

## INTRODUCTION

The Network of Concerned Historians (NCH) forwards to its participants news about the domain where history and human rights intersect, as reported by the American Association for the Advancement of Science [AAAS, Washington], Amnesty International [AI, London], Article 19 [A19, London], Human Rights Watch [HRW, Washington/New York], *Index on Censorship* [IOC, London], the Network of Education and Academic Rights [NEAR, London], International PEN Writers in Prison Committee [PEN, London], Scholars at Risk [SAR, New York], and other sources. It reports about the censorship of history, the persecution of historians around the globe, and related topics. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

This *Annual Report* and previous *Annual Reports* were compiled by Antoon De Baets and revised by Ingrid Sennema.

## AFGHANISTAN

Last *Annual Report* entry: see NCH #49 (2007).

In February 2007, the Amnesty Bill was introduced, absolving the government of responsibility for bringing to justice suspected perpetrators of past human rights violations. In December 2007, President Hamid Karzai stated that his administration did not yet have the capacity to arrest and prosecute those responsible for past human rights abuses. Those accused of such abuses included members of parliament as well as provincial government officials. There was no progress on the implementation of the Action Plan on Peace, Justice and Reconciliation, a five-year plan for transitional justice (part of the Afghanistan Compact) launched in February 2006.

[Sources: AI, *Report 2008* (2008) 45–46; HRW, *World Report 2008* (2008), 237.]

**ALBANIA**

Last *Annual Report* entry: see NCH #5 (1996).

**ALGERIA**

Last *Annual Report* entry: see NCH #49 (2007).

The government took no steps to address the gross and widespread human rights abuses committed by armed groups and state security forces during the internal conflict (1992–2000) in which as many as 200,000 people were killed. In November 2007, the United Nations Human Rights Committee (HRC) called for the government to amend Articles 45 and 46 of Law 06-01 implementing the Charter for Peace and National Reconciliation, which lend impunity to the security forces and criminalize public criticism of their conduct. On 6 February 2008, Algeria signed the *International Convention for the Protection of All Persons from Enforced Disappearance* but failed to take any steps to investigate the fate of thousands of victims of enforced disappearances. Under the aforementioned law, relatives can seek compensation if they obtain a death certificate from the authorities for the person who disappeared. Some families complained that they were pressurized to seek such certificates, while others refused to do so fearing that this would make any investigation impossible. The authorities told the HRC that they had selected 6,233 requests for compensation and had categorized some 17,000 cases as “killed terrorists”, but provided no details of the disappeared to whom these referred. Some families received death certificates stating that relatives who had disappeared had been killed while active in armed groups. It was not known how many families received compensation.

[Source: AI, *Report 2008* (2008) 50–51.]

**ANGOLA**

Last *Annual Report* entry: see NCH #32 (2003).

See Namibia.

## ARGENTINA

Last *Annual Report* entry: see NCH #49 (2007).

Since 2003 Argentina has made significant progress in prosecuting military and police personnel responsible for disappearances, killings, and torture during its last military dictatorship (1976–83). President Néstor Kirchner encouraged these prosecutions, reinforcing what began as a legal challenge to impunity in the courts. In 2003, several important cases were reopened after Congress annulled the 1986 “full stop” law and the 1987 “due obedience” law. In June 2005, the Supreme Court declared the laws unconstitutional. Since 2005 several federal judges have overruled the pardons (decreed by President Carlos Menem in 1989 and 1990) of former officials convicted of or facing trial for human rights violations. In April 2007, a federal court of appeals in Buenos Aires ruled that pardons granted to former military rulers Jorge Videla and Emilio Massera in 1989 for crimes under international law were unconstitutional and therefore null and void.

[Sources: AI, *Report 2008* (2008) 15, 54–55; HRW, *World Report 2008* (2008) 186–87.]

On 26 June 2007, two armed persons broke into the offices of the Comité de defensa de la salud, la ética profesional y los derechos humanos (Committee for the Defense of Health, Professional Ethics and Human Rights; CODESEDH) in Buenos Aires. A computer containing evidence and archives relating to several ongoing trials related to the period of military dictatorship (1976–83) were stolen.

[Source: Observatory for the Protection of Human Rights Defenders, *Steadfast in Protest: Annual Report 2007* (Paris/Geneva 2008) 106.]

## ARMENIA

Last *Annual Report* entry: see NCH #45 (2006).

See Turkey.

## AUSTRALIA

Last *Annual Report* entry: see NCH #49 (2007).

In January 2007, the Tasmanian Aboriginal Centre obtained a court injunction preventing all scientific investigations (including DNA and other non-destructive tests) of the skeletons of seventeen Aboriginal islanders stored in the London Natural History Museum. In May 2007, the skeletons were returned to the center to be cremated.

[Source: *IOC*, 3/07: 156.]

## AUSTRIA

Last *Annual Report* entry: see NCH #49 (2007).

See United Kingdom.

## AZERBAIJAN

Last *Annual Report* entry: see NCH #10 (1998).

In November 2007, freelance journalist **Anar Mahmudoglu** was harassed after publication of his book *Lifetime Struggle*, which contained a critical portrait of former President Heydar Aliyev. The newspapers *XXI As*, *Republicans*, and *Azad Azerbaijan* denounced him for his negative portrayal of Aliyev. The Presidential Administration and the Ministry of National Security marked the part related to the former president and sent the book to the Presidium of the National Science Academy, which dismissed Mahmudoglu from the academy. Mahmudoglu was also harassed by others in matters directly related to the book.

[Source: Institute for Reporter Freedom and Safety, *Ifex Alert* (16 January 2008).]

On 14 June 2008, an event organized by the “Che Guevara Fan Club” in the “Alaturka” Cafe to mark the eightieth birthday of Che Guevara (1928–67) was raided by police. Out of the approximately 25 people present, twenty were detained by police and taken to a police department. All were released after seven hours.

[Source: Institute for Reporter Freedom and Safety, *Ifex Alert* (16 June 2008).]

## BAHRAIN

Last *Annual Report* entry: see NCH #37 (2004).

In early 2007 and again in January 2008, the Ministry of Islamic Affairs (MIA) banned *Omar bin Al-Khattab, a Martyr*, a novel by **Abdulla Khalifa**, published outside Bahrain, about Omar Ibn Al-Khattab (the second Caliph after the prophet Mohammed and regarded by Muslims as one of the “four righteously guided Caliphs”). MIA had evaluated the novel from a Sharia’ (religious) point of view and concluded that it defamed Omar and “fomented sectarianism” in society. A sentence reading that “Ibn Al-Khattab wobbled” was allegedly considered libelous. Khalifa’s earlier novel, *Husain’s Head*, was also banned.

[Source: Bahrain Center for Human Rights, *Ifex Alert* (23 January 2008).]

In June and September 2007, a coalition of human rights groups and opposition political societies sponsored workshops for setting up a truth and reconciliation mechanism to address torture and other serious human rights abuses committed prior to 2001. The government continues to insist that it considers such matters closed. In its November 2006 response to the review conducted by the United Nations Committee Against Torture, it had declared that the reform project of King Shaikh Hamad bin Isa al-Khalifahad “paved the way for the provision of humanitarian assistance and the realization of transitional justice, beginning with a general amnesty...closing a chapter on the past.” The authorities, however, did not prevent the transitional justice meetings from taking place and the minister of social development addressed the opening session of the June conference.

[Source: HRW, *World Report 2008* (2008), 463–64.]

On 19 July 2007, the Publication and Press Directorate of the Ministry of Information banned a book written by academic **Nader Kathem**, entitled *Memory Exploitations: In a Pluralistic Society Saddled with History*, a collection of recent press articles about history addressing the historical constraints on cultural pluralism in Bahrain.

[Source: Bahrain Center for Human Rights, *BCHR/IFEX Flash* (20 October 2007).]

## BANGLADESH

Last *Annual Report* entry: see NCH #45 (2006).

In 2007, demands increased to investigate serious human rights violations committed during the independence war against (West) Pakistan in 1971. However, as in the past, no action was taken by the government to implement the 1973 International Crimes (Tribunals) Act and no official commission was established to provide a comprehensive account of the 1971 events, to determine responsibilities and to make recommendations for reparation to the victims.

[Source: AI, *Report 2008* (2008) 65.]

In June 2008, it was discovered that the original versions of the hand-written proclamations of independence—drafted during the war against Pakistan in 1971 and serving as an interim constitution until December 1972—were missing. Some former government officials declared that they could have been lost, removed, or destroyed by the military government which seized power in 1975. Photocopies of some of the promulgations—signed by all cabinet ministers except then-imprisoned Sheikh Mujibur Rahman (Bangladesh's first prime minister)—did still exist.

[Source: *BBC News* (18 June 2008).]

## **BELARUS**

Last *Annual Report* entry: see NCH #49 (2007).

## **BELGIUM**

Last *Annual Report* entry: see NCH #45 (2006).

In June 2008, the Association for Battlefield Archaeology and Conservation (ABAC) sued the amateur archaeological association the Diggers in Ypres on the charge of illegal excavation because they had allegedly excavated World War I battlefields without a license and without properly documenting their work. For more than twenty years the Diggers, led by **Patrick Van Wanzele**, had searched the fields, excavating weapons, ammunition, and human remains in the process. Their work had led to the reburial of 215 soldiers.

[Source: *NRC Handelsblad* (7 June 2008).]

See also Chad.

## **BOLIVIA**

Last *Annual Report* entry: see NCH #49 (2007).

## **BOSNIA and HERZEGOVINA**

Last *Annual Report* entry: see NCH #49 (2007).

In mid-September 2007, the cantonal Ministry of Education in Tuzla withdrew two new history textbooks about the twentieth century, written by, among others, **Edis Dervišagić**, because of their representation of Yugoslavia in World War II, its collapse in 1991, and the war in Bosnia-Herzegovina in 1992–95.

[Source: *Eckert: Das Bulletin*, no. 2 (Winter 2007), 48, 50.]

Many perpetrators of human rights violations committed during the 1992–95 war continued to evade justice. The International Criminal Tribunal for the former Yugoslavia (ICTY) continued to try alleged perpetrators. Under the terms of the “completion strategy” laid down in United Nations Security Council Resolutions, ICTY was expected to complete all trials, including appeals, by 2010. Co-operation between ICTY and FBiH (Federation of Bosnia and Herzegovina) and RS (Republika Srpska) authorities appeared to improve. In 2007, the two most wanted ICTY indictees, Ratko Mladic and Radovan Karadzic, remained at large (Karadzic was arrested in Serbia for genocide in July 2008). In June 2007, Gojko Klicovic, former prime minister of Republika Srpska, was extradited from Serbia to Bosnia. He was charged with crimes against humanity. War crimes proceedings before domestic courts continued, including at the War Crimes Chamber within the FBiH State Court, although efforts to bring perpetrators to justice remained insufficient to provide justice to the victims, given the scale of the crimes committed and the potentially huge number of crimes to be investigated and prosecuted.

[Sources: AI, *Report 2008* (2008) 70–71; HRW, *World Report 2008* (2008), 373–74.]

According to estimates by the International Commission on Missing Persons (ICMP), over 13,000 persons who went missing during the 1992–95 war were still unaccounted for. Many of the missing persons, the majority of whom were Bosniak (Bosnian Muslim), were victims of enforced disappearances. Progress continued to be slow in transferring competencies from the FBiH and RS missing persons commissions to the national Missing Persons Institute (MPI). In November 2007, the

FBiH Council of Ministers adopted a number of documents, including the MPI's statute, with a view to finally enabling the Institute to begin its activities.

[Sources: AI, *Report 2008* (2008) 72; HRW, *World Report 2008* (2008), 374.]

See also Montenegro.

## **BRAZIL**

Last *Annual Report* entry: see NCH #49 (2007).

In August 2007, the federal government released a report entitled *The Right to Memory and Truth* on the results of an eleven-year investigation by the Special Commission on Political Deaths and Disappearances. The report detailed 475 cases of torture and disappearance during the military government (1964–85) and marked official recognition that human rights abuses were committed under the regime. The commission was unable to clarify important aspects of these crimes, including the whereabouts of the majority of the “disappeared,” because the Brazilian armed forces had never opened key archives from those years. In September 2007, the Superior Tribunal of Justice ordered the armed forces to open secret files and reveal what had happened to the remains of Brazilians who died or disappeared during the suppression of the Araguaia guerrilla uprising in 1971. Brazil never prosecuted those responsible for atrocities committed during military rule (1964–85). An amnesty law passed in 1979 pardoned government agents and members of armed political groups who had committed abuses.

[Sources: AI, *Report 2008* (2008) 74; HRW, *World Report 2008* (2008), 193–94.]

## **BULGARIA**

Last *Annual Report* entry: see NCH #45 (2006).

## **BURKINA FASO**

Last *Annual Report* entry: see NCH #38 (2005).



## BURUNDI

Last *Annual Report* entry: see NCH #49 (2007).

Since 2006 the government has provisionally released thousands of prisoners accused of crimes connected to the assassination of President Melchior Ndadaye in 1993 and the subsequent civil war (1993–2005). Some had been detained for years without trial. In principle, they will appear before a truth commission. In June 2005, the United Nations (UN) Security Council directed that the government hold public consultations on transitional justice mechanisms to address crimes committed during the civil war. The proposed establishment of a truth and reconciliation commission and a special tribunal to investigate and prosecute such crimes had not been implemented. Initially, both sides could not agree on the issues of amnesty, the links between a truth and reconciliation commission and a special tribunal, and the independence of the prosecuting body. In May 2007, President Pierre Nkurunziza confirmed that no amnesty would be granted to those responsible for crimes under international law. Both sides agreed to undertake national consultations on the establishment of the two mechanisms, and on the establishment of a steering committee, comprised of members of the Burundian government, the UN and civil society. On 2 November 2007, the government signed an official agreement marking the start of a six-month consultation period. Despite this apparent progress, the government has yet to recognize the need for an independent prosecutor for the tribunal. The ruling National Council for the Defense of Democracy–Forces for the Defense of Democracy insisted that only cases in which reconciliation had failed would be brought to the tribunal. This position conflicts with international law principles, which hold that all serious crimes under international law must be prosecuted.

[Sources: AI, *Report 2008* (2008) 6, 82; HRW, *World Report 2008* (2008), 85.]

## CAMBODIA

Last *Annual Report* entry: see NCH #49 (2007).

In June 2007, the Extraordinary Chambers in the Courts of Cambodia (ECCC; Khmer Rouge Tribunal) became operational, ending a disagreement between national and international judges, and paving the way for investigations and prosecutions. By the end of 2007, five senior Khmer Rouge (KR) officials were in ECCC detention: Kaing Guek Iev (Duch), the former chief of S-21 (Tuol Sleng) prison; Pol Pot's deputy and so-called Brother Number Two, Nuon Chea; former KR Foreign Minister, Ieng Sary; former KR Social Affairs Minister, Ieng Thirith; and former KR Head of State Khieu Samphan. All five were charged with crimes against humanity, and three of them also with war crimes. In November 2007, a first hearing was held by the pre-trial chamber. Trials were expected to begin in April 2008.

[Sources: AI, *Report 2008* (2008) 83; HRW, *World Report 2008* (2008), 257–58.]

## CANADA

Last *Annual Report* entry: see NCH #45 (2006).

On 28 August 2007, under pressure from war veterans' groups and some politicians, the Canadian War Museum (CWM; the national museum of military history), Ottawa, adjusted the wording on a panel dealing with the 1945 firebombing of Dresden. The original text was as follows: "The value and morality of the strategic bomber offensive against Germany remains bitterly contested. Bomber Command's aim was to crush civilian morale and force Germany to surrender by destroying its cities and industrial installations. Although Bomber Command and American attacks left 600,000 Germans dead and more than five million homeless, the raids resulted in only small reductions of German war production until late in the war." In June 2007, a report by the Senate subcommittee on veterans' affairs had suggested that the facts of the exhibition be presented in a way that was less offensive to veterans. A few days after the release of the report, CWM director Joe Geurts resigned without explanation. In May 2005, veterans had protested against two paintings in the CWM because they showed the torture of a Somali teenager by a Canadian soldier in 1993; they had also protested the inclusion of Holocaust exhibits at CWM, calling them "inappropriate".

[Source: *Financial Post* (28 August 2007).]

See also Iran, United States.

## **CENTRAL AFRICAN REPUBLIC**

Last *Annual Report* entry: see NCH #49 (2007).

In May 2007, the International Criminal Court (ICC) prosecutor's office announced that they would investigate crimes committed in the Central African Republic during the 2002–3 fighting, and would continue to monitor the current conflict. In October 2007, the ICC opened a new field office in Bangui.

[Source: HRW, *World Report 2008* (2008), 93.]

## **CHAD**

Last *Annual Report* entry: see NCH #49 (2007).

In February 2007, the long-standing campaign to bring former dictator Hissène Habré to justice reached a turning point, when Senegalese President Abdoulaye Wade signed into law measures to remove the primary legal obstacles to the trial. In February 2000, Habré had been arrested in Senegal on charges of crimes against humanity and torture stemming from his 1982–90 rule in Chad. In 2001, Senegal had refused to prosecute him and in 2005 it had refused to extradite him to face charges in Belgium. However, in 2006, Dakar agreed to abide by a July 2006 African Union decision that Habré should be put on trial in Senegal. The 2007 legislation allows such a trial by permitting Senegal to prosecute gross human rights violations, even when committed outside the country. By the end of 2007, an investigating judge had not been appointed.

[Sources: AI, *Report 2008* (2008) 6, 92, 258–59; HRW, *World Report 2008* (2008) 97.]

## **CHILE**

Last *Annual Report* entry: see NCH #49 (2007).

