much criticized National Curriculum Framework 2000)—after an uproar in both houses of parliament. Several members of parliament found that a cartoon in the textbook, made in 1949 by cartoonist Shankar, was denigrating and demanded its immediate withdrawal. It showed Jawaharlal Nehru with a whip chasing *dalit* leader Bharat Radna Ambedkar (1891–1956) sitting on a snail named “constitution,” an allusion to the slow speed with which the constitution was being drafted. The entire series to which the textbook belonged was effectively withdrawn from distribution. Sociologists Yogendra Yadav and Suhas Palshikar, head of the political science department at the University of Pune, resigned from their posts as chief advisers of the NCERT textbook committee. On 12 May 2012, Palshikar’s university office was ransacked. The Republican Panthers Party of India (affiliated to the Republican Party of India led by Ramdas Athawale) claimed responsibility for the attack. On 14 May 2012, members of parliament from various political parties demanded that cartoons be banned from textbooks altogether. Sibal welcomed the resignation of Yadav and Palshikar, apologized for the textbooks and declared: “We believe textbooks are not the place where these issues [cartoons] should be influencing impressionable minds. That is our position...I found many of the cartoons in textbooks offensive.” An inquiry committee set up by the government to look into the textbook use of cartoons would submit its report on 15 June 2012. The government would also conduct an inquiry into the role of those who sanctioned the inclusion of the “offending” material in the textbooks. Meanwhile, over 150 cartoons had been listed as offensive.

[Sources: “1949 to 2006, How Time Warps Sense of Humour” (<http://www.dnaindia.com>; 12 May 2012); *The Hindu* (12 & 14 & 16 & 23 & 29 May 2012); *Hindustan Times* (19 May 2012); *Times of India* (15 May 2012); “In Defence of Critical Pedagogy” (Petition to Kapil Sibal; goo.gl/TXe2q; 18 May 2012); Sanne van der Kaaij, personal communication (May–June 2012).]

Perpetrators of past enforced disappearances, extrajudicial executions and other human rights violations in Punjab (in 1984 and 1994), Assam (in 1998 and 2001), Nagaland and Manipur continued to evade justice.

[Source: Amnesty International, *Report 2012* (London 2012).]

Kashmir

Impunity prevailed for human rights violations in Kashmir, including unlawful killings, torture and the disappearance of thousands of people during the armed conflict (1989–present). In September 2011, a police investigation by the Jammu and Kashmir State Human Rights Commission (SHRC) found 2,730 bodies dumped into unmarked graves at 38 sites in north Kashmir. At least 574 were identified as the bodies of local Kashmiris. The SHRC asked the state authorities to use DNA profiling and other forensic techniques to identify the remaining bodies. The government had previously said that the graves held unidentified militants, most of them Pakistanis whose bodies had been handed over to village authorities for burial. Many Kashmiris believed that some graves contained the bodies of victims of enforced disappearances. The government of Jammu and Kashmir promised an investigation, but the identification and prosecution of perpetrators would require the cooperation of army and federal paramilitary forces. In the past, these forces resisted fair investigations and prosecutions, claiming immunity under the Armed Forces Special Powers Act and section 197 of the Criminal Procedure Code.

[Sources: Amnesty International, *Report 2012* (London 2012), 26, 173; Human Rights Watch, *World Report 2012* (Washington 2012), 329.]

Gujarat

Almost a decade after the 2002 riots which killed about 2,000 Muslims in Gujarat, the first convictions were announced. In March 2011, a Gujarat special court sentenced 11 people to death and 20 others to life for an arson attack on the Sabarmati express train which killed 59 Hindu pilgrims and triggered the riots. In November 2011, a Gujarat special court sentenced 31 of the 73 accused of the Sardarpura massacre—which killed 33 Muslims—to life imprisonment. This was the first of 10 major cases being monitored directly by India's Supreme Court. Those working to ensure justice for the victims of past violations in Gujarat continued to face harassment. In January, Teesta Setalvad of the Center for Justice and Peace and a team of lawyers defending the rights of victims and their families were harassed by Gujarat police, who charged them with concocting evidence about a mass grave of victims.

[Source: Amnesty International, *Report 2012* (London 2012), 173–174.]

See also Bangladesh.

INDONESIA

Last *Annual Report* entry: 2011.

In January 2011, the *Opera Tan Malaka*, made by composer Tony Prabowo and poet Goenawan Mohamad was banned from East Javan local television stations in Kediri (the town where Tan Malaka [?1894–1949] was probably shot), Surabaya, Batu, Malang, and Sumenep after visits from the police, intelligence officers or the military, apparently because the opera was considered to hold a leftist message amenable to disturb security and order in the community. The two-hour opera contained a scene in which communist symbols (the red flag with hammer and sickle), banned since 1965, were shown. The national station *Metro TV* canceled the program on the day it was scheduled. The opera had been performed in Jakarta in October 2010.

[Sources: *Jakarta Post* (25 October 2010, 11 January 2011); *Historisch nieuwsblad* (June 2011), 27; *Opera Tan Malaka Banned* (<http://www.engagemedia.org>; 28 January 2011).]

In June 2011, President Susilo Bambang Yudhoyono appointed his brother-in-law Lieutenant-General Pramono Edhie Wibowo as the new army chief. Pramono commanded a Kopassus team (Army Special Force Command) that was deployed to East Timor in 1999. During that time, in the run up to a referendum on independence, pro-Indonesia militias or security forces killed more than 1,000 civilians.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 335.]

On 19 October 2011, a peaceful pro-independence celebration attended by at least 1,000 Papuans was held in Jayapura the capital of Papua province; five leaders of the celebration were charged with treason and sentenced to three years' imprisonment for raising the outlawed separatist flag and declaring the region's independence.

[Sources: Amnesty International, *The Wire* (October/November 2011), 41, no. 5 (insert); *Ifex Alert* (21 March 2012); *Keesings historisch archief* (2012), 178.]

The Attorney General's office failed to act on cases of serious human rights violations submitted by the National Human Rights Commission (Komnas HAM). These included crimes against humanity committed by members of the security forces. A Memorandum of Understanding between Komnas HAM and the Timor-Leste Provedor (Ombudsman for Human Rights and Justice) which called for, among other things, information on people who disappeared in 1999 in Timor-Leste, lapsed in January 2011 and was renewed in November 2011. No progress was reported. The government had yet to implement the 2009 recommendations of parliament to investigate and prosecute those

responsible for the abduction and enforced disappearance of 13 political activists in 1997–1998.

[Source: Amnesty International, *Report 2012* (London 2012), 176–177, 335.]

See also Timor-Leste.

IRAN

Last *Annual Report* entry: 2011.

In Khuzestan, dozens of members of the Ahwazi Arab minority were said to have been killed before and during demonstrations in April 2011 to commemorate protests in 2005.

[Source: Amnesty International, *Report 2012* (London 2012), 178.]

See also Argentina, Morocco / Western Sahara.

IRAQ

Last *Annual Report* entry: 2011.

The Supreme Iraqi Criminal Tribunal (SICT) continued to try former senior Ba'ath and army officials associated with Saddam Hussain's rule (1979–2033) who were accused of war crimes, crimes against humanity and other offenses. The court, whose independence and impartiality had been undermined by political interference, imposed several death sentences. On 21 April 2011, Hadi Hassuni, 'Abd Hassan al-Majid and Farouq Hijazi, all former senior intelligence officers, were sentenced to death for the murder of Taleb al-Suhail, an opposition leader, in 1994 in Lebanon. The court's Appellate Chamber upheld the sentences, but at the end of 2011 they were still awaiting ratification by the Presidency. On 6 June 2012, 'Aziz Saleh al-Numan, a former senior Ba'ath party official, was sentenced to death after he was found guilty of crimes against humanity in connection with the suppression of the 1991 Shi'a uprising in southern Iraq.

[Source: Amnesty International, *Report 2012* (London 2012), 183.]

See also United Kingdom.

IRELAND

Last *Annual Report* entry: 2004.

ISRAEL

Last *Annual Report* entry: 2011.

In January 2011, Israel's Turkel Commission concluded that Israeli forces had not violated international humanitarian law when they attacked a Gaza-bound aid flotilla in May 2010 and killed nine Turkish nationals, but failed to account for the nine deaths.

The authorities again took no steps to conduct credible, independent investigations into alleged war crimes and possible crimes against humanity committed by Israeli forces during Operation "Cast Lead" in 2008–2009, in which hundreds of Palestinian civilians were killed, although a few military police investigations into specific incidents continued.

[Source: Amnesty International, *Report 2012* (London 2012), 186, 188.]

In March 2011, the Knesset passed the so-called "Nakba Law," under which public funding would be denied to institutions that marked Nakba Day, debased "the honor of the flag or the state emblem" or expressed views rejecting Israel's existence as "Jewish and democratic."

[Sources: Amnesty International, *Report 2012* (London 2012), 189; Human Rights Watch, *World Report 2012* (Washington 2012), 575.]

On 15 May 2011, according to the United Nations, seven Palestinian refugees were killed and 111 people were injured when Israeli troops fired on Palestinian refugees and others who had gathered at the Lebanese border to commemorate Nakba Day, some of whom attempted to cross into Israel.

As Palestinians in the West Bank and Arab Israelis inside the Green Line planned to commemorate Nakba Day, the ultrarightist student group Im Tirtzu launched a campaign accompanied by a 70-page booklet written by film director Erez Tadmor and describing the Nakba as "a lie" and a catastrophe for which the Arabs themselves were responsible by refusing to accept the 1947 United Nations partition plan. On 15 May 2011, dozens of Im Tirtzu activists gathered outside the offices of UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East) in Jerusalem. Because of its attacks of democratic criticism, Im Tirtzu was described as a McCarthyite movement. It called itself after Theodor Herzl's phrase "Im tirtzu, ain zo agada" (If you will it, it is no dream).

[Sources: Amnesty International, *Report 2012* (London 2012), 212; *Haaretz* (2 July 2010); *Jerusalem*

Post (13 May 2011); *Wikipedia* (15 June 2011).]

In July 2011, senior archaeologists criticized a proposal by Culture and Sports Minister Limor Livnat to amend the Antiquities Authority Law, ostensibly in order to change the make-up of the Israel Antiquities Authority's board of directors. They maintained that it was a move to prevent the appointment of Yoram Tsafir, one of Israel's foremost archaeologists and a member of the Israel Academy of Sciences and Humanities, as board director. Tsafir was considered a leftist for having spoken out against the involvement of Elad, an organization identified with the political right, in excavations of the City of David in Jerusalem. The senior archaeologists also criticized the recent appointment of three archaeologists in the Archaeological Council (a body advising the board director and the minister) because all three were known for their work in excavations funded by Elad in East Jerusalem.

[Source: *Haaretz* (11 July 2011).]

In December 2011, the security department of Tel Aviv University (TAU) wrote to lecturers in the history, philosophy and literature departments requesting details about students who carried out protest activities on campus. A YouTube video clip was attached to the letter, showing students urging their friends to join the social protest they were planning at TAU. Students and lecturers accused TAU of resorting to "secret police" methods and oppressing student debate groups on campus.

[Source: *Haaretz* (22 December 2011).]

On 5 June 2012, Knesset legal adviser Eyal Yinon prevented thirty Knesset members, including Alex Miller, the head of the Knesset's Education Committee, from introducing a motion that would make holding Nakba Day events at universities illegal or a criminal offense. Yinon called the motion unconstitutional and undemocratic. He also rejected another motion put forward by Knesset member Ahmad Tibi to block funding for public institutions if they denied Nakba Day as a "real historical event." The motions came after Nakba Day events at Tel Aviv University on 14 May 2012, in which hundreds of students marked the Nakba. The university's decision to allow the ceremony had caused an uproar on campus and in the Knesset.

[Source: *Times of Israel* (17 June 2012).]

See also Palestinian Authority, United States of America.

ITALY

Last *Annual Report* entry: 2010.

In April 2011, Gabriella Carlucci, member of parliament for the Popolo della libertà (PdL; The People of Freedom, Silvio Berlusconi's center-right political party), proposed to establish a parliamentary commission of inquiry to evaluate the impartiality of textbooks, especially history textbooks. She declared that "communist textbooks threw mud at Berlusconi." The draft law was widely criticized and not accepted.

[Source: "Communist Textbooks Throw Mud on Berlusconi" (<http://www.allvoices.com/contributed-news/8771908-communist-textbooks-throw-mud-on-berlusconi>); 13 April 2011].

See also Germany.

IVORY COAST (Côte d'Ivoire)

Last *Annual Report* entry: 2011.

The capture of President (and historian) Laurent Gbagbo and his wife Simone in April 2011 began a wave of arrests against the former regime's military and political leaders. As of late 2011, military and civilian prosecutors had brought charges against at least 118 of these officials, including Gbagbo. The civilian prosecutor primarily limited the charges to economic crimes and crimes against the state—including charges against Gbagbo—whereas the military prosecutor included charges for murder, rape, and other violent crimes. In stark contrast, as of late 2011, not a single member of the forces loyal to President Alassane Ouattara had been charged for crimes committed during the postelection crisis.

In October 2011, the pretrial chamber of the International Criminal Court (ICC) authorized an investigation into crimes against humanity and war crimes perpetrated by both sides in Ivory Coast, limited to the postelectoral crisis since 28 November 2010. The temporal restriction drew criticism from many, including a coalition of Ivorian civil society organizations that stressed the importance of investigations going back to 2002, given the gravity, scale, and complete impunity for these crimes. In October 2011, the pretrial chamber authorized the prosecutor's investigation into the postelection crimes and requested that he provide further information on crimes committed between 2002 and 2010 to determine possible expansion of the investigation. In response, the prosecutor detailed specific incidents that may also amount to crimes falling under ICC jurisdiction, including the use of

child soldiers. Although not a state party to the Rome Statute, the Ivorian government under Gbagbo had accepted ICC jurisdiction in April 2003. In October 2011, during a visit to Ivory Coast, the ICC prosecutor stated that between three and six people carrying the greatest responsibility for crimes under international law committed in Ivory Coast would be investigated. In November 2011, former President (and historian) Laurent Gbagbo was transferred to the ICC in The Hague, Netherlands, following the issuing of an arrest warrant. To preserve its credibility, the ICC had to ensure that crimes committed by pro-Ouattara forces were also investigated and individuals prosecuted.

In September 2011, a national Truth, Reconciliation and Dialogue Commission (DTRC) was officially inaugurated by Ouattara but had not begun its work by the end of 2011. Former Prime Minister Charles Konan Banny became the DTRC president. The DTRC's potential efficacy was undermined by inadequate consultation with the Ivorian civil society, lack of independence from the presidency, an unclear relationship with prosecution efforts, and ill-defined powers. The president also established a national commission of inquiry to provide conclusions on how and why massive human rights violations occurred. The commission, which began its work on 13 September 2011 and had a six-month mandate that could be extended for another six months, was tasked with identifying individuals who should be subject to criminal prosecution. However, the nomination of a commissioner perceived to be close to the president, as well as the process that created the commission, raised concerns about its independence from the presidency and commitment to faithfully and impartially investigate abuses perpetrated by both sides.

