

INTRODUCTION

The fifteenth *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians around the globe, as reported by various human rights organizations and other sources. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it. This *Annual Report* and all previous *Annual Reports* were compiled by Antoon De Baets and revised by Ingrid Sennema. Please send any comments to <antoondebaets@concernedhistorians.org>.

Please quote as:

Network of Concerned Historians, *Annual Report 2009* (<http://www.concernedhistorians.org>).

AFGHANISTAN

Last *Annual Report* entry: 2008.

In 2008, President Hamid Karzai's government did little to implement the five-year *Action Plan for Peace, Reconciliation and Justice* (a part of the Afghanistan Compact officially initiated in December 2006). The legal status of an amnesty for war criminals, passed by parliament in 2007, was still unclear, but the debate was dominated by parliamentarians such as Abdul Rabb al Rasul Sayyaf, Burhanuddin Rabbani, and Taj Mohammad, all of whom have been implicated in war crimes. No effective accountability mechanism had been established and only a handful of those responsible for serious violations of human rights and international humanitarian law during three decades of conflict (1978–2008) had been brought to justice, mostly in other states under the principle of universal jurisdiction.

[Sources: Amnesty International, *Report 2009* (London 2009) 55–56; Human Rights Watch, *World Report 2009* (Washington 2009) 212.]

ALBANIA

Last *Annual Report* entry: 1996.

See Serbia.

ALGERIA

Last *Annual Report* entry: 2008.

During the internal conflict of 1992–2000, over 100,000 and perhaps as many as 200,000 Algerians were killed. In May 2008, the United Nations Committee against Torture urged the government to amend Articles 45 and 46 of the 2006 Decree implementing the *Charter for Peace and National Reconciliation* (Law 06–01), which gave immunity to the security forces and allowed for the punishment of victims and their families, human rights defenders and others who criticized the conduct of the security forces during the conflict. The authorities had still not investigated the fate of thousands of people subjected to enforced disappearance. In May 2008, a senior official stated that

5,500 families of victims of enforced disappearance had accepted compensation but that 600 others had refused, insisting that they be told the truth about the fate of their missing relatives. Later, the head of the National Advisory Commission for the Promotion and Protection of Human Rights said that 96–97 per cent of the families of the disappeared had accepted compensation, but gave no details. Under Law 06–01, relatives can seek compensation if they obtain a death certificate from the authorities for the person who disappeared. Some families complained that they were put under pressure to obtain such certificates. Victims' families continued to be harassed when seeking truth and justice.

[Sources: Amnesty International, *Report 2009* (London 2009) 60–61, 62–63; Human Rights Watch, *World Report 2009* (Washington 2009) 444, 446.]

On 4 August 2008, a court in Constantine dismissed a complaint brought by **Louisa Saker** (née Bousroual), president of the Association of the Families of the Disappeared in Constantine, in connection to the 1994 arbitrary arrest and disappearance of her husband, Salah Saker (1957–), a teacher and member of the banned Salvation Islamic Front (Front Islamique du Salut, FIS). On 26 March 2008, Louisa Saker had been convicted of participating in an unauthorized “unarmed march” and received a suspended fine for having taken part in a peaceful demonstration in 2004 by families of victims of enforced disappearance. She was acquitted of other charges relating to undermining the authority of public officials, violence and theft, but two other relatives of victims of enforced disappearance were convicted in the same case of all of the charges and sentenced to one year's imprisonment. In November 2008, the Constantine Court of Appeals upheld the conviction. The Algerian authorities did not implement the March 2006 recommendations of the United Nations Human Rights Committee in the *Bousroual and Saker v. Algeria* case, which called for an investigation into the enforced disappearance of Salah Saker. The February 2006 amnesty laws barred courts from investigating complaints against the security forces.

[Sources: Amnesty International, *International Day of the Disappeared; Global Reach: Regional Case Studies and Brief Country Background* (POL 36/001/2008; London 28 August 2008); Amnesty International, *Report* (London 2009) 63; Amnesty International, *The Wire*, 37 no. 7 (August 2007) 2; 38 no. 7 (August 2008) 3; Human Rights Committee, *Communication No. 992/2001: Bousroual and Saker versus Algeria* (CCPR/C/86/D/992/2001; 24 April 2006); Human Rights Watch, *World Report 2009* (Washington 2009) 446.]

See also Morocco.

ANGOLA

Last *Annual Report* entry: 2003.

On 20 March 2008, the Minister of Culture, Boaventura Cardoso, announced that a commission for the scientific research into the history of Angola—including the battles fought in the civil war (1975–2002) such as the Cuito Cuanavale Battle in 1987–1989—would be set up by the Ministries of Education, Culture and the State Secretariat for Higher Education.

[Source: Angola Press Agency, “Creation of History Research Commission Announced” (WWW-text; Angola Press Agency; 21 March 2008).]

See also Namibia.

ARGENTINA

Last *Annual Report* entry: 2008.

In 2008, **Hugo del Campo** (1941–2008) died. A historian working at several universities (1966–1975), including the Humanities Department of the Universidad Nacional del Sur (National Southern University), Bahía Blanca, he was arrested together with many other lecturers in [November 1976], tried for “ideological infiltration” and imprisoned for political reasons for six years. In 1983, he went to France and taught at the Universities of Paris IV and Marne-la-Vallée. He was the author of *Los anarquistas* (1971; *The Anarchists*), *Sindicalismo y peronismo* (1983; *Trade-unionism and Peronismo*), and *El sindicalismo revolucionario* (1985; *Revolutionary Trade-unionism*). His last book, a history of Argentina between 1955 and 2005, would be published posthumously.

[Source: J. Horowitz, personal communication (December 2008); <http://www.hugodelcampo.com>; “List of the accused”].

In November 1989, **Eduardo Kimel**, a journalist and a historian graduated from Buenos Aires University, published *La Masacre de San Patricio* (*The San Patricio Massacre*) (second edition 1995), a book about the murder of five clergymen of the Palatine Order committed in July 1976 during the military dictatorship (1976–1983), in which he criticized the handling of the case by the authorities, among them a judge. He had written, inter alia: “The evidence that the order to carry out the murder had come from within the core of the military structure in power checked the development

of the [legal] investigation, bringing it to a standstill”. In October 1991, this same judge sued him for libel. In 1995, Kimel was sentenced for libel to one-year suspended imprisonment and payment of a heavy fine as compensatory damages. The case, in which the charge changed from libel to “false imputation of a publicly actionable crime” and later again to libel, eventually went to the Inter-American Court of Human Rights. At the public hearing held before the Court in 2007, Kimel stated that “The greatest paradox [is] that the only person to be prosecuted and punished in connection with the San Patricio massacre has been the journalist who wrote the book”. In May 2008, the court unanimously ruled that Kimel’s freedom of expression and right to a fair trial had been violated, and that the laws that protect against slander and libel in Argentina violated the American Convention on Human Rights.

[Sources: Inter-American Court of Human Rights, *Case of Kimel v. Argentina: Judgment of May 2, 2008* [available at http://www.concernedhistorians.org/content_files/file/le/105.pdf]; C. Wendell, *The Right to Offend, Shock or Disturb: A Guide to Evolution of Insult Laws in 2007 and 2008* (Reston, VA, 2009) 84–85.]