In October 2006, President Michelle Bachelet announced that she would present a bill to prevent the

application of the amnesty law (in force since 1978) in cases of grave human rights abuse. Her announcement came in response to a ruling of the Inter-American Court of Human Rights that the law was incompatible with the American Convention on Human Rights. However, the bill has been delayed by differences of opinion on its necessity given the advances in the courts and the possibility that legislation might be challenged in the Constitutional Court.

[Source: HRW, *World Report 2008* (2008), 195–96.]

A number of military officials and former secret service agents were found guilty of involvement in abductions, torture and killings during the military government of Augusto Pinochet (1973–90). In October 2007, Manuel Contreras, former head of the secret service, and three former agents were sentenced to between ten and fifteen years' imprisonment for an abduction in 1974. The Supreme Court ruled that neither amnesties nor statutes of limitations may block the trials or punishment. However, in November 2007, it acquitted a retired colonel of the enforced disappearance of three people in 1973 on the basis that the statute of limitations had expired. This judgment was considered a setback for all those seeking justice. As of July 2007, 458 former military personnel and civilian collaborators were facing charges for enforced disappearances, extrajudicial execution, and torture; 167 had been convicted; and 35 were serving prison sentences.

[Sources: AI, *Report 2008* (2008) 15, 92; HRW, *World Report 2008* (2008), 195–96.]

See also Peru.

## CHINA

Last *Annual Report* entry: see NCH #49 (2007).

On 27 May 1992, **Hu Shigen** (1954–), a lecturer at the Beijing Language and Culture Institute, political activist and dissident writer, was detained in Beijing and on 27 September 1992 charged with “counterrevolutionary crimes” for planning 4 June 1989 memorial activities in many of China’s major cities. A founding member of the China Freedom and Democracy Party (CFDP) (1991) and China Free Trade Union (CFTU) (1991), Hu had drafted a number of key documents for both organizations and campaigned for government accountability concerning the violent suppression of the Democracy Movement in June 1989. On 16 December 1994, he was charged with “leading a counterrevolutionary organization” and “counterrevolutionary propaganda”, and sentenced to twenty years’ imprisonment and five years’ deprivation of political rights. On 15 June 1995, his sentence

was upheld on appeal by the Supreme Court. On 16 December 2005, after being interviewed by the United Nations Special Rapporteur on Torture, he reportedly received a seven-month reduction to his sentence. In August 2007, his sentence was reduced by two years. His health was reportedly very poor. On 26 August 2008, Hu was released.

[Sources: *NRC Handelsblad* (27 August 2008); PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 33–34; PEN American Center, *Writers Demand Release of Jailed Colleagues Before Beijing Olympics* (10 December 2007).]

In April 2007, the film *Though I Am Gone*, by film maker **Hu Jie**, which told the story of a female principal beaten to death by Red Guards in the Cultural Revolution, was to be screened at YunFest, a documentary festival held by the Yunnan Academy of Social Sciences in Kunming, Yunnan Province, southwest China. The authorities canceled the festival at the last minute so that the film could not be shown. In June 1999, Hu had resigned from the Jiangsu provincial bureau of the official Xinhua News Agency and become an independent film maker. Another of his documentaries was *In Search of the Soul of Lin Zhao* ([2006]), also about the Cultural Revolution; when an instructor at an arts college screened it, she received one year of reeducation through labor.

[Sources: *IOC*, 2/08: 5, 68–73; *Though I Am Gone* (10 parts; *YouTube*).]

On 24 April 2007, Long Xinmin, head of the General Administration of Press and Publication, was demoted following, inter alia, a public outcry over his decision to ban eight books, several of which were said to be about sensitive episodes in China's recent history. On 26 April 2007, one of the authors of the books, **Zhang Yihe**, filed a lawsuit demanding a repeal of the order. In [2004], the book *Days of Old Do Not Disappear Like Smoke*, a memoir about intellectuals purged during the Anti-Rightist Campaign (June 1957 until 1958), written by Zhang Yihe, the daughter of one of them, had been banned. It continued to be circulated in pirate copy. The unabridged version, entitled *The Last Aristocrats*, was later published in Hong Kong.

[Sources: *IOC*, 3/07: 111; Independent Chinese PEN Center, "Zhang Yihe Receives the ICPC Second Freedom to Write Award" (Beijing 31 October 2004).]

In July 2007, history teacher **Dolma Kyab** [See *NCH #44*; *NCH Annual Report 2006*] was reportedly moved from a prison in Lhasa to a labor camp in Xining, Qinghai Province.

[Source: PEN, *Rapid Action Network* (8 August 2007).]

On 24 August 2007, writer and human rights activist **Lu (Lü) Gengsong** ([1956]–) [See *NCH #50*] was arrested in Hangzhou, Zhejiang Province, apparently following the on-line publication of articles

critical of the authorities. His home was searched and his computer and personal files were reportedly confiscated. His wife was also taken in for questioning as a “criminal suspect” but released three hours later. On 29 September 2007, he was charged with “inciting subversion of state power” (an initial charge of “illegal possession of state secrets” was dropped). A history graduate from Zhejiang University, Lü taught at the Zhejiang Higher Professional School of Public Security (a police training academy) before being expelled in 1993 because of his pro-democracy activities. He went on to become a freelance writer, and has published several books on political reform, including *A History of Chinese Community Party Corrupt Officials* (Hong Kong 2000). He is known for his reporting on human rights violations and his political commentaries published on the Internet. He is also an active member of the banned China Democracy Party (CDP). After his arrest, more than a thousand writers and activists in China signed a petition demanding his release. On 5 February 2008, Lü was sentenced to four years’ imprisonment after a one-day closed-door trial on 22 January 2008, during which reference was made to five of his articles.

[Sources: *IOC*, 1/08: 195; 2/08: 181; PEN, *Rapid Action Network* (3 October 2007 & 6 February 2008); PEN, *Half-Yearly Caselist: To 31 December 2007*, 35.]

On 5 February 2008, journalist **Ching Cheong** [*See NCH Annual Report 2007*] was released on parole, reportedly because he had served more than half of his sentence. He returned to Hong Kong. [Source: *IOC*, 2/08: 181.]

On 7 May 2008, the Chinese organizers of the Sixteenth World Congress of the International Union of Anthropological and Ethnological Sciences postponed the congress scheduled to take place in Kunming, Yunnan province (more than 1,200 miles from Beijing) in July 2008 (ahead of the Olympic Games in August). More than 6,000 participants had registered to attend the congress, which would broach issues such as ethnic and linguistic differences, history, and archaeology.

[Sources: C. Bodeen, “China Nixes Major Academic Conference Ahead of Olympic Games” (7 May 2008); M. Delaney, “Beijing Cancels Anthropology Congress” (18 May 2008).]

Around 4 June 2008, police in various provinces issued warnings not to participate in memorial gatherings related to the Tiananmen Square massacre of 4 June 1989 in which at least 2,000 Chinese students and workers died. They continued to scrutinize all sensitive words and phrases about the anniversary. Any attempt to search for “Liu Si”—the Chinese abbreviation for 4 June—on the Baidu or Sohu search engines was completely blocked and resulted in the connection to the site being restarted. Ding Zilin, whose son Jiang Jieliang was killed during the June 1989 massacre, posted an open letter to the authorities on the Tiananmen Mothers website (<http://www.tiananmenmother.org>)

calling for the national flag to be flown at half mast in honor of the Tiananmen victims as it was for the victims of the May 2008 earthquake. The website was blocked in China.

[Sources: International Federation of Journalists, *Ifex Update* (5 June 2008); Reporters without Borders, *Ifex Update* (4 June 2008).]

During the unrest in Tibet in early 2008, historian **Wang Lixiong** (1953–) and Tibetan writer (1966–) **Tsering Woesser** (also Öser), authors of the book *Mémoire interdite: Témoignages sur la Révolution culturelle au Tibet* (2008; Prohibited Memory: Witnesses of the Cultural Revolution in Tibet), were put under house arrest after speaking to reporters. She had declared that she wanted the Chinese “to learn the truth about Tibetan history, culture, religion and traditions.” In June 2004, she had been dismissed from her position at the Tibet Autonomous Region Literature Association, and left Lhasa for Beijing. Her books were banned in mainland China. In April 2008, her house arrest was suspended. On 27 May 2008, her email and blog (located at <http://woeser.middle-way.net>) became the target of cyber-attacks. Her web-logs had been shut down earlier.

[Sources: *Ifex Communiqué* (4 March 2008); PEN, *Ifex Press Release* (6 March 2008); PEN, *Ifex Update* (28 May 2008); Reporters Without Borders, *Ifex Update* (12 January 2007; 7 March 2008).]

## COLOMBIA

Last *Annual Report* entry: see NCH #49 (2007).

Reports of extrajudicial executions of civilians by the army have increased substantially in recent years, according to the United Nations High Commissioner for Human Rights as well as local groups, including the Colombian Commission of Jurists. In July 2007, retired army Colonel Alfonso Plazas Vega was arrested for his part in the enforced disappearance of eleven people during a military assault on the Palace of Justice in Bogotá after M-19 guerrillas took hostage those inside in November 1985. Over 100 people died during the military assault, including twelve Supreme Court judges. In September 2007, Attorney General Mario Iguarán said there was strong evidence that many of those who disappeared were alive when they left the building. In October 2007, former justice minister and Senator Alberto Santofimio was sentenced to 24 years' imprisonment in connection with the killing of presidential candidate Luis Carlos Galán in 1989. In November 2007, it was made public that a team from the Office of the Attorney General had reopened investigations into 294 of the thousands of killings of members of the left-wing party Patriotic Union (Unión Patriótica) since 1985. Paramilitaries and the security forces were believed to have been responsible for most of these

killings.

[Sources: AI, *Report 2008* (2008) 98–99; HRW, *World Report 2008* (2008) 201.]

Only some ten per cent of more than 31,000 demobilized paramilitaries qualified for inclusion in the Justice and Peace Law (JPL) under which those who lay down their arms can benefit from significantly reduced prison sentences in return for confessions about human rights violations and reparations to their victims. With only some twenty investigative units to handle thousands of cases, the process progressed slowly. Although paramilitary leaders who confessed revealed some information about their victims, information on the latter's identities and the whereabouts of their bodies remained sketchy. More than 1,100 bodies were exhumed from numerous mass graves in 2006–7, but most of these were discovered as a result of information from rank-and-file paramilitaries outside the JPL process. The vast majority of bodies remained unidentified. Most of the at least four million hectares of land estimated to have been stolen by paramilitaries had yet to be identified and very little land had been returned to its rightful owners. Most paramilitaries escaped effective investigation through Decree 128 and Law 782, which granted *de facto* amnesties to those not under investigation for human rights abuses and who admitted to being members of paramilitary groups, an offence known as “conspiracy to commit a crime”. However, in July 2007, the Supreme Court of Justice ruled that membership of paramilitary groups was not a political crime and, as such, amnesties were not applicable. This left some 19,000 paramilitaries in legal limbo.

[Source: AI, *Report 2008* (2008) 98.]

### **CONGO (Democratic Republic)**

Last *Annual Report* entry: see NCH #49 (2007).

In 2007, few military or civilian authorities were held accountable for past crimes. Warlords and militia leaders continue to be awarded top army positions instead of facing justice for their abuses. In January 2007, however, judges at the International Criminal Court (ICC) decided that there was sufficient evidence against its first suspect in custody, Ituri warlord Thomas Lubanga Dyilo, charged with enlisting, subscribing, and using child soldiers. The trial, the first in ICC history, was scheduled to start in March 2008. In October 2007, the government surrendered Germain Katanga, former commander of another Ituri armed group, to the ICC. For his involvement in killings, use of child soldiers, sexual enslavement, and pillaging allegedly committed in Ituri District in 2003, he was indicted by the ICC on charges of crimes against humanity and war crimes.



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[Sources: AI, *Report 2008* (2008) 6, 113; HRW, *World Report 2008* (2008) 105, 109.]

On 22–23 March 2007, the roof of the Archives nationales du Congo (Arnaco; National Archives of Congo) was destroyed during violence in Kinshasa between Congolese government troops backing the newly elected President Joseph Kabila and “rebel” soldiers fighting for former opposition leader and failed presidential candidate Jean-Pierre Bemba.

[Source: G. Convents, “Les Archives nationales du Congo en danger”, *Association belge pour l’histoire contemporaine*, 2007, no. 2, 9–11.]

### **CONGO (Republic)**

Last *Annual Report* entry: see NCH #45 (2006).

In November 2007, the Ministry of Security and Public Order banned a commemoration of the May 1999 disappearance of 300 persons (in the wake of the civil war) planned by NGOs and families of victims, saying it would disturb public order. [See *Annual Reports 2004–6*.]

[Source: Observatory for the Protection of Human Rights Defenders, *Steadfast in Protest: Annual Report 2007* (Paris/Geneva 2008) 70.]

### **COUNCIL OF EUROPE**

Last *Annual Report* entry: see NCH #49 (2007).

### **CROATIA**

Last *Annual Report* entry: see NCH #49 (2007).

The International Criminal Tribunal for the former Yugoslavia (ICTY) continued to try alleged perpetrators of serious violations of international humanitarian law during the 1991–95 war. The Croatian judiciary continued to investigate and prosecute war crimes. However, in the majority of cases criminal proceedings were related to cases where the victims were ethnic Croats. Despite significant developments with regard to crimes committed against Croatian Serbs in Osijek, there

continued to be widespread impunity for crimes committed by members of the Croatian Army and Croatian police forces.

[Source: AI, *Report 2008* (2008) 104–5.]

Serbs continue to make up the vast majority of defendants and convicted war criminals in Croatia, a disproportion so large that it suggested an anti-Serb bias. According to statistics released by the state prosecutor's office in May 2007, of 3,666 people charged with war crimes since 1991, 3,604 were prosecuted for involvement in aggression against Croatia, while 62 were members of the Croatian armed forces. The absence of an agreed threshold for determining when acts should be prosecuted as war crimes may also provide part of the explanation for the disparity. *In absentia* trials are opposed by the prosecutor's office in Zagreb, but continue to take place for war crimes with defendants mostly being Serbs: at the end of October 2007, 19 of the 23 defendants on trial *in absentia* were Serbs. Trials against Croats for wartime abuses were far more likely to result in acquittals.

[Source: HRW, *World Report 2008* (2008), 380–81.]

On 12 February 2008, **Drago Hedl**, editor of the satirical weekly *Feral Tribune*, received an anonymous letter at his home address containing a death threat, probably because he had written a series of articles concerning war crimes committed by the Croat army against Croatian Serb civilians in the eastern city of Osijek in 1991. Several other individuals involved in the trial for war crimes over the civilian deaths received the same letter, which contained warnings and a drawing of a skull. *Feral Tribune* was also sued in defamation for one million kuna by Branimir Glava, who had been charged with war crimes. The newspaper claimed that its reporting on the case against Glava (who was released on bail) had led to death threats against its journalists, including Hedl, and against witnesses.

[Sources: International Press Institute, *Ifex Alert* (20 February 2008); *IOC*, 2/08: 183; World Association of Newspapers, *Ifex Update* (27 February 2008).]

## CUBA

Last *Annual Report* entry: see NCH #45 (2006).

**CYPRUS**

Last *Annual Report* entry: see NCH #38 (2005).

On 4 January 2008, the Education and Culture Ministry of northern Cyprus announced that it had rewritten its history textbooks since 2004. Minister Canan Öztoprak said that pictures of atrocities such as the mass murders of Turkish Cypriot civilians in December 1963 by the Greek Cypriot militia were deeply disturbing for children. Such pictures were removed and replaced with others that still explained the events but did not depict the atrocities in such detail.

[Sources: C. Makriyianni & C. Psaltis, "The Teaching of History and Reconciliation," *Cyprus Review* (Spring 2007), 58; "North Adopts Fresh Approach to History", *Turkish Daily News* (4 January 2008).]

**CZECH REPUBLIC**

Last *Annual Report* entry: see NCH #17 (2000).

**DENMARK**

Last *Annual Report* entry: see NCH #49 (2007).

**DJIBOUTI**

Last *Annual Report* entry: —.

On 18 March 2007, **Jean-Paul Noël Abdi**, President of the Djibouti League of Human Rights, was sentenced to six months' imprisonment on charges of divulging false news and defamation following publication by Abdi of an information sheet on 3 March 2007 entitled "Le Day, zone de non-droit" (The Day, an area where the law does not apply), in which he reported the discovery of a mass grave in the village of Day (Tadjourah district), containing the bodies of seven civilians reportedly killed by government forces on 1 January 1994. He also denounced the rape of a young girl by a sergeant of the Presidential Guard in Day in February 2007. On 11 April 2007, he was sentenced on appeal to one year's imprisonment (eleven months of which were suspended) and a fine. In June 2007, his lawyers lodged an appeal with the Court of Cassation.

[Source: Observatory for the Protection of Human Rights Defenders, *Newsletter no 42* (April–June 2007) 7.]

**ECUADOR**

Last *Annual Report* entry: see NCH #49 (2007).

**EGYPT**

Last *Annual Report* entry: see NCH #49 (2007).

**EL SALVADOR**

Last *Annual Report* entry: see NCH #49 (2007).

The United Nations Working Group on Enforced or Involuntary Disappearances criticized the government for failing to resolve some 2,270 cases of enforced disappearance during the internal armed conflict (1980–92). It highlighted the role of the 1993 Amnesty Law which allows perpetrators of human rights violations, including enforced disappearance, to evade prosecution. The National Assembly approved an annual day of remembrance to commemorate the children who were victims of enforced disappearance during the conflict, in accordance with the ruling of the Inter-American Court of Human Rights. In March 2007, Rufina Amaya, the last remaining survivor of the El Mozote massacre, died of natural causes. According to reports, the El Salvadorian Armed Forces killed 767 people in El Mozote and surrounding areas in an operation carried out in December 1980. To date nobody has been brought to justice for this massacre or others that occurred during the conflict.

[Source: AI, *Report 2008* (2008) 16, 122.]

**ERITREA**

Last *Annual Report* entry: —.