[Sources: Amnesty International, *Report 2012* (London 2012), 3, 117, 118; Human Rights Watch, *World Report 2012* (Washington 2012), 98–101.]

JAPAN

Last *Annual Report* entry: 2011.

On 30 March 2011, the Japanese government announced newly approved textbooks for middle school students. The textbooks emphasized Japan's claim of sovereignty over the Dokdo islets. This created a stir in Korea.

[Source: Sun So-young, "A Way Forward for Korea-Japan Relations" (Korea Joongang Daily, 10 June 2011).]

On 30 August 2011, the Constitutional Court of South Korea ruled it unconstitutional for the South Korean government to make no tangible effort to settle disputes with Japan over reparations for survivors of Japan's military sexual slavery system. Japan continued to refuse to compensate Korean women mobilized as sex slaves before and during World War II. The Constitutional Court noted that South Korea violated the basic rights of the former "comfort women" with its inaction. In October 2011, the South Korean government raised the issue of Japan's military sexual slavery system at the United Nations, saying that "this systematic rape and sexual slavery constitute[d] war crimes and also, under defined circumstances, crimes against humanity." The Japanese government responded that all issues had been settled under treaties. On 14 December 2011, activists and survivors in Seoul, South Korea, demonstrated for the 1,000th time in front of the Japanese embassy, in a weekly protest that began in 1992.

[Source: Amnesty International, *Report 2012* (London 2012), 195–196.]

See also Korea.

JORDAN

Last *Annual Report* entry: 2004.

KAZAKHSTAN

Last *Annual Report* entry: 2007.

On 16 December 2011, in the worst confrontation in recent history, celebrations of the 20th anniversary of Kazakhstan's independence in the south-western oil city of Zhanaozen were marred by violent clashes between protesters and police. At least 15 people were killed and more than 100 seriously injured. Officials reported 42 buildings burned down or destroyed, including the town hall. President Nursultan Nazarbaev imposed a 20-day state of emergency in Zhanaozen, sent in military reinforcements and set up a special commission to investigate the violence. All communications with the town were temporarily cut off. Nazarbaev, who visited the city on 22 December 2011, blamed the violence on "young hooligans" who had taken advantage of the dissatisfaction and anger of the striking workers to destroy and loot public and private property. He said that security forces had acted strictly within the law. However, the Prosecutor General's Office opened a criminal investigation into the use of force by security forces after video footage of the events was released. It also invited the United Nations to join an impartial investigation into the violence.

[Source: Amnesty International, *Report 2012* (London 2012), 199.]

KENYA

Last *Annual Report* entry: 2011.

Although the government stated several times that investigations were continuing into crimes and human rights violations, including possible crimes against humanity, allegedly committed during the postelection violence of 2007–2008, steps were not taken to bring perpetrators to justice. The Committee on the Elimination of Discrimination against Women (CEDAW), in its Concluding Observations issued in April 2011, expressed concern that perpetrators of sexual and gender-based violence, including rape and gang rapes committed during the postelection violence, remained unpunished.

On 8 March 2011, the International Criminal Court (ICC) summonsed six Kenyan citizens believed to be responsible for crimes against humanity committed during the postelection violence. In April 2011, the six men appeared before the ICC in two separate cases. Confirmation hearings were conducted by the pretrial chamber in September and October 2011 to determine whether there was evidence to refer the cases to full trial. The ICC decision was pending at the end of 2011. In April 2011, the government had requested that the cases be declared inadmissible before the ICC, because

amendments to Kenyan law, including the adoption of a new constitution and the enactment of the International Crimes Act, meant that “national courts were now capable of trying crimes from the postelection violence, including the ICC cases.” The ICC pretrial chamber rejected the application, maintaining that it had no evidence of ongoing investigation and prosecution of the six suspects, and that a promise to carry these out could not be used to pre-empt ICC jurisdiction over the cases. In March 2011, the government unsuccessfully sought a consideration by the United Nations Security Council for a deferral of the ICC cases. The government did not act on a parliamentary motion passed in December 2010 that urged it to start Kenya’s withdrawal from the Rome Statute and to repeal the International Crimes Act which incorporated the statute into Kenyan law.

[Sources: Amnesty International, *Report 2012* (London 2012), 201–202; Human Rights Watch, *World Report 2012* (Washington 2012), 134–135.]

The Truth, Justice and Reconciliation Commission (TJRC) conducted country-wide public hearings where individuals testified about alleged human rights violations, the impact of grand corruption, land injustices and other human rights violations committed in Kenya from 1963 to 2008. The TJRC planned to conclude these hearings by the end of January 2012, and conduct thematic hearings during February and March 2011. The final report documenting its findings and recommendations was planned for May 2012. TJRC work was hampered by insufficient funding. A tribunal appointed to investigate allegations into the credibility of the TJRC Chair had not started its work by the end of 2011; this was due to a pending court case filed by the Chair to stop the tribunal from investigating his alleged complicity in committing past human rights violations that were the subject of the TJRC’s mandate. The Chair remained suspended throughout 2011.

[Sources: Amnesty International, *Report 2012* (London 2012), 202; Human Rights Watch, *World Report 2012* (Washington 2012), 135–136.]

See also United Kingdom.

KOREA, NORTH

Last *Annual Report* entry: 2011.

See Japan.

KOREA, SOUTH

Last *Annual Report* entry: 2010.

During Japan's colonization of the Korean peninsula (1910–45), 1205 volumes of documents, including the royal records of Korea's Joseon Dynasty (1392–1897), were taken to Japan. In 2012 the records would be returned.

[Human Rights Working Group of the International Council on Archives, *News of June 2011*, 4.]

The ruling Saenuri Party withdrew its selection of Lee Young-jo, former head of the Truth and Reconciliation Commission (KTRC), as a candidate for the National Assembly elections in April 2012 amid growing criticism of his alleged "distortion of modern Korean history." Lee had labeled the Gwangju Democratization Movement on 18 May 1980 as the "Gwangju Rebellion" and the Jeju Uprising of 3 April 1948 (which resulted in the deaths of some 30,000 to 60,000 people in factional fighting) as the "Jeju Revolt." Experts said that these two civic movements were not acts of illegitimate violence but selfdefense after the repression of a peaceful protest against martial law in the former case and civil war in the latter. Lee refused to apologize for his remarks. Former KTRC employees sued Lee for abusing his authority because he had suspended the distribution of the English version of *Historical Background of Korea's Past Settlement*, written by historian Ahn Byung-ook (head of the KTRC before Lee). They claimed that, as head of the KTRC, Lee had banned the book because it maintained that the Korean Army, the police and right-wing organizations were responsible for the deaths of innocent civilians.

[Source: *Korea Times* (14 March 2012).]

See also Japan.

KOSOVO

See Serbia / Kosovo.

KUWAIT

Last *Annual Report* entry: 2005.

KYRGYZSTAN

Last *Annual Report* entry: 2011.

Investigators and prosecutors failed to investigate and prosecute the vast majority of crimes against ethnic Uzbeks committed during and since the June 2010 violence, including crimes against humanity committed in Osh. In at least 200 documented cases of murders committed during the violence, either no criminal investigation was opened or the proceedings were suspended. However, many relatives were reluctant to follow up on the murders for fear of reprisals.

[Source: Amnesty International, *Report 2012* (London 2012), 38, 211.]

LATVIA

Last *Annual Report* entry: 2008.

LEBANON

Last *Annual Report* entry: 2011.

In March 2011, as part of the United Nations Human Rights Council's Universal Periodic Review process, the government pledged to establish a national commission to investigate the fate of the thousands of Lebanese and other nationals who "disappeared" during and after the Lebanese civil war (1975–1990) and to ratify the 2006 International Convention for the Protection of all Persons from Enforced Disappearances. However, the government took no steps to fulfill these pledges. An official joint Syrian-Lebanese committee established in May 2005 to investigate cases of Lebanese who "disappeared" at the hands of Syrian security forces had not published any findings as of late 2011.

[Sources: Amnesty International, *Report 2012* (London 2012), 214; Human Rights Watch, *World Report 2012* (Washington 2012), 592–593.]

The Special Tribunal for Lebanon, established by the United Nations Security Council to try those accused of assassinating former Prime Minister Rafic Hariri in 2005 and related crimes, issued its first indictments in June 2011 against four members of Hizbullah. The four were not arrested, and the pretrial chamber was seeking to initiate *in absentia* proceedings. The government's ongoing support for the tribunal was in doubt as leading parliamentary blocs, including Hizbollah and the Free Patriotic Movement, criticized the tribunal.

[Sources: Amnesty International, *Report 2012* (London 2012), 212–213; Human Rights Watch, *World Report 2012* (Washington 2012), 593.]

See also Iraq, Israel.

LIBERIA

Last *Annual Report* entry: 2011.

No progress was made in bringing to justice people responsible for serious human rights violations

and abuses during the years of armed conflict and violence (1979–2003). The recommendation of the Truth and Reconciliation Commission (TRC) that a criminal tribunal be established to prosecute people identified as responsible for crimes under international law was not implemented, nor were most TRC recommendations on legal and other institutional reforms, accountability, and reparations. [Sources include: Amnesty International, *Report 2012* (London 2012), 215.]

See also Sierra Leone.

LIBYA

Last *Annual Report* entry: 2011.

Before its downfall in October 2011, Colonel al-Gaddafi's government took no steps to investigate past gross human rights violations or bring to justice those responsible. The National Transitional Council (NTC), that took over power, vowed to do so, but struggled to secure key evidence, such as archived material and government records, some of which had been burned and looted. In June 2011, the International Criminal Court (ICC) issued arrest warrants against al-Gaddafi, his son Saif al-Islam al-Gaddafi and security chief Abdallah al-Senussi for alleged crimes against humanity, including murder and persecution. Saif al-Islam was captured in November 2011. Despite statements by the NTC that it would seek to prosecute him before Libyan courts, by the end of 2011 no application had been made to the ICC challenging its jurisdiction.

[Source: Amnesty International, *Report 2012* (London 2012), 221.]

In [August] 2011, Human Rights Watch (HRW) discovered tens of thousands of archived documents containing evidence of crimes committed during Colonel Muammar Gaddafi's rule (1969–2011). The documents were found in the office of Musa Kusa, Gaddafi's former intelligence chief. In collaboration with the National Transitional Council (NTC), HRW attempted to secure the building and to keep the documents safe so they could be used as evidence in court. Among the files were documents confirming that both the United States Central Intelligence Agency and the United Kingdom's MI6 sent terrorism suspects to Libya for detention—despite Libya's notorious record for torturing prisoners.

[Source: Human Rights Watch, "Secret Intelligence Documents Discovered in Libya: Files Show Intimate Relationship between CIA, MI6, and Libya" (8 September 2011).]

On 24 February 2012, an Islamist armed group smashed the graves of British and Italian soldiers

killed during World War II in Benghazi Military Cemetery in protest against the burning of the Koran by United States soldiers in Afghanistan. During World War II, British and Commonwealth troops fought heavy battles against German and Italian forces in Lybia.

[Source: C. Lowe, “British and Italian War Graves Desecrated in Libya in anti-Christian Outburst,” *Reuters* (4 March 2012).]

In early May 2012, the National Transitional Council adopted a broad new law that banned criticism of the 2011 revolution and the distribution of false news or “propaganda” that endangered the state, including glorification of deposed leader Gaddafi and his regime. The law included sanctions up to life imprisonment. International human rights groups demanded to repeal the law.

[Source: *Ifex Communiqué* (9 May 2012).]

LITHUANIA

Last *Annual Report* entry: 2009.

MACEDONIA

Last *Annual Report* entry: 2011.

In July 2011, parliament adopted a new interpretation of the 2002 Amnesty Law, which had granted amnesty to those involved in the 2001 armed conflict except in cases taken under the jurisdiction of the International Criminal Tribunal for the former Yugoslavia (ICTY). This interpretation stated that four war crimes cases returned in 2008 from the ICTY to Macedonia could only be prosecuted by the ICTY and not by domestic courts—in violation of Macedonia’s international obligations. As a result, Skopje Criminal Court dismissed the “Mavrovo” road workers case at the request of the Public Prosecutor in September 2011. In 2001 the road workers were allegedly abducted, ill-treated, sexually abused and threatened with death before release by the ethnic Albanian National Liberation Army (NLA). The court granted the victims leave to claim compensation in civil proceedings. The remaining cases were annulled by the end of October 2011. The “NLA Leadership” case included charges against Ali Ahmeti, leader of the ethnic Albanian Democratic Union for Integration (DUI), then leader of the NLA. Another case, “Neprosteno,” alleged the abduction of 12 ethnic Macedonians and one Bulgarian by the NLA. Impunity continued for the enforced disappearance in 2001 of six ethnic Albanians by the Macedonian authorities.

[Source: Amnesty International, *Report 2012* (London 2012), 38, 222.]

MALAYSIA

Last *Annual Report* entry: 2011.

See United Kingdom.

MALAWI

Last *Annual Report* entry: 2011.

In October 2011, the government faced widespread international criticism and condemnation by local and international civil society groups when it invited and hosted Sudanese President Omar al-Bashir at the Common Market for Eastern and Southern Africa (COMESA) summit in Lilongwe. Despite being a state party to the International Criminal Court (ICC), Malawi did not arrest al-Bashir—who

was wanted by the court on charges of genocide, crimes against humanity, and war crimes—upon his arrival in the country. Three ICC member states—Djibouti, Chad, and Malawi—welcomed al-Bashir to their territories, flouting their obligation to arrest him. China also welcomed him. The European Union, United States, United Kingdom, Germany, and France criticized the visits and urged Sudan and other states to cooperate with the court, including in the surrender of ICC suspects. Malaysia cancelled an anticipated visit by al-Bashir after public outcry.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 142, 184.]

MALDIVES

Last *Annual Report* entry: 2010.

MALI

Last *Annual Report* entry: 2011.

MALTA

Last *Annual Report* entry: —.

In February 1994, the English-language *Sunday Times of Malta* published a letter of journalist John Anthony Mizzi (1925–) to the editor in which he commented on the authorities' plans to build a yacht marina in the inner part of St. Paul's bay. The article discussed the history behind the project in passing, saying that when Sir Paul Boffa (1890–1962) was prime minister of Malta (1947–1950), permission was given to build on the bay "because Dr Boffa wanted to build there." The son and heir of Boffa sued Mizzi for defamation; he argued that the statement attributed false intentions to his father. The case went up all the way to Strasbourg, where the European Court of Human Rights ruled in November 2011 that Mizzi's right to freedom of expression was violated. It found that Mizzi's statement was not necessarily done with malicious intent, that it was a detail in an article which dealt with an entirely different subject, that Boffa was a public figure who had to tolerate broader limits of acceptable criticism and that the fact that he had died more than three decades before the article had been published made the possible damage to his reputation less serious.

[Source: European Court of Human Rights, *John Anthony Mizzi versus Malta: Judgment*

(<http://www.concernedhistorians.org/le/241.pdf>; 22 November 2011).]

MAURITANIA

Last *Annual Report* entry: 2011.

MAURITIUS

Last *Annual Report* entry: —.