Since 2003 Argentina has made significant progress in prosecuting military and police personnel responsible for “disappearances”, killings, and torture during its last military dictatorship (1976–1983). The executive branch actively encouraged these prosecutions, reinforcing what began as a legal challenge to impunity in the courts. In late 2008, there were more than 400 people facing charges for these crimes, the vast majority of whom were in pretrial detention. Several important cases were reopened in 2003 after Congress annulled the 1986 “Full Stop” law, which forced a halt to the prosecution of all such cases, and the 1987 “Due Obedience” law, which granted automatic immunity in such cases to all members of the military, except those in positions of command. In June 2005, the Supreme Court declared the two laws unconstitutional. In July 2008, the United Nations Working Group on Enforced or Involuntary Disappearances visited Argentina and noted that more than twenty judgments had been handed down on perpetrators of past human rights violations and that 1,000 criminal proceedings remained open. Since 2005, several federal judges have struck down pardons decreed by the former President Carlos Meném in 1989 and 1990 of former officials convicted or facing trial for human rights violations. In April 2008, for instance, a federal appeals court upheld the unconstitutionality of pardons in favor of Jorge Rafael Videla, former head of the military junta, and two others in a case regarding the “disappearance” of two businessmen.

[Sources: Amnesty International, *Report 2009* (London 2009) 66; Human Rights Watch, *World Report 2009* (Washington 2009) 150–151.]

In April 2008, in the first judgment of its kind, Osvaldo Rivas and María Cristina Gomez were

sentenced to eight and seven years' imprisonment respectively for the "appropriation" of Maria Eugenia Sampallo, the daughter of a couple who were the victims of enforced disappearance in 1977. The ex-army captain who stole the child and gave her to the couple was sentenced to ten years' imprisonment. Also in April 2008, a court indicted seven military officers in connection with the "illegal appropriation" of babies from the military hospital in Campo de Mayo while their mothers were in detention. In July 2008, Jorge Rafael Videla, former head of the military junta, was indicted on similar charges.

[Source: Amnesty International, *Report 2009* (London 2009) 66.]

In December 2008, forensic investigators announced the finding of thousands of bone fragments and a wall with 200 bullet holes in the Arana police detachment near Buenos Aires, the first time that a mass burial site has been found in a former clandestine detention centre. The process to identify the remains has been initiated.

[Source: Amnesty International, *Report 2009* (London 2009) 66.]

See also Chile, Uruguay, Vatican.

ARMENIA

Last *Annual Report* entry: 2006.

See Azerbaijan, Switzerland, United States.

AUSTRALIA

Last *Annual Report* entry: 2008.

In February 2008, the government made an historic apology to the "Stolen Generations"—Aboriginal and Torres Strait Islander people who as children were forcibly removed from their families as a result of government policy between 1870 and 1970. However, the government opposed compensation. It pledged to "close the gap" between indigenous peoples and other Australians, but opposed the United Nations Declaration on the Rights of Indigenous Peoples.

[Sources: Amnesty International, *Report 2009* (London 2009) 27, 69; Human Rights and Equal

Opportunity Commission, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children* (Sydney 1997).]

See also United Kingdom.

AUSTRIA

Last *Annual Report* entry: 2007.

On 27 April 2009, Holocaust denier **Gerd Honsik** (1941–) was sentenced to five years' imprisonment by a Vienna Court. In 1992, he had already been sentenced to eighteen months' imprisonment, but he escaped to Spain where he was arrested in August 2007 and extradited. His recent sentence was heavier because he had repeated his denial. He intended to appeal. His 1995 application to the European Court of Human Rights was declared inadmissible.

[Sources: http://www.concernedhistorians.org/content_files/file/1e/51.pdf [1995 case]; *Keesings historisch archief* (2009) 263; *NRC Handelsblad* (28 April 2009).]

AZERBAIJAN

Last *Annual Report* entry: 2008.

On 20 April 2007, **Eynulla Fatullayev**, a journalist who had been harassed by the government for years, was arrested, charged with libel, tried, and sentenced to two and a half years' imprisonment. The charges were based on anonymous comments posted on a website in February 2007 and attributed to Fatullayev, suggesting that both Azerbaijanis and Armenian forces were responsible for the massacre of hundreds of ethnic Azeri civilians from the village of Xocal in 1992, during the war in Nagorny Karabakh (1988–1994). (Another version of the comments reportedly suggested that Azerbaijanis were responsible for the 1992 massacre of residents of the town of Khodjali in Nagorno-Karabakh.) Fatullayev denied being the author. The court ruled Fatullayev had libeled both the population of Xocal and Azerbaijani war veterans. On 30 October 2007, Fatullayev was sentenced to an additional eight and a half years' imprisonment on charges of terrorism, incitement of ethnic hatred, and tax evasion, despite the lack of plausible evidence. In *Realny Azerbaydzhan* (Real Azerbaijan), a Russian language newspaper founded by him, he had published an article in which he

argued that Azerbaijan's support of the United States position on Iraq made Azerbaijan more more liable to an attack by Iran. In the article he also mentioned some possible Azeri targets of such an attack. The conviction was upheld by the appeals court in January 2008 and by the Supreme Court in June 2008. He was reportedly held in solitary confinement.

[Sources: Amnesty International, "Azerbaijan: Eynulla Fatullayev, Journalist Harassed and Imprisoned" (WWW-text; 2008); International PEN, "Azerbaijan: Eynulla Fatullayev" (WWW-text; 2008).]

BAHRAIN

Last *Annual Report* entry: 2008.

In 2008, decree 56/2002, which confers immunity from investigation or prosecution on government officials alleged to be responsible for torture and other serious human rights abuses committed prior to 2001, remained on the books. Despite the efforts of local human rights groups to establish a means for addressing such violations, the government insisted that the matter was closed. In its submission to the United Nations Human Rights Council's Universal Periodic Review mechanism in April 2008, Bahrain stated "there are no cases of torture in the kingdom".

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 450.]

On 16 December 2008, three young men aged 19 and 20 were detained while they were busy writing slogans and pasting pictures and posters on the walls of the Ras Rumman area in Manama, the capital, in memory of victims of torture who were killed in past years (especially in 1980–1990). Each year on 17 December, Martyrs Day is held to commemorate those who died as well as those still suffering as a result of torture in Bahrain. Close to this event and during periods of unrest, it is customary to see graffiti and portraits of martyrs on the walls of villages and cities. The authorities usually send a security-backed group to scratch out and wipe clean the graffiti and slogans after a short period of display.

[Sources: Bahrain Center for Human Rights, *Ifex Alert* (28 January 2009); *Keesings historisch archief* (2008) 709.]

In April 2009, journalist and writer **Abbas Al-Murshid** (?1978–) was detained when he returned from a visit to Saudi Arabia, probably in connection with his critical writings on the so-called Bandargate scandal (an alleged political conspiracy by certain government officials to marginalize the majority Shia community). Some of his books were confiscated, including two historical ones: a volume of the six-volume *Gazetteer of the Persian Gulf, Oman and Central Arabia* by John Gordon Lorimer (1870–1914) (probably the volume containing a history of Bahrain between 1602 and 1907) and *Portuguese Colonialism*.

[Source: Bahrain Center for Human Rights, *Ifex Alert* (15 April 2009).]