In March 2007, two information ministry employees were arrested: **Ibrahim Abdella**, a music archive employee at Eri-TV, and a news archive employee.

[Source: *Ifex Communiqué* (10 July 2007).]

**ESTONIA**

Last *Annual Report* entry: see NCH #49 (2007).

See European Union.

**ETHIOPIA**

Last *Annual Report* entry: see NCH #49 (2007).

In January 2007, a court convicted former President Mengistu Hailemariam of genocide *in absentia*, and sentenced him to life imprisonment. Mengistu, the leader of the former Dergue military government (1974–90), lived in Zimbabwe under the protection of the government there. On appeal in May 2008, Mengistu was sentenced to death. In February 2007, 33 members of the former government who had been detained since 1991 and convicted in December 2006 of genocide and mass killings were sentenced to life imprisonment or long prison terms. Trials of other former officials for killings during the “Red Terror” campaign against “anti-revolutionaries” (1977–79) were almost completed.

[Sources: AI, *Report 2008* (2008) 129; HRW, *World Report 2008* (2008), 120.]

**EUROPEAN UNION**

Last *Annual Report* entry: see NCH #38 (2005).

On 19–20 April 2007, the Council of the European Union (EU) reached a general approach on a *Framework Decision on Combating Racism and Xenophobia*. It established that the following intentional conduct would be punishable in all EU member states: “(1) publicly inciting to violence or hatred...directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin; (2) publicly condoning, denying or grossly trivialising (a) crimes of genocide, crimes against humanity and war crimes...directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or

national or ethnic origin, and (b) crimes defined by the Tribunal of Nuremberg directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin. The agreement avoided singling out Holocaust denial, and Estonia, Latvia, and Lithuania were persuaded to drop their request for a reference to “Stalinist” crimes to be included in the agreement.

[Sources: European Union (Council), *Framework Decision on Combating Racism and Xenophobia* (April 2007); & *reaction*: Luigi Cajani (historian), *Europe Moves To Censor Historians* (July 2007); & *motion* (General Assembly of the International Committee of Historical Sciences) (September 2007): all texts on *Topics* page of <http://www.concernedhistorians.org>; *IOC*, 3/07: 115.]

**FIJI**

Last *Annual Report* entry: see NCH #45 (2006).

**FRANCE**

Last *Annual Report* entry: see NCH #49 (2007).

In October 2007, history teachers protested when President Nicolas Sarkozy ordered that a farewell letter written by schoolboy Guy Môquet to his family before his execution by the Nazis be read to all lycée students in France in honor of patriotism and the Resistance. Many teachers and schools refused to take part in the commemoration with unions denouncing the order as “intolerable political interference” and exploitation and manipulation of history for political ends.

[Source: J. Marshall, “France: Historians Combat Politicians’ ‘Official History’”, *University World News* (13 January 2008).]

See also Iran.



**GEORGIA**

Last *Annual Report* entry: see NCH #32 (2003).

**GERMANY**

Last *Annual Report* entry: see NCH #49 (2007).

On 7–8 April 2007, about eighteen metres of Berlin Wall fragments were removed from the center of Berlin by the Federal Civil Engineering and Planning Office to make way for new office blocks, despite protests from residents claiming that it was a cultural and historical artifact.

[Source: *IOC*, 3/07: 113.]

See also Canada.

**GHANA**

Last *Annual Report* entry: see NCH #49 (2007).

The government continued to pay some financial reparations for human rights abuses under former governments, in accordance with the recommendations of the National Reconciliation Commission.

[Source: *AI, Report 2008* (2008) 140.]

**GREECE**

Last *Annual Report* entry: see NCH #49 (2007).

On 25 September 2007—after elections which brought a more conservative government to power under the same prime minister—the new Minister of Education and Religious Affairs Evripídes Stylianídes withdrew the history textbook of **Maria Repoussi** and others [*See NCH Annual Report 2007*] under pressure from the right-wing political party Laos (Popular Orthodox Rally Party) and temporarily replaced it with an old one from 1989.

[Source: *NRC Handelsblad*, 26 September 2007.]

On 4 December 2007, **Panayote Dimitras**, spokesperson of Greek Helsinki Monitor (GHM), testified as a prosecution witness in the trial of author Kostas Plevris. While on 13 December 2007 Plevris, a lawyer and author of the Holocaust-denying book *Jews: The Whole Truth* was convicted of inciting racial hatred and given a fourteen-month suspended sentence (his co-defendants being acquitted), Dimitras became the target of a hate campaign. He and other GHM staff, along with Jewish activists who had testified against Plevris, were subjected to insults, threats, and racist attacks on the Internet and in the extreme right-wing press. For example, an extreme right-wing youth group posted a video clip of an attack on Dimitras during the trial on the video-sharing site *YouTube* and posted insults, death threats, and anti-Semitic messages underneath. In addition, Plevris launched a series of legal actions against representatives of GHM and the Central Board of Jewish Communities in Greece (KIS), claiming he was defamed by their complaints, and seeking compensation. Trial dates are set for later in 2008. The 2007 Plevris trial was the first of its kind in Greece, under legislation passed in 1979.

[Source: *Ifex Communiqué*, 17–3 (22 January 2008).]

See also United States.

## **GRENADA**

Last *Annual Report* entry: see NCH #49 (2007).

## **GUATEMALA**

Last *Annual Report* entry: see NCH #49 (2007).

The prosecutors and investigators who handle human rights violations from the civil war (1960–96) received grossly inadequate training and resources. The courts routinely failed to resolve judicial appeals and motions efficiently, allowing defense attorneys to engage in dilatory legal maneuvering. The army and other state institutions failed to cooperate fully with investigations into abuses committed by their current or former members. The police did not provide adequate protection to judges, prosecutors, and witnesses involved in politically sensitive cases. Of the 626 massacres

documented by the 1999 United Nations Truth Commission, only two cases have been successfully prosecuted in the Guatemalan courts. In April 2007, the Constitutional Court confirmed the lower courts' sentencing of Colonel Byron Disrael Lima Estrada, Captain Byron Lima Oliva, and priest Mario Orantes Nájera to twenty years' imprisonment on charges of being accomplices in the 1998 murder of Bishop Juan Gerardi Conedera [See NCH #13; see NCH Annual Reports 1998–2001, 2003–4]. The discovery in July 2005 of approximately 70 to 80 million documents of the disbanded National Police, including files on Guatemalans who were murdered and disappeared during the armed conflict, could play a key role in the prosecution. Yet there is no legal framework in place to ensure adequate long-term management of the archive, nor to regulate public access to its files. In July 2007, a Guatemalan court of appeals ordered the declassification of military documents from the 1980s.

[Source: HRW, *World Report 2008* (2008), 210–12.]

On 26 September 2005, in a landmark ruling, Spain's Constitutional Court held that, in accordance with the principle of universal jurisdiction, cases of alleged genocide committed during Guatemala's internal armed conflict (1960–96) could be prosecuted in the Spanish courts, even if no Spanish citizens were involved. On 7 July 2006, Spanish Judge Pedraz issued international arrest warrants against a group of eight former high-ranking Guatemalan military officials and in late 2006 the Spanish government requested their extradition. The extradition proceedings, however, were delayed due to the defendants' numerous appeals. In December 2007, the Guatemalan Constitutional Court ruled that warrants and extradition requests issued by the Spanish judge would not be implemented. In September 2007, General José Efraín Ríos Montt, former President and part of this group, was elected to Congress and so gained parliamentary immunity. A case presented in 2000 against the group in the Guatemalan judicial system made no progress throughout 2007. In addition, the government refused to release 25-year-old military documents allegedly containing evidence that the widespread human rights violations were part of an intentional military strategy during the conflict. The United Nations Working Group on Enforced or Involuntary Disappearances criticized the government for failing to make any significant progress in determining the fate of approximately 45,000 people who remained disappeared.

[Sources: AI, *Report 2008* (2008) 16–17, 143; HRW, *World Report 2008* (2008), 213–14.]

In February 2007, an employee of the Center for Legal Action on Human Rights (Centro para la Acción Legal en Derechos Humanos, CALDH) was briefly kidnapped and several other members of CALDH's legal team received written and oral threats. In 2007, members of the Guatemalan Foundation for Forensic Anthropology (Fundación de Antropología Forense de Guatemala, FAFG)

continued to receive death threats in connection with their work of exhuming bodies buried in clandestine cemeteries throughout Guatemala. Others involved in human rights prosecutions are also routinely threatened or attacked, including justice officials, forensic experts, plaintiffs, and witnesses. Journalists, labor activists, and others who have denounced abuses by the authorities are also subject to violence and intimidation. Guatemalan human rights organizations said that 158 of such acts of violence or intimidation were reported between January and August 2007. There is widespread consensus among local and international observers that the people responsible for these acts of violence and intimidation are affiliated with private, secretive, and illegally armed networks or organizations, commonly referred to in Guatemala as “clandestine groups.” These groups appear to have links to both government officials and organized crime—which give them access to considerable political and economic resources. In August 2007, Congress approved the creation of an International Commission Against Impunity in Guatemala. The commission, organized under the auspices of the United Nations, would aid national authorities in the investigation and prosecution of members of these clandestine groups.

[Sources: AI, *Report 2008* (2008) 142; HRW, *World Report 2008* (2008), 212–13.]

Guatemalan human rights organizations reported that between January and August 2006 161 acts of violence or intimidation took place against Guatemalans seeking justice for past abuses; between January and August 2007, there were 158 such acts.

[Source: HRW, *World Report 2007* (2007) 208; *2008* (2008), 213.]

## **GUINEA**

Last *Annual Report* entry: see NCH #49 (2007).

## **GUINEA-BISSAU**

Last *Annual Report* entry: see NCH #14 (1999).

## **GUYANA**

Last *Annual Report* entry: see NCH #6 (1997).

## HAITI

Last *Annual Report* entry: see NCH #45 (2006).

On 12 August 2007, **Lovinsky Pierre-Antoine** ([1953]–), a psychologist and political and human rights activist, was abducted. In November 2007, human rights activist **Wilson Mesilien** ([1968]–) was threatened several times. Both were founding members (1996–) and coordinators of the Fondasyon Trant Septanm (30 September Foundation; named after the date of the 1991 military coup during which President Jean-Bertrand Aristide was ousted). The Fondasyon pressed for an end to impunity for past abuses and reparation to victims of the 1991–94 military regime (when an estimated 3,000 persons were killed) and to the victims of the transitional government of 2004–6. Since 1996, the Fondasyon members have carried out weekly marches in Port-au-Prince and other towns in memory of the victims. During a tour of a photo-exhibition of these victims, they also gathered signatures to amend the Constitution in order to abolish the Haitian army. Days before his abduction, Pierre-Antoine had announced his intention to stand as Senator in the elections initially scheduled for December 2007 under the banner of the Fanmi Lavalas Party (a left-wing political party led by Aristide). The threats and abduction could reportedly come from people connected with the former military. Pierre-Antoine had been a grass-roots community organizer for several years. During Aristide's last presidency (2001–4), he had been appointed General Coordinator of the National Office on Migration. He left Haiti and went into exile during the transitional government and returned in February 2006 after René Préval had been elected president for the third time. [See NCH #53.]

[Sources: AI, *Report 2008* (2008) 148; AI, *Urgent Action* (18 December 2007); Human Rights Watch, *World Report 2008* (Washington 2008), 217.]

## HONDURAS

Last *Annual Report* entry: see NCH #27 (2002).

## HUNGARY

Last *Annual Report* entry: see NCH #49 (2007).

In the night between 1 and 2 May 2007, vandals desecrated the grave of János Kádár, the last Communist ruler (1956–89), and removed his skull and several bones. Graffiti reading “a murderer and traitor may not rest in holy ground” was found nearby.

[Source: *BBC News Online* (3 May 2007).]

## INDIA

Last *Annual Report* entry: see NCH #49 (2007).

A majority of police officers responsible for serious human rights violations during the 1984–94 civil unrest in Punjab continued to evade justice. Following violent attacks by Sikh militants, security forces had illegally detained, tortured, executed, or disappeared thousands of people during counterinsurgency operations. The findings of a Central Bureau of Investigation probing into allegations of unlawful killings of 2,097 people who were cremated by the police had still not been made fully public, nine years after the investigation was launched. The National Human Rights Commission (NHRC) awarded compensation to the relatives of 1,298 victims of such killings in one district, Amritsar. However, the NHRC was criticized for the slow pace of its investigations, and in October 2007 a commission appointed by the NHRC in 2006 to examine compensation claims was criticized by human rights organizations for various failings.

[Sources: AI, *Report 2008* (2008) 154; HRW, *World Report 2008* (2008), 274.]

In 2007, a number of attacks occurred on places of religious worship, including a bomb blast at the Sufi shrine in Ajmer in October. The Indian government succeeded in preventing communal riots following this and other attacks. It failed, however, to prosecute most of those who instigated or participated in religious mob violence.

\* Despite national and international condemnation, the Gujarat state government continued to protect those responsible for the killing of Muslims during the 2002 riots. Perpetrators of the violence indicated in the media that members of the ruling Bharatiya Janata Party (BJP) were implicated in the violence, yet no substantive investigation was carried out. Little action was taken over an official report that more than 5,000 displaced families continued to live in “sub-human” conditions in Gujarat.

\* After more than a decade of hearings, a special court convicted 100 people for their involvement in the 1993 serial bomb attacks in Mumbai. However, the individuals believed responsible for attacks upon Muslims in January 1993, which preceded the bomb blasts, are yet to be prosecuted and punished.

\* Despite promises made by the Prime Minister in 2005, there was also no progress in justice for victims of the 1984 anti-Sikh riots.

\* In Jammu and Kashmir, state and non-state actors continued to enjoy impunity for torture, deaths in custody, abductions, and unlawful killings. A human rights organization reported that in the past eighteen years 1,051 people had been victims of enforced disappearance in Baramulla district alone.

\* In November 2007 in Assam, a commission of inquiry into the unlawful killings between 1998 and 2001 of 35 individuals associated with the United Liberation Front of Asom published its findings. It concluded that the killings had been carried out by surrendered members of the organization at the behest of a former chief minister and the state police. It remained unclear if anyone would be brought to justice.

[Sources: AI, *Report 2008* (2008) 153–54; HRW, *World Report 2008* (2008), 276.]

In May 2007, the art history archives of the Maharaja Sayajirao University in Vadodara, Gujarat, were temporarily closed after the arrest of an art student who had depicted a Hindu goddess in a controversial way in one of his paintings.

[Source: *IOC*, 3/07: 17–23, 114.]

In September 2007, a case was presented in the Supreme Court against the \$560 million Sethusamudram Ship Canal Project, which aimed to create a navigable sea route around the Indian peninsula so ships could avoid going around Sri Lanka. The petitioners argued that the planned route would damage the Ram Sethu (also called Adam's bridge)—the natural structure that joined Sri Lanka to the Asian continent during the last Ice Age—but that they believed was 1,750,000 years old and hence synchronous with the golden period of deity Rama's rule. When the government submitted an affidavit saying “mythological texts” could not “incontrovertibly prove” the existence of Lord Rama or the construction of the Ram Sethu, opposition demonstrations forced Minister of Culture and Tourism Amibika Soni to suspend two directors of the archaeological service, and the government to withdraw the affidavit on 14 September 2007.

[Source: M. Singh, “India's Debate Over Sacred Geography”, *Time* (18 September 2007).]

On 25 February 2008, Akhil Bharatiya Vidyarthi Parishad activists, led by Vikas Dahiya, vandalized the office of **S.Z.H. Jafri**, head of the history department at Delhi University, and allegedly manhandled him, in protest against the B.A. History (Honours) syllabus. They claimed that a portion of it—an essay by **A.K. Ramanujan** entitled “Three Hundred Ramayanas: Five Examples and Three Thoughts on Translation” for the course on “Ancient Indian Culture”—contained “objectionable” references to Hindu gods.

[Source: “Historian's Office in India Vandalized by Activists”, *The Hindu* (26 February 2008).]



## INDONESIA

Last *Annual Report* entry: see NCH #49 (2007).

Some progress was made in addressing human rights crimes of the Suharto era (1965/67–98). In December 2006, the Constitutional Court declared unconstitutional a law establishing a Truth and Reconciliation Commission (TRC). The law empowered the TRC to award amnesties to perpetrators of past crimes and barred victims from taking any future legal action against them. Reparations to victims were made contingent upon the latter's signing formal statements exonerating the perpetrators. The Court declared that provisions of the TRC law violated Indonesia's international obligations and domestic laws. The decision came after two years of legal challenges by Indonesian human rights groups.

[Source: HRW, *World Report 2008* (2008), 280.]

In June 2007, dancers performing a traditional local dance in front of President Susilo Bambang Yudhoyono were arrested after they raised the Maluku independence flag in Ambon, Maluku province. During interrogation they were allegedly beaten and threatened. Most of them were charged with "rebellion".

[Source: AI, *Report 2008* (2008) 155.]

In late February 2008, **Bersihar Lubis**, a columnist with the Indonesian-language daily *Koran Tempo*, was sentenced to one month's imprisonment for "insulting" the Attorney General's Office. In an article written in March 2007, he had condemned the burning of history textbooks that offered a different interpretation of the 1965–66 events to the official version [*See NCH Annual Report 2007*]. [Sources: HRW, *World Report 2008* (2008), 280; P. J. Tan, "The Legacy of the Suharto Era Lingers in School History Books", *Inside Indonesia*, 92 (April–June 2008).]

See also Timor-Leste.

## INTERNATIONAL CRIMINAL COURT

Last *Annual Report* entry: see NCH #45 (2006).

See Central African Republic; Congo (Democratic Republic); Ivory Coast; Morocco; Namibia; Peru;

Sudan.

## IRAN

Last *Annual Report* entry: see NCH #49 (2007).