In December 2011, the Ministry of Tertiary Education announced that it might cancel courses in anthropology, history, international affairs and political science at the University of Mauritius, because they did not offer students job opportunities at the end of their studies. Vijaya Teelock, an historian and vice-president of the Truth and Justice Commission (TJC) criticized the plan, saying that the TJC had recently submitted a document in which it recommended compensation for slaves' descendants and emphasized the importance of the teaching of the history of Mauritius.

[Source: G. Gouges, "Mauritius: State Might Cancel 'Useless' Courses," *University World News* (18 December 2011).]

MEXICO

Last *Annual Report* entry: 2011.

There was no action to ensure justice for the victims of gross human rights violations committed during Mexico's "dirty war" (1964–1982). Legal action against those responsible for grave human rights violations during the 1960s, 1970s and 1980s remained stalled.

[Source: Amnesty International, *Report 2012* (London 2012), 13, 234.]

See also Colombia.

MOLDOVA

Last *Annual Report* entry: 2010.

MONGOLIA

Last *Annual Report* entry: 2007.

MONTENEGRO

Last *Annual Report* entry: 2011.

Verdicts in war crimes cases were inconsistent with international human rights and humanitarian law. Senior officials were rarely indicted. In April 2011, the retrial began of six former Yugoslav People's Army reservists, convicted in 2010 of war crimes against prisoners of war in Morinj camp in 1991–1992. This followed an appeal by the prosecution, which argued that the court had failed to consider the charges of war crimes against civilians detained in Morinj who had also been subject to torture and inhumane treatment.

In June 2011, appeals were lodged against the acquittal in March 2011 of nine former police officers and government officials who allegedly participated in the enforced disappearance of 79 Bosniak refugees in May–June 1992. They were acquitted of war crimes on the basis of the Podgorica Superior Court's flawed interpretation of international humanitarian law. Also in June 2011, the December 2010 verdict acquitting seven army and police reservists of crimes against humanity in their systematic ill-treatment of Bosniak civilians in Bukovica in 1992–1993 was overturned on appeal.

[Source: Amnesty International, *Report 2012* (London 2012), 241.]

MOROCCO / WESTERN SAHARA

Last *Annual Report* entry: 2011.

The authorities failed to implement key recommendations made by the Equity and Reconciliation Commission in its November 2005 report. Victims continued to be denied effective access to justice

for gross violations of human rights committed between Morocco's independence in 1956 and the death of King Hassan II in 1999.

[Source: Amnesty International, *Report 2012* (London 2012), 244.]

The Polisario Front took no measures to end impunity for those accused of committing human rights abuses in the 1970s and 1980s at the Tindouf camps controlled by the Polisario Front in Algeria's Mhiriz region.

[Source: Amnesty International, *Report 2012* (London 2012), 244.]

On 2 February 2012, the authorities confiscated an issue of the French magazine *Le Nouvel observateur* after it had published a French-Iranian article on *Persepolis*, a French animated film about the suffering of an Iranian family following the Iranian revolution in 1979 and the main character's subsequent exile to France. It included the picture of a scene showing a representation of God. On 3 April 2012, the director of the Tunisian satellite TV Nesma, Nébil Karoui, was fined in Tunis on public order and public morality grounds for showing the film dubbed into Arabic. It contained a scene showing a representation of God, which was seen as blasphemous in Sunni Islam.

[Sources: Arabic Network for Human Rights Information, *Ifex Alert* (2 February 2012); *NRC Handelsblad* (4 May 2012) 13.]

MYANMAR (BURMA)

Last *Annual Report* entry: 2011.

In February 2012, writer Aung Kyaw San, imprisoned during two years for doing volunteer work helping search for and burying corpses in the aftermath of Cyclone Nargis, was released. While in prison, he translated books by Burmese historian Than Tun (1923–2005) and he planned to publish the books, along with some books by dissident writer Ludu Daw Amar (1915–2008).

[Source: Mizzima News, *Ifex Alert* (2 February 2012).]

Government officials and military personnel who committed human rights violations, including some on a widespread or systematic basis, remained free from prosecution. Article 445 of the 2008 constitution codified total impunity for past violations. In September 2011, President Thein Sein appointed a National Human Rights Commission whose mandate included receiving and investigating human rights complaints, but the justice system continued to demonstrate a lack of impartiality and independence from the government. In January 2011, the government stated that there was “no

widespread occurrence of human rights violations with impunity” in Myanmar.

[Source: Amnesty International, *Report 2012* (London 2012), 248.]

NAMIBIA

Last *Annual Report* entry: 2011.

NEPAL

Last *Annual Report* entry: 2011.

Nepal continued to backtrack on commitments to hold perpetrators of human rights abuses accountable before the law. Political parties in government actively subverted justice by demanding the withdrawal of criminal charges in hundreds of cases, including for serious human rights violations committed during the armed conflict (1996–2006). The United Nations Mission in Nepal, tasked with monitoring the 2006 Comprehensive Peace Agreement (CPA), ended operations in January 2011, but key elements of the CPA remained unfulfilled. Elected Prime Minister in February 2011, Jhala Nath Khanal resigned on 14 August 2011 after failing to make progress on the peace process, including seeing through the drafting of a new constitution. Baburam Bhattarai, vice chairperson of the Unified Communist Party of Nepal (Maoist) succeeded him, ultimately overseeing the extension of the mandate of the Constituent Assembly to 27 May 2012, and pledging to oversee completion of the new constitution.

Article 5 of Nepal's CPA provided for the creation of a Truth and Reconciliation Commission to investigate alleged human rights violations and crimes against humanity committed during the armed conflict. However, drafting of a bill to create the commission had yet to be completed. The government continued to make interim payments to families of "conflict victims," but failed to fulfil victims' rights to truth and justice. The government had yet to set up a commission to investigate thousands of enforced disappearances by parties to the conflict, despite promising to do so by September 2011.

[Sources: Amnesty International, *Report 2012* (London 2012), 250; Human Rights Watch, *World Report 2012* (Washington 2012), 347–348.]

NETHERLANDS

Last *Annual Report* entry: 2011.

From 2009, political activist Roel van Duijn (1943–), former founder of the anarchist movement

Provo in Amsterdam (1965–1967) and of the protest movement Kabouters (1969–74; Dwarfs), and member of several peace movements and left-wing and green political parties, tried to get access to the files that for decades the secret service Algemene Inlichtingen- en Veiligheidsdienst (BVD/AIVD) had kept on him, in order to write his memoirs. The AIVD granted access to the files encompassing the years 1962–1982 but rejected the request for later files on grounds of “source protection.” Van Duijn sued the AIVD to get an apology for what he considered a privacy invasion and to gain access to the files. On 16 February 2011, the judge ruled that source protection was not a valid reason for nondisclosure of police and public prosecutor files and that, in addition, there was no legal ground to deny Van Duijn access to files in which he was mentioned as an organizer. The judge, however, ordered the AIVD only to reconsider Van Duijn’s request to see the files. On 7 March 2011, Van Duijn appealed to the Council of State. On 21 December 2011, the Council of State ruled that the Interior Ministry had to give access to Van Duijn to the pre-1982 files but not to later files because access to later files could obstruct the work of the AIVD. In 2012 Van Duijn’s autobiography was eventually published as *Diepvriesfiguur; autobiografie van PD106043 in samenwerking met de AIVD* (Deepfreeze figure: autobiography of PD106043 in collaboration with the AIVD; Amsterdam).

[Sources: Rechtbank ’s-Gravenhage, *Roel van Duijn versus Minister van Binnenlandse Zaken en Koninkrijksrelaties* (<http://www.concernedhistorians.org/le/214.pdf>; 2011); *Keesings historisch archief* (2012), 24; *NRC Handelsblad* (11–12 June 2011), 43; *Volkskrant* (16 February 2011); *De Pers* (7 March 2011).]

In July 2011, the appeals court in The Hague ruled that the government had been responsible for the deaths of three Bosnian Muslims during the 1995 Srebrenica genocide in Bosnia and Herzegovina. The court ruled that Dutch troops had forced the three to leave a “safe area,” effectively handing them over to Bosnian Serb forces, who in July 1995 went on to kill some 8,000 Bosnian Muslim men and boys.

[Source: Amnesty International, *Report 2012* (London 2012), 252.]

When on 29 February 2012, British historian Tom Holland (1968–), author of the book *In The Shadow Of The Sword: The Battle for Global Empire and the End of the Ancient World* (2012), gave a lecture about the seventh-century origins of Islam and the Quran, in the Cultural Center De Balie in Amsterdam, extra security measures were deemed necessary (In December 2011 a meeting in De Balie had been disrupted by Muslim extremists).

[Source: *Wordt wervolgd* (April 2012), 19.]

On 1 May 2012, the court in Haarlem ruled that Minister of Security and Justice Ivo Opstelten had acted responsibly in not disclosing to historian Jan de Roos (1) most of the criminal records (dating

from 1947–1948) of convicted Dutch-German SS member and war criminal Klaas Carel Faber (1922–2012), (2) all of the (recent) correspondence with Germany about the case, (3) all of the letters and emails from citizens to the minister about the case, and (4) the ministry’s internal memos about the case. The reasons given were the following: (1) an exemption from the Wet Openbaarheid Bestuur (Freedom of Information Act) for criminal personal data, (2) the possibility of harming relations with Germany, (3) privacy, and (4) personal policy views of politicians. The court also ruled that (1) the names of witnesses and victims named in the judgments of the criminal cases and (3) the anonymized responses of the minister could be disclosed. De Roos wrote a biography about Faber who had been sentenced to death (later commuted to life imprisonment) but who in 1952 had escaped to Germany. [Source: Rechtbank Haarlem, Jan de Roos *versus* Minister of Security and Justice: Judgment (<http://www.concernedhistorians.org/le/256.pdf>; 2012).]

NEW ZEALAND

Last *Annual Report* entry: 2007.

NICARAGUA

Last *Annual Report* entry: 1998.

See United States of America.

NIGER

Last *Annual Report* entry: 2009.

NIGERIA

Last *Annual Report* entry: 2011.

The authorities still had not prosecuted members of the police and military for the unlawful killing of more than 130 people during the November 2008 sectarian violence in Plateau State, the soldiers who

massacred more than 200 people in Benue State in 2001, or the members of the military involved in the complete destruction of the town of Odi, Bayelsa State, in 1999.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 146.]

NORWAY

Last *Annual Report* entry: 2009.

In April 2011, the Supreme Court confirmed the verdict against Mirsad Repak, a naturalized Norwegian citizen who served in the Croatian Defense Forces and who had been found guilty of “deprivation of liberty” during the war in Bosnia and Herzegovina (1992–1995). In its decision, the Supreme Court increased his sentence to eight years’ imprisonment due to the extremely serious nature of the crime.

In May 2011, a 45-year-old Rwandan national was arrested and charged with participation in the genocide in Rwanda in April 1994. The National Criminal Investigation Service, KRIPOS, had been investigating the case since 2008, following an international arrest order issued by the Rwandan authorities. He remained in custody at the end of 2011. A decision on whether to prosecute him in Norway was expected in 2012. On 24 November 2011, the Supreme Court ruled that a 58-year-old Rwandan national could be extradited from Norway to Rwanda to face charges of participation in the genocide there in 1994.

[Source: Amnesty International, *Report 2012* (London 2012), 260.]

OMAN

Last *Annual Report* entry: 2010.

PAKISTAN

Last *Annual Report* entry: 2011.

A study from 2011 pointed out that the role of religious minorities (Hindus, Buddhists, Sikhs, Christians) was ignored in the history curriculum. Many teachers saw non-Muslims as “enemies of Islam.” Some historical figures, such as Bhagat Singh, a Sikh who fought against colonial rulers, were omitted, as were significant contributions of some minority groups. The textbooks that were reviewed in the study frequently omitted references to the Hindu and Buddhist dynasties that once presided over modern-day Pakistan or in cases when they did refer to them, tended to focus on the negative aspects of non-Muslim societies or overemphasize the conditions that led to their downfall. A 2006 curricular guidelines reform in the public schools had not yet been implemented at the textbook level. The existing textbooks were reprinted with only minor adjustments.

[Sources: United States Commission on International Religious Freedom (Azhar Hussain & Ahmad Salim, with Arif Naveed), *Connecting the Dots: Education and Religious Discrimination in Pakistan: A Study of Public Schools and Madrassas* (Washington 2011), 13, 15, 26, 29, 47, 119; *Washington Post* (9 November 2011).]

See also Bangladesh, India.

PALESTINIAN AUTHORITY

Last *Annual Report* entry: 2010.

The Hamas authorities failed to investigate alleged war crimes and possible crimes against humanity committed by Hamas’s military wing and other Palestinian armed groups in Gaza during Operation “Cast Lead.” (*See* Israel).

[Source: Amnesty International, *Report 2012* (London 2012), 267.]

See also Israel.

PANAMA

Last *Annual Report* entry: 2008.

When General Manuel Noriega, Panama's military dictator from 1983 to 1989, was ousted during an American invasion called *Operation Just Cause*, 15,000 boxes of documents from Noriega's offices and the Panamanian Defense Forces (including letters, bank account statements, secret police files and intelligence reports) were seized and transferred to the United States as evidence for Noriega's drug-trafficking trial or for showing connections between Noriega and the Central Intelligence Agency. After Noriega's trial in 1992 (during which scant use was made of the documents), the documents were forgotten. When Noriega was about to go back to Panama in 2011, there were calls to return the archives.

In December 2011, France effectively extradited Noriega who was serving a prison sentence for money laundering. In 2010, Noriega had finished serving a 20-year sentence for drug trafficking, money laundering and racketeering in the United States. During this time, Panamanian courts had tried and convicted him in his absence for the killing of political opponents, including Major Moises Giroldi Vera, the leader of a failed coup attempt in October 1989, and Hugo Spadafora, former Deputy Minister for Health in 1985, as well as for other offenses including unlawful detention. He was also due to stand trial for the enforced disappearance and execution in 1970 of Heliodoro Portugal, a trade union activist. Noriega's role in many other human rights violations committed both during and before his rule had yet to be investigated.

[Sources: Amnesty International, *Report 2012* (London 2012), 13, 268; D. Cox, "The Noriega File," *Los Angeles Times* (5 October 2011).]

PARAGUAY

Last *Annual Report* entry: 2010.

In July 2011, Norberto Atilio Bianco, an army doctor at the Campo de Mayo clandestine detention center in Argentina in the 1970s, was extradited from Paraguay for a second time to face charges of appropriating babies born to women who had been victims of unlawful detention and enforced disappearance. In September 2011, the authorities reported that the remains found in a grave excavated in a police station in Asunción might be those of victims of human rights violations under the military government of General Alfredo Stroessner (1954–1989). The report of the Truth and Justice Commission published in August 2008 stated that at least 59 people had been executed and another 336 detainees were the victim of enforced disappearance during the period of military rule.

[Source: Amnesty International, *Report 2012* (London 2012), 270.]

PERU

Last *Annual Report* entry: 2011.