BANGLADESH

Last *Annual Report* entry: 2008.

In April 2008, Foreign Adviser Iftekhkar Ahmed Chowdhury discussed with the United Nations Secretary-General, Ban Ki-moon, the possibility of United Nations involvement in ending impunity for atrocities in the 1971 Bangladesh independence war. However, as in the past, no official Commission of Enquiry was established to investigate the war crimes, crimes against humanity, and other serious violations of human rights and humanitarian law as a first step towards establishing truth, justice, and full and effective reparations for victims. No concrete action was taken by the government to implement the 1973 International Crimes (tribunals) Act.

[Sources: Amnesty International, *Report 2009* (London 2009) 76; Human Rights Watch, *World Report 2009* (Washington 2009) 221.]

BELARUS

Last *Annual Report* entry: 2007.

In March 2007, the Union of Belarusian Writers complained that Belarusian officials were imposing state ideology on schools and banned certain works, such as those by Yanka Kupala (1882–1942; penname of Ivan Lutsevich), a poet who had defended the Belarusian language against russification. In the same month, books by well-known activists of the Belarusian diaspora, such as *People of the Union of Belarusian Youth*, by **Yury Turonak**, a Belarusian historian based in Poland, and *Anti-Bolshevik uprisings and Partisan Struggle in Belarus*, by **Yuri Vitsbich**, were confiscated from the NGO World Association of Belarusians. In 1998, another book of Turonak, *Belarus under German Occupation*, had reportedly already been withdrawn.

[Sources: Article 19, *Speaking Out for Free Expression, 1987–2007 and Beyond* (London 2008) 183; Viasna (The Human Rights Office), “Search Held in ‘Batskaushchyna’ Office” (WWW-text; 17 March 2007).]

In the summer of 2007, **X [confidential name]** (1958–), a historian and anthropologist at the History Department of Belarusian State University, Minsk (1991–2008), was forced to meet a KGB officer and accused of collaboration with the European Humanities University-in-exile (EHU) in Vilnius, Lithuania. The same day, the police accused him of having stolen a mobile phone. After several

months of intense psychological pressure on him, his relatives, and his collaborators, he resigned. In March 2008, he became a visiting professor of EHU and academic co-director of the Center for Advanced Studies and Education (CASE) in Lithuania and Belarus. In December 2008, he was appointed dean at the EHU Arts and History Department.

[Sources: Scholars at Risk, *Summary Report of 2008 SAR/EHU Meeting & Symposium in Vilnius, Lithuania* (1 October 2008) 10; X, personal information (June & December 2008).]

On 25 March 2008, security forces reportedly used excessive force against demonstrators who had gathered in the capital, Minsk, to commemorate Freedom Day (the anniversary of the creation of the Belarusian People's Republic in 1918). Around a hundred demonstrators were detained and subsequently sentenced to a fine or held in administrative detention. The authorities took unprecedented action against journalists who were covering the demonstration.

[Source: Amnesty International, *Report 2009* (London 2009) 77.]

BELGIUM

Last *Annual Report* entry: 2008.

See Central African Republic, Congo (Democratic Republic), Rwanda.

BOLIVIA

Last *Annual Report* entry: 2007.

On 9 September 2008, the archive of the Instituto Nacional de Reforma Agraria (INRA; National Institute of Agrarian Reform), the library of the Centro de Estudios Jurídicos y de Investigación Social (CEJIS; Center for Legal Studies and Social Research), and several other documentation centers were looted and burned in Santa Cruz de la Sierra by a paramilitary group, reportedly in order to destroy evidence of the illegal occupation of indigenous lands by large landowners. This act was called a "memoricidio" ("memorycide").

[Source: *Manifiesto contra la barbarie, el genocidio y el memoricidio: 9 de Septiembre, Día aciago de la destrucción de la memoria cruceña (Bolivia)* (WWW-text; <http://www.arxiv.org>).]

In October 2008, an extradition request was filed with the United States government regarding former President Gonzalo Sánchez de Lozada (president in 1993–1997 and 2002–2003) and two former ministers. All were accused of involvement in genocide for their role in the killings of 67 people during demonstrations in El Alto in 2003. In November 2008, several former ministers and military officers were notified of charges in connection with the killings. However, there were concerns about delays in starting oral proceedings. In the same month, legislation was enacted which, in addition to recognizing state responsibility, provides for compensation for individuals injured during the confrontations and for the relatives of those killed.

[Source: Amnesty International, *Report 2009* (London 2009) 81–82.]

BOSNIA and HERZEGOVINA

Last *Annual Report* entry: 2008.

Senior politicians and military officers indicted for war crimes committed during the 1992–1995 war continued to be tried before the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY). In July 2008, Radovan Karadžić, the war-time Bosnian Serb president, was arrested in Belgrade and transferred from Serbia to The Hague, thirteen years after his indictment. Karadžić was charged with genocide (including at Srebrenica), crimes against humanity, and war crimes. He did not recognize the court's jurisdiction. A “not guilty” plea was entered on his behalf. In September 2008, prosecutors narrowed the geographic scope of the indictment, but it remained vague on charges of sexual violence. Ratko Mladic, fellow indicted architect of the Srebrenica massacre, remained at large. In November 2008, Karadžić testified as a defense witness in the ongoing ICTY appeal of Momčilo Krajišnik, a Bosnian Serb wartime leader convicted of crimes against humanity [See Krajišnik's judgment on http://www.concernedhistorians.org/content_files/file/1e/17.pdf] in 2006.

[Sources: Amnesty International, *Report 2009* (London 2009) 82–83, 283; Human Rights Watch, *World Report 2009* (Washington 2009) 349.]

In July 2008, a Dutch district court in The Hague ruled that it lacked jurisdiction to hear a civil claim against the United Nations brought by some 6,000 relatives of Srebrenica massacre victims.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 350.]

The War Crimes Chamber (WCC) of the BiH (Bosnia and Herzegovina) State Court continued to

prosecute those responsible for war atrocities. In July 2008, seven out of eleven accused were found guilty of genocide committed at Kravica farm near Srebrenica in July 1995. They were convicted of killing more than 1,000 Bosniak men and sentenced to between 38 and 42 years' imprisonment. The remaining four accused were acquitted of all charges. In September 2008, the WCC launched a new national war crimes strategy to address the backlog of cases, which could involve as many as 10,000 suspects. According to the strategy, prosecutions before the WCC would focus on "those who planned the worst atrocities" during the war. Courts in the two semi-autonomous entities of BiH (Republika Srpska, RS, and the Federation of Bosnia and Herzegovina, FBiH) continued to prosecute war crimes cases. According to the Organization for Security and Co-operation in Europe (OSCE), RS prosecutors had brought a total of 21 indictments against 44 accused, with district courts reaching twelve verdicts and nine cases ongoing. In the FBiH, cantonal courts had decided a total of 85 verdicts against 119 defendants, with sixteen cases still in process. The discovery in August 2008 of a mass grave near Kamenica, believed to hold the bodies of up to one hundred victims of the 1995 Srebrenica massacre, was a reminder that Bosnia remains marked by the legacy of the 1992–1995 war.

[Sources: Amnesty International, *Report 2009* (London 2009) 83; Human Rights Watch, *World Report 2009* (Washington 2009) 350.]