In July 2007, security forces arrested six Amir Kabir University students who were staging a peaceful sit-in in commemoration of the anniversary of the 1999 student protests violently suppressed by the government.

[Source: HRW, *World Report 2008* (2008), 473.]

In 2002–3, [confidential name] (1980–), a history student at Tehran University since 1999 (BA in 2003), joined student demonstrations against the execution of Hashem Aghajari [See NCH #28 and NCH Annual Reports 2003–5, 2007]. Within a week, security forces reportedly seized her education documents, and she was forced to promise not to “commit these kinds of crimes again” in order to finish her undergraduate studies. The Ministry of Information reportedly continued interrogating her about her role in the demonstrations. She left Iran to study Arabic in Syria and Lebanon (2004), and after her return to Tehran University, the historical subjects she proposed to study, including the history of Iran’s Jewish minority, were considered “dangerous.” As a member of the Student’s Committee for Human Rights (2006–8), supporting Iran’s political prisoners and publishing a website about human rights violations, she was arrested twice. In 2007, she completed her MA, writing her thesis on the history of Iran in the Islamic era, but she was banned from pursuing her PhD studies. The intelligence service allegedly ordered the institutions where she applied for jobs to reject her. Reportedly, she was also forced to divorce her husband because of their joint activism in the student movement. She reported that her ex-husband has been falsely accused of working with an armed foreign group to overthrow the government. Because of their relationship and the severity of charges against him, when he is sentenced in court, she will be sent to prison as well.

[Source: SAR, “Case Iran-545” (2 May 2008).]

In December 2006, **Mehrnoushe Solouki** [1970–], a French-Iranian citizen residing in Canada, and a filmmaker and journalism graduate student at Quebec University, Montréal, entered Iran in order to film her third documentary, on the subject of the burial rites of religious minorities such as the Armenian Christians, Jews, and Zoroastrians. The Ministry of Islamic Culture and Guidance granted her a research license and officials were told in advance of locations where she would film. In

February 2007, however, Solouki stumbled upon a site in Khavaran cemetery, Tehran, that was reportedly a mass grave of regime opponents summarily executed in the summer and fall of 1988, and filmed it. Because the authorities probably believed that she intended to make a film critical of the executions, she was arrested and imprisoned in solitary confinement. She was reportedly held in inhumane conditions and subjected to daily interrogations. On 28 March 2007, she was released when her parents posted bail, but authorities confiscated her French passport. In breach of Iranian law limiting travel bans to six months, she was not allowed to return to France. In July 2007, an unknown assailant in Tehran attacked and injured her. On 17 November 2007, Solouki was tried in closed-door proceedings on charges of “intent to commit propaganda” against the Iranian regime and fined. She had neither edited nor broadcast any film taken during her stay. On 18 January 2008, she was allowed to leave Iran for France. Solouki declared that she planned to make a film about her story. [See NCH #52.]

[Sources: Associated Press, “Iran Allows Filmmaker to Leave Country” (22 January 2008); IOC, 3/07: 118; SAR, “SAR calls for letters on behalf of detained graduate student Mehrnoushe Solouki” (4 December 2007); T. Tahbaz, “Iran: Nightmares of Evin Haunt Freed Filmmaker” (Radio Free Europe/Radio Liberty; 22 January 2008).]

In January 2008, [confidential name] (1957–), a PhD in history, an assistant professor at the history department of Ferdowsi University, Mashhad (2006–8), and specialist in early modern and modern Iranian and Turkish history, was dismissed because he had published a Farsi translation of *An Islamic Utopian: A Political Biography of Ali Shariati* [for Shariati, see several NCH Annual Reports], a book written by **Ali Rahnema** of the American University of Paris, despite the fact that the government had revoked the permit for this translation since 2005. Labeled an “ideological non-conformist,” he was questioned by a security officer about his research and writings (he was working on English to Farsi translations of two histories of the Ottoman Empire) and threatened openly with violence. In addition, after establishing contact with one of the authors, historian John Woods of the University of Chicago, he was accused of having “suspicious relationships with foreigners”.

[Source: SAR, “Case Iran-543” (11 March 2008).]

## IRAQ

Last *Annual Report* entry: see NCH #49 (2007).

The Supreme Iraqi Criminal Tribunal (SICT) continued to try former senior party, army, security, and

government officials associated with the previous Ba'ath administration headed by Saddam Hussain for gross human rights violations committed during his rule (1979–2003). Several defendants were sentenced to death after grossly unfair trials and three, sentenced in 2006, were executed. Political interference continued to undermine SICT's impartiality. On 24 June 2007, the trial was concluded of those allegedly responsible for abuses committed during the 1988 Anfal campaign, in which Iraqi forces used chemical weapons and killed as many as 180,000 Iraqi Kurds. Three of the six defendants—Ali Hassan al-Majid, Sultan Hashim Ahmad al-Ta'i, and Hussain Rashid al-Tikri—were sentenced to death for war crimes and crimes against humanity. Ali Hassan al-Majid was also convicted of genocide. On 4 September 2007, the death sentences were confirmed on appeal and the three were expected to be executed within 30 days. However, the US military refused to transfer the three to Iraqi custody because of a legal wrangle between Prime Minister al-Maliki and the Presidential Council.

[Sources: AI, *Report 2008* (2008) 163–64; HRW, *World Report 2008* (2008), 482.]

In 2007, [confidential name] (1954–), a historian at the history department, College of Education, Al-Mustansiriyah University, Baghdad, and specialist in modern Ottoman and Turkish history, was increasingly harassed after a militia group of the Al-Mahdi army began to run the university. He received threatening telephone calls and was treated aggressively by several of his colleagues in the history department due to their sectarian beliefs. His life was thought to be in danger. In 2008, he was offered a one-year visiting fellowship at Fairfield University, CT, United States.

[Source: SAR, *November 2007 Profiles* (New York 2007).]

In 2007, the life of [confidential name] (1931–), professor of archaeology at Baghdad (1969–75) and Mosul (1980–89) universities, head of the history department, University College of Al-Mansour (1990–92) and head of the history department of the Institute of Advanced Historical Studies, Union of Arab Historians (1994–97), was threatened. In the 1970s, during the Baathi regime, he had been appointed Director General of Antiquities of the North, a position which gave him full responsibility for all of northern Iraq, including ancient Assyria. Between 1977 and 1986 he led many rescue excavations. In addition, he was a prominent Christian and since 2003 Christians had been targeted by militias. He feared for his safety and went into exile to the United States, where in early 2008 he took up a one-year fellowship at Brown University, Providence, RI.

[Source: SAR, *Case Iraq 655* (New York 2007).]

In February 2007, Saad Eskander, director of the Iraqi National Library and Archives, reported that his collaborators **Ali Salih**, **Ahmed Sali**, and an unnamed librarian had been assassinated in

November 2006, December 2006, and February 2007 respectively.

[Source: *NRC Handelsblad*, 2007 (16 February 2007).]

On 10 April 2007, **Abdul Ghabur Al-Qasi [al-Qaisi]** (–2007), history professor at the University of Diyala, Baquba, was reportedly killed. On 16 April 2007, **Jaffer Hasan Sadiq** (–2007), professor at the history department, Faculty of Humanities, [University of Mosul], was assassinated in front of his house in Al-Kafaa'at district, northeast of Mosul City. On 29 October 2007, an armed group attacked the house of **Jamal Mustafa**, head of the history department at Educational College, University of Diyala, Baquba, and abducted him.

[Source: Russell Tribunal, *List of Killed, Threatened or Kidnapped Iraqi Academics* (2008).]

See also United Kingdom, United States.

## IRELAND

Last *Annual Report* entry: see NCH #37 (2004).

## ISRAEL

Last *Annual Report* entry: see NCH #32 (2003).

In 2007, historian **Ilan Pappé** [*See NCH Annual Report 2003*] left his position of senior lecturer at the Haifa University political science department after he had endorsed the international academic boycott of Israeli institutions, provoking the university president to call for his resignation.

[Source: *Guardian* (26 May 2008).]

See also Malaysia, United States.

## ITALY

Last *Annual Report* entry: see NCH #32 (2003).

On 15 January 2008, Pope Benedict XVI canceled a planned speech at La Sapienza University, Rome, following protests from students and 67 academics against his statement that condoned astronomer Galilei Galileo's conviction for heresy in 1633. Galileo had argued that the earth revolved around the sun, but he had been forced to renounce his findings publicly. In 1990, then Cardinal Ratzinger, in charge of Catholic doctrine, had described the verdict as "rational and just". In 1992, however, Pope John Paul II had expressed regret at the way Galileo had been treated.

[Sources: *BBC News* (15 January 2008); *IOC*, 2/08: 186.]

### **IVORY COAST (Côte d'Ivoire)**

Last *Annual Report* entry: see NCH #49 (2007).

Throughout 2007 neither the government nor the rebel leadership took significant steps to discipline, investigate, or hold accountable those responsible for atrocities committed during the 2002–3 civil war. In April 2007, President (and historian) Laurent Gbagbo signed a regulation providing for an amnesty for most of the crimes committed in the context of the conflict since 2002. The amnesty did not expressly exclude crimes under international law, including the widespread and systematic acts of sexual violence against women. In July 2007, however, Gbagbo stressed that this amnesty excluded "crimes against humankind" and assured the delegation that "victims [would] have every opportunity to lodge their complaints". The United Nations (UN) Security Council had still not made public or discussed the findings of the UN Commission of Inquiry report into serious human rights violations since September 2002, which was handed to the UN Secretary-General in November 2004. In September 2003, the Ivorian government accepted the jurisdiction of the International Criminal Court (ICC) over serious crimes. However, in 2006 and 2007 it consistently undermined a planned ICC mission to assess the possibility of opening an investigation into such crimes.

[Sources: AI, *Report 2008* (2008) 6, 104; HRW, *World Report 2008* (2008), 103–4.]

**JAPAN**

Last *Annual Report* entry: see NCH #49 (2007).

In March 2007, the Education Ministry ordered publishers of new history textbooks to change passages on the mass suicides after the 1945 battle of Okinawa. The passages, confirmed by historical research, suggested that Japanese soldiers actively encouraged civilians to commit suicide, partly for fear of what they might tell the invaders. At least 500 civilians, including entire families, committed suicide rather than surrender to American forces after the battle that left more than 200,000 dead. Okinawan politicians passed two resolutions against the revisions and in late September or early October 2007, at least 110,000 persons demonstrated in Ginowan, Okinawa, against the intended revisions. On 27 December 2007, the government announced that the planned revisions were canceled.

[Sources: *BBC News Online* (22 June & 11 July 2007); *IOC*, 1/08: 200; *Keesings historisch archief*, 2008: 109–110.]

**JORDAN**

Last *Annual Report* entry: see NCH #37 (2004).

**KAZAKHSTAN**

Last *Annual Report* entry: see NCH #49 (2007).

**KENYA**

Last *Annual Report* entry: see NCH #49 (2007).

**KOREA, NORTH**

Last *Annual Report* entry: see NCH #49 (2007).

**KOREA, SOUTH**

Last *Annual Report* entry: see NCH #45 (2006).

Since 7 September 2007, **Kim Dong-ay** ([1947–]), a former university lecturer in Chinese history and an executive of a temporary educators' union, and her husband (name unknown), a former university lecturer in Korean labor history, have staged, together with others, a street protest near the National Assembly in Yeouido, Seoul, urging the government to give the same status to part-time lecturers as to full-time professors and to improve other working conditions including job security and salary. At least until late March 2008, they spent the nights in a tent near the Assembly.

[Source: Park Si-soo, "Part-Time Lecturers Fight Discrimination", *Korea Times* (30 March 2008).]

**KUWAIT**

Last *Annual Report* entry: see NCH #38 (2005).

See United States.



**KYRGYZSTAN**

See Uzbekistan.

## LATVIA

Last *Annual Report* entry: see NCH #45 (2006).

In 2007, almost 400,000 people continued to live without citizenship. The vast majority were citizens of the former Soviet Union who were living in Latvia at the time of the break-up of the Soviet Union (1991). In order to obtain citizenship, non-citizens must pass a number of tests, for example on the Latvian Constitution, history, and language, as well as recite the lyrics of the Latvian national anthem.

[Source: AI, *Report 2008* (2008) 187.]

See also European Union.

## LEBANON

Last *Annual Report* entry: see NCH #49 (2007).

In 2007, no criminal investigations or prosecutions were initiated into mass human rights abuses that were committed during and after the civil war (1975–90). Abuses included killings of civilians; abductions and enforced disappearances of Palestinians, Lebanese and foreign nationals; and arbitrary detentions by various armed militias and Syrian and Israeli government forces. In 1992, the Lebanese government had estimated that a total of 17,415 people had disappeared during the civil war. Since April 2005, relatives and friends of the disappeared have been holding a sit-in in front of the United Nations offices in Beirut to demand information on the fate of people still unaccounted for. According to Lebanese human rights groups, Syria had committed at least 640 enforced disappearances, detaining Lebanese incommunicado in Syrian prisons. An official joint Syrian-Lebanese committee established in May 2005 to investigate the cases had not published any findings at the end of 2007.

[Sources: AI, *Report 2008* (2008) 191; HRW, *World Report 2008* (2008), 498, 502.]

On 30 May 2007, the United Nations (UN) Security Council adopted resolution 1757 to establish the Special Tribunal for Lebanon to try those suspected of involvement in the February 2005 killing of former Prime Minister Rafiq al-Hariri and 22 others and, if the court so decides, a number of other possibly related attacks committed since October 2004. On 28 November 2007, the UN International

Independent Investigation Commission submitted its ninth report into the killing and eighteen other attacks it was helping to investigate.

[Sources: AI, *Report 2008* (2008) 189; HRW, *World Report 2008* (2008), 498, 500.]

See also Syria, United States.

## **LIBERIA**

Last *Annual Report* entry: see NCH #49 (2007).

The work of the Truth and Reconciliation Commission (TRC), established in 2006 and mandated to investigate gross human rights violations and economic crimes that occurred between January 1979 and 14 October 2003, proceeded slowly. In March 2007, the Commission's work was suspended due to concerns over transparency. A working group comprising TRC members and donors was set up, leading to a number of positive developments including the hiring of key staff. Public hearings were due to start in January 2008. The TRC was empowered to recommend for prosecution the most serious abuses of human rights. Questions remained about whether prosecutions should take place during or after the completion of the TRC's work; whether TRC commissioners would act on their power to recommend individuals for prosecution; and whether the Liberian judicial system would be able and willing to try these crimes.

[Sources: AI, *Report 2008* (2008) 6, 191–92; HRW, *World Report 2008* (2008), 134–35.]

See also Sierra Leone.

## **LIBYA**

Last *Annual Report* entry: see NCH #49 (2007).

The legacy of gross human rights violations committed in the past remained untackled. The violations, which were committed particularly in the 1970s, 1980s and 1990s, included the enforced disappearance of hundreds of individuals, many of whom were feared to have died in custody while detained on political charges.

[Source: AI, *Report 2008* (2008) 195.]

**LITHUANIA**

Last *Annual Report* entry: see NCH #38 (2005).

See also European Union.

**MACEDONIA**

Last *Annual Report* entry: see NCH #49 (2007).

There were delays in the adoption of a draft Law on Cooperation with the International Criminal Tribunal for former Yugoslavia (ICTY), and disputes between the Ministry of Justice and Macedonia's Public Prosecutor on jurisdiction over four cases due to be returned to Macedonia from the ICTY by the end of 2007. Albanian political parties argued for the application of the law adopted in March 2002, which provided an amnesty for all those involved in the 2001 armed conflict, except those accused of war crimes under ICTY jurisdiction.

[Source: AI, *Report 2008* (2008) 196–97.]

**MALAYSIA**

Last *Annual Report* entry: see NCH #49 (2007).

In July 2008, the Israeli delegation to the Sixteenth Congress of the International Council on Archives (consisting of archivists Zohar Aloufi, Nava Eisin, Michal Henkin, Anies Karawy, Ziona Raz, Silvia Schenkolewski-Kroll, Amira Stern, and Masha Zolotarevsky) in Kuala Lumpur were not given visa by the Malaysian authorities in time to participate. The Israeli Panel at the Congress was canceled. A similar problem arose in 1982, when an Israeli delegation could not attend the Table Ronde des Archives (CITRA). Several archivists protested against the situation in 1982 as well as in 2008.

[Sources: Eric Ketelaar, e-mail (21 July 2008); Letter of the Israel Archives Association (20 July 2008).]

**MALDIVES**

Last *Annual Report* entry: see NCH #45 (2006).

**MAURITANIA**

Last *Annual Report* entry: see NCH #27 (2002).

**MEXICO**

Last *Annual Report* entry: see NCH #49 (2007).

In March 2007, President Felipe Calderón officially closed the Special Prosecutor's Office (SPO) that former President Vicente Fox (2000–6) had established to address abuses committed during the “dirty war” in the 1960s, 1970s and 1980s. During its five-year existence, the SPO had made very limited progress toward investigating and prosecuting these crimes. Its initial advances—such as the 2003 Supreme Court ruling authorizing prosecution of decades-old disappearance cases—were offset by significant failures; it did not obtain a single criminal conviction. Of the more than 600 disappearance cases, it filed charges in sixteen cases and obtained indictments in nine; the office determined the whereabouts of only six disappeared individuals. The government ignored the concluding SPO report which acknowledged that the abuses were systematic state crimes. In October 2007, the creation of a fund to compensate victims was announced.

\* In July 2007, a federal judge concluded that the 1968 massacre of scores of students in Tlatelolco Square in Mexico City constituted genocide but that there was insufficient evidence against former president Luis Echeverría to continue the prosecution. In early 2008, an appeal on this ruling was pending.

[Sources: AI, *Report 2008* (2008) 16, 205; HRW, *World Report 2008* (2008), 220–21.]

**MOLDOVA**

Last *Annual Report* entry: see NCH #32 (2003).