The Truth and Reconciliation Commission had estimated that almost 70,000 people died or were subject to enforced disappearances during the country's internal armed conflict (1980–2000). Many were victims of atrocities committed by the Shining Path and other insurgent groups, as well as human rights violations by state agents. Efforts to prosecute those responsible for these abuses had mixed results. In August 2011, the Constitutional Tribunal rejected former President Alberto Fujimori's appeal requesting annulment of the verdict of a Supreme Court panel that had unanimously confirmed his 25-year prison sentence for killings and "disappearances" in 1991 and 1992. In July 2011, amid rumors that Fujimori might have cancer, politicians linked to President Alan García's political party and presidential candidate Keiko Fujimori advocated that he receive a "humanitarian pardon," but he continued to serve his sentence. Progress in other cases was slow. According to the Institute for Legal Defense (IDL), a human rights organization that monitored trials, by December 2010 the National Criminal Court—which was given jurisdiction in many human rights cases in 2004—had handed down only 20 sentences, of which 85 percent were acquittals. The only sentence of note by another court was the conviction of 19 former military personnel for kidnapping and killing 35 victims in three different incidents during Fujimori's government. A major obstacle was the military's failure to cooperate by identifying officers present at army bases during the conflict. The low conviction rate also reflected the National Criminal Court's insistence that there be direct and documentary proof of the responsibility of superior officers, and its unwillingness to credit the testimony of victims' relatives. Senior officials of García's administration, including the minister of defense and the vice-president, frequently criticized human rights trials. In August 2010, García had signed a decree that would have halted prosecutions in many cases by applying a statute of limitations. He later withdrew it after intense domestic and international criticism. Officials of the new government of Ollanta Humala (a former army colonel), elected in June 2011, also opposed human rights trials, including the Minister of Defense, retired General Daniel Mora, who said in a September 2011 radio interview: "I think that we should arrive at a full-stop solution and reconciliation of the country."

In June 2011, the executive promulgated a decree establishing the amount of reparations to be granted to individual victims of the armed conflict registered on the official Victims' Registry and stating that the process of determining the beneficiaries would close at the end of 2011. Organizations representing the victims rejected the ruling on various grounds.

[Source: Amnesty International, *Report 2012* (London 2012), 271; Human Rights Watch, *World Report 2012* (Washington 2012), 273–274.]

PHILIPPINES

Last *Annual Report* entry: 2011.

Hundreds of cases of enforced disappearance remained unresolved. According to figures released in August 2011 by Families of Victims of Involuntary Disappearance, the average number of enforced disappearances per year had barely changed since the overthrow of Ferdinand Marcos in 1986. There were 875 documented cases during his 21-year rule, compared with 945 in the 25 years since. In July 2011, the Senate passed a landmark bill to criminalize enforced disappearances. The bill, first filed in 1995, remained pending in the House of Representatives.

[Source: Amnesty International, *Report 2012* (London 2012), 272–273.]

POLAND

Last *Annual Report* entry: 2011.

See Russia.

QATAR

Last *Annual Report* entry: 2010.

ROMANIA

Last *Annual Report* entry: 2008.

RUSSIA

Last *Annual Report* entry: 2011.

On 3 May 2011, the European Court of Human Rights ruled that the right to fair trial of Igor Sutyagin [see *NCH Annual Report 2010*] had been violated on account of the length of his detention pending investigation and trial and on account of the length of the criminal proceedings. In addition, it held that the trial court had not been independent and impartial.

[Sources: European Court of Human Rights, *Sutyagin versus Russia* <http://www.concernedhistorians.org/le/210.pdf>; *Index on Censorship* (2011, no. 4), 178; *Keesings historisch archief* (2011), 261.]

On 14 June 2011, in a trial that began in September 2010, Oleg Orlov [see *NCH Annual Report 2010*], chairman of the *Memorial* Human Rights Center was acquitted. The court decision was appealed a week later and appeal hearings started in October 2011, but libel was decriminalized later in 2011 and the charges were dropped. On 14 July 2011, *Memorial*, the International Federation of Human Rights, and *Novaya Gazeta* published a report on shortcomings in the official investigation of human rights activist and historian Natalia Estemirova's murder [see *NCH Annual Report 2011*]. These shortcomings included a failure to interview key witnesses, a failure to thoroughly analyze DNA material collected from Estemirova's body, and a failure to place at-risk witnesses under protection. Following its publication, the Head of the Investigation Committee promised that all possible leads in her murder would be explored, but he had not disclosed any new information by the end of 2011.

[Sources: Amnesty International, *Report 2012* (London 2012), 281; Human Rights Watch, *Ifex Alert* (17 June 2011); Human Rights Watch, *World Report 2012* (Washington 2012), 479–480; Human Rights Watch, "Russia: Fully Investigate Estemirova's Murder" (14 July 2011); International PEN, *Half-Yearly Caselist to 30 June 2011* (London 2011), 65.]

In September 2011, the closed trial of Mikhail Suprun, a professor of history and head of the history department at Pomorsky State University, Arkhangelsk, and police Colonel Aleksandr Dudarev (=Dudaryev), head of the archives of the Arkhangelsk Regional Ministry of Internal Affairs, before a first-instance court in Arkhangelsk [see *NCH Annual Report 2011*] began. On 8 December 2011,

Suprun was found guilty but not punished because of statutes of limitations. Dudarev received a suspended sentence. The Suprun case had chilling effects: a regional archivist in the Altai region declared that he would be cautious in offering declassified records to researchers and a historian in the Komi region said that his plan to publish a list of political prisoners of the local concentration camp was in jeopardy because his access to the personal data of these prisoners was severely limited. The motives for the Suprun case remained unclear although official unwillingness to study the Stalinist repression and fear that memory books such as the one Suprun was working on could elicit compensation claims were mentioned.

[Sources: Inna Kremen, “Memory still under Investigation” (<http://www.svobodainfo.org>; 21 October 2011); Inna Kremen, “The Suprun Case—Or the Case of Russian Archives?” (<http://www.svobodainfo.org>; 31 October 2011); “Russian Historian On Trial For Violating Privacy Laws” (Radio Free Europe / Radio Liberty; 18 October 2011); Johannes Vosswinkel, “Es bleibt Familiengeheimnis,” *Die Zeit* (2 February 2012).]

In early April 2012, school notebooks featuring a portrait of the Soviet dictator Joseph Stalin sparked controversy after going on sale as part of the series “Famous Russians.”

[Source: *BBC News* (4 April 2012).]

On 12 June 2012, thousands of Russian antigovernment protesters took part in a major rally (dubbed “The March of the Millions”) in Moscow calling for President Vladimir Putin’s resignation and for new elections to be held. Police searched the home of several opposition leaders on the eve of the rally, which triggered a wave of protest from Russian bloggers, who compared the actions to those of Stalin’s secret police in the 1930s. “Hello 1937” was the top Russian-language Twitter trend on 11 June, although few suggested that the searches resulted in anything resembling Stalin’s purges of 1937–1938.

[Sources: *BBC News* (11 June 2012); *Ifex Communiqué* (13 June 2012).]

In 2007 and 2009, fifteen Polish nationals—relatives of twelve victims of the 1940 Katyń war massacre—complained to the European Court of Human Rights that Russia’s investigation into the massacre and into the circumstances surrounding the deaths of the 1940 victims between 1990 and 2004 had been ineffective; that they themselves had not been recognized as victims by Russian courts and had not had access to any information about it; that their requests for rehabilitation of the 1940 victims had been rejected; and that the Russian authorities had displayed a dismissive attitude to all their requests. The court held that Russia had failed to cooperate with it by refusing to provide a copy of its (classified) decision to discontinue the investigation in 2004. It further found that it could not examine the adequacy of the Russian investigation because it was unable to establish a genuine

connection between the deaths of the victims in 1940 and the ratification, 58 years later, of the European Convention of Human Rights by Russia. It recalled, however, the duty of states to investigate effectively unlawful or suspicious deaths, in particular when forming part of war crimes which international customary law already prohibited in 1940. The court finally found that ten of the applicants (one widow and nine children) had been the closest relatives of the 1940 victims and could therefore claim to be victims themselves of a violation of article 3 of the convention (prohibition of inhuman treatment). The court found that they had suffered a double trauma: losing their relatives in the war and not being allowed to learn the truth about their death for more than fifty years because of the distortion of historical facts by the Soviet and Polish communist authorities. In addition, they had not been given access to the investigation records not had they otherwise been officially informed. As for the five remaining applicants, the court thought they had never had personal contact with their missing fathers or other relatives, as a result of which the anguish they had experienced could not be examined under article 3. The court was struck by Russia's reluctance to recognize the Katyń massacre. The approach chosen by the Russian military courts to maintain, to the applicants' face and contrary to the established historic facts, that their relatives had somehow vanished in the Soviet camps, demonstrated a callous disregard for the applicants' concerns and deliberate obfuscation of the circumstances of the Katyń massacre. Furthermore, the Russian prosecutors had consistently rejected the applicants' requests for rehabilitation of their relatives, claiming that it was not possible to determine the specific legal basis for the repression against the Polish prisoners as the relevant files had disappeared. The court found that a denial of the reality of the mass murder, reinforced by the implied suggestion that the Polish prisoners might have been duly sentenced to death, demonstrated an attitude lacking in humanity. Furthermore, Russia had not made any serious attempts to account for the circumstances of their deaths and the location of their graves. The court also decided that the finding of a violation of article 3 constituted sufficient just satisfaction for the applicants.

[Source: European Court of Human Rights, *Janowiec and Others versus Russia: Judgment* (<http://www.concernedhistorians.org/le/259.pdf>; 2102).]

See also Bulgaria, Georgia.

RWANDA

Last *Annual Report* entry: 2011.

Community-based *gacaca* courts, which had tried more than 1.2 million genocide-related cases since 2005, had almost completed their work by the end of 2011. They left behind a mixed legacy, with a

number of positive achievements—including the swift work of the courts, the extensive participation of the local population, and the revelation of information about events during 1994— alongside violations of the right to a fair trial, intimidation of witnesses, corruption of judges and other parties, and political interference. As *gacaca* prepared to close, the government was considering how to handle applications for reviewing *gacaca* courts' decisions. A new law determining how further allegations of involvement in the 1994 genocide would be investigated and prosecuted before ordinary courts was yet to be brought to parliament.

Numerous judgments were handed down by the International Criminal Tribunal for Rwanda (ICTR) during 2011, although nine indictees remained at large. The ICTR was due to close in 2012. In December 2011, the ICTR Appeals Chamber upheld the decision to transfer the case of Jean Uwinkindi to Rwanda. The ruling cited Rwanda's expressed intention to introduce legislation that would allow foreign judges to sit on transferred cases. It would be the first genocide case to be transferred or extradited to Rwanda.

Judicial proceedings against genocide suspects took place in Finland, Germany and Spain. The extradition requested by France and Spain of Kayumba Nyamwasa, a Rwandese national allegedly responsible for crimes against humanity committed in Rwanda, was still pending in South Africa, where he was granted asylum in 2010. Rwanda's request for extradition was turned down by the South African authorities. The European Court of Human Rights ruled in October 2011 that Sylvère Ahorugeze could be extradited from Sweden to Rwanda. Sweden had previously released Ahorugeze due to the length of his pretrial detention. Failure to impose effective safeguards for his appearance at trial meant that the rights to justice of Rwandan genocide victims could not be guaranteed. Norway ruled to extradite Charles Bandora. The case was subject to an appeal.

There were no investigations or prosecutions for allegations of war crimes and crimes against humanity committed by the Rwandan Patriotic Army in 1994 in Rwanda, and gross human rights violations by Rwandan armed forces in the Democratic Republic of the Congo, as documented in the United Nations mapping report.

[Sources: Amnesty International, *Report 2012* (London 2012), 285, 286; Human Rights Watch, *World Report 2012* (Washington 2012), 150, 154–155.]

See also Chad, Congo (Democratic Republic), Finland, Germany, Norway.

SAUDI ARABIA

Last *Annual Report* entry: 2011.

SENEGAL

Last *Annual Report* entry: 2009.

See Chad.

SERBIA / KOSOVO

Last *Annual Report* entry: 2011.

On 26 May 2011, former Bosnian Serb General Ratko Mladić, wanted among other things for the 1995 genocide of 8,000 men and boys in Srebrenica, was arrested in Vojvodina. On 20 July 2011, Croatian Serb Goran Hadžić, the last remaining suspect wanted by the International Criminal Tribunal for the former Yugoslavia (ICTY), was also detained in Serbia. In his visit to Serbia in September 2011, ICTY Chief Prosecutor Serge Brammertz commended the Serbian government for arresting Mladić and Hadžić, but also stressed the importance of Serbia's technical cooperation with the ICTY regarding ongoing trials. Additionally, he underlined the importance of regional cooperation in prosecuting war criminals. In October 2011, the European Commission (EC) recommended that Serbia be granted European Union (EU) candidate status. In December 2011, the European Council deferred their decision on Serbia's candidacy to February 2012, conditional on Serbia reaching an agreement on cooperation with Kosovo.

In August 2011, the partial retrial at the International Criminal Tribunal for the former Yugoslavia (ICTY) of Ramush Haradinaj, former Kosovo prime minister, and Idriz Balaj and Lahi Brahimaj, Kosovo Liberation Army (KLA) commanders, began on charges related to wartime prisoner abuse at a KLA detention facility. The retrial was ordered because of the threat that witness intimidation had posed to the trial's integrity, but once again, a key prosecution witness refused to testify.

Proceedings continued at Belgrade Special War Crimes Chamber in relation to war crimes in Bosnia and Herzegovina, Croatia and Kosovo (1991–1995). No progress was made in the identification of further grave sites in Serbia. In March 2011, the United Nations Human Rights Committee urged the authorities to “urgently take action to establish the exact circumstances, which

led to the burial of hundreds of people in Batajnica region [in 1999],” to ensure that all those responsible were prosecuted, and that relatives received adequate compensation.

[Sources: Amnesty International, *Report 2012* (London 2012), 31, 291–292; Human Rights Watch, *World Report 2012* (Washington 2012), 488.]

Kosovo

The Rule of Law and Police Mission in Kosovo (EULEX) established a Brussels-based Task Force, headed by the former Head of the United Nations Interim Administration Mission in Kosovo (UNMIK)’s Department of Justice. It aimed to investigate allegations in a report by Dick Marty adopted by the Parliamentary Assembly of the Council of Europe in January 2011, including that in 1999, Prime Minister Hashim Thaci and other members of the Kosovo Liberation Army (KLA) had been responsible for the abduction, torture, ill-treatment and murder of Serb and Albanian civilians transferred to prison camps in Albania, some of whom were killed and their organs removed for trafficking. Some 1,799 missing people were still unaccounted for in November 2011. EULEX war crimes police investigated enforced disappearances, but lacked resources to effectively address the backlog of outstanding cases.

The Law on Missing Persons, promulgated in August 2011, applied to all persons reported missing up to December 2000, including Serbs and Roma abducted after the war. The law provided for the right of relatives to know the fate of their family members and for a database of missing persons. The Law on the Status and Rights of the Heroes, Invalids, Veterans and Members of the KLA, Families of Civilian Victims of War, adopted in December 2011, discriminated against the relatives of missing civilians, who received less than half the monthly compensation payable to the relatives of military victims.