Almost thirteen years after the war ended in 1995, an estimated 13,000 people still remained unaccounted for. In 2008, the Missing Persons Institute (Institut za Nestale Osobe, INO) started its work at full capacity. In June 2008, the International Committee of the Red Cross donated its database of missing persons to the INO, facilitating the establishment of a centralized system of information on all missing people in Bosnian and Herzegovinan territory. In May 2008, the Constitutional Court delivered two verdicts in a hearing concerning 230 cases filed by the families of missing persons. It found the applicants' right to family and private life as well as their right to freedom from inhumane treatment had been violated because the state authorities had not opened investigations into the enforced disappearance and deaths of their relatives.

[Source: Amnesty International, *Report 2009* (London 2009) 83–84.]

In 2008, **Mirsad Tokaca** (?1955–), president of the Sarajevo-based NGO Research and Documentation Center (RDC; founded 2002), his family, and seventeen RDC employees received death threats after in the RDC database *Human Losses in Bosnia-Herzegovina 1991–1995* (also known as the *Bosnian Book of the Dead*), the total number of those killed in the Bosnian war had been estimated at almost 97,000 (57,500 military victims; and 39,300 civilians, 33,000 of which were Bosniaks, 4,100 Serbs, and 2,200 Croats), a much lower rate than the usual estimate of 200,000.

Among Tokaca's critics was Smail Cekic, head of the Sarajevo-based Institute for the Investigation of Crimes against Humanity and International Law, who questioned Tokaca's research methods and accused him of "fogging the essence and size of the genocide" of Bosniaks. Until 2002, Tokaca had been secretary of the Bosnia-Herzegovina State Commission on War Crimes Documentation. In the same year, he turned down an offer to chair a similar commission at the level of the (Croat-Muslim) Federation of Bosnia-Herzegovina because of insufficient impartiality guarantees, and founded the RDC.

[Source: D. Halimovic, "Bosnian Researcher Counts War Dead, And Faces Threats For His Methods", *Radio Free Europe/Radio Liberty* (WWW-text; 21 November 2008).]

See also Montenegro.

BRAZIL

Last *Annual Report* entry: 2008.

Brazil has never prosecuted those responsible for atrocities committed during its period of military dictatorship (1964–1985). The 1979 amnesty law has thus far been interpreted so as to bar prosecutions of state agents. In July 2008, the Minister of Justice, Tarso Genro, reopened the debate by stating that torture was not a political crime and therefore not covered by the 1979 amnesty law. His statements were dismissed by the Minister of Defense and members of the armed forces. In October 2008, the Brazilian Bar Association petitioned the Supreme Federal Tribunal to rule on this interpretation of the amnesty law. In a landmark ruling in the same month, a civil court in São Paulo found Colonel Carlos Alberto Brilhante Ustra civilly responsible for acts of kidnapping and torture during his time as director of a dictatorship intelligence agency in São Paulo in the 1970s. However, federal government lawyers announced that they would defend Ustra and his co-defendant in a separate civil case, brought by federal public prosecutors, on the grounds that the amnesty law should protect them from prosecution.

On 8 April 2009, the Inter-American Commission on Human Rights stated that amnesties and statutes of limitations could not be applied to crimes against humanity that were committed during the military dictatorship (1964–1985). The commission also addressed the legal issue of the permanent sealing of official files related to certain matters, which was introduced in May 2005. The petition was brought by relatives of seventy persons forcibly disappeared by the military during its operations against the Araguaia Communist guerrilla movement in 1972–1975. Because of the 1979

amnesty law, no Brazilian official had been convicted for human rights violations committed during the dictatorship. The Supreme Federal Tribunal was investigating challenges to the amnesty law's applicability to human rights violations (see above).

[Sources: Amnesty International, *Report 2009* (London 2009) 85–86; Human Rights Watch, *World Report 2009* (Washington 2009) 163; Human Rights Watch, *Brazil: Prosecute*; Inter-American Commission on Human Rights, IACHR Takes Case against Brazil to the Inter-American Court (Press release 16/09; 8 April 2009).]

BULGARIA

Last *Annual Report* entry: 2006.

In April 2007, a conference on the massacre of Christian civilians by irregular Ottoman troops in the village of Batak in early 1876—a prelude to the eventual foundation of the Bulgarian nation in 1878—was canceled after Bulgarian media attacked its intended approach. The conference, scheduled for May 2007 in Sofia and organized by **Martina Baleva** ([1972]–), an art historian working at the Kunsthistorisches Institut, Free University of Berlin, and **Ulf Brunnbauer** (1970–), a historian of Southeastern Europe at the Osteuropa-Institut, Free University of Berlin, was meant to accompany an exhibition on the history of Batak as a national site of memory. The authors declared that the number of victims of the massacre (estimated at 12,000) was highly exaggerated and pointed to inconsistencies in the national narrative. They also showed that one important source for the historical imagination of the massacre was “The Batak Massacre”, a 1892 painting by the Pole Antoni Piotrowski, who had based this on fake photographs with scenes of the massacre that he had staged in 1886–1988 but that were later believed to be authentic. Baleva and Brunnbauer used these findings as evidence for the existence of anti-Islamic stereotypes in Bulgaria. While several Bulgarian historians, including from the Bulgarian Academy of Sciences, joined the protests and Prime Minister Sergey Stanishev and President Georgi Parvanov (both historians) reacted in public, others defended the scholars' method. The scholars themselves offered their apologies and declared that their intention was not to deny but to demystify the massacre. However, the radical right-wing political party *Ataka* and its television channel *Skat* organized a smear campaign against Baleva, in which such newspapers as *Trud* (Labor) and *24 Tschassa* (24 Hours) participated. Baleva also received written and oral death threats. Bozhidar Dimitrov, director of the National Museum of History in Sofia and presidential advisor, declared in *24 Tschassa* that he would sue both scholars for denial of the massacre. In April 2007, Baleva hastily returned from Bulgaria to Germany, where she

lived anonymously. In June 2007, she filed a charge against *Ataka* and *Skat*.

[Sources: M. Baleva & U. Brunnbauer, eds., *Batak: Ein Bulgarischer Erinnerungsort* ([Sofia/Berlin] 2007), 10–14, 157; *Berliner Zeitung* (22 November 2007); U. Brunnbauer, personal information (October–December 2008); *Deutsche Welle* (22 November 2007); *Frankfurter Rundschau* (20 November 2007); *Kölner Stadt-Anzeiger* (19 November 2007); M. Kraske & E. Schmitter, “Terror um ein Bild”, *Der Spiegel* (19 November 2007) 74; *Der Standard* (28 November 2007); *Süddeutsche Zeitung* (23 November 2007).]

See also Greece.

BURKINA FASO

Last *Annual Report* entry: 2005.

BURUNDI

Last *Annual Report* entry: 2008.

In November 2007, a committee including representatives of the government, the United Nations (UN), and civil society was formed to guide popular consultations on the establishment of a Truth and Reconciliation Commission and a Special Tribunal to investigate and prosecute the most serious crimes committed during the civil war (1993–2005). Although the UN Peacebuilding Fund, established by the UN Peacebuilding Commission, contributed one million US dollars, the committee did not organize consultations scheduled to start in June 2008. They were rescheduled for March 2009. President Pierre Nkurunziza wrested control of the process from the first vice president, contravening an agreement with the UN, and was rebuked by the UN secretary-general. The government continued to urge amnesty for war crimes, crimes against humanity, and genocide, despite UN opposition.