**MONGOLIA**

Last *Annual Report* entry: see NCH #49 (2007).

**MONTENEGRO**

Last *Annual Report* entry: see NCH #49 (2007) under Serbia & Montenegro.

No progress was made in the investigations of six former police officers indicted in February 2006 for the enforced disappearance of 83 Bosniak (Bosnian Muslim) civilians in 1992. In related civil proceedings, in 25 out of 38 first instance decisions, Montenegro was found responsible for the enforced disappearances or deaths of the Bosniak civilians, and compensation was awarded to survivors or to family members for the deaths of their relatives. The state appealed each decision. The court rejected claims that the authorities had violated the relatives' rights under Article 3 (prohibition of torture) of the *European Convention on Human Rights* in failing to provide information on the fate and whereabouts of the disappeared.

[Source: AI, *Report 2008* (2008) 210–11.]

## **MOROCCO/WESTERN SAHARA**

Last *Annual Report* entry: see NCH #49 (2007).

The Equity and Reconciliation Commission (ERC), established in 2004 to inquire into enforced disappearances, arbitrary detentions, and other grave human rights violations committed during the reign of Hassan II (1956–99), had completed its work in 2005. Despite ERC recommendations, authorities took no steps to bring to trial those implicated in past abuses, including some who continued to hold high government posts. Nor had the government implemented the ERC's recommendations to ratify the International Criminal Court statute and abolish the death penalty. In August 2007, the Human Rights Advisory Board (CCDH), charged with continuing the work of the ERC, said that 23,676 people had received compensation for human rights violations committed in 1956–99.

[Sources: AI, *Report 2008* (2008) 214; HRW, *World Report 2008* (2008), 514.]

In 2007, the Polisario Front took no steps to address the impunity of those accused of human rights abuses in their camps in the 1970s and 1980s.

[Source: AI, *Report 2008* (2008) 214.]

On 19 June 2008, at the request of CCDH head Ahmed Herzenni, a Rabat court ordered Arabic-language daily *Al Jarida Al Oula* to stop publishing hitherto unpublished testimony about human rights abuses under King Hassan II (1956–99). Senior officials close to the late king had given this information to the ERC, but in 2005 the CCDH had replaced the ERC and taken charge of the latter's archives. Herzenni cited a law for the protection of government archives and declared that the

testimony was “intended to be a rich resource for serious researchers and not the subject of competition between journalists seeking a scoop”. Before the court order, a total of four previously unpublished testimonies had been published in *Al Jarida Al Oula*.

[Source: Reporters Without Borders, *Ifex Update* (20 June 2008).]

## MYANMAR (BURMA)

Last *Annual Report* entry: see NCH #45 (2006).

On 26 March 2007, **Ko Kyaw Thu Moe Myint**, a teashop owner, was arrested for having written a book of poems and distributed it to his family and friends. Two of the eleven poems referred to independence hero Aung San.

[Source: *IOC*, 3/07: 109.]

On 25 May 2007, a biography of former Prime Minister U Nu (1907–95) by journalist **Than Win Hlaing** was banned. In 2000, Than had been sentenced to seven years’ imprisonment for having written about opposition leader Aung Sang Suu Kyi (1945–) and her father Aung San (1915–47). On 3 January 2007, he had been released after a pardon.

[Source: *IOC*, 1/07: 112; 3/07: 109.]

On 8 August 2008, the twentieth anniversary of a student-led uprising popularly referred to as “8-8-88” was commemorated. The 1988 protests led to the downfall of dictator Ne Win (ruled 1962–88), but a new group of Burmese generals crushed the protests, killing an estimated 3,000 people. Anticipating anniversary protests on the streets, the junta put a heavy military and police presence on every main road. Although many Rangoon residents were dressed in black to commemorate the anniversary, protests were limited. In Taunggok, northwest Myanmar, forty-eight activists who had organized a silent commemoration march, were arrested.

[Sources: Article 19, “Burma: 20 Years of Suffering” (8 August 2008); *Ifex Communiqué* 17–31 (13 August 2008); *NRC Handelsblad* (9 August 2008) 4.]



## NAMIBIA

Last *Annual Report* entry: see NCH #49 (2007).

The National Society for Human Rights (NSHR) requested that the International Criminal Court (ICC) investigate human rights abuses carried out in SWAPO (South West Africa People's Organization) camps in exile prior to independence in 1990, and in the north-east of the country in the 1990s. The NSHR cited Sam Nujoma, Namibia's first President (1990–2005), and retired army Lieutenant General Solomon Hawala as responsible for the detention, torture, and enforced disappearance of thousands of SWAPO members in Angola in the 1980s. NSHR's demand was strongly condemned by the ruling party SWAPO as a threat to the policy of national reconciliation. The ICC does not have jurisdiction for crimes committed prior to July 2002 and therefore the NSHR request would not be admissible.

[Source: AI, *Report 2008* (2008) 219.]

## NEPAL

Last *Annual Report* entry: see NCH #49 (2007).

Both the government and the Communist Party of Nepal (Maoist) (CPN (M)) largely failed to implement commitments to human rights in the Comprehensive Peace Accord (CPA), signed in November 2006, after the civil war (1996–2006). Measures to address impunity for past violations and abuses were grossly inadequate. The Red Cross estimated that there were 1,042 cases of enforced disappearances attributable either to the Nepalese Army or CPN (M) forces. Although the CPA had committed the government and Maoists to make public the whereabouts of disappeared people within 60 days of its signing, there was no progress. On 1 June 2007, the Supreme Court called for setting up a commission of inquiry to investigate the disappearances, and commissioners were appointed by October 2007, but in early 2008 the commission had yet to start work. In June 2007, a draft Truth and Reconciliation Commission bill was tabled. It proposed establishing a commission with a mandate to investigate gross human rights violations and crimes against humanity committed during 1996–2006. More than 12,000 people were killed in the conflict, many of them civilians. The United Nations, several international NGOs, and local NGOs raised concerns about provisions granting amnesty to perpetrators of gross human rights violations.

[Sources: AI, *Report 2008* (2008) 220–21; HRW, *World Report 2008* (2008), 294–95.]

**NETHERLANDS**

Last *Annual Report* entry: see NCH #49 (2007).

On 7 August 2008, summary proceedings were started against the Koninklijk Instituut voor de Tropen (Royal Tropical Institute), Amsterdam. A person [name unknown] had complained that the exhibition “Palestina 1948, herinneringen aan een verdwenen vaderland” (Palestine 1948: Remembering a Past Homeland” (1 March 2008–4 January 2009), about the Palestinian view on the 1948 events (called *Nakba* or *Catastrophe*), was one-sided and therefore intentionally distorting with the aim of delegitimizing Israel, which amounted to an act of anti-Semitism and incitement to hatred against the Jews. The judge ruled that the exhibition was not objectionable, came under the right of free expression, and rejected the demand to amend it.

[Source: Amsterdam Court, *Kort Geding (Summary Proceedings) 402248 / KG ZA 08–1291* Pee/MV (7 August 2008), at [http://www.concernedhistorians.org/content\\_files/file/le/89.pdf](http://www.concernedhistorians.org/content_files/file/le/89.pdf).]

**NEW ZEALAND**

Last *Annual Report* entry: see NCH #49 (2007).

**NICARAGUA**

Last *Annual Report* entry: see NCH #10 (1998).

**NIGERIA**

Last *Annual Report* entry: see NCH #45 (2006).

In 2007, federal authorities had not taken any action to ensure accountability for past atrocities such as the military’s complete destruction of the Bayelsa state town of Odi in 1999 or its massacre of several hundred civilians in Benue state in 2001.

[Source: HRW, *World Report 2008* (2008), 137.]

**PAKISTAN**

Last *Annual Report* entry: see NCH #45 (2006).

See Bangladesh.

**PALESTINIAN AUTHORITY**

Last *Annual Report* entry: see NCH #27 (2002).

At the end of July 2008, **Abd al-Sattar Qassim** (Abdul Sattar Qassem) (?1949–), professor of history or political science at An-Najah National University, Nablus [*See NCH #15; NCH Annual Reports 2000–2001*], was arrested by a group of 50 or 60 policemen and briefly detained. No reason was given, nor was he questioned. Qassim had publicly said that the Palestinian factions had to break the stalemate.

[Source: Palestine News Network, “Detained Palestinian professor: We must break the internal stalemate” (2 August 2008).]

See also Lebanon, Syria, United States.

**PANAMA**

Last *Annual Report* entry: see NCH #32 (2003).

In 2007, the Supreme Court ruled that enforced disappearances committed in the late 1960s and early 1970s by state agents were covered by the statute of limitations.

[Source: AI, *Report 2008* (2008) 15.]

**PARAGUAY**

Last *Annual Report* entry: see NCH #49 (2007).

## PERU

Last *Annual Report* entry: see NCH #49 (2007).

In November 2006, the Inter-American Court of Human Rights ruled on a case involving the indiscriminate killing in 1992 of 41 Shining Path prisoners at a prison in Lima. The court ordered the government to pay compensation of about \$20 million to the families of the dead and to individuals tortured during the operation. President Alan García said that he could not accept paying compensation to “terrorists,” and said he would ask the court for an “interpretation” of its decision.

[Source: HRW, *World Report 2008* (2008), 226.]

In September 2007, the efforts of Peruvian prosecutors to bring former President Alberto Fujimori to justice in Peru finally bore fruit, when the Chilean Supreme Court, in a landmark decision, authorized his extradition on charges of human rights abuses and corruption, including the killing of 15 people in 1991 and the enforced disappearance and killing of nine students and a professor in 1992. It was the first time anywhere in the world that a former president was extradited to stand trial in his home country for human rights violations. Fujimori’s trial was continuing at the end of 2007. A bill to ratify the *Rome Statute* of the International Criminal Court stalled when the Constitutional Court, ruling on a petition by a group of opposition senators, declared it unconstitutional. A bill to reform the constitution to allow ratification of the *Rome Statute* has been in the Senate since April 2002.

[Sources: AI, *Report 2008* (2008) 15, 93, 238; HRW, *World Report 2008* (2008), 196, 224.]

While authorities had made some progress toward holding accountable those responsible for abuses committed during the armed conflict (1980–2000), most perpetrators continued to evade justice. In 2003, the official Truth and Reconciliation Commission (TRC) had estimated that almost 70,000 people had died or disappeared during the armed conflict. Many were victims of atrocities committed by the Shining Path (Sendero Luminoso) and another insurgent group, and others of human rights abuses by state agents. In early 2008, only 17 former military officers and civilians had been convicted for abuses attributed to state actors by the TRC. The military often failed to provide information needed to identify potential key witnesses who served in rural counterinsurgency bases during the conflict. It also declined to identify military officials known to witnesses only by their aliases. An effective programme for protecting those who survived human rights abuses during the conflict, their relatives as well as witnesses and lawyers had not been implemented by the end of 2007. The National Council for Reparations, established in 2006 to oversee reparations to victims of human rights abuses documented by the TRC, began its work. By the end of 2007, it had registered

cases in more than 800 communities. In November 2007, the Supreme Court of Justice ruled that those responsible for the crime of enforced disappearance included not only those who carry out the killing and hide the body, but also those higher up in the chain of command.

[Sources: AI, *Report 2008* (2008) 238; HRW, *World Report 2008* (2008), 224–25.]

In November 2005, Congress member Rafael Rey, later Minister for Production, sued **Nelson Manrique**, historian and columnist for the newspaper *Perú 21*, for defamation. Initially Manrique was acquitted, but Rey appealed the decision and on 9 January 2007, a court in Lima found Manrique guilty and ordered him to pay damages. Manrique appealed the decision. In April-May 2005, Manrique had written in his columns that Rey and his party, CODE-Renovación, forged signatures in order to be able to register for the 2000 general elections.

[Source: IPYS, *Ifex Alert* (27 June & 17 July 2007).]

On 21–22 June 2007, officials of the Instituto Nacional de Cultura (INC, National Institute for Culture) ordered three of the ninety drawings of an exhibition by political cartoonist **Piero Quijano** to be withdrawn. The drawings illustrated articles that had been published in the newspapers *Perú 21*, *La República* and the magazine *Somos*, about the Truth and Reconciliation Commission report, the possible privatization of the Machu Picchu ruins, and the President's paternity respectively. Quijano and director Armando Williams of the José Carlos Mariátegui Museum decided to cancel the exhibition altogether. A 30 June 2007 press release from the office of President Alan García read: "The Chief of State said the National Culture Institute had censored artist Piero Quijano's exhibition because it cannot be permitted that the Armed Forces be insulted in a public place."

[Source: IPYS, *Ifex Alert* (29 June & 17 July 2007).]

## POLAND

Last *Annual Report* entry: see NCH #49 (2007).

In July 2008, medievalist **Bronisław Geremek** (1932–2008) died [See *NCH Annual Report 2007*].

## ROMANIA

Last *Annual Report* entry: see NCH #49 (2007).

On 31 January 2008, the Constitutional Court limited the authority of the CNSAS (Council for the Study of the Securitate Archives) as it ruled the law that established it in 2000 unconstitutional, particularly the part allowing the CNSAS to name former Securitate collaborators. The judgment came after a legal challenge from Dan Voiculescu, founder of the Conservative Party, whom the CNSAS in 2006 declared to have been a Securitate informer. On 6 February 2008, a government decree changed the law: the CNSAS was still allowed to study the files but had to hand any incriminating information to the courts.

[Sources: *Keesings historisch archief*, 2008: 273–74; *NRC Handelsblad* (7 February 2008) 4; “Romania Court Rules on Secret Files” (BalkanInsight.com, 1 February 2008).]

## RUSSIA

Last *Annual Report* entry: see NCH #45 (2006).

In April 2006, Rector Leonid Kossovich of Saratov State University, central Russia, dismissed historian **Velikhan Mirzekhanov** ([1963]–), a former dean of the university’s history faculty who had been criticized by a State Duma member of parliament for the pro-Kremlin party United Russia for alleged “anti-government attitudes” and undermining academic authority. When Kossovich called a meeting to announce the dismissal—without any reference to established disciplinary procedures—the historians present walked out. Later, an impromptu meeting of the faculty’s 2,000 students and 120 staff, called to defend the dean, was broken up by security men, some of whom were armed. In the end, Mirzekhanov kept his position.

[Source: N. Holdsworth, “Russia: Freedom under Threat”, *University World News* (13 January 2008).]

In 2007, the European Court of Human Rights (ECHR) ruled that Russia was responsible for enforced disappearances, torture and extrajudicial executions in 15 judgments relating to the second Chechen conflict (1999–2006). The ECHR sharply criticized the ineffectual investigations. The European Committee for the Prevention of Torture highlighted gross inadequacies in many of the investigations opened into allegations of torture. There was no single comprehensive list of

disappeared persons, no work to collect DNA from relatives of the disappeared, no work to exhume the mass graves, and no fully functioning forensic laboratory carrying out autopsies. Very few cases were actually tried.

[Source: AI, *Report 2008* (2008) 248–50.]

In July 2007, two new manuals for teachers, intended as a basis for developing new textbooks in 2008, were alleged to gloss over the state terror, the labor camps, and the forced starvation during the Soviet era (1917–91) and of including propaganda to promote President Vladimir Putin’s vision of a strong state. One manual for social studies teachers, edited by Leonid Polyakov, presented as fact Putin’s view that the collapse of the USSR was “the greatest geopolitical catastrophe of the twentieth century” and described the United States as bent on creating a global empire. In June 2007, at a conference he hosted for teachers, and in late October 2007, at a memorial liturgy in Butovo, Putin had described Joseph Stalin’s Great Purge of 1937, in which 1.5 million people had been imprisoned and 700,000 killed, as terrible, while adding “Regarding the problematic pages in our history, yes, we do have them, as does any state. We have fewer such pages than do some countries, and they are less terrible than in some countries”. He reportedly suggested that the repression was an ideological error rather than a structural part of despotism. The second manual, *A Modern History of Russia, 1945–2006: A Book for the Teacher*, was edited by Alexander Filippov, a deputy head of a research institute linked to the Kremlin. Its final chapter, written by Pavel Danilin ([1977]–) (a project manager at the Effective Policy Foundation, a think-tank with close links to the Kremlin) was entitled “Sovereign Democracy”, a term officially used to justify Putin’s authoritarian rule. The book called Stalin a “contradictory” figure and stated that while some consider him evil, others recognized him as a “hero” for his role in World War II and his territorial expansion. His mass repression was reportedly dismissed as “necessary” to make the country great.

[Sources: D.W. Benn, “Review Article: The Teaching of History in Putin’s Russia”, *International Affairs*, 84, no. 2 (2008), 365–70; T. Halpin, “Textbooks Rewrite History to Fit Putin’s Vision”, *Times* (30 July 2007); *IOC*, 1/08: 105–115; President of Russia, “Excerpts from Transcript of Meeting with Participants in the National Russian Conference of Humanities and Social Sciences Teachers” (21 June 2007); Idem, “Opening Address at a Meeting with History Scholars” (27 November 2003); S. Walker, “Vladimir Putin Rewrites Russia’s History Books to Promote Patriotism”, *Independent* (20 August 2007).]

In late 2007 or early 2008, extreme Russian nationalists broke up a famine exhibition at a Ukrainian cultural centre in Moscow. This happened after the Ukrainian parliament had condemned the Holodomor (the famine that as a result of Stalin’s farm collectivization program killed possibly as

many as 7.5 to 10 million people in 1932–33) as genocide and after a law was tabled in November 2007 to make it illegal to deny the Holodomor. Ukrainian President Viktor Yushchenko had launched an international campaign to have the Holodomor recognized as genocide by the United Nations in time for the 75th anniversary in November 2008.

[Source: M. Foley, “Ukraine: The politics of hunger” (WWW-text).]