[Sources: Amnesty International, *Report 2012* (London 2012), 293–294; Human Rights Watch, *World Report 2012* (Washington 2012), 495–496.]

See also Bosnia and Herzegovina, Croatia.

SIERRA LEONE

Last *Annual Report* entry: 2011.

On 26 April 2012, former President of Liberia Charles Taylor was convicted on all counts of an eleven-count indictment which alleged that he was responsible for crimes committed by rebel forces during Sierra Leone’s civil war (1991–2002). In May 2012, he was sentenced to 50 years’

imprisonment. The Special Court for Sierra Leone (SCSL) found unanimously that Taylor aided and abetted rebels of the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC) in the commission of war crimes and crimes against humanity in Sierra Leone. The prosecutor had not alleged that Taylor had committed these crimes in person, but that he participated from Liberia in the commission of crimes by AFRC and RUF rebels and was individually responsible for them. The Chamber found that he had aided and abetted the rebels by providing them with arms and ammunition, military personnel, operational support and moral support, making him individually responsible for their crimes. He was not charged with crimes committed in Liberia, as the competence of the SCSL was limited to crimes committed in Sierra Leone.

The SCSL was the first “hybrid” tribunal, created by an agreement between the United Nations (UN) and the government of Sierra Leone. It was also the first modern court to have its seat in the country where the crimes took place and the first court to convict former rebel and militia leaders for the use of child soldiers, for forced marriage as a crime against humanity, and for attacks directed at UN peacekeepers.

[Sources: Amnesty International, *Report 2012* (London 2012), 215, 295; National Security Archive, *Press Release* (26 April 2012); Special Court for Special Court for Sierra Leone (Outreach and Public Affairs Office), *Press Release* (26 April 2012).]

See also Liberia.

SINGAPORE

Last *Annual Report* entry: 2011.

SLOVAKIA

Last *Annual Report* entry: 2011.

SLOVENIA

Last *Annual Report* entry: 2011.

Despite some positive measures, the authorities failed to guarantee the rights of former permanent

residents of Slovenia originating from other former Yugoslav republics (known as the “erased”), whose legal status was unlawfully revoked in 1992. Some of them were also forcibly removed from the country. In March 2011, the parliament adopted a law which allowed for restoration of permanent residency status to the majority of the “erased.” The introduction of the law was an important first step toward full restoration of their rights. However, it failed to provide them with reparation for the human rights violations they suffered. The authorities also failed to present further plans for full restoration of the rights of the “erased,” and a large number of people were excluded from provisions of the law. In July 2010 the European Court of Human Rights had ruled that the “erasure” of applicants’ identity had violated their rights to remedy, to family and to private life.

[Source: Amnesty International, *Report 2012* (London 2012), 301.]

SOMALIA

Last *Annual Report* entry: 2006.

The United Nations (UN) independent expert on Somalia and some other key international actors recognized that accountability for past abuses in Somalia was crucial to establishing a meaningful and inclusive peace process, but they had not prioritized this issue. Such accountability efforts should include documenting abuses since the end of the Siad Barre regime in 1991 and, ultimately, a UN commission of inquiry into war crimes committed since then.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 163–164.]

See also Uganda.

SOUTH AFRICA

Last *Annual Report* entry: 2010.

On 12 September 2011, the High Court in Johannesburg convicted the Youth League President of the African National Congress (ANC), Julius Malema. The lobby group AfriForum had sued him claiming his singing of the revolutionary song “Dubula iBhunu” (Zulu for “Shoot the Boer”) at political rallies constituted hate speech against the Afrikaners. Malema filed an appeal at the Supreme Court of Appeal. Meanwhile, he was expelled from the ANC in February 2012. Boer, an Afrikaans word for farmer, denoted the group of descendants of the Dutch-speaking settlers in South Africa.

[Sources: *Ifex Alert* (13 April 2010); *Keesings historisch archief* (2012), 189–190.]

See also Sudan.

SPAIN

Last *Annual Report* entry: 2011.

On 13 April 2010, relatives of two victims of enforced disappearance under the Franco regime launched a complaint in Argentina based on universal jurisdiction. A federal judge in Argentina asked the Spanish government whether the authorities were actively investigating the allegations of “physical elimination and the ‘legalized’ disappearance of children with loss of identity,” conducted between 1936 and 1977. In June 2011, the government replied to the Argentine judiciary that such investigations were indeed being conducted in Spain. The case was pending at the end of 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 313.]

Investigations into 13 cases of alleged crimes under international law committed outside Spain against Spanish citizens, or based on the principle of universal jurisdiction, were pending before the National High Court. However, progress in the investigation was very slow and faced major challenges such as lack of cooperation by other states. In July 2011, Central Investigating Court No. 1 included charges of gender-based crimes in the investigations into the crimes of genocide, terrorism and torture which were perpetrated in Guatemala during the internal conflict (1960–1996).

[Source: Amnesty International, *Report 2012* (London 2012), 313.]

On 20 September 2011, a judge of the First Recourse Tribunal in Madrid rejected a lawsuit brought forward by Juan Cotarelo García for allegedly defamatory statements expressed by deceased journalist Pablo Lizcano (1951–2009). In *La generación del 56: La Universidad contra Franco* (The 1956 Generation: the University against Franco; Leer/Documentos publishing house; first edition 1981; second edition 2006), a book about the student riots against Franco’s regime in Madrid in February 1956, Lizcano had quoted press reports from the 1950s stating that Cotarelo’s mother (–2002) had an affair with a police chief during the Franco dictatorship. Cotarelo filed the lawsuit in February 2008, two years after *Leer Magazine* published a second edition identical to the original one. Invoking the 1966 Press Law still in force, Cotarelo demanded that the book be recalled and the sentence be published in four newspapers. In addition, he asked damages from Lizcano’s widow, Rosa Montero, and from the publishing house Leer/Documentos (the publishing arm of *Leer*

Magazine). In his decision, Judge Fontán Silva rejected the lawsuit because the statute of limitations had expired 27 years after the first original edition was published. In addition, Cotarelo had not taken advantage of Lizcano's offer to correct any possible mistakes before the second edition was released. Cotarelo would appeal the decision.

[Sources: *Wikipedia* (11 October 2011); World Press Freedom Committee, *Ifex Alert* (30 September 2011).]

Beginning in January 2012, judge Baltasar Garzón (1955–) went to trial at the Supreme Court in three distinct cases, including one in which two pro-Franco organizations accused him of criminal malfeasance (*prevaricación*) when ordering the investigation into the crimes of the Franco era. On 27 February 2012, the Supreme Court ruled (six to one) that, although Garzón had no authority to open the Franco era case, he had not abused his power. It recognized the legitimacy of the demands by relatives of the victims but argued that they should be addressed to historians, not judges. It also said that the 1977 Amnesty Law was still valid. In one of the other cases, Garzón was dismissed from office for eleven years for abuse of power; the third case was annulled.

[Sources: Amnesty International, *Report 2012* (London 2012), 313; *BBC News* (17 January 2012); Human Rights Watch, "Spain: Garzón Trial Threatens Human Rights" (13 January 2012); International Center for Transitional Justice, "Spain Declares Itself Powerless" (9 March 2012); *Keesings historisch archief* (2012), 116–117; *NRC Handelsblad* (27 February 2012) 4.]

See also El Salvador.

SRI LANKA

Last *Annual Report* entry: 2011.

The aftermath of the quarter century-long civil war (1983–2009), which ended in May 2009 with the defeat of the separatist Liberation Tigers of Tamil Eelam (LTTE), continued to dominate events in 2011. No progress was made toward justice for the extensive violations of the laws of war committed by both sides, including the government's indiscriminate shelling of civilians and the LTTE's use of thousands of civilians as "human shields" in the final months of the conflict. In April 2011, United Nations (UN) Secretary-General Ban Ki-moon released a report by the Panel of Experts on Accountability in Sri Lanka. It concluded that both government forces and the LTTE had conducted military operations "with flagrant disregard for the protection, rights, welfare and lives of civilians and failed to respect the norms of international law." The panel recommended the establishment of an

international investigative mechanism. The European Parliament adopted a resolution in May 2011 urging Sri Lanka to immediately investigate the allegations. Even India, which had largely stayed silent on alleged abuses in Sri Lanka, added to the pressure when it called for investigations. Also in May 2011, the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions called on the government to investigate “textbook examples of extrajudicial executions,” following a review of evidence related to government execution of prisoners. In September 2011, Ban Ki-moon submitted the panel report to the Human Rights Council (HRC) and, acting on one of the report’s recommendations, announced that the UN would undertake a separate inquiry into its own actions in Sri Lanka during the final months of the war. The HRC failed to act and did not yet take steps toward establishing an international accountability mechanism, the main recommendation in the report. Sri Lankan officials responded by vilifying the report and the panel members. The government failed to conduct credible investigations into alleged war crimes by security forces, dismissing the overwhelming body of evidence as LTTE propaganda. The government’s Lessons Learnt and Reconciliation Commission (LLRC), characterized as a national accountability mechanism, was deeply flawed, did not meet international standards for such commissions and failed to systematically inquire into alleged abuses. The government repeatedly extended the deadline for the LLRC. The LLRC mandate focused on the breakdown of the 2002 ceasefire between the government and the LTTE, and did not explicitly require it to investigate alleged war crimes during the conflict. It heard testimony but undertook no investigations into such allegations. The LLRC’s final report, made public on 16 December 2011, acknowledged serious human rights problems in Sri Lanka, but fell short of fully addressing allegations of war crimes and crimes against humanity committed during the final phases of the conflict. The report failed to properly investigate the role of government forces in the attacks on thousands of civilians during the final stages of the conflict. The government stated that the report would be made public but did not indicate when it would do so. The government did not act on the LLRC’s preliminary recommendations. In August 2011, the defense ministry issued a report, conceding for the first time that government forces caused civilian deaths in the final months of the conflict, but taking no responsibility for laws of war violations and concluding peremptorily without further investigation that the deaths were the unfortunate collateral damage of war.

In November 2011, former Army Commander Sarath Fonseka was sentenced to three years’ imprisonment for “inciting communal hatred.” He had alleged that the defense minister had ordered the killing of surrendering LTTE cadres at the end of the war.

[Sources: Amnesty International, *Report 2012* (London 2012), 26–27, 315–316; Human Rights Watch, *World Report 2012* (Washington 2012), 388–389, 392–393.]

Enforced disappearances continued to be reported, and thousands of cases from earlier years remained unresolved. The government failed to ratify the 2006 International Convention against Enforced

Disappearance. In January 2011, witnesses appeared before the Lessons Learnt and Reconciliation Commission (LLRC) in Mannar and Madhu, trying to find loved ones seen surrendering to the army in May 2009. On 30 June 2011, hundreds of demonstrators in the capital Colombo demanded to know the fate and whereabouts of missing family members they believed were abducted by government squads. Similarly, over 1,300 people approached newly opened Terrorist Investigation Department information centers in June, seeking information on missing relatives believed to be in government custody; few found answers. The Sri Lankan Police Department reported in July that 1,700 people had been abducted since 2009, most of them for ransom.

[Source: Amnesty International, *Report 2012* (London 2012), 314–315.]

SUDAN

Last *Annual Report* entry: 2011.

The government remained uncooperative with the International Criminal Court (ICC) regarding arrest warrants issued against President Omar al-Bashir in 2009 and 2010, as well as against Ahmed Haroun, governor of Southern Kordofan, and Ali Mohammed Ali Abdelrahman (known as Ali Kushayb), a former Janjaweed militia leader, in 2007. A further arrest warrant was requested on 2 December 2011 by the ICC chief prosecutor for Minister of Defense Abdelrahim Mohamed Hussein. In January 2011, the African Union (AU) reaffirmed its decision not to cooperate with the ICC in the arrest of al-Bashir, but it did not obtain sufficient support for its call that the United Nations (UN) Security Council defer the case for 12 months by invoking Article 16 of the Rome Statute. In July 2011, the AU reiterated its support for countries that had not arrested al-Bashir. In December, the ICC pretrial chamber referred the fact that Malawi and Chad did not arrest President al-Bashir to the UN Security Council and the Assembly of States Parties to the Rome Statute. Despite the appointment of several special prosecutors for Darfur, Sudan did little to promote accountability and made none of the justice reforms recommended by the AU High-level Panel on Darfur, headed by former South Africa President Thabo Mbeki, in its 2009 report.

[Sources: Amnesty International, *Report 2012* (London 2012), 4, 317; Human Rights Watch, *World Report 2012* (Washington 2012), 184.]

See also Malawi.

SURINAME

Last *Annual Report* entry: 2010.

On 25 February 2011, the twenty-first anniversary of the so-called sergeant's coup of 25 February 1980, President Desi Bouterse (who was the coup leader in 1980) announced that 25 February would become a "day of liberation and renovation" in order to prevent historical falsification. Those involved in the coup received a decoration. The opposition said that the military committed several crimes and that a "day of national mourning and reflection" would be preferable.

[Sources: *Keesings historisch archief* (2011), 220.]

On 28 July 2011, President Desi Bouterse was infuriated because the education ministry had published a new history textbook *Wij en ons verleden* (We and our past) for the sixth grade of primary school which contained a photograph taken shortly after the 1982 December Murders, in which a Dutch demonstrator during a protest rally held up a sign calling Bouterse a murderer. Bouterse was also enraged for the negative way in which his 1980 coup was portrayed; he called it a falsification of history. Historian Maurits Hassankhan commented on the affair that there was no conclusive evidence yet that Bouterse had given the order to arrest and kill the fifteen victims of the December Murders, as the textbook seemed to suggest. The previous government, led by Ronald Venetiaan of the New Front, had commissioned a new version of the textbook series that had been used for years. After it lost the elections in 2010, the successor government, led by Bouterse of the National Democratic Party (NDP), accused it of deliberate falsification of history. Minister of education officials said that the photo slipped through the control by the ministry and the permanent parliamentary committee on education (on which two NDP members sat). Minister of Education Raymond Sapoen ordered the confiscation of the 20,000 copies of the textbook which were already printed and promised to publish the textbook with the contentious passages revised before the start of the new school year. Bouterse, however, demanded the dismissal of ministry of education director Robert Soentik, held responsible for printing the textbook. Soentik took absent leave from the ministry.

[Sources: "Politiek bemoeide zich al eerder met geschiedschrijving" (Radio Nederland Wereldomroep Suriname; 3 August 2011); "Bouterse boos over foto schoolboek" (<http://nos.nl>; 28 July 2011); "Bouterse eist ontslag om geschiedenisboek," *Het Parool* (28 July 2011); S. Hira, "Wij en ons verleden," *StarNieuws* (<http://www.starnieuws.com/index.php/welcome/index/nieuwsitem/6794>; 15 August 2011); *Keesings historisch archief* (2012), 123.]

SWAZILAND

Last *Annual Report* entry: 2011.

SWEDEN

Last *Annual Report* entry: 1998.

SWITZERLAND

Last *Annual Report* entry: 2009.

SYRIA

Last *Annual Report* entry: 2011.