[Sources: Amnesty International, *Report 2009* (London 2009) 94; Human Rights Watch, *World Report 2009* (Washington 2009) 42.]

CAMBODIA

Last *Annual Report* entry: 2008.

In 2008, the Extraordinary Chambers in the Courts of Cambodia (ECCC; the Khmer Rouge tribunal)—a hybrid tribunal presided over by both Cambodian and international judges to address crimes from the Khmer Rouge era—continued to make slow progress toward holding its first trials. At the end of 2008, five senior Khmer Rouge officials remained in detention, including Kaing Guek Eav (also known as Duch), the former chief of Tuol Sleng prison; Pol Pot's deputy, Nuon Chea; former Khmer Rouge Foreign Minister Ieng Sary, former Khmer Rouge Social Affairs Minister Ieng Thirith, and former Khmer Rouge Head of State Khieu Samphan. All were charged with crimes against humanity and war crimes, except for Ieng Thirith, who was charged with crimes against humanity only. Serious concerns remain about political interference in the court from the Cambodian government, corruption among Cambodian personnel, lack of sufficient victim and witness protection, and the limited number of cases brought to address the deaths of as many as two million people during the 1975–1979 genocide. Criticism of the tribunal mounted, with many Cambodians saying they were losing interest as the process dragged on without tangible results. Several pre-trial hearings were held at the ECCC. However the first trial to take place, that of Duch, was postponed until 2009 following a decision by co-prosecutors to seek a broader indictment. By the end of 2008, the ECCC Victims Unit had received over 1,100 civil party applications, 34 of which had been accepted, and around 1,700 complaints from victims.

[Sources: Amnesty International, *Report 2009* (London 2009), 96; Human Rights Watch, *Cambodia: 30 Years After Fall of the Khmer Rouge, Justice Still Elusive* (Washington 5 January 2009); Human Rights Watch, *World Report 2009* (Washington 2009) 232–233].

On 12 February 2009, the Education Minister launched the first history textbook that treated the genocide of 1975–1979 for the third form of the secondary school. Based on *A History of Democratic Kampuchea, 1975–1979* (2007) by **Khamboly Dy** of the Documentation Center of Cambodia (DC-Cam), more than 500,000 copies were distributed. The DC-Cam book was the first scientific study produced by a Cambodian about the genocide; but even this report evaded the question whether Vietnam “liberated” or “occupied” Cambodia in January 1979.

[Sources: K. Dy, *A History of Democratic Kampuchea, 1975–1979* (<http://www.dccam.org>; DC-Cam 2007); *Le Monde* (13 February 2009); *Phnom Penh Post* (17 October 2008); *Straits Times* (12 February 2009).]

See also Thailand.

CANADA

Last *Annual Report* entry: 2008.

On 15 April 2008, the Barrick Gold Corporation, Toronto, the world's biggest gold mining company, sued the publishing house Éditions Écosociété in Montréal for defamation and demanded six million Canadian dollars in damages. In June 2008, the Banro company also sued the same publisher for five million Canadian dollars in damages in Ontario. One of its books, *Noir Canada: Pillage, corruption et criminalité en Afrique* (2008; *Black Canada: Plundering, Bribery, and Crime in Africa*), by **Alain Deneault** (1970–), a lecturer at the Université de Québec à Montréal (UQAM), **Delphine Abadie**, and **William Sacher**, discussed Barrick's responsibility in the expulsion of thousands of self-employed miners and their families from the Bulyanhulu mine in Tanzania in August 1996, in the course of which 52 miners were reportedly buried alive. In a section called "Thèse 1: Homicide et génocide involontaires" ("Thesis 1: Killings and involuntary genocide"), the authors called for an independent public inquiry into the events. The company emphasized that those events took place before its purchase of the property from Sutton Resources, Vancouver, in 1999. Deneault declared that the book did not hold Barrick directly responsible for the incident, but rather presented opinions, including Barrick's, on the case. Previously, Barrick had apparently threatened to sue *Guardian* journalist **Greg Palast** with defamation if he did not apologize for his report, which was the first publication containing these allegations.

[Sources: A. Deneault, D. Abadie, W. Sacher, *Noir Canada: Pillage, corruption et criminalité en Afrique* (Montréal: Écosociété, 2008) 17–26; *The Gazette* (15 April 2008); *Globe and Mail* (WWW-text; 14 April 2008); *The Militant* (23 June 2008).]

See also Palestinian Authority, Rwanda.

CENTRAL AFRICAN REPUBLIC

Last *Annual Report* entry: 2008.

On 24 May 2008, Belgian authorities arrested Jean-Pierre Bemba, leader of the Movement for the

Liberation of Congo (MLC). He was transferred to The Hague, where the International Criminal Court (ICC) charged him with war crimes and crimes against humanity, all allegedly committed in the south of the Central African Republic (CAR) between October 2002 and March 2003. In May 2007, the ICC prosecutor's office had announced that it would monitor more recent events to determine whether an investigation into crimes committed in the north of the CAR would warrant investigation. On 10 June 2008, ICC Prosecutor Luis Moreno-Ocampo addressed a letter to President François Bozizé noting that acts of violence committed in the north would require sustained attention. In August 2008, Ocampo's letter resulted in a letter from Bozizé to United Nations Secretary-General Ban Ki-Moon, in which he asked the United Nations to intercede in any possible ICC investigations of crimes in the north pursuant to article 16 of the ICC Rome Statute, which empowers the Security Council to suspend court proceedings for up to twelve months, renewable if required, to maintain international peace and security. Security Council intercession is highly unlikely given that the only ongoing ICC proceedings in the CAR pertain to crimes committed in the south in the 2002–2003 period, and there are no ICC investigations concerning the north at this point.

In September 2008, as part of the implementation of the comprehensive peace agreement, parliament adopted a general amnesty law, which covered crimes by government and armed political forces between 15 March 2005, when President François Bozizé came to power, and 13 October 2008, when the law was promulgated by the President. Although the amnesty was not supposed to cover crimes committed between October 2002 and March 2003, it granted immunity to several political and military leaders of the 2002–2003 armed conflict. They included former President Ange-Félix Patassé who was in power during the period, his former defense minister and his former presidential security aide. Such an amnesty law would not preclude the International Criminal Court from pursuing prosecutions for crimes under international law.

[Sources: Amnesty International, *Report 2009* (London 2009) 101; Human Rights Watch, *World Report 2009* (Washington 2009) 47.]

See also Uganda.

CHAD

Last *Annual Report* entry: 2008.

In March 2008, the government convened a Commission of Inquiry to investigate crimes committed in the wake of the February 2008 coup attempt by Chadian rebels backed by Sudan. In September

2008, the Commission issued a report that implicated President Idriss Déby's Presidential Guard in the disappearance of Ibni Oumar Mahamat Saleh, the spokesman for a coalition of opposition parties, and found that members of the Chadian security forces were responsible for crimes including arbitrary arrests, unlawful killings, torture, and rape. Chadian government helicopters were charged with indiscriminate attacks against civilians. The report represented an important step toward accountability, but did not identify specific perpetrators of abuses. A body established by the government to continue the work of the Commission was composed of ten ministers and the prime minister—a lack of independence that suggests limited political willingness to push investigations forward. No action was taken by the government to implement the Commission's recommendations.