In August 2008, writer **Aleksandr Solzhenitsyn** (1918–2008), 1970 Nobel Prize winner for Literature, died. On 6 September 1973, Solzhenitsyn had declared that he would publish *The Gulag Archipelago 1918–1956: An Experiment in Literary Investigation* (Russian: 1973–74; English: London/New York 1973–78), a historical account of life in the labor camps based on personal testimonies and reports, memoirs, and letters by 227 witnesses and written secretly in 1958–68. The decision was triggered by the suicide of typist Elizaveta Voronyanskaya (?1903–73) in Leningrad in August 1973. She had hidden part of the manuscript but revealed its whereabouts after the KGB had interrogated her for five days, enabling the KGB to seize it. Solzhenitsyn’s harassment had begun in February 1945 when, as a commander of the reconnaissance artillery battery, he was arrested for anti-Stalinist remarks in some of his intercepted letters, tried, and sentenced to eight years’ imprisonment (1945–53)—most of it spent in the government research facility for imprisoned scientists near Moscow, during which he memorized 12,000 verses composed in his head—and three years of internal exile (1953–56). He was rehabilitated in March 1957. He wrote many literary works about his camp experiences. Pressed by his editor, he removed chapter 20 of his novel *V krughe pervom* (1968; *The First Circle*) containing a critical survey of Stalin’s life, including his early revolutionary years. Despite constant threats, harassment, confiscation of many of his papers, and censorship by the KGB, the press, and the Writers’ Union (from which he was expelled in 1969), the circulation of KGB forgeries of his work to undermine his reputation, and, finally, a failed assassination attempt in 1971, he was a leading dissident emphasizing traditional cultural values and freedom of expression and religion, until he was arrested on 12 February 1974, stripped of his citizenship, and deported to the FRG, Switzerland, and the United States, where he settled in Vermont (1976–90). It was reportedly the first deportation of a dissident since Leon Trotsky’s in 1929. In exile, Solzhenitsyn wrote the historical tetralogy *The Red Wheel* (started in 1968), on life in Russia in 1914–18 and containing a critical treatment of Lenin. The first volume, *August 1914*, had already appeared abroad (Russian; Paris 1971). Further KGB forgeries, doctored memoirs, and a two-volume hostile novel commissioned by the Soviet authorities appeared while he lived abroad. Many Soviet citizens ran into trouble for possessing or circulating copies of *The Gulag Archipelago* or other works of Solzhenitsyn. In June 1989, *Novy Mir* (New World) began publishing *The Gulag Archipelago* (under the supervision of historian and editor Vadim Borisov). In August 1990, Solzhenitsyn’s citizenship was



restored. In May 1994 he returned to Russia. [See also *NCH Annual Report 2006*].

[Sources include: S.P. de Boer, E.J. Driessen & H.L. Verhaar, eds., *Biographical Dictionary of Dissidents in the Soviet Union 1956–1975* (The Hague 1982) 542–45; *IOC*, 2/72: 96; 4/73: 31–45; 2/74: viii–ix, 65–74 ; 3/74: xiv; 1/75: 19–20; 1/78: 77–78; 1/80: 74; 1/89: 5; 2/89: 41; 5/89: 41; 3/90: 41; 9/90: 41; 10/90: 41; 1/91: 40; 3/91: 41; 3/98: 93; 2/04: 200–7; D. Jones, ed., *Censorship: A World Encyclopedia* (London/Chicago 2001) 2084, 2110, 2275–79; Y. Maltsev, “Farewell to Aleksandr Sozhenitsyn” (WWW-text; 6 June 2008); M. Tucker, ed., *Literary Exile in the Twentieth Century: An Analysis and Biographical Dictionary* (Westport 1991) 632–40.]

## RWANDA

Last *Annual Report* entry: see NCH #49 (2007).

The Rwandan government continued to struggle with the consequences of the 1994 genocide that killed about three-quarters of the Tutsi population. In 2001, Rwanda established a system of community-based *gacaca* courts to try all but the most egregious genocide-related crimes. As the number of persons accused of genocide increased to 818,000, in March/May 2007 the government reformed the *gacaca* jurisdictions for the third time, seeking to expedite the trials. While the provisions of the 2007 law speeded up the *gacaca* trials, this was at the expense of the fairness and quality of the rulings. Early 2007, the government announced the provisional release of 8,000 detainees, many of whom had reportedly confessed to participation in the genocide; this was the third wave of mass releases since 2003 in an attempt to address prison overcrowding. By October 2007, some 47,000 persons were sentenced to community service and some 10,000 were carrying it out. Rwandans continued to flee to neighboring countries to escape from the *gacaca* system. Some were afraid that the tribunals would expose their involvement in the genocide. Others fled for fear of false accusations. Rwandan sources also reported throughout the year that *gacaca* judges and witnesses (for the prosecution and the defence alike) had been threatened and in some cases killed. In 2006–7, several survivors of the genocide and judges involved in *gacaca* jurisdiction were murdered.

[Sources: AI, *Report 2008* (2008) 6, 252–54; HRW, *World Report 2008* (2008), 144–46.]

On 28 November 2007, in a trial known as “the media case,” the Appeal Court of the International Criminal Tribunal for Rwanda (ICTR) partly upheld the conviction of (historian) Ferdinand Nahimana for inciting genocide [See *NCH Annual Report 2004*], but reduced his sentence from life to thirty years’ imprisonment. The ICTR was due to end trials in 2008 and began its exit strategy by

proposing to transfer cases to national courts, including to Rwanda. Since its inception, the ICTR has only tried crimes committed by members and supporters of the government in power in April 1994, but not those by the now ruling Rwandan Patriotic Front (RPF). In April 2007, President Paul Kagame pardoned former President Pasteur Bizimungu, imprisoned for fifteen years on charges of forming a criminal association and inciting rebellion after attempting to form a political party to rival the dominant RPF. In October 2007, the Rwandan Commission of Inquiry to investigate the role of the French military in the genocide presented its report to Kagame.

[Sources: AI, *Report 2008* (2008) 6, 252–54; HRW, *World Report 2008* (2008), 146–47; IOC, 1/08: 205–6; ICTR, “La Chambre d’appel réduit les peines d’emprisonnement de Nahimana, Barayagwiza et Ngeze” (28 November 2007).]

**SAUDI ARABIA**

Last *Annual Report* entry: see NCH #45 (2006).

See United Kingdom.

**SENEGAL**

Last *Annual Report* entry: see NCH #45 (2006).

See Chad.

**SERBIA**

Last *Annual Report* entry: see NCH #49 (2007) under Serbia & Montenegro.

On 26 February 2007, the International Court of Justice (ICJ) rendered judgment in the case of *Bosnia and Herzegovina v. Serbia and Montenegro*, the first-ever ruling on the application of the 1948 Genocide Convention. While finding that Serbia was not directly responsible for genocide during the Bosnian war, the ICJ determined that it had breached the convention by failing to prevent and punish genocide at Srebrenica, including its failure to arrest Ratko Mladić and cooperate fully with the ICTY. Bosnian victims' associations were dismayed at the verdict and staged a number of peaceful protests.

[Sources: AI, *Report 2008* (2008) 71, 260; HRW, *World Report 2008* (2008), 374, 422. Complete text of judgment at [http://www.concernedhistorians.org/content\\_files/file/le/18.pdf](http://www.concernedhistorians.org/content_files/file/le/18.pdf).]

The government formed in May 2007 signaled a greater willingness to address accountability for war crimes. Indicted war crimes suspect and Bosnian Serb General Ratko Mladić, however, remained at large in Serbia, despite repeated commitments from Belgrade that he would be brought to justice. Nevertheless, Serbia improved its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). Prosecutions continued at the ICTY in a number of high-profile cases involving former Yugoslav and Serbian army and government officials. Between 32 and 35 cases of war crimes were reportedly under investigation by the War Crimes Chamber of the Belgrade District Court,

although few prosecutions were completed. In May 2007, Milorad “Legija” Luković-Ulemek and Žveždan Jovanović were convicted and sentenced to forty years’ imprisonment for their roles in the murder of former Prime Minister Zoran Đinđić, along with ten others.

[Sources: AI, *Report 2008* (2008) 260–61; HRW, *World Report 2008* (2008), 421–22.]

The United Nations Interim Administration in Kosovo (UNMIK) failed to implement measures ensuring access to redress and reparations for violations of rights by members of the international community. In February 2007, the former international Ombudsperson in Kosovo was appointed chair of the Human Rights Advisory Panel (HRAP), which had been set up in March 2006 to provide remedies for acts and omissions by UNMIK; the HRAP did not convene until November 2007. In May 2007, the Grand Chamber of the European Court of Human Rights ruled inadmissible two complaints against member states of the NATO-led Kosovo Force (KFOR), considering that acts and omissions by UNMIK and KFOR could not be attributed to those states, as they did not take place on their territory, or through any decision taken by their authorities.

There was little progress in determining the fate of missing persons. Seven years after the investigations opened, indictments had still not been issued in connection with the transfer to Serbia of the bodies of at least 900 ethnic Albanians in 1999. As of August 2007, 2,047 persons, the majority of whom were Kosovo Albanian, remained missing. All known remains exhumed in Serbia have been transferred to Kosovo. Exhumations of 73 bodies or parts of bodies were conducted by the Office of Missing Persons and Forensics. Some 455 exhumed bodies remained unidentified. Proceedings continued against six senior Serbian political, police and military officials jointly indicted for crimes against humanity and violations of the laws and customs of war in Kosovo. They include former Serbian president Milan Milutinović.

[Sources: AI, *Report 2008* (2008) 261–62; HRW, *World Report 2008* (2008), 428–29.]

At the ICTY in March 2007, the trial began of Ramush Haradinaj, former Kosovo Liberation Army leader and former Kosovo Prime Minister. Haradinaj had been indicted with others for crimes against humanity and violations of the law or customs of war. He had returned to The Hague the previous month for the start of the trial, after spending more than a year on provisional release with the unprecedented ability to engage in political activities. Haradinaj was permitted by UNMIK to top the list of his Alliance for the Future of Kosovo party in the November 2007 elections. The total number of domestic war crimes prosecutions remained low.

[Sources: AI, *Report 2008* (2008) 260–62; HRW, *World Report 2008* (2008), 428–29.]

See also Bosnia-Herzegovina, Croatia.

## SIERRA LEONE

Last *Annual Report* entry: see NCH #49 (2007).

The 2005 report of the Truth and Reconciliation Commission (TRC) attributed the civil war (1991–2002) largely to decades of corrupt rule by the political elite and recommended abolishing the death penalty, repealing laws that criminalize seditious libel, increasing the transparency of the mining industry, improving good governance, and establishing a reparations fund for war victims. On 13 and 14 November 2007, a conference initiated by the Human Rights Commission of Sierra Leone (HRCSL) and attended by representatives of civil society, United Nations agencies and the government, discussed the implementation of TRC recommendations. The Task Force on Reparations presented a report to the government on setting up a Special Fund for War Victims and a Reparations Programme. The Vice President publically committed himself to ensuring justice and full reparations for the tens of thousands of Sierra Leonean women victims of sexual violence.

[Sources: AI, *Report 2008* (2008) 265; HRW, *World Report 2008* (2008), 152–53.]

The United Nations-mandated Special Court for Sierra Leone (SCSL) made progress on achieving accountability for war crimes. The SCSL, established after the civil war (1991–2002) to bring justice to victims of atrocities, handed down its first five judgments in 2007. In June 2007, three members of the rebel Armed Forces Revolutionary Council (AFRC) were convicted for, inter alia, the recruitment and use of child soldiers, the first such conviction by an international tribunal. They were each acquitted of three other charges, including those of causing sexual slavery and forced marriage. In August 2007, two members of the Sierra Leonean Civil Defense Forces (CDF) were convicted of war crimes including murder and pillage. A third CDF indictee, former interior minister Chief Sam Hinga Norman, died in custody in February 2007. In May 2007, the defence cases for the Revolutionary United Front (RUF) accused—Issa Sesay, Morris Kallon and Augustine Gbao—opened and were expected to last until April 2008. In June 2007, the trial of former Liberian president Charles Taylor—charged with eleven counts of war crimes and crimes against humanity for supporting Sierra Leonean rebel groups—started, but was postponed after Taylor boycotted the trial and dismissed his lawyers. Taylor was appointed new counsel and the trial was expected to resume in January 2008. For security reasons, it took place at The Hague, Netherlands.

[Sources: AI, *Report 2008* (2008) 6, 191, 263–64; HRW, *World Report 2008* (2008), 153–54.]

See also Liberia.

**SINGAPORE**

Last *Annual Report* entry: see NCH #10 (1998).

**SLOVAKIA**

Last *Annual Report* entry: see NCH #49 (2007).

**SLOVENIA**

Last *Annual Report* entry: see NCH #49 (2007).

The Slovenian authorities failed to restore the status of permanent residents to a group of people known as the “erased” or to ensure that they had full access to economic and social rights. The “erased” included at least 18,305 individuals unlawfully removed from the Slovenian registry of permanent residents in 1992. They were mainly people from other former Yugoslav republics, many of them Roma, who had been living in Slovenia and had not acquired Slovenian citizenship after Slovenia became independent. In October 2007, the government presented to Parliament a draft constitutional law, which was intended to resolve the status of the “erased” but maintained discriminatory treatment of the “erased”, provided new legal grounds for more discriminatory actions by the authorities, and failed to restore retroactively the status of permanent residents of all the “erased”. The draft also disclaimed responsibility of state bodies for the “erasure” and explicitly excluded the possibility of compensation for the human rights violations suffered by the “erased”.

[Source: AI, *Report 2008* (2008) 268-69.]

**SOMALIA**

Last *Annual Report* entry: see NCH #45 (2006).

See Canada.

## **SOUTH AFRICA**

Last *Annual Report* entry: see NCH #49 (2007).

In July 2007, relatives of victims of human rights violations committed during the era of apartheid (1948–94), the Khulumani Support Group and two other NGOs launched proceedings in Pretoria High Court to declare invalid amendments to the National Prosecution Policy which would have the effect of allowing impunity for perpetrators who had not cooperated with the Truth and Reconciliation Commission or had been refused amnesty by it. Proceedings were continuing at the end of 2007.

[Source: AI, *Report 2008* (2008) 274.]

In October 2007, the Ministry of Justice and Constitutional Development issued a statement reiterating the government's opposition to a lawsuit brought in the United States by victims of human rights violations. The victims were seeking damages from fifty American, European, and Canadian corporations for alleged complicity in abuses during the Apartheid era. The statement was made in response to the decision of the New York Circuit Court of Appeal to reverse the decision of a lower court to dismiss the suit. The minister stated that the responsibility for rehabilitation and redress lay with the South African government and not foreign courts.

[Source: AI, *Report 2008* (2008) 274.]

## **SPAIN**

Last *Annual Report* entry: see NCH #49 (2007).

In November 2007, Parliament passed the Law of Historic Memory concerning the victims of the civil war (1936–39) and Franco era (1939–75). Despite some positive features, the law fell short of international standards on the rights to remedy and reparations for the victims of gross human rights violations. The law denounced “the use of violence to impose political views”, repeatedly described the Franco regime as a “dictatorship”, and declared “illegitimate” the summary trials of Franco's opponents. Among its provisions were a ban on political meetings at the Valle de los Caídos (Valley of the Fallen), a monument built by General Francisco Franco in memory of the fallen Nationalists in the Civil War and the site of his tomb. Symbols from the Franco era (statues, plaques) would be removed and venerations of Franco banned. On 18 November 2007, members of the Fascist Falange

party held a mass at Franco's tomb and the far right Frente Nacional paid homage there for the last time on 20 November 2007, the anniversary of Franco's death in 1975.

[Sources: AI, *Report 2008* (2008) 278; IOC, 1/08: 207; S. Kingstone, "Franco Bill Divides Spaniards", *BBC News* (20 November 2007).]

On 16 January 2008, proposed new lyrics to the national anthem were dropped after complaints that they failed to reflect regional differences and were reminiscent of Franco's dictatorship. Written in 1761, *The Royal March* had no official lyrics, and verses used during Franco's rule were dropped after his death.

[Source: IOC, 2/08: 192.]

In August 2008, the very restrictive Official Secrets Act (1968, amended 1978) was criticized as Minister of Defense Carme Chacón announced her intention to declassify thousands of secret files with a historical value.

[Sources: *El País* (10 August 2008); *Frankfurter Rundschau* (20 August 2008).]

See also Guatemala.

## **SRI LANKA**

Last *Annual Report* entry: see NCH #37 (2004).

Several hundred cases of enforced disappearances were reported in the first six months of 2007. The Human Rights Council's Working Group on Enforced or Involuntary Disappearances expressed concern about the high number of such cases in Sri Lanka.

[Source: AI, *Report 2008* (2008) 278–79.]

See also India.

## **SUDAN**

Last *Annual Report* entry: see NCH #49 (2007).



On 27 April 2007, the International Criminal Court's (ICC) Pre-Trial Chamber issued arrest warrants against two individuals involved in the conflict in Darfur: State Minister for Humanitarian Affairs Ahmad Muhammad Harun and Janjaweed militia leader Ali Kushayb. Both were accused of war crimes and crimes against humanity. The government publicly refused to cooperate with the ICC, and instead of handing Harun over to the court, in September 2007 they appointed him co-chair of a committee authorized to respond to human rights complaints, including those on Darfur. Kushayb, who had been arrested in connection with other crimes, was, according to the Foreign Minister, released from custody in October 2007.

[Sources: AI, *Report 2008* (2008) 6, 281; HRW, *World Report 2008* (2008), 166–67.]