On 2 October 2011, late in the evening, Mohammad al-Omar, a history professor at Aleppo University, was shot on his way to the university along with Saria Hassoun, the son of Grand Mufti Ahmed Hassoun, in an ambush by what was variously called “an armed terrorist group” and “unknown assailants” while driving to the university on the highway between Aleppo and Idlib (near Ebla University). The deaths came amid signs of growing violence during the uprising which had started in March 2011.

[Sources: *BBC News* (3 October 2011); *Day Press* (3 October 2011); *Global Times* (3 October 2011); Syrian Arab News Agency (3 October 2011).]

The authorities did not take any steps to investigate and hold accountable those responsible for gross violations committed in previous years, including thousands of enforced disappearances and killings of prisoners at Saydnaya Military Prison in July 2008.

[Source: Amnesty International, *Report 2012* (London 2012), 328.]

See also Lebanon.

TAIWAN

Last *Annual Report* entry: 2010.

In a letter published in the Chinese-language *United Daily News* on 21 February 2012, former Premier Hau Pei-tsun questioned whether the number of those killed during the 228 Incident (the rebellion of 28 February 1947 against the rule of Nationalist Chinese Governor-General Chen Yi, which was crushed by Nationalist forces; between 18,000 and 28,000 people were estimated to have been killed in the incident) reached over 10,000," a figure given in a local textbook. This sparked outrage among the descendants of the victims. On 28 February 2012, over 1,000 citizens, civic group members and families of 228 Incident victims demonstrated to call greater attention to the government crackdown that occurred 65 years ago. The protesters also called on the Kuomintang to provide documents about the 228 Incident in the Party History Institute of the Academia Historica to further research into the issue. Since the 1990s, the various Kuomintang administrations had initiated measures to compensate the victims and their families and set up monuments to commemorate the incident.

[Source: "Civic Groups, 228 Victim Families Take to Streets" (Focus Taiwan News Channel; <http://focustaiwan.tw>; 28 February 2012).]

See also China.

TANZANIA

Last *Annual Report* entry: 2010.

See Canada, Finland.

THAILAND

Last *Annual Report* entry: 2011.

Although Thailand and Cambodia normalized their relations in August 2010, in February and April 2011, new skirmishes took place in the temple of Preah Vihear area, and also near the ancient temples Ta Krabey and Ta Moan. The temple of Preah Vihear site, constructed between the ninth and eleventh centuries and dedicated to Hindu deity Shiva, had been a royal Khmer site linked to Angkor Vat. On

18 July 2011, the International Court of Justice ordered both countries to withdraw their military personnel from the temple zone, but this was only partially adhered to.

[Sources: International Court of Justice, *Case Concerning the Temple of Preah Vihear (Merits; Cambodia versus Thailand—Judgment of 15 June 1962)* (<http://www.concernedhistorians.org/le/193.pdf>; 1962); International Court of Justice, *Request for Interpretation of 1962 Judgment / Request for the Indication of Provisional Measures* (<http://www.concernedhistorians.org/le/240.pdf>; 2011); *Keesings historisch archief* (2009) 651–652; (2011) 36, 321–322; *NRC Handelsblad* (7 February 2011) 7.]

At least 90 people died and more than 2,000 were injured during violent political confrontations from March to May 2010. The loss of life resulted from the unnecessary use of lethal force by Thai security forces, attacks by armed elements operating in tandem with the supporters of the United Front for Democracy against Dictatorship (UDD), known as the “Red Shirts,” and incitement to violence by some UDD leaders. In January 2011, the Justice Ministry’s Department of Special Investigation (DSI) announced the results of preliminary investigations into the violence. The DSI implicated soldiers in 13 deaths, and armed UUD elements in another 12 deaths. But lack of police cooperation stalled efforts to initiate postmortem inquests and prosecutions. Prime Minister Yingluck Shinawatra (younger sister of exiled former Prime Minister Thaksin Shinawatra) vowed to end these delays after appointing General Piewpan Damapong, Thaksin’s brother-in-law, as national police chief in September 2011. The status of investigations into alleged crimes by UDD armed “Black Shirt” militants remained unclear, with the Yingluck government denying the group’s existence. A number of those accused of deadly attacks against soldiers, police officers, and anti-UDD groups were released on bail. The election of 12 senior UDD leaders as ruling Pheu Thai Party members of parliament raised serious concerns that they would be able to use their political influence and parliamentary immunity to evade accountability for their role in the 2010 violence.

Yingluck promised full support for the work of the Truth for Reconciliation Commission of Thailand (TRCT), established by the government of Abhisit Vejjajiva, to look into the political violence, but had yet to grant the TRCT subpoena power, rendering it unable to obtain complete information about security force deployment plans and operations, autopsy reports, witness testimony, photos, and military and police video footage. Nevertheless, the TRCT released its first two reports with recommendations. It found that the Abhisit government had pressured law enforcement officials to charge hundreds of ordinary UDD protesters with serious criminal offenses and hold them in pretrial detention for months without the possibility of bail. In September 2011, the government announced that it would review the charges against those protesters and ensure that they were treated in accordance with due process and human rights guarantees. The TRCT also recommended that a special mechanism be established to provide fair compensation and other remedies to all victims of

abuse and political violence.

Progress in investigating criminal offenses committed by members of the People's Alliance for Democracy (PAD), known as the "Yellow Shirts," during protests in 2008 had also been slow. Additionally, the police officers and politicians believed responsible for the excessive use of force against PAD protesters rallying in front of the parliament on 7 October 2008, continued to enjoy impunity.

[Sources: Amnesty International, *Report 2012* (London 2012), 332; Human Rights Watch, *World Report 2012* (Washington 2012), 394–396.]

On 26 May 2011, Joe Gordon (Thai name: Lerpong Wichaikhammat or Wichaikhampart) ([1956–]), of dual Thai and American nationality, was arrested by the Department of Special Investigation and accused of translating parts of Paul Handley's *The King Never Smiles* (New Haven: Yale University Press, 2006; an unauthorized biography of King Bhumibol Adulyadej), posting a link on a blog to them and writing articles that defamed the royal family. He committed the alleged offense while in the United States. He was denied bail eight times. On 18 August 2011, he was charged with *lèse majesté*, inciting unrest and disobedience of the law in public, and disseminating computer data which threatened national security. Initially denying all charges, on 10 October 2011, he pleaded guilty. On 8 December 2011, Gordon was sentenced to five (later reduced by half) years' imprisonment.

[Sources: Amnesty International, *Report 2012* (London 2012), 333; *Bangkok Post* (20 August & 2 September 2011); *BBC News* (1 June & 10 October 2011); *BBC News* (8 December 2011); "Joe Gordon Denied Bail in Lèse Majesté Case" (Political Prisoners in Thailand; 14 June 2011); "Update: Joe Gordon Charged with Lèse Majesté and U.S. Expresses Concern" (Political Prisoners in Thailand; 19 August 2011); N. Purnell, "Charge Against Professor Raises Questions About Academic Freedom in Thailand," *Chronicle of Higher Education* (1 June 2011).]

TIMOR-LESTE

Last *Annual Report* entry: 2011.

In February 2011, the United Nations (UN) Security Council extended the mandate of the UN Integrated Mission in Timor-Leste by another year. That same month, the UN Working Group on Enforced or Involuntary Disappearances visited Timor-Leste. Timor-Leste agreed to consider calls from five states to implement recommendations made by the Commission for Reception, Truth and

Reconciliation (CAVR). Impunity for human rights violations persisted despite ongoing investigations by the Serious Crimes Investigation Team. Victims, their families and Timorese NGOs continued to call for justice for human rights violations committed by Indonesian security forces between 1975 and 1999. Nevertheless, the government continued to promote reconciliation with Indonesia at the expense of justice. The majority of those accused of human rights violations were believed to be at large in Indonesia.

A debate on two draft laws establishing a National Reparations Program and an “Institute for Memory,” mandated to implement recommendations of the CAVR and the joint Indonesia-Timor-Leste Commission of Truth and Friendship (CTF), had yet to take place by the end of 2011 after parliament postponed it in February 2011.

[Source: Amnesty International, *Report 2012* (London 2012), 335.]

See also Indonesia.

TOGO

Last *Annual Report* entry: 2011.

The Truth, Justice and Reconciliation Commission (TJRC), set up to shed light on human rights violations committed between 1958 and 2005, held hearings from September to November 2011. A total of 508 people were heard, selected from some 20,000 statements received. The initial hearings, in the capital Lomé and other towns, dealt primarily with the 1991 attack on the Primature (Prime Minister’s office) and some of the human rights violations committed during the 2005 presidential elections. One of the sessions in September 2011 was disrupted by the security forces in a clear attempt to intimidate TJRC members and witnesses.

[Source: Amnesty International, *Report 2012* (London 2012), 336–337.]

TUNISIA

Last *Annual Report* entry: 2011.

On 29 June 2011, historian and human-rights activist Mohamed Talbi (1921–) was declared an apostate and threatened with death by Salafists extremists who accused him of having insulted Aisha, the second wife of the Prophet Mohammed, during a debate on private radio FM Shems. Talbi

challenged the interpretation of his words by the Islamists. In June, Talbi had been appointed Chairman of the Academic Council of the Academy of Sciences, Humanities and Arts (Beyt al-Hikma) for the academic year 2011.

[Sources: *NRC Handelsblad* (17 October 2011), 11; R. Raza, “Tunisian Scholar Calls for Cancellation of Sharia Law” (AFP; 5 July 2011).]

The first interim government established a national commission to investigate abuses committed during the protests, which made public its preliminary conclusions on the abuses committed between 17 December 2010 and the end of January 2011. The commission identified 240 civilians killed during the uprising in towns and cities around Tunisia, most of them by police gunfire. In addition, it found that 1,464 were injured in the month-long protests, and scores of inmates perished in prison mutinies and fires between 13 and 16 January 2011. On 24 October 2011, the government promulgated a decree-law on the reparation for the victims of the uprising that provided for a monthly allocation and free access to public medical care and free public transport for them and their families.

On 14 September 2011, the office of the military prosecutor announced the filing of charges against former President Zine el-Abidine Ben Ali, the two ministers of interior who held office at the time of the uprising, and 40 other high officers within the state security apparatus for committing intentional homicide during the uprising. In the first of several trials initiated, the former president, his wife Leila Trabelsi, members of their families, and close allies of the couple were convicted of embezzlement and sentenced *in absentia* to 35 years’ imprisonment. While the interim authorities improved the military justice system, most importantly by adding the possibility of appellate review, they were slow to put in place long-needed reforms of the judiciary, which played a repressive role under Ben Ali.

The interior ministry set out a “road map” for reform of the police, but this included no provision for investigating and ensuring accountability for past violations of human rights by the police and the disbanded Department of State Security (DSS). It was unclear whether any vetting system was established to prevent former DSS or other security or police officials responsible for past human rights violations being appointed to or remaining in positions in which they could commit further abuses. No steps were taken to ensure accountability for the gross human rights violations committed during President Ben Ali’s 23 years in power. Families of victims complained that they were denied justice and that police, DSS and other officials responsible for previous human rights violations remained in their positions or had been transferred to new ones and even promoted. From May 2011, all cases relating to human rights violations committed during the uprising were referred to military courts.

[Sources: Amnesty International, *Report 2012* (London 2012), 339, 340; Human Rights Watch, *World Report 2012* (Washington 2012), 633–634.]

The uprising of December 2010–January 2011 was accompanied by the destruction or theft of administrative documents thought to contain evidence of the corruption of the formerly presidential families Ben Ali and Trabelsi.

[Source: “Tunisie: Vol et destruction des documents administratifs” (24 January 2011; <http://www.webmanagercenter.com/management/imprim.php?id=100948&pg=1>).]

See also Morocco / Western Sahara

TURKEY

Last *Annual Report* entry: 2011.

In March 2009, Çiğdem Atakuman, editor of the popular science magazine *Bilim ve Teknik* (Science and Technology), was dismissed after he had planned to publish a cover story, which celebrated the 200th anniversary of Charles Darwin’s birth. The story was replaced by a feature on global warming. The cancelation was part of a series of conflicts between scientists and Islamic creationists in Turkey. Many of these conflicts were initiated by Adnan Oktar, who argued that evolution discredited Islam. Scientists also claimed that the creationist organization BAV intimidated critics of creationism.

[Source: *Index on Censorship* (2011, no. 4), 178.]

In January 2011, on the evening of the opening reception of the film *Hur Adam: Bediuzzaman Said Nursi* (The Free Man: Bediuzzaman Said Nursi), a group of twenty people, supporters of the ultra-Ataturkist National Party (Ulusal Parti), protested in front of the theater. They denounced the film, about the Muslim Kurdish scholar and political leader Said Nursi (1868–1960), who openly criticized the abolition of the caliphate and the exclusively Turkish character of the state, as “slander” of Atatürk. They also accused the director of producing propaganda for the Nurcu movement, the religious order which was inspired by Nursi’s publication the *Risale-i Nur* (Path of divine light) and led by Fethullah Gulen. Even before the launching of the film, in late December 2010, the chief state prosecutor in Ankara had filed a lawsuit against the production team “for insulting the spiritual personality of Atatürk and for inciting hatred and crime; for slander, terrorist propaganda and activities aiming at destroying the Turkish Republic.”

[Sources: Vangelis Kechriotis, “From Oblivion to Obsession: The Uses of History in Recent Public Debates in Turkey,” *Historein*, no. 11 (2011), 99–101; Delphine Strauss, “Sultan’s Love Life Opens Moral Rift,” *Financial Times* (15–16 January 2011), 2.]

In March 2011, former police officer Ayhan Çarkın spoke publicly for the first time and later testified before a prosecutor about his involvement in a special operations unit committing political assassinations of named Kurds and leftists in the 1990s. Çarkın alleged that the unit acted under government orders and with its collusion. In June 2011, he was remanded to prison pending trial after claiming involvement in four killings; the prosecutor's investigation continued as of late 2011. In September Mehmet Ağar—a former police chief, interior minister, and parliamentarian implicated in Çarkın's testimony—received a five-year prison sentence for forming an armed criminal gang involving state actors and mafia. Proceedings against Ağar began with the evidence of state-mafia activities, which were revealed after a 1996 traffic accident near Susurluk, western Turkey. Until 2007 Ağar was protected from prosecution by parliamentary immunity. He appealed the conviction and remained at liberty. Trials continued of alleged anti-AKP [the ruling Justice and Development Party] coup plotters, made up of senior retired military, police, mafia, journalists, and academics, and known as the “Ergenekon” gang. One of the most important advances in 2011 was circumstantial evidence pointing to Ergenekon gang involvement in the 2007 murder of three Christians in Malatya.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 506–508.]

In June 2011, Colonel Ali Öz and seven other military personnel were convicted of negligence for their failure to relay information regarding the plot to kill journalist and human rights defender Hrant Dink, which could have prevented his murder in 2007. On 25 July 2011, a juvenile court in Istanbul convicted Ogün Samast (1990–) and sentenced him to 22 years and 10 months' imprisonment for the “premeditated murder” of Dink. On 17 January 2012, a court sentenced Yasin Hayal to life imprisonment but acquitted 19 others (including ultranationalist militants and police and military officers) of a charge of being part of a terrorist group that instigated the murder.