[Sources: Amnesty International, *Report 2009* (London 2009) 8; Human Rights Watch, *World Report 2009* (Washington 2009) 49.]

See also Senegal.

CHILE

Last *Annual Report* entry: 2008.

According to official figures, 1,125 cases of human rights violations committed during the military government of General Augusto Pinochet (1973–1990) remained open; 3,195 had been subject to investigation. By the end of 2008, 245 members of the security forces had been convicted in connection with 115 cases. At the time of his death from a heart attack in December 2006, Pinochet was under house arrest, facing prosecution for torture, enforced disappearances, tax evasion, and forgery. The Supreme Court had closed three previous cases against him on medical grounds, but judges came to doubt that his mild dementia disqualified him from trial.

In June 2008, Manuel Contreras, the former head of the National Intelligence Directorate (Dirección de Inteligencia Nacional, DINA) was found guilty of the 1974 car bomb killings of former Army Commander-in-Chief Carlos Prats González and his wife in Argentina. The judge added two life sentences plus twenty years to the time Contreras was already serving in prison. Seven other former DINA agents and two civilians received sentences of up to twenty years' imprisonment. Pinochet, who had succeeded Prats as army commander just before the 1973 coup, escaped prosecution for the crime.

In October 2008, retired General Arellano Stark was sentenced to six years' imprisonment for his role in the killings of four political prisoners in 1973 as head of the Caravan of Death. Four other

officers were given sentences of between four and six years. This was the first conviction in relation to the 72 killings carried out by the Caravan of Death in the north of Chile. In November 2008, it was confirmed that Stark would not be imprisoned for health reasons.

A majority of the five judges in the Supreme Court's criminal chamber ruled that the amnesty decreed by the military government in 1978 was inapplicable to war crimes or crimes against humanity, and that these crimes were not subject to a statute of limitations. Given that court rulings in Chile were not binding in cases other than the one under review, and that the composition of the Supreme Court panel could change from case to case, the legal obstacles to convictions had not been entirely overcome. A bill promoted by the government to amend the criminal code so that crimes against humanity were not subject to amnesties or statutes of limitations remained deadlocked in Congress in 2008. During 2007 and increasingly in 2008, the Supreme Court had applied a law allowing those convicted for human rights violations to benefit from a sentence reduction in recognition of the time elapsed since the criminal act (more than thirty years in some cases), which meant that several former military personnel sentenced to prison by lower courts were exempted from serving time.

[Sources: Amnesty International, *Report 2009* (London 2009) 106; Human Rights Watch, *World Report 2009* (Washington 2009) 165–166.]

See also Peru.

CHINA

Last *Annual Report* entry: 2008.

In 2008, **Wang Dan** (1969–), a former Beida student of international politics (1987–1988) and history (1988–1989) who was number one on the list of the most wanted student leaders issued by the government on 13 June 1989, launched a campaign to urge the Chinese government to allow him and other blacklisted former Tiananmen protest leaders to return to China. (See also http://www.concernedhistorians.org/content_files/file/ca/04.pdf).

[Source: *Index on Censorship*, 2/09: 24–39.]

In March 2008, a petition by the Tiananmen Mothers (a group of 130 human rights defenders—mainly women—seeking accountability and redress for the killing of their children and other close relatives during the suppression of peaceful protests around Tiananmen Square in June 1989), signed

by 127 people, was submitted the parliament. In May 2009, during the run-up to the twentieth anniversary of the massacre, **Ding Zilin** (?1936–) (a former professor of philosophy and supervisor of graduate students at People’s University, whose son Jiang Jielian was killed during the massacre) was placed under house arrest. On 15 May 2009, two days ahead of a 17 May memorial ceremony, **Zhang Xianling**, another member of the Tiananmen Mothers, was warned not to invite media to participate in, or report on, the ceremony.

[Sources: *Ifex Communiqué* (3 June 2009); *NRC Handelsblad* (23–24 May 2009) 1, 4.]

On 26 August 2008, **Hu Shigen** (1954–), a lecturer at the Beijing Language and Culture Institute, political activist and dissident writer, was released (see *NCH Annual Report 2008*). He remained formally deprived of his right to exercise free speech, right of association and of free assembly, and his eligibility to work for a state institution.

[Sources: *NRC Handelsblad* (27 August 2008); International PEN, Rapid Action Network 43/08 (8 September 2008).]

In March 2009, **Jiang Yanyong** (?1932–), an army surgeon in Beijing who eyewitnessed the 1989 Tiananmen massacre, wrote a letter to President Hu Jintao demanding an apology for the period he spent in detention in 2004 and the subsequent months of house arrest. (See *NCH Annual Report 2008*).

[Source: Human Rights Watch, “China: Tiananmen’s Unhealed Wounds” (13 May 2009).]

In March 2009, **Zhang Shijun** (?1969–), a former soldier who took part in the military crackdown in Beijing on 3–4 June 1989 and who publicly expressed regret over his involvement, published an open letter to President Hu Jintao urging an official reassessment of the “June 4 tragedy, the event in China’s recent history that causes bitter weeping and choking back tears”. Zhang was detained by security forces shortly after his letter was made public, and his whereabouts were unknown.

[Source: Human Rights Watch, “China: Tiananmen’s Unhealed Wounds” (13 May 2009).]

On 1 April 2009, the State Administration of Radio, Film, and TV issued detailed regulations including a ban on videos that show “distortions of Chinese culture or history”.

[Source: Freedom House, *Ifex Alert* (3 April 2009).]

On 2 April 2009, **Jiang Qisheng** (?1948–), deputy chairman of the Independent Chinese PEN Centre and a former Tiananmen Square student protester, was detained and questioned, due to concerns that he was writing an article to commemorate the 2009 anniversary of the Tiananmen Massacre. (See

also NCH *Annual Reports 2001* and *2003*). He was warned against any activities commemorating the massacre. In March and May 2009, he had his home searched and documents and computers confiscated. Jiang was one of the original signatories of Charter 08, a human rights movement established on 10 December 2008, the sixtieth anniversary of the *Universal Declaration of Human Rights*. Point 19 of Charter 08, read: “*Transitional Justice*. Rehabilitate the reputation of and give state compensation to the victims who suffered political persecution during past political movements as well as their families; release all political prisoners, prisoners of conscience, and people who are convicted because of their beliefs; establish a truth commission to restore historical truth, to pursue accountability and to fulfill justice; seek a settlement of the society on this foundation”. Other signatories included Ding Zilin (see above) and her husband Jiang Peikun.

[Sources: Human Rights Watch, “China: Tiananmen’s Unhealed Wounds” (13 May 2009); *Ifex Communiqué* (3 June 2009); PEN American Center, *Ifex Alert* (2 April 2009).]

On 4 April 2009 (Qing Ming, the traditional day of remembering and honoring the dead), **Sun Wenguang** (?1934–), a retired professor of Shandong University, Jinan, Shandong Province, was beaten by five unidentified men as he returned from paying respects to the memory of the former Chinese Communist Party General Secretary, Zhao Ziyang (see below), and of Zhang Zhixin, a dissident killed during the Cultural Revolution (1966–1976), at Jinan’s Martyrs’ Park. From 1966 on, Sun had been frequently harassed and imprisoned.