On 11 December 2007, the security authorities arrested **Abdel Fattah Al-Sadany** ([1977–]) and **Mahrous Mohammed Abdul Azim** ([1977–]) of Madbouly Publishing House (Egypt) at the Khartoum International Book Fair on charges of insulting Islamic religion for distributing a book entitled “*The Prophet’s Wife Eats Her Children Up*” (London: Dar al-Jamal), by Syrian writer **Nabil Fayyad**. The book includes sentiments considered critical of Al-Sayeda Aisha (the Prophet Mohammed’s wife). Eyewitnesses declared that the agents who arrested him were accompanied by members of the fundamentalist group of Ansar Al-Sunna. On 16 December 2007, the two were sentenced to six months’ imprisonment. The Book Fair also witnessed the confiscation of several books about Shiite beliefs and a book on the crisis in Darfur, *Darfur, History of War and Genocide* (Horizons House).

[Source: Arabic Network for Human Rights Information, *Ifex Alert* (17 December 2007).]

See also Uganda.

## **SURINAME**

Last *Annual Report* entry: see NCH #37 (2004).

## **SWEDEN**

Last *Annual Report* entry: see NCH #10 (1998).

## SWITZERLAND

Last *Annual Report* entry: see NCH #49 (2007).

On 12 December 2007, the Federal Court found **Doğu Perinçek** (1942–), President of the Turkish Workers' Party, guilty of racial discrimination and fined him. It was the first time that a supreme court ruled in a case of Armenian genocide denial. Under the penal code, any act of denying, belittling, or justifying genocide was a violation of the anti-racism legislation. In May, July, and September 2005, Perinçek had asserted in Lausanne, Zürich, and Bern that the Armenian genocide was an "international lie". He had distributed a tract in German entitled "The Great Powers and the Armenian Question" in which he denied the Armenian genocide. On 15 July 2005, the Swiss-Armenian Association had filed a suit. In the March 2007 trial before the district court in Lausanne, several historians had acted as witnesses in favor and against the accused in the Perinçek trial, including Justin McCarthy (1945–), Jean-Michel Thibaux (1949–), Paul Leidinger (1932–), Yves Ternon (1932–), and Norman Stone (1941–). The district court found Perinçek guilty of racial discrimination and ordered him to pay a fine, but Perinçek appealed the verdict. In 2001, twelve Turks prosecuted in Switzerland on similar charges had been acquitted. In 2003, the parliaments in the canton of Vaud and Geneva had adopted laws criminalizing genocide denial. In October 2006, Christoph Blocher, leader of the right-wing Swiss Popular Party and Minister of Justice opposing the law, had suggested, during a visit to Turkey, that the Swiss law should be changed. Perinçek reportedly intended to apply to the European Court of Human Rights in Strasbourg.

[Sources: "Court Confirms Verdict against Perinçek" (Swissinfo.ch; 19 December 2007); "Swiss 'Genocide' Trial for Turk", *BBC News* (6 March 2007); Tribunal d'arrondissement de Lausanne, *Jugement rendu par le Tribunal de Police le 9 mars 2007 à 11:45 heures dans la cause Dogu Perincek* (2007). Complete judgment at:

[http://www.concernedhistorians.org/content\\_files/file/le/70.pdf](http://www.concernedhistorians.org/content_files/file/le/70.pdf).]

## SYRIA

Last *Annual Report* entry: see NCH #49 (2007).

The fate of an estimated 17,000 persons remained unknown. The disappeared persons were mostly Islamists (Muslim Brotherhood members) who were victims of enforced disappearance after they were detained in the late 1970s and early 1980s, and hundreds of Lebanese and Palestinians who

were detained in Syria or abducted from Lebanon by Syrian forces or Lebanese and Palestinian militias.

[Sources: AI, *Report 2008* (2008) 291; HRW, *World Report 2008* (2008), 522.]

On 7 August 2008, **Aref Dalila** (1943–), professor and dean of the faculty of economics at Damascus University, journalist, and writer of many books on economics, politics, and social history [*See NCH Annual Report 2006*], was released unexpectedly.

See also Lebanon, Sudan.

## TAIWAN

Last *Annual Report* entry: see NCH #23 (2001).

In January 2007, Prime Minister Su Tseng Chang defended changes to new high school history textbooks in the face of strong criticism. The textbooks, intended to be used from February 2007, referred to the “mainland” or “our country” simply as “China”. Sun Yat-sen was referred to only by name without explaining that he was also the nation’s founding father. Opposition politicians said that the changes were an attempt to downplay the island’s cultural and historic links with China. The government in Beijing declared that the changes were politically motivated and accused Taiwanese officials of introducing independence ideologies into the classroom.

[Source: *BBC News Online*, 31 January 2007.]

In February 2007, public events were organized to commemorate the 60th anniversary of the “228 incident” (the military suppression of public protests in February 1947 which resulted in thousands of deaths and injuries).

[Source: AI, *Report 2008* (2008) 291.]

In May 2007, it was announced that the Chiang Kai-shek Memorial Hall was to be officially renamed the Taiwan Democracy Memorial Hall. The renaming was one of the efforts by President Chen Shui-bian to remove reminders of Taiwan’s authoritarian past under Chiang, who led Taiwan’s first government after fleeing mainland China in 1949 (1949–75), and its links to mainland China. Chiang’s statues and name were removed in many places.

[Sources: *BBC News Online*, 19 May 2007; *IOC*, 2/08: 182; *Keesings historisch archief*, 2008: 287.]

## THAILAND

Last *Annual Report* entry: see NCH #49 (2007).

In May 2007, a court found three military personnel responsible for the deaths of 32 people during the attack on the Krue Se mosque in April 2004, in which more than 100 people were killed during clashes with security forces. None were prosecuted and one of them was subsequently appointed to the Internal Security Operations Command (ISOC) in charge of combating violence in the south.

[Source: AI, *Report 2008* (2008) 295.]

On 2 October 2007, the Special Branch Police banned and confiscated copies of *Seventy-Five Years of Thai Democracy: A Thorn-Filled Path*, a book by social critic **Sulak Sivaraksa** (1933–) [See *NCH Annual Report 1995*] about politics, democracy, and the monarchy. The police alleged that the material might “cause unrest and degrade good morals” in Thai society.

[Sources: *IOC*, 1/08: 209; Southeast Asian Press Alliance, *Ifex Alert* (4 October 2007).]

On 15 February 2008, the radio program *Chirmsak's Viewpoints*, was taken off the air after the show's host, **Chirmsak Pinthong**, contested Prime Minister Samak Sundaravej's claim that only one student was killed in the 1976 pro-democracy demonstrations.

[Source: *IOC*, 2/08: 193.]

## **TIMOR-LESTE**

Last *Annual Report* entry: see NCH #49 (2007).

The government continued to ignore the recommendations of the Commission on Reception, Truth and Reconciliation regarding past crimes committed during Indonesia's occupation (1975–99).

[Source: HRW, *World Report 2008* (2008), 344.]

The United Nations Integrated Mission in Timor-Leste (UNMIT) re-established the Serious Crimes Investigation Team to complete investigations into outstanding cases from the events surrounding the independence referendum of 1999 when serious human rights violations were committed. However, the prosecution branch was not reinstated. Both the Timorese and Indonesian governments resisted further initiatives to bring to justice all perpetrators of the 1999 crimes.

[Source: AI, *Report 2008* (2008) 297.]

In February 2007, the Commission of Truth and Friendship (CTF) established jointly by Indonesia and Timor-Leste to document crimes committed in Timor-Leste in 1999 and to promote reconciliation, began its fact-finding work through public and closed hearings. In July 2007, the United Nations (UN) Secretary General Ban Ki-moon instructed UN officials not to testify before the CTF because the CTF could recommend amnesty for serious crimes. Concerns were also expressed by national and international observers about the CTF's treatment of victims during hearings and possible biased assessment of the testimonies of military officials, militia members, and bureaucrats over those given by victims. In September 2007, the CTF held its fifth and final public hearing in

Dili. The hearings were poorly attended and accompanied by demonstrations, protesting it as a mechanism to perpetuate impunity. The CTF mandate was extended until early 2008.

[Sources: AI, *Report 2008* (2008) 156, 297; HRW, *World Report 2008* (2008), 286, 347.]

## TOGO

Last *Annual Report* entry: see NCH #27 (2002).

Throughout 2007, a collective of more than a hundred victims of human rights abuses committed during the 2005 presidential elections filed several complaints. Although the Togolese authorities had publicly committed themselves to put an end to impunity, no progress was known to have been made in the examination of these complaints.

[Source: AI, *Report 2008* (2008) 297–98.]

## TUNISIA

Last *Annual Report* entry: see NCH #23 (2001).

## TURKEY

Last *Annual Report* entry: see NCH #49 (2007).

In early March 2006, a trial was initiated against **Sýrrý Öztürk** (Sirri Öztürk), owner of Sorun Publishing House, and **Osman Tiftikçi**, a former army officer who served during the 1971 coup and author of the history book *Osmanli dan Günümüze Ordunun Evrimi* (The Evolution of the Army from Ottoman Times Until Today). The trial was brought to court by the General Staff on charges of “degrading the army”. It was postponed several times but would continue in 2008. Tiftikçi lived abroad but an arrest warrant was issued against him. The book had been subject to legal scrutiny before publication.

[Sources: Bianet (IPS Communication Foundation), *Ifex Alert*, 13 July 2007; PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 63.]

In April 2006, **Ali Rıza Vural**, publisher of Doz Publishing House, **Ahmet Zeki Okçuoglu** (1950–), owner of Doz Publishing House, **Vahdettin Ince**, translator, and **Bedri Vatanserver**, owner of Can Printshop, faced charges related to the publication of a book entitled *Barzani and the Kurdish National Movement* (February 2003); the former was charged with insulting the Turkish state; the others with separatist propaganda. The two-volume book focuses on Mulla Mustafa Barzani (1903–79), the founder of the Kurdistan Democrat Party (KDP) and father of current KDP leader, Masoud Barzani. The initial 2003 case had been dismissed but was relaunched after a reprint in May 2005. Excerpts from the book leading to the charges referred to Atatürk’s suppression of the Kurds and to his failure to keep promises made to the Kurdish community in return for their compliance with the creation of the Turkish state. The book is also said to touch upon the Armenian genocide. One excerpt read: “Kurds organized uprisings one after the other, they rebelled against imperialists and the local states that seized their rights. All uprisings were brutally crushed. Mustafa Kemal in Turkey crushed Kurds heavily”. The trial continued in March 2008.

[Source: PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 64.]

In [June] 2006, **Ahmet Önal**, owner of Peri Publishing House [See *NCH Annual Report 2007*], was charged with insulting Atatürk when he published *Dersim’de Alevilik* (Alawitism in Dersim), a book written by **Munzur Cem** and **Huseyin Baysulun** (Hüseyin Beysülen). In February 2007, the case was dropped due to a statute of limitations. Önal has had a total of twenty-six cases brought against him in connection with various books he published.

[Sources: *IOC*, 3/06: 83 ; PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 62–63.]

On 19 January 2007, the day after the murder of journalist Hrant Dink [See *NCH Annual Reports 2006–7*], writer **Temel Demirer** read a press statement during a protest gathering in central Ankara, saying that Dink had been killed not only for being Armenian, but also because he had spoken of an “Armenian genocide”. He called on others to recognize the fact of an Armenian genocide. Charged with “denigrating the Turkish Republic” and “inciting to hatred and hostility”, Demirer was tried on 6 March 2008.

[Source: Bianet (IPS Communication Foundation), *Ifex Alert*, 5 March 2008 (Demirer).]

On 10 March 2007, journalist **Hacı Bogatekin** wrote an article entitled “Turkey has made mistakes” in his local newspaper *Gerger Fırat* in Adiyaman, southeastern Turkey, in which he called the state responsible for “the deaths of millions of Armenians and Syriac Christians in the east and south-east regions of the country, as well as for the deaths of the Alevi in Dersim, the Greek Orthodox with the September movement in Istanbul, and more recently, the deaths of hundreds of people in Maras,

Malatya, Corum and Sivas". On 26 September 2007, he went on trial for "degrading Turkishness, the Republic, state institutions or its organs", under Article 301 of the Penal Code. A subsequent hearing was scheduled for 6 November 2007.

[Source: Bianet (IPS Communication Foundation), *Ifex Alert*, 1 October 2007.]

On 15 June 2007, **Sarkis Seropyan**, license owner of *Agos*, and Hrant Dink's son **Arat Dink**, also an editor of *Agos* [See *NCH Annual Report 2007*], were charged with "insulting the Turkish identity" for republishing a 2006 interview with Hrant Dink [See *NCH Annual Reports 2006–7*], in which the latter had declared that the Armenian genocide had taken place and that he would not remain silent on this issue. Other newspapers who also reported on Hrant Dink's utterances were not tried. On 11 October 2007, both were sentenced to one-year suspended prison terms. They appealed the sentence. When, on 9 November 2007, Seropyan and editor **Aris Nalci** criticized the sentence, both were tried for "attempting to influence the judiciary".

[Sources: AI, *Report 2008* (2008) 10, 302; Bianet (IPS Communication Foundation), *Ifex Alert*, 2 October 2007 & 4 March 2008; HRW, *World Report 2008* (2008), 438; IOC, 2/07: 15–17, 21, 27–28, 32–42, 202; 3/07: 136; PEN, *Ifex Update* (15 October 2007); PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 57, 62, 65; Reporters without Borders, *Ifex Alert*, 13 July 2007; World Press Freedom Committee, *Ifex Alert* (26 June 2007).]

In July 2007, **Taner Akçam**, a refugee and visiting professor of history at the University of Minnesota, United States [See *NCH Annual Report 2007*] announced that he had decided "to take Article 301 of the Penal Code, which has put around one hundred academics, journalists and writers on trial since it entered law in June 2005, to the European Court of Human Rights" in protest against the law's threat to academic research. He argued that Article 301 contravened articles 7 (punishment without law), 10 (freedom of expression), and 14 (prohibition of discrimination) of the *European Convention of Human Rights*. "Facing history and human rights violations of the past cannot be a crime. Rather, they are a precondition for peace and regional rapprochement," he said. Also in July 2007, a court in Ankara accepted part of the court case filed by Sükrü Elekdag, retired ambassador and Member of Parliament, against *Agos* and Akçam. Akçam wrote an article entitled "Gündüz Aktan and the Saik Problem in the Genocide", which was first published in the *Birikim Journal* (November 2005) and then as a six-part series in *Agos* (in January and February 2007). Elekdag claimed that the article "violated" his personal rights and "insulted" him. The court awarded his compensation claim of approximately US\$7,676. The defendants planned to appeal the ruling. On 8 November 2007, another case was brought by Elekdag against the publisher of Pencere Publishers **Muzaffer Erdogan**, translator **Ahmet Güner**, and Akçam, for the publication of Akçam's book, *Treatment of*



*the Armenians in the Ottoman Empire*. The trial continued in 2008.

[Sources: Bianet (IPS Communication Foundation), *Ifex Alert* (12 July & 30 July & 10 August 2007); *Ifex Communiqué 16–42* (16 October 2007); PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 59, 61

On 13 July 2007, **Eren Keskin**, journalist for the daily *Birgün*, lawyer and former president of the Istanbul chapter of the Human Rights Association [*See NCH Annual Report 2007*], was sentenced to one-year of imprisonment reduced to a fine. Another trial against her continued.

[Sources: AI, *Report 2008* (2008) 303; Bianet (IPS Communication Foundation), *Ifex Alert* (13 July 2007); PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 62.]

On 13 August 2007, **Yasin Yetisgen**, editor of the newspaper *Çoban Atesi* (Shepherd's Fire) in Gaziantep, southeastern Turkey, was arrested for “damaging the unity and integrity of the state” for using the term “North Kurdistan” in an article. On 19 November 2007, a second court case was initiated against him on charges of “alienating the people from military service and insulting the memory of Atatürk”. He faced up to seven and a half years’ imprisonment for publishing an article in issue no. 32 containing references to Atatürk. On 9 November 2007, copies of the issue had been confiscated. The article, written by journalist **Berkant Coskun**, who lived abroad, was entitled “Mother, Don’t Send Me to Military Service” and contained the following sentences: “Unfortunately, Turkey has been the arena for dirty wars throughout history. Starting with Mustafa Kemal’s [Atatürk’s] massacre order in Dersim [now Tunceli]...” and “If today’s Kurdish movement is called terrorist, that means that the movement which Mustafa Kemal started was no different. The only difference is that Mustafa Kemal was not arrested.” The trial was scheduled to begin on 9 May 2008.

[Sources: Bianet (IPS Communication Foundation), *Ifex Alert*, 11 January 2008; *IOC*, 2/08: 194; PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 64–65]

On 28 January 2008 in Izmir, **Attila Yayla**, a professor of politics, political philosophy, and political economy at Gazi University, Ankara, and head of the Association for Liberal Thinking [*See NCH Annual Report 2007*], was sentenced to fifteen months’ suspended imprisonment. He would be on probation and subjected to police supervision for two years. Yayla appealed against the verdict. He lived in exile in the United Kingdom. Others reportedly on trial for defaming Atatürk included the translators Lütfi Taylan Tosun and Aysel Yildirim, Zehra Comakli Türkmen of the Özgür-Der Children’s Club, and journalists Mehmet Terzi and Oral Calislar. Writer Mustafa Islamoglu had been imprisoned under the law.

[Sources: American Association of University Professors, “Letter to Turkish Minister of Justice

Mehmet Ali Şahin” (30 January 2008); *BBC News Online*, 29 January 2008; Bianet (IPS Communication Foundation), *Ifex Alert*, 19 March 2008; D. Butler & G. Jones, “Turkish academic convicted of insulting Atatürk” (Reuters, 28 January 2008; *Ifex Communiqué 16–42* (16 October 2007) ; *Ifex Alert* (15 October 2007); *IOC*, 2/08: 194.]

In June 2008, prosecutors launched an inquiry after **Nuray Bezirgan**, a student, said on the popular television show *Teke Tek* that she did not like Mustafa Kemal Atatürk, the founder of the modern Turkish state. She also expressed admiration for the leader of Iran’s Islamic revolution, Ayatollah Khomeini. She possibly faced charges for “crimes committed against Atatürk”.