[Sources: Amnesty International, *Report 2012* (London 2012), 343; *BBC News* (17 January 2012); Human Rights Watch, *World Report 2012* (Washington 2012), 508; Human Rights Watch, *World Report 2012* (Washington 2012), 508; *Index on Censorship* (2012, no. 1), 129, 138; PEN, *Half-Yearly Caselist to 30 June 2011* (London 2011), 69; International PEN Writers in Prison Committee, *Rapid Action Network 41/11* (1 August 2011).]

On 23 November 2011, Prime Minister, Tayyip Erdogan apologized on behalf of the state for the first time for the killing of nearly 14,000 people in a campaign to crush a Kurdish rebellion in the southeastern region of Dersim (now Tunceli). The Dersim uprising, which took place between 1936 and 1938, was among the bloodiest domestic struggles of the early Turkish Republic.

[Sources: *BBC News* (23 November 2011); Institute for Historical Justice and Reconciliation, *Bulletin* (May 2012), 12; *NRC Handelsblad* (24 November 2011), 11, (25 November 2011), 11;]

On 25 October 2011, the European Court of Human Rights confirmed in the Taner Akçam case [see NCH *Annual Report 2008* and NCH *Annual Report 2011*] that there was a considerable risk of prosecution faced by persons who expressed “unfavorable” opinions on the Armenian genocide and indicated that the threat hanging over Akçam was real. It reiterated what it had said in the Hrant Dink case: that the Turkish Court of Cassation sanctioned any opinion criticizing the official thesis on the Armenian issue. In particular, criticism of denial by State institutions of genocide claims in relation to the events of 1915 was interpreted as denigration or insulting “Turkishness” or the “Turkish nation.” Affirming the Armenian issue as “genocide” was considered by some (especially extremist or ultranationalist groups) as a denigration of “Turkishness.” The measures adopted to provide safeguards against arbitrary or unjustified prosecutions under Article 301 had not been sufficient. Article 301 did not meet the “quality of law” required by the court’s settled case-law, since its unacceptably broad terms resulted in a lack of foreseeability as to its effects. In view of that lack of foreseeability, the court concluded that the interference with Akçam’s freedom of expression had not been “prescribed by law,” in violation of Article 10 of the Convention.

[Sources: European Court of Human Rights, *Taner Akçam versus Turkey: Judgment* (<http://www.concernedhistorians.org/le/231.pdf>; Strasbourg 2011); European Court of Human Rights, *Dink versus Turkey: Judgment* (<http://www.concernedhistorians.org/le/171.pdf>; Strasbourg 2010).]

On 12 March 2012, reporter Nedim Şener [see NCH *Annual Report 2011*] was released pending his trial. On 16 March 2012, a message was posted on the social networking site Twitter about an alleged plot by the ultranationalist network Ergenekon to murder Şener and another investigative journalist, Ahmet Sik (1970–).

[Sources: Amnesty International, *Report 2012* (London 2012), 342; Human Rights Watch, *World Report 2012* (Washington 2012), 504; International PEN, “Day of the Imprisoned Writer (15 November 2011); Reporters without Borders, “Two Investigative Journalists Threatened on Twitter” (19 March 2012).]

On 28 October 2011, Büşra Ersanlı, a constitutional law expert, political scientist and historian at the political science department of Marmara University, Istanbul, publisher Ragip Zarakolu and dozens of others were arrested. The police spent hours searching her home. She was to attend a conference on “Controversial Issues in the History of the Turkish Republic” at Istanbul Bilgi University on 29 October 2011. The arrest was part of a larger crackdown initiated in 2009 against Kurdish political parties and called “Operation against the Union of Kurdistan Communities” (Koma Civaken Kurdistan; KCK). The KCK was seen as the (illegal) political wing of the outlawed armed Kurdistan Workers Party (PKK), which was listed as a terrorist organization by Turkey. Among the organizations the authorities alleged to be linked to the KCK was the pro-Kurdish legal Peace and

Democracy Party (Barış ve Demokrasi Partisi; BDP), although the BDP itself denied any such links (and thirty BDP representatives took their seats in the Turkish parliament on 1 October 2011). At the time of her arrest, Ersanlı worked with the BDP's Constitutional Commission and she lectured to activists and officials of the BDP's Politics Academy. On 1 November 2011, Ersanlı was formally charged under the Anti-terror Law (a law criticized for its overbroad definition of terrorism). The author of the books "Peace and History" and "Political Power and History," Ersanlı wrote extensively on the history of Turkish historical writing since the foundation of the Turkish Republic. While she and Zarakolu were interrogated in the courthouse, hundreds of people, including many of Ersanlı's students, protested the wave of police custody. She was the victim of a slander campaign in some media circles. On 19 March 2012, the prosecutor charged Ersanlı with "leading an illegal organization" and demanded between 15 and 22.5 years for Ersanlı. According to the indictment, Ersanlı was in charge of all BDP-affiliated political academies across Turkey. In 1972, Ersanlı, then a student member in a nonviolent Maoist organization, had already been imprisoned by the junta for distributing leaflets opposing the military coup. After two and a half years, she had been released in 1974 after a general amnesty. Her old trials were reportedly used as a justification for her new trials. [Sources: Amnesty International, *Report 2012* (London 2012), 342; Bianet, "Prosecutor Demanded Arrest of Ersanlı and Zarakolu" (1 November 2011); Groupe international de travail 'Liberté de recherche et d'enseignement en Turquie,' "Une Situation critique pour la liberté de recherche et d'enseignement" (21 November 2011); Human Rights Watch, "Turkey: Arrests Expose Flawed Justice System: Academic, Publisher Held in Crackdown on Pro-Kurdish Party" (1 November 2011); *Ifex Communiqué* (2 November 2011); Human Rights Watch, *World Report 2012* (Washington 2012), 504; Antonis Liakos, Personal communication (29 October 2011); International PEN, *Rapid Action Network 56/11* (31 October & 1 & 9 November 2011, 23 March 2012); International PEN, "For the Sake of Freedom of Expression in Turkey, IPA and PEN International Demand Immediate Release of Publisher Ragıp Zarakolu" (Geneva / London, 15 November 2011); International PEN, "Letter from Turkish author Ipek Çalışlar" (5 April 2012); "Publisher Zarakolu among 15 Released Pending Trial in KCK Case," *Today's Zaman* (10 April 2012); "Urgent Appeal: Stop Arbitrary Detentions in Turkey!" (<http://www.ipetitions.com/petition/detentionsinturkey>); Vercihan Ziflioğlu, "Turkish Intellectuals Protest Arrest of Publisher," *Hürriyet: Daily News & Economic Review* (3 November 2011).]

See also France, Israel.

TURKMENISTAN

Last *Annual Report* entry: 2011.

Five years after the death of dictator Saparmurad Niyazov (1940–2006), President Gurbanguly Berdymukhamedov, his relatives and associates enjoyed unlimited power and total control over all aspects of public life in Turkmenistan. In 2010 and 2011 newspapers and other publications began to bestow on Berdymukhamedov the honorific title *arkadag* (patron), symbolizing the strengthening of his cult of personality. The only political party in Turkmenistan was the Democratic Party of Turkmenistan, led by Berdymukhamedov. The president did not fulfill his pledge to ensure adoption of a new law on political parties. In June 2011 Berdymukhamedov invited exiled political opposition leaders to return to Turkmenistan to run in the presidential election and promised to guarantee their safety. It was not clear whether this pledge would be honored, since key exiled leaders were convicted *in absentia* in closed trials years ago on embezzlement and treason charges.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 510.]

The authorities continued to withhold information about the whereabouts of dozens of people arrested and convicted in connection with the alleged 2002 assassination attempt on former President Saparmurad Niyazov.

[Source: Amnesty International, *Report 2012* (London 2012), 346.]

UGANDA

Last *Annual Report* entry: 2011.

International Criminal Court arrest warrants issued in 2005 remained in force for Joseph Kony, the leader of the insurgent Lord's Resistance Army (LRA), and three LRA commanders. The men were still at large. The new International Crimes Division of the High Court (ICD), created following failed peace talks with the LRA in 2008, brought Uganda's first domestic war crimes prosecution. In July 2011, former LRA commander Thomas Kwoyelo faced 12 counts of grave breaches of the Geneva Conventions and 53 counts of penal code violations—including murder, kidnapping, and aggravated robbery, destruction of property and other offenses committed as part of attacks that he had allegedly commanded during the conflict in northern Uganda. He denied the charges and applied to the Constitutional Court for an amnesty under the Amnesty Act of 2000. In September 2011, the court ruled that the Amnesty Act was constitutional and that Kwoyelo was entitled to an amnesty, consistent with those granted to thousands of other fighters who had later renounced conflict. The government appealed against the decision to the Supreme Court. The appeal hearing was pending at the end of 2011. However, the government did not repeal legal provisions which provided for amnesties for crimes under international law.

[Sources: Amnesty International, *Report 2012* (London 2012), 347–348; Human Rights Watch, *World Report 2012* (Washington 2012), 194.]

UKRAINE

Last *Annual Report* entry: 2011.

UNITED KINGDOM

Last *Annual Report* entry: 2011.

In January 2011, the government was forced to admit that thousands of files (covering the period between the 1930s and the 1970s) had been massively and systematically selected and destroyed or secretly sent to the United Kingdom from many of its colonies (Aden, Anguilla, Bahamas, Basutoland [Lesotho], Bechuanaland [Botswana], British Indian Ocean Territories, Brunei, Cyprus, Kenya, Malaya, Sarawak and the Seychelles), prior to their independence. British colonial officials selected

the “migrated files” (files sent for secret “migration” back to the United Kingdom), eventually using criteria set out in a 1961 memo by Secretary of State for the Colonies Iain Macleod (containing instructions to classify papers embarrassing for the British authorities according to unofficial classification categories, including removal, destruction and transfer to the United Kingdom). The aim was to deliberately remove incriminating evidence. In April 2011, a vast cache of documents was discovered (2000 boxes of more than 10,300 files containing official records from 37 former colonies, of which approximately 300 boxes containing more than 1500 files and filling 110 feet of shelving were related to Kenya) about efforts to put down the Mau Mau rebellion (1952–1956). Former Mau Mau detainees and their families had been told that the official and legal records had been lost or destroyed; historians were never granted access to them. On 18 April 2012, the Foreign and Commonwealth Office (FCO) began releasing the first (1,200 records) of six tranches of the “migrated” files, coming from 12 former colonial territories; they covered such controversial episodes as the Mau Mau uprising in Kenya (1952–1956), the evacuation of the Chagos Islands and the Malayan Emergency (the 1948–1960 conflict with communist insurgents). However, many important files (particularly related to periods of emergency) were still missing. The migrated files contained nothing from some colonies, like British Guiana (although in the latter there had been intense British and American military and security intervention from 1953 to 1964).

[Sources: *BBC News* (21 July 2011; 18 April 2012); Caroline Elkins, “The Colonial Papers: FCO Transparency Is a Carefully Cultivated Myth,” *Guardian* (18 April 2012); Ben McIntyre, “50 Years Later: Britain’s Kenya Cover-Up Revealed,” *Times* (5 April 2011).]

On 22 November 2011, the court of appeal ruled that the Iraq Historical Allegations Team, established to investigate allegations of torture and other ill-treatment of Iraqi citizens by United Kingdom armed forces in Iraq, was not sufficiently independent to satisfy its investigatory obligation under the European Convention on Human Rights.

[Source: Amnesty International, *Report 2012* (London 2012), 354.]

Northern Ireland

In early June 2011, attorneys for Boston College submitted a motion to a federal judge in the United States to quash subpoenas made in early May 2011 by the British government (on behalf of the Police Service of Northern Ireland, PSNI, after a Historical Enquiries Team [HET] had reviewed cases). The British government investigated violent crimes, including murder charges, committed during the decades-long Troubles (1969–1998) in Northern Ireland, in particular the disappearance of at least nine people during the early 1970s who were thought to have informed for British authorities about the activities of republicans who were working to end British rule. Among them was Jean McConville, a widowed mother of ten suspected to be an informer who disappeared in Belfast in 1972

and whose remains were found in 2003. The British authorities sought access to parts of an oral history archive—known as the Belfast Project, stored by the Centre for Irish Programs at Boston College, and believed to contain some 30 oral histories from terrorists on both sides of the conflict—containing interviews with republican and loyalist paramilitaries in Northern Ireland about their experiences during the Troubles. The interviews were held on condition of confidentiality until after the interviewees' deaths. In particular, they sought information collected from two former Provisional Irish Republican Army members, Brendan Hughes (died 2008) and Dolours Price, both of whom had admitted carrying out bombings in England and Northern Ireland. In the interviews, they had accused Gerry Adams, the president of republican political party Sinn Fein, of running a secret cell within the Irish Republican Army (IRA) that carried out the kidnappings and disappearances; this was denied by Adams. The college turned over the Hughes interviews but not those with Price. It was feared that Price and one interviewer, Anthony McIntyre (a former IRA member who had been imprisoned in the North and who had a doctorate in history), were at particular risk for having violated the IRA's rule against talking about IRA activities. Previously, McIntyre had received death threats after a book based on the Hughes interview—*Voices from the Grave* by Ed Moloney, director of the project—was published in 2010. The attorneys said that by breaching the confidence pledge, potential interviewees in future oral history projects might decline to participate in such projects. However, on 2 July 2011, the United States Justice Department declared that researchers conducting oral history had no right to expect courts to respect confidentiality pledges made to interview subjects and that academic freedom was not a defense to protect the confidentiality of such documents. On 27 December 2011, district court judge William Young ordered that Boston College gave the interviews with Price (consisting of tapes, transcripts and DVDs) to United States prosecutors. The college complied under protest from Moloney and McIntyre. On 29 December 2011, lawyers representing Moloney and McIntyre filed an appeal in the United States district court saying Young's order violated academic freedom and endangered their lives. They also called to return or wipe the remaining tapes and close down the archive. They received a temporary postponement of the order.

[Sources: Liam Clarke, "Wipe Terror Tapes and Close Boston College Archive, Its Authors Urge," *Belfast Telegraph* (4 January 2012); Kevin Cullen, "US College Requests Quashing of Oral History Subpoenas," *Irish Times* (11 June 2011); Kevin Cullen, "US College Agrees to Give Interviews with Dolours Price to Prosecutors," *Irish Times* (30 December 2011); Scott Jaschik, "Oral History, Unprotected," *Inside HigherEd* (5 July 2011); Aaron Mackey, "College: Academics also Deserve Protection from Subpoenas," (The Reporters Committee for Freedom of the Press, 10 June 2011); John Neuenschwander, *A Guide to Oral History and the Law* (Oxford 2009), 19–29, 105–111; *New York Times* (13 May 2011).]

The Police Ombudsman was severely criticized over his lack of independence during investigations

into historical cases of police misconduct in unlawful killings. He announced that he would step down from his post in early 2012.

In September 2012, the Northern Ireland Executive announced proposals for the establishment of an inquiry to investigate historical institutional child abuse. There could, however, be a delay in providing the inquiry with a statutory basis, which might initially leave it without the necessary powers to compel the attendance of witnesses and the production of documents.