[Sources: Human Rights in China, “Retired Professor Attacked after Honoring Memory of Late Party Secretary Zhao Ziyang” (6 April 2009); Human Rights Watch, “China: Tiananmen’s Unhealed Wounds” (13 May 2009).]

On 14 May 2009, the secret memoirs of the former Chinese Communist Party General Secretary, **Zhao Ziyang**, *Prisoner of the State: The Secret Journal of Zhao Ziyang* (New York) were published. Dictated during his years of house arrest (1989–2005) and smuggled out on thirty 60-minute cassettes disguised as children’s music or Peking opera, the book gave insight into the workings of and schisms within the CCP Standing Committee. The publishers, Simon & Schuster, were so worried about news leaks of the book that they listed it as Untitled by Anonymous in their catalogue. The book was also translated and published in Chinese by New Century Press (Hong Kong), run by Bao Pu, a political commentator, human rights activist and the son of Zhao’s former chief of staff Bao Tong.

[Sources: *Independent* (15 May 2009); *Keesings historisch archief* (2009) 334.]

After an interview on 23 May 2009 with the Dutch newspaper *NRC Handelsblad* about the forthcoming twentieth anniversary of the massacre, **Li Hai** (?1954–), a former student leader and

former student of Marxist philosophy, went into hiding. He had already been imprisoned for six months after he tried to commemorate the 1989 massacre in June 1990. During this prison term, he was tortured. In 1995, he was harassed when he tried to commemorate and investigate the June 1989 events. In 1996, he was sentenced to nine years' imprisonment on charges of "prying into state secrets" for compiling a list of 600 names of those killed in June 1989 and handing it over to human rights organizations. Li spent the majority of his prison term in solitary confinement. After his release in 2003, he was frequently harassed by the police.

[Sources: Human Rights Watch, "China: Tiananmen's Unhealed Wounds" (13 May 2009); *NRC Handelsblad* (23–24 May 2009) 1, 4.]

Tibet

On [11] September 2008, **Rangjung** (?1984–), a Tibetan writer, singer and television presenter, was reportedly arrested at his home in Amdo Golok (eastern Tibet), and held without charge, probably because of his outspoken pro-Tibetan views, as expressed, inter alia, on a web blog and in two books on Tibetan culture and history, *Dhung shen kharpo* (*Pure Loyalty*) and *Himalaya Reboed* (*Himalaya Call for Hope*).

[Source: International PEN, *Half-Yearly Caselist To 31 December 2008* (London 2009) 53.]

Xinjiang

On 10 February 2009, **Tohti Tunyaz** (pen name: **Tohti Muzart**) (1959–), an Uighur historian and writer, was released at the end of his sentence. However, he was reportedly not able to rejoin his family in Japan. (See NCH *Annual Reports 2000, 2001, 2003, 2004*; see also http://www.concernedhistorians.org/content_files/file/ca/22.pdf and four follow-ups).

[Sources: International PEN, *Rapid Action Network* (17 February 2009); Reporters without Borders, *Press Release* (20 February 2009).]

See also Nepal, Vietnam.

COLOMBIA

Last *Annual Report* entry: 2008.

On 4 February and 20 July 2008, millions of people marched in Colombia and around the world in protest at kidnappings by the Fuerzas Armadas Revolucionarias de Colombia (FARC; Revolutionary

Armed Forces of Colombia). Thousands of people had also taken to the streets in Colombia on 6 March 2008 to demand an end to human rights abuses by the security forces and paramilitary groups. Four months later, Jhon Fredy Correa Falla, a member of the Movimiento nacional de víctimas de crímenes de estado (National Movement of Victims of State Crimes), which organized the March protest, was shot dead by four gunmen on motorbikes.

X [name confidential] (1978–), a student of history with a bachelor degree in anthropology (1996–2003) completing her master's degree on the history of the feminist movement in Bogotá at the Universidad Nacional de Colombia, was one of the organizers of the march against violence. Less than a week later, she received a letter from a paramilitary group, the *Aguilas Negras al Rearme, Bloque Metropolitano de Bogotá* (Black Eagles) declaring that the organizers of the march had become military targets and would all be killed. X was the author of several articles in the area of gender and social movements in Colombia and co-author of a “Plan for Equal Opportunities” with the Mayor of Bogotá. She co-founded *Hijos e hijas por la memoria y contra la impunidad* (Sons and Daughters for Memory and against Impunity) after the assassination of her father. She went to the United States, where she continued her studies at Duke University, North Carolina.

[Sources: Amnesty International, *Report 2009* (London 2009) 17; Scholars at Risk, *Colo-528* (New York 2008).]

In 2008, the Attorney General's Office investigated cases of extrajudicial killings of civilians attributed to the Colombian army involving more than a thousand victims since mid-2003. Under pressure to show results, army members apparently took civilians from their homes or workplaces, killed them, and then dressed them up to claim they were combatants killed in action. The Defense Ministry issued directives indicating that such killings were impermissible. Such directives, however, were regularly undermined by statements from high government officials, including President Álvaro Uribe, who for years publicly denied that the problem existed, and accused human rights defenders reporting these killings of colluding with the guerrillas in an orchestrated campaign to discredit the military.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 173–174.]

Some 1,778 bodies of victims of enforced disappearance by paramilitaries were exhumed by the authorities from 1,441 graves between 2006 and 2008. By the end of 2008 the remains of only around 300 victims had been identified and returned to their families. The exhumations were dogged by serious deficiencies, making it more difficult to identify both the victims and the perpetrators.

[Source: Amnesty International, *Report 2009* (London 2009) 112.]

More than 130,000 victims of paramilitary violence made official claims for reparation under the Justice and Peace process. This process allows paramilitaries who have laid down their arms to benefit from significantly reduced prison sentences in return for confessions about human rights violations and reparations for their victims. However, 90 per cent of paramilitaries were not eligible for inclusion in the process and thus evaded justice. Threats against and killings of victims testifying in the process continued, while many paramilitaries failed to collaborate fully with the Justice and Peace tribunals, in particular failing to return land previously misappropriated by them.

In May 2008, fifteen national paramilitary leaders were extradited to the United States to face drugs-related charges. Their extradition followed claims by the Colombian government that they had failed to abide by the terms of the Justice and Peace process. The United States government maintained that Colombian investigators would have access to the extradited paramilitaries. However, concerns remained that the extradition had undermined investigations in Colombia into human rights violations committed by the paramilitaries and into the links the latter may have had with Colombian politicians and other state officials.

[Source: Amnesty International, *Report 2009* (London 2009) 112–113.]

CONGO (Democratic Republic)

Last *Annual Report* entry: 2008.

In a February 2008 report, the United Nations Special Rapporteur on Violence against Women concluded that “due to political interference and corruption, perpetrators, especially those who belong to the State security forces, go unpunished”. In one exceptional case, a military court in Katanga continued proceedings against Gedeon Kyungu Mutanga and 25 others accused of committing war crimes and crimes against humanity between 2004 and 2006, one of the largest war crimes trials in the history of the DRC.

The International Criminal Court (ICC) provided some hope for victims seeking justice. On 6 February 2008, the ICC took custody of Ituri warlord Mathieu Ngudjolo Chui, who was charged with war crimes and crimes against humanity. On 26 September 2008, the court confirmed the charges against Ngudjolo and Germain Katanga, another Ituri warlord arrested in 2007 and surrendered to the ICC in February 2008. The case was expected to go to trial in 2009. On 28 April 2008, the court unsealed an arrest warrant for Jean-Bosco Ntaganda, military chief of staff of the forces of rebel commander Laurent Nkunda’s National Congress for the Defense of the People (CNDP), for crimes allegedly committed in Ituri. Procedural errors in the prosecution of Thomas Lubanga Dyilo (the first

person to be detained by the ICC in March 2006) delayed the proceedings. The temporary stay of proceedings was lifted in November 2008. The stay was imposed in June 2008 after the ICC trial chamber held that the withholding of potentially exculpatory evidence by the prosecution violated the right of the accused to a fair trial.

On 24 May 2008, Belgian authorities arrested Jean-Pierre Bemba, DRC Senator, leader of the Movement for the Liberation of Congo and former Vice-President of the DRC, at the request of the ICC to face charges of responsibility for war crimes and crimes allegedly carried out by his forces between October 2002 and March 2003 during the conflict in the Central African Republic. The ICC was also investigating the conduct of Bemba's troops in Congo, but has not filed charges in that case. [Sources: Amnesty International, *Report 2009* (London 2009) 127–128; Human Rights Watch, *World Report 2009* (Washington 2009) 63–64.]

See also Central African Republic, Uganda.

CONGO (Republic)

Last *Annual Report* entry: 2008.

CROATIA

Last *Annual Report* entry: 2008.

In March 2008, the trial of General Ante Gotovina and two other generals began at the International Criminal Tribunal for the former Yugoslavia (ICTY). The three were accused of war crimes and crimes against humanity, including persecution and murder committed during Operation Storm against rebel Serbs in Krajina between August and November 1995, during which around 200,000 ethnic Serbs were forced out of the region. While Croatia handed over all its indictees to the ICTY, they were criticized by the latter in June 2008 for failing to deliver all requested documents related to the Gotovina case, a charge rejected by Croatia.

According to a report of the Organization for Security and Co-operation in Europe (OSCE), during the first nine months of 2008 there were twenty active war crimes trials across eight county courts in Croatia, involving 72 defendants, 45 of whom were Serb. Nine of the trials (involving seventeen defendants) reached final verdicts, with fourteen defendants convicted (eight Serbs, six

Croats) and three acquitted (two Serbs, one Albanian). According to the report, the ethnicity of victims and perpetrators continued to affect the prosecution of war crimes cases. In the vast majority of prosecutions, the victims were ethnic Croats, and the perpetrators members of the Yugoslav Peoples Army (JNA) or Serbian paramilitary groups. There was a continuing failure to investigate most war crimes committed by the Croatian Army and police forces. Despite the fact that specialized war crimes chambers had been created in four county courts in 2003, they prosecuted only two cases in 2008, both for war crimes committed against Croatian Serbs. The vast majority of war crimes cases continued to be prosecuted by the local courts in the communities where the alleged crimes had been committed. In some cases witnesses refused to testify as they feared for their safety.

Little progress was made in establishing the whereabouts of more than 2,000 people still unaccounted for since the 1991–1995 war, although the Croatian authorities had assumed full responsibility from the International Committee of the Red Cross in 2007 for investigating these disappearances. Impunity for enforced disappearances remained a serious problem due to the failure of the authorities to conduct thorough investigations and bring perpetrators to justice.

In September 2008, the government indicated a willingness to extradite its citizens to neighboring countries to face trial on war crimes and other charges, “if other states were prepared to do the same”. Despite regional mechanisms for judicial cooperation, Croatia and Serbia prohibited the extradition of their citizens, widely seen as an impediment to war crimes accountability.

[Sources: Amnesty International, *Report 2009* (London 2009) 118–119; Human Rights Watch, *World Report 2009* (Washington 2009) 355–356.]

See also Serbia.

CUBA

Last *Annual Report* entry: 2006.

CYPRUS

Last *Annual Report* entry: 2008.

On 4 January 2008, the Education and Culture Ministry of northern Cyprus announced that it had rewritten its history textbooks since 2004 (after the election of Turkish Cypriot President Mehmet Ali

Talat). Minister Canan Öztoprak said that pictures of atrocities such as the mass murders of Turkish Cypriot civilians in December 1963 by the Greek Cypriot militia were deeply disturbing for children. Such pictures were removed and replaced with others that still explained the events but did not depict the atrocities in such detail. The textbooks also dropped such terms as “motherland” in reference to Turkey and used the words “Cypriot” and “people” to designate the two communities.

In October 2008, Greek Cypriot Education Minister Andreas Demetriou announced that the Greek Cypriot government would revise history textbooks to bolster peaceful coexistence between the Greek- and Turkish-speaking communities. Many Orthodox church leaders, including Archbishop Chrysostomos, nationalist politicians, and conservative teachers criticized the measure as undermining Cyprus’s “Hellenic” heritage. Equally controversial were the apportionment of responsibility for the intercommunal violence in 1963–1974 and the partition of 1974. In this respect, Demetriou declared that “Greek-Cypriot extremists” also bore some responsibility for the division of the island. While he called the partition “the 1974 tragedy”, the opposition referred to it as “the Turkish invasion”. A special committee chaired by President Demetris Christofias was set up to look at issues of educational reform and history education.

[Sources: *Der Spiegel Online International* (17 March 2009); *Financial Times* (28 October 2008); *Keesings historisch archief* (2008) 613; C. Makriyianni & C. Psaltis, “The Teaching of History and Reconciliation”, *Cyprus Review* (Spring 2007), 58; “North Adopts Fresh Approach to History”, *Turkish Daily News* (4 January & 13 October 2008).]

The United Nations Committee on Missing Persons continued its work to exhume and identify victims of the inter-ethnic conflict who have been missing since 1963. During 2008, the remains of 93 individuals were exhumed, and the remains of 39 were identified and returned to their families. These brought the total number of exhumations since 2004 to 466, and the total number of identified and returned remains to 110.

[Source: Amnesty International, *Report 2009* (London 2009) 122.]

CZECH REPUBLIC

Last *Annual Report* entry: 2000.

DENMARK

Last *Annual Report* entry: 2007.

DJIBOUTI

Last *Annual Report* entry: 2008.

ECUADOR

Last *Annual Report* entry: 2007.

In February 2008, the Truth Commission, set up in May 2007 to investigate human rights violations committed under the government of Leon Febres Cordero (1984–1988), began receiving testimonies. In September 2008, an interim report was issued. Former President Febres Cordero died in December 2008.

[Source: Amnesty International, *Report 2009* (London 2009) 131.]

EGYPT

Last *Annual Report* entry: 2007.

EL SALVADOR

Last *Annual Report* entry: 2008.

Widespread human rights violations committed during the internal armed conflict (1980–1992) remained unpunished and the 1993 amnesty law was still valid. In September 2008, the mandate of the Inter-Institutional Commission for the Search for Disappeared Children was extended, although the extension was only granted until 31 May 2009. The commission had been established in 2004 to clarify the