[Source: R. Tait, “Turkish student faces jail over anti-Atatürk TV remarks”, *Guardian* (16 June 2008).]

On 17 June 2008, **Ragip Zarakolu** (1948–), co-founder and owner of *Belge* publishers and one of the founders of the History Foundation [See *NCH Annual Reports 2005–7*], was sentenced to six, later reduced to five, months’ imprisonment commuted to a fine for the first charge (insulting the state) and was acquitted for the other (insulting Atatürk). Zarakolu planned to appeal the sentence.

[Sources: Bianet (IPS Communication Foundation), *Ifex Update* (19 June 2008); *Ifex Communiqué 16–42* (16 October 2007); *IOC*, 1/08: 209; PEN American Center, “PEN, Publishers Decry Conviction of Ragip Zarakolu in Turkey” (19 June 2008); PEN, *Half-Yearly Caselist: To 31 December 2007* (London) 64–65; PEN, *Ifex Alert* (2 April & 10 May 2007 & 19 March 2008).]

See also Switzerland.

## TURKMENISTAN

Last *Annual Report* entry: see NCH #37 (2004).

## UGANDA

Last *Annual Report* entry: see NCH #49 (2007).

Peace talks between the government and the rebel Lord's Resistance Army (LRA) continued in southern Sudan. In April 2007, both parties agreed to extend the cessation of hostilities, and in May 2007 both signed a document entitled *Comprehensive Solutions to the Northern Uganda Conflict*. On 29 June 2007, the parties signed an agreement on "reconciliation and accountability", an agreement purportedly establishing a framework to address crimes committed during the conflict in northern Uganda (1986–2006). Negotiations reportedly focused on bringing about the withdrawal of the International Criminal Court's (ICC) arrest warrants for four senior LRA leaders—Joseph Kony, Vincent Otti (died October 2007), Okot Odhiambo and Dominic Ongwen—by setting up alternative national processes. In 2005, the ICC charged the men with crimes against humanity and war crimes. The ICC's statute allowed national trials of its cases where possible. However, ICC judges would have the final say in deciding whether national trials were an adequate alternative.

[Sources: AI, *Report 2008* (2008) 6, 307; HRW, *World Report 2008* (2008), 172.]

## UKRAINE

Last *Annual Report* entry: see NCH #5 (1996).

## UNITED KINGDOM

Last *Annual Report* entry: see NCH #49 (2007).

There were continued failures of accountability for past human rights violations, including in relation to alleged state collusion in killings in Northern Ireland.

[Source: AI, *Report 2008* (2008) 313, 316.]

On 26 November 2007, a debate at the Oxford Union, in which Nick Griffin and David Irving [*See NCH Annual Reports 1996–7, 2000, 2003, 2006–7*] were invited to talk about free speech, was disrupted when thirty protesters forced their way into the building. Five hundred people had staged a sit-down demonstration outside the building. In 1998, British National Party leader Griffin had been

convicted for incitement to racial hatred because he had denied the Holocaust. In 2000, Irving was convicted as a Holocaust denier; in February 2006, he was imprisoned in Austria for three years after pleading guilty to Holocaust denial. He served thirteen months of the sentence before being released on probation and was banned from Austria.

[Sources: *BBC News*, 27 November 2007; *IOC*, 1/08: 210.]

In [2008], Cambridge University Press reportedly pulped a book, *Alms for Jihad: Charity and Terrorism in the Islamic World*, by **Robert Collins**, a professor emeritus of history at the University of California, and **J. Millard Burr**, a former United States State Department employee, on the threat of a libel suit in the United Kingdom by Sheik Khalid bin Mahfouz, a wealthy Saudi businessman accused of financing terrorist groups.

[Source: Article 19 & Freedom House, *Ifex Alert* (22 May 2008).]

In March 2008, the National Union of Teachers (NUT) accused the Ministry of Defense of breaching the 1996 Education Act (which prescribed that all political issues had to be treated in a balanced way) over a lesson plan drawn up to teach pupils about the war in Iraq since 2003. NUT claimed that the lesson plan, commissioned by the ministry to the organization Kids Connections, was a “propaganda” exercise and made no mention of the lack of United Nations backing for the war or civilian casualties as a result of the war. NUT also argued that the instructions—designed for use during classroom discussions in general studies, or personal, social and health education (PSE) lessons—were an attempt to rewrite the history of the invasion of Iraq.

[Source: “Iraq: Teachers Told To Rewrite History; MoD Accused of Sending Propaganda to Schools” (*Independent*, 14 March 2008).]

## UNITED NATIONS

Last *Annual Report* entry: see NCH #49 (2007).

## UNITED STATES

Last *Annual Report* entry: see NCH #49 (2007).

In March 2007, during Black History Month, a charter school in Los Angeles forbade its seventh-

grade students from reciting a poem about Emmett Till, a black boy lynched in the 1950s, because it deemed the story unsuitable for young children. Two teachers who signed a protest letter written by the students were dismissed.

[Source: *IOC*, 3/07: 139.]

On 1 June 2007, **Norman Finkelstein** (1953–) [*See NCH Annual Report 2007*], a Jewish political scientist at DePaul University, Chicago (2001–7), was denied tenure. The political science department and a college-level personnel committee both voted in favor of tenure, but the dean of the College of Liberal Arts and Sciences wrote a memorandum against it, and the University Board on Promotion and Tenure voted against granting tenure. The final decision rested with the University President, Dennis Holtschneider, who declared that he had found “no compelling reasons to overturn” the tenure board’s recommendation. He also added that Finkelstein had displayed a lack of “collegiality” and engaged in “ad hominem attacks” on scholars with opposing views. On 24 August 2008, Finkelstein was denied access to his office, his courses were canceled, and he was put on paid administrative leave for his final year. **Mehrene Larudee**, an assistant professor of international studies, who had supported Finkelstein, was also denied tenure. The American Association of University Professors protested against the lack of appeal in both cases. On 5 September 2007, Finkelstein announced that he had reached an agreement with DePaul University and would resign immediately. On 23 May 2008, he was detained by the Israeli security service, Shin Bet, at the airport of Tel Aviv, deported and banned from Israel for ten years. Shin Bet interrogated him for 24 hours about his contact with the Lebanese Islamic militia, Hizbullah, when he travelled to Lebanon earlier in 2008 and expressed solidarity with the group which waged war against Israel in 2006. He was also accused of having contact with al-Qaeda. Finkelstein rejected the accusations.

[Sources: American Association of University Professors, Letters to Dennis Holtschneider, President of DePaul University (10 July & 20 August & 27 August 2007); *Chronicle of Higher Education*, 25 May & 4 June & 8 June & 15 June & 25 June & 27 August & 6 September 2007; Middle East Studies Association, Letters to Dennis Holtschneider, President De Paul University, Chicago (10 April & 4 September 2007); T. O’Loughlin, “US Academic Deported and Banned for Criticising Israel”, *Guardian* (26 May 2008); *Washington Post*, 9 October 2006: A03.]

On 28 November 2001, the American Historical Association, the Organization of American Historians, the National Security Archive, historian **Stanley Kutler**, professor emeritus of history and law, University of Wisconsin, and other public interest groups filed a suit in a District Court in Washington, D.C., to stop implementation of President George W. Bush’s 1 November 2001 Executive Order (EO) no. 13233 which gave former Presidents and their heirs or designees (as well

as former Vice Presidents) broad authority to withhold or delay release of White House records, and was thought to violate the 1978 Presidential Records Act. The suit requested to prevent the Archivist of the United States from implementing the EO and to compel the release of 68,000 pages of records from former President Ronald Reagan's files withheld since January 2001 despite the requirements of the Act. On 1 October 2007, a federal district court judge ruled that the EO was, in part, invalid. The judge struck down the EO section that allowed former presidents to delay the release of records indefinitely. The court did not address the issue, however, of whether it was permissible for Bush to extend the authority over disclosure of presidential papers to a former president's heirs or to former vice presidents. On 31 December 2007, amendments to the 1976 Freedom of Information Act were signed into law. In 2008, the House of Representatives passed legislation to revoke EO no. 13233 and the Senate held hearings on overturning it.

[Sources: National Coalition for History, "Federal Judge Invalidates Order Allowing Former Presidents to Withhold Records" (2 October 2007); National Security Archive, "Historians, Public Interest Groups Sue to Stop Bush Order; Say New Restrictions on White House Files Violate Presidential Records Act" (press release; Washington 28 November 2001); Idem, *Update* (1 October 2007); M.J. Sherwin & L. White, "Democracy Requires a Past", *Chronicle of Higher Education* (13 June 2008).]

In August 2007, archivist of the United States Allan Weinstein said that the Central Intelligence Agency (CIA) had lost documents concerning its investigation of the murder of CBS reporter **George Polk** by unknown assailants at the height of the Greek civil war in 1948, and destroyed its file on requests for Polk documents based on the Freedom of Information Act.

[Source: National Security Archive, *Updates* (Washington), 10 August 2007 (Polk).]

On 5 September 2007, the National Security Archive (NSA) and Citizens for Responsibility and Ethics in Washington (CREW) sued the White House and the National Archives and Records Administration (NARA) seeking the recovery and preservation of more than 5 million White House e-mail messages that were apparently deleted from White House computers between March 2003 (the invasion of Iraq) and October 2005 (the aftermath of Hurricane Katrina). White House officials acknowledged that e-mail was missing from the White House archive, and that the Executive Office of the President (EOP) in 2002 abandoned the electronic records management system put in place under his predecessor Bill Clinton. In November 2007 and January 2008, a federal judge ordered the EOP to preserve all e-mail backup media under its custody or control and to answer questions about the location of the missing e-mails. From 2004, NARA had reportedly warned the White House repeatedly about the risk of lost e-mails. In October 2005, the EOP first discovered that potentially

millions of e-mail messages were missing. The loss of White House e-mail first surfaced on 23 January 2006 in conjunction with the investigation into the leak of Valerie Plame's identity by vice presidential aide Scooter Libby when prosecutors were unable to provide copies of e-mail records. After several contradictory statements, the White House admitted on 6 May 2008 that it had no e-mail back-up tapes with data written between March and May 2003 (the invasion of Iraq). An earlier lawsuit had produced landmark rulings in the early 1990s that e-mail had to be treated as government records. Those rulings led to the preservation of more than 30 million White House e-mail messages from the 1980s and 1990s.

[Sources: National Security Archive, *Updates* (Washington) 5 September & 29 October & 13 November & 14 December 2007 & 8 January & 16 January & 26 February & 18 March & 17 April & 24 April & 6 May & 29 July 2008.]

On 2 November 2007, American-born assistant professor of anthropology **Nadia Abu El-Haj**, of Palestinian descent, was awarded tenure at Barnard College (a liberal arts college for women affiliated with Columbia University), New York, despite a controversy about petitions supporting and opposing her candidacy. In her first book, *Facts on the Ground*, she had contended that Israeli archeologists searched for an ancient Jewish presence to help build the case for a Jewish state, and that they sometimes used bulldozers, destroying the remains of Arab and other cultures.

[Source: A. Finder, "Embattled Barnard Anthropologist Is Awarded Tenure", *New York Times* (3 November 2007).]

In December 2007, President George Bush signed into law the United States Genocide Accountability Act of 2007, which permits the investigation and prosecution of genocide if the alleged offender is brought into, or found in the United States, even if the crime occurred outside the country.

[Source: AI, *Report 2008* (2008) 16.]

On 20 December 2007, the American Historical Association wrote a letter to the Office for Human Research Protections, the official agency that oversees Institutional Review Boards (IRB's) which review experiments with human subjects, including, since 1998, oral history projects. It requested that oral history, including the use of oral history archives, be exempted from review. The letter noted that IRB's were typically comprised of faculty with no expertise in oral history who insisted on specific sets of questions (thereby suppressing the opportunity for dialogue), on the confidentiality of sources (even though the interviewee's particular knowledge was often the purpose of the interview), or on the potential harm of interviews (in some cases, the trauma of reliving a bad experience was

cited, in others, the potential personal or legal jeopardy to interviewees or their surviving relatives). The letter stated that such regulations conflicted with the essential canons of historical practice.

[Source: American Historical Association, "Letter to Office for Human Research Protections" (20 December 2007).]

In 2008, Florida legislators introduced SB 2692, the Academic Freedom Act, to protect teachers and students from retaliation for discussing the scientific evidence for and against evolutionism.

[Source: Discovery Institute, "Anti-Freedom Activists Try to Censor Science Education in Florida" (2008).]

On 22 April 2008, the Society of American Archivists and the Association of Canadian Archivists stated their deep concern about the whereabouts, custody, and fate of records captured or otherwise obtained by the United States, and those removed by private parties, during the First (1990–91) and Second (2003–) Gulf Wars. The records under consideration comprised five sets: records seized by the U.S. military and intelligence agencies during the Second Gulf War (millions of pages); records seized from non-governmental combatants (especially those seized in Sinjar, northern Iraq, from an al-Qaeda affiliate in the fall of 2007); millions of pages from 1991 and 2003 obtained by the United States-based non-governmental organization Iraq Memory Foundation; records seized by Kurds during the First Gulf War (an estimated eighteen tons of records seized in northern Iraq); and Iraqi Jewish archives.

[Source: *SAA/ACA Joint Statement on Iraqi Records* (22 April 2008).]

On 22 July 2008, a federal court in New York decided that the government must release most of the sealed grand jury records from the 1951 indictment of alleged Soviet spies Julius and Ethel Rosenberg. In response to a petition filed in January 2008 by the National Security Archive, the American Historical Association, the American Society for Legal History, the Organization of American Historians, the Society of American Archivists, and *New York Times* reporter Sam Roberts, the government stated in a June 2008 filing that the Rosenberg case was of "significant historical importance" and therefore it would not contest the release of testimonies of witnesses who had passed away or consented to the disclosure. Thus the materials were covered by an exception to the rule that grand jury records must remain secret indefinitely.

[Source: National Security Archive, *Update* (26 June & 22 July 2008).]

See also Russia, South Africa, United Kingdom.



## URUGUAY

Last *Annual Report* entry: see NCH #49 (2007).

The authorities failed to provide redress to relatives of the victims of human rights abuses during the military government (1973–85). The Expiry Law of 1986, which grants members of the security forces immunity from prosecution for crimes committed during the period, remained in force. Draft legislation which would provide reparations to relatives of the victims was before Congress at the end of 2007. In July 2007, the anthropology team from the Humanities Faculty of the University of the Republic began excavations in the Tablada military compound, searching for the remains of detainees who were the victims of enforced disappearance during the period. A total of 47 cases of victims of human rights violations have been excluded from the Expiry Law by the current administration. In September 2007, the appeals court confirmed the trial and detention of former President Juan Maria Bordaberry (1971–76) as co-author of ten homicides. In December 2007, former President General Gregorio Álvarez (1981–85) was arrested and charged with being co-responsible for the enforced disappearances of more than thirty people.

[Source: AI, *Report 2008* (2008) 15–16, 322.]

## UZBEKISTAN

Last *Annual Report* entry: see NCH #49 (2007).

The Uzbek government rejected numerous and repeated calls for an independent international inquiry into the May 2005 Andijan massacre when hundreds of unarmed protestors were killed by government forces. The circumstances surrounding the massacre have not been clarified, and those responsible for the killings have not been held accountable. The government continued to persecute anyone who was thought to have any connection to or information about the events. Refugees who fled in the immediate aftermath of the massacre but returned later, as well as their families, were targets of government pressure. Refugees had to fear for their security even abroad, because Uzbek security services were operating in areas geographically close to the Uzbek border, such as in Osh (Kyrgyzstan).

[Source: HRW, *World Report 2008* (2008) 455.]

**VATICAN**

Last *Annual Report* entry: see NCH #37 (2004).

See Italy.

**VENEZUELA**

Last *Annual Report* entry: see NCH #45 (2006).

**VIETNAM**

Last *Annual Report* entry: see NCH #45 (2006).

**YEMEN**

Last *Annual Report* entry: see NCH #32 (2003).

## ZIMBABWE

Last *Annual Report* entry: see NCH #45 (2006).

In March 2008, **Takavafira Zhou**, history lecturer at Great Zimbabwe University (2004–8) and president of the Progressive Teachers' Union of Zimbabwe, was dismissed after the university labeled him an "academic terrorist" and declared that his teaching and university service were unsatisfactory. Zhou clashed with the Great Zimbabwe University Vice Chancellor Obert Maravanyika a number of times, including the occasion when he led a strike at the university in 2006. Zhou instituted legal action to challenge his dismissal. His court documents reportedly included a letter to the university's chairman, Honour Mkushi, which was copied to President Robert Mugabe in his capacity as Chancellor, in which Zhou alleged that he had been victimized because he failed a history student, Precious Chitapi, whom he said was "protected" by Maravanyika on several occasions, among others by changing university regulations.

[Source: S. Makshori, "'Academic Terrorist' Lecturer Sacked", *Financial Gazette* (Harare) 20 March 2008.]

For three years, an archaeologist [name unknown] had been a curator for a state organization of museum sites and monuments; this included working with local communities to assess their relationship to the cultural heritage sites in their areas and to educate them about their rights and their role in protecting historic cultural sites. She also worked primarily at an archaeological site in southern Zimbabwe dating from the twelfth century. She focused her research on the impact of land reform on cultural and historic sites in Zimbabwe. This was sensitive work, both because all community-organizing activities were closely watched by the ruling ZANU-PF government, and because of the extreme sensitivity of any issues relating to land use. She was also assaulted and threatened because of her involvement with the opposition party, the Movement for Democratic Change. She went into exile in the United States, where she became a fellow at the Smithsonian Anacostia Community Museum, Washington D.C.

[Source: Scholar Rescue Fund, *SRF Grantee Update* (May 2008) 11.]

See Ethiopia.