[Source: Amnesty International, *Report 2012* (London 2012), 355.]

See also Argentina, Libya.

UNITED STATES

Last *Annual Report* entry: 2011.

On 14 April 2011, the National Security Archive (NSA) filed a Freedom of Information Act lawsuit to compel the Central Intelligence Agency (CIA) to release its internal 1200-page five-volume Top Secret *Official History of the Bay of Pigs Invasion*. Based on a review of hundreds of CIA documents and on dozens of interviews with key operatives and officials involved in this 1961 operation, it was written by CIA Chief Historian Jack Pfeiffer (–1997) between 1974 and 1984. In 1987, then retired, Pfeiffer himself filed an unsuccessful FOIA lawsuit seeking the release of volume 5 (“CIA’s Internal Investigations of the Bay of Pigs Operations”); this was a rebuttal to the CIA’s Inspector General’s report (declassified itself in 1998), done in the immediate aftermath of the invasion, which held CIA officials accountable for many of the mistakes made during the failed invasion. Volume 3 (“Evolution of CIA’s Anti-Castro Policies, 1951–January 1961”) was released under the Kennedy Assassination Record Act in 1998. In 2005, the NSA had already unsuccessfully requested the disclosure of the study. In July 2011, the CIA released four volumes of its *Official History*. However, it still refused to release volume 5, which it called a “predecisional” document, for national security considerations. According to the CIA, disclosure would “have a chilling effect on internal agency deliberations and confuse the public with inaccurate historical information.” Revelations from the reports included new information on the CIA’s collaboration with the Mafia to assassinate Cuban Prime Minister Fidel Castro as part of the invasion plan, American politician Richard Nixon’s role in the preparations of the invasion, Nicaraguan President Anastasio Somoza’s cooperation, and the use of American pilots in the attack on Cuba. On 10 May 2012, a District Court judge accepted that Volume 5 was a “draft” that never was officially approved for inclusion in the official history, and therefore that it was exempt from declassification under the “deliberative process privilege.”

[Source: National Security Archive, *Update* (14 April & 1 August & 15 August 2011, 17 April & 10 May 2012).]

On 29 April 2011, a bookstore at the Mormon-affiliated Brigham Young University removed a painting by conservative Christian artist Jon McNaughton. The piece, “One nation under God,” depicted Jesus holding the United States constitution, surrounded by American historical figures. A university spokeswoman said the decision was business-related. McNaughton then decided to remove all of his artwork from the bookstore.

[Source: *Index on Censorship* (2011, no. 3), 177.]

In early May 2011, Maine’s Republican Governor Paul LePage ordered the removal of a large mural hanging in the state’s labor department after complaints that it was “propaganda” and “one-sided.” The mural, by artist Judy Taylor, depicted scenes from the history of labor, including figures of “Rosie the Riveter” (an American icon for women’s work in factories during World War II), child laborers, and a 1937 shoe mill strike. In June 2011, preparations for a trial over the mural’s confiscation started.

[Source: *Index on Censorship* (2011, no. 3), 177.]

On 29 July 2011, federal judge Royce Lamberth granted a request by Stanley Kutler, professor emeritus of history and law, University of Wisconsin, to release the 297-page transcript of the secret grand jury testimony given by former President Richard Nixon (1913–1994) over the Watergate scandal in June 1975. The transcript would not be unsealed until the government had had a chance to appeal. The judge ruled that the historical interest in the transcript far outweighed the need to keep the records secret. Nixon resigned in August 1974 amid the fallout after a break-in at the Democratic National Committee headquarters at the Watergate complex in Washington. Kutler, who wrote several books about Nixon and Watergate, had previously successfully sued to force the release of audio recordings that Nixon had secretly made in the Oval Office.

[Source: *BBC News* (29 July 2011).]

In August 2011, a commission established by President Barack Obama to investigate American involvement in the deliberate infection of Guatemalans with sexually transmitted diseases reported its interim findings. The case concerned 5,500 Guatemalans who were the subject of “medical research” that took place with United States collaboration between 1946 and 1948: 1,300 were deliberately exposed to sexually transmitted diseases such as syphilis, gonorrhoea or chancroid.

[Source: *Guardian* (31 August 2011).]

In September 2011, the new history textbooks were introduced in the schools of Texas [see NCH *Annual Report 2011* and NCH *Annual Report 2010*]. They reportedly contained the following omissions: the founding father Thomas Jefferson; the government's use of propaganda during World War I; the twentieth-century labor movement and socialist presidential candidate Eugene Debs; Japanese internment camps during World War II; and the impact of McCarthyism. The new curriculum also replaced the term "American imperialism" with "American expansionism" and "democratic society" with "constitutional republic"; and included inaccurately that the findings of the House Un-American Activities Committee during the "Red Scare" of the 1950s were validated. It also emphasized the contributions made by the Moral Majority.

[Sources: M. Tuma, "Controversial SBOE History Standards Hit Texas Classrooms" *American Independent* (6 September 2011).]

In October 2011, Julio Pino, an associate professor of history at Kent State University, posed a question to Ishmael Khaldi, formerly the deputy consul general at the Israeli consulate in San Francisco, during the question period after a lecture by the latter. Pino then shouted "death to Israel" and left the auditorium. A controversy erupted about how appropriate the expression of this view was, with Kent State University condemning Pino, and Cary Nelson, national president of the American Association of University Professors, defending him.

[Source: Scott Jaschik, "Debate over a Professor Who Shouted Anti-Israel statement," *Inside HigherEd* (31 October 2011).]

On 10 January 2012, the school board of the Tucson Unified School District, Arizona, by a 4 to 1 vote, ordered to suspend the Mexican American Studies program (started in 1997) and to remove some books used in it, including *500 Years of Chicano History in Pictures*, edited by Elizabeth Martinez, *Chicano! The History of the Mexican Civil Rights Movement*, by Arturo Rosales, *Rethinking Columbus: The Next 500 Years*, edited by Bill Bigelow and Bob Peterson, and *Occupied America: A History of Chicanos* (first edition 1972; seventh edition, 2011), by Rodolfo Acuña. John Huppenthal, Arizona State Superintendent of Public Instruction, said the books were banned and the program suspended because they "contained content promoting resentment toward a race or class of people" and because the "materials repeatedly referenced white people as being 'oppressors'" in violation of a controversial Arizona law from 2010 (popularly referred to as the Ethnic Studies Law) and that therefore he had asked the board to take measures. School districts that did not comply with the law could have ten percent of their state funds withheld each month. The move was widely protested, including through means of a petition gathering over 15,000 signatures. On 4 April 2012, the contract of Sean Arce, the program's director, was not renewed. Acuña, an immigrant-rights activist and often called "the father of Chicano studies," reportedly received several death threats. The

campaign against the Mexican American Studies program had been launched in 2007 by Huppenthal's predecessor Tom Horne in an open letter attacking some of the books. In 2010, Horne became attorney general of Arizona. In an interview in late March 2012, Huppenthal announced that he would also attempt to suspend Mexican American studies in Arizona universities.

[Sources: Jan Blaauw, personal communications (March & April 2012); "Censorship Battle Flares Up in Tucson School District," *Publishers' Weekly* (30 January 2012); Tom Horne (Superintendent of Public Instruction, Department of Education, State of Arizona), "Open Letter to the Citizens of Tucson" (11 June 2007); "Joint Statement in Opposition To Book Censorship in the Tucson Unified School District" (30 January 2012); Alyssa Lee, "Arizona Official Considers Extending Ethnic Studies Law to Universities," *Arizona State University* (5 April 2012); National Coalition Against Censorship, "Censorship, Arizona Style" (17 January 2012, updated 10 February 2012); <http://vimeo.com/26961450> (interview with Rodolfo Acuña).]

There was no accountability for human rights violations committed under the administration of President George W. Bush as part of the Central Intelligence Agency (CIA)'s program of secret detention and rendition (transfer of individuals from the custody of one state to another by means that bypass judicial and administrative due process). On 16 May 2011, the United States (US) Supreme Court refused to hear the *Mohamed versus Jeppesen* rendition case, leaving in place a 2010 lower court ruling dismissing a lawsuit brought by five men who claimed they were subjected to enforced disappearance and torture at the hands of US personnel and agents of other governments as part of the US secret detention and rendition program. In November 2011, the men took their case to the Inter-American Commission on Human Rights. On 30 June 2011, the US attorney general announced that the "preliminary review" conducted into interrogations in the CIA program was at an end. He said that he had accepted the prosecutor's recommendation that there should be a "full criminal investigation" in relation to two deaths in custody, but further investigation in other cases was not warranted. In an opinion issued in October 2011, a federal judge refused to hold the CIA in contempt of court for destroying videotapes of interrogations of detainees held in the secret detention program. The tapes—which included recordings of the use of "enhanced interrogation techniques," including "waterboarding"—had been destroyed in 2005, more than a year *after* the court had ordered the government to produce or identify materials relating to the treatment of detainees.

[Source: Amnesty International, *Report 2012* (London 2012), 357–358.]

On 5 June 2012, the court of appeals of New York ruled that the names of informants who were promised confidentiality by the government in exchange for the names of other members of the Communist Party during the New York City Board of Education's "Anticommunist Investigations" more than half a century ago would remain secret. The court also held, however, that historian Lisa

Harbatkin, who filed suit against the New York Department of Records and Information Services, was entitled to everything in interview transcripts except material that would identify these informants. According to the court, the records generated by the investigation included about 1,100 interviews with teachers and other employees, all of whom were promised confidentiality. Harbatkin's parents had been targets of the Anticommunist Investigations and her mother was among those interviewed by the city officials. Initially, Harbatkin was granted access to unredacted files as long as she agreed not to publish names but she rejected the offer and filed a lawsuit against the department. Harbatkin eventually brought the case to the New York court of appeals, which limited redaction to only informants who were promised confidentiality. The court found that "a right of privacy exists in the affairs of the dead" and "We do not say that disclosure will be completely harmless to those named in the documents, if they are still alive, or to members of their families who care about their memories. But the diminished claims of privacy must be weighed against the claims of history."

[Sources: Court of Appeals of New York, *Harbatkin versus New York City Department of Records and Information Services* (<http://www.concernedhistorians.org/le/257.pdf>; 2012); Reporters Committee for Freedom of the Press (Emily Miller), "New York High Court Issues Mixed Ruling Over Access to Names of Informants in Decades-Old Communist Probe" (6 June 2012).]

See also Canada, Cuba, Libya, Panama, Thailand, United Kingdom.

URUGUAY

Last *Annual Report* entry: 2011.

In February 2011, the Inter-American Court of Human Rights ordered Uruguay to remove the obstacles blocking investigations and prosecutions for human rights violations committed during the years of civilian and military rule (1973–1985). The court held Uruguay responsible for the enforced disappearance in 1976 of Maria Claudia García Iruretagoyena de Gelman, and for abducting her baby daughter Maria Macarena Gelman García. It ordered the state to pursue investigations to clarify Maria Claudia García's whereabouts and bring those responsible to justice. In October 2011, a court ruled that five former military officers, already serving prison sentences, had to be prosecuted for the aggravated murder of Maria Claudia García. In May 2011, the Supreme Court concluded that two former military officers could not be charged with enforced disappearance because the crime was not incorporated into domestic law until 2006 and could not be applied retroactively. Instead, they were convicted of aggravated murder in connection with the deaths of 28 people and sentenced to 25 years' imprisonment. There were concerns that this ruling could mean that grave human rights violations

would be subject to a statute of limitations. This led Congress to pass a landmark law in October 2011 that in practice annulled the effects of the 1986 Law on the Expiration of Punitive Claims of the State (Expiry Law) and repealed statutes of limitations that would have prevented victims from filing criminal complaints. In June 2011, President José Alberto Mujica Cordano issued a decree revoking the decisions of former presidents about which cases of alleged human rights violations could be investigated. These decisions had been made using powers granted under the Expiry Law which protected police and military personnel from prosecution for human rights violations. The June 2011 decree raised hopes that some 80 cases could be reopened. In October 2011, legal complaints were presented on behalf of more than 150 torture survivors.

[Source: Amnesty International, *Report 2012* (London 2012), 360–361.]

See also Argentina.

UZBEKISTAN

Last *Annual Report* entry: 2011.

In 2011, the government continued to refuse an independent investigation into the 2005 massacre of hundreds of citizens in Andijan [Andizhan], denying justice to victims and failing to bring to account those responsible. Authorities continued to persecute anyone suspected of having participated in, or witnessed, the atrocities. The Uzbek government also continued to intimidate families of Andijan survivors who had sought refuge abroad. Police subjected them to constant surveillance, called them for questioning, and threatened them with criminal charges or home confiscation.

[Source: Human Rights Watch, *World Report 2012* (Washington 2012), 524.]

See also Kyrgyzstan.

VATICAN

Last *Annual Report* entry: 2011.

VENEZUELA

Last *Annual Report* entry: 2010.

In 2008, President Hugo Chávez declared that Simón Bolívar (1783–1830), the leader who liberated Venezuela, Colombia, Ecuador, Peru and Bolivia from Spanish rule in the 1810s and 1820s, was assassinated (by arsenic poisoning) by foreign enemies instead of having died of tuberculosis. He established a commission that would investigate Bolívar's death. Venezuelan historians had rejected the president's hypothesis as fantasy [see NCH *Annual Report 2009*]. On 16 July 2010, Bolívar's remains were exhumed. On 25 July 2011, the government declared that the commission could not confirm the murder thesis.

[Sources: AP, "Venezuela: Bolívar Death Mystery" (25 July 2011); Maite Rico, "La reinención de la agonía y muerte de Bolívar," *El País* (21 December 2008); Simon Romero, "Building a New History by Exhuming Bolívar," *New York Times* (3 August 2010).]

VIETNAM

Last *Annual Report* entry: 2011.

Among the four taboo subjects in the "conduct of publishing activities" listed in Article 10 of the 2004 Publishing Law was the following: "Distortion of historical facts; opposing the achievements of the revolution; offending citizens, great persons and heroes; slandering or harming the reputation of bodies and organizations or offending the honour and dignity of individuals." In 2011, the International Publishers Association also included among the taboo subjects: history, Hồ Chí Minh, and traditional habits and customs.

[Source: International Publishers Association, *Freedom to Publish in Vietnam: Between Kafka and the Thang Bom Logic* (Geneva 2012), 11.]

WESTERN SAHARA

See Morocco/Western Sahara.

YEMEN

Last *Annual Report* entry: 2010.

ZAMBIA

Last *Annual Report* entry: 2009.

ZIMBABWE

Last *Annual Report* entry: 2011.

On 14 April 2011, Moses Mzila, Minister of National Healing and Reconciliation and a member of the Movement for Democratic Change (MDC), was arrested for allegedly failing to notify the police about a meeting held the day before in Lupane, Matabeleland North. On the same day, a Roman Catholic priest, Father Marko Mabutho Mnkandla, was arrested for holding mass in memory of the victims and survivors of the *Gukurahundi*, the atrocities committed by state security forces in Matabeleland in the 1980s.

[Source: Amnesty International, *Report 2012* (London 2012), 372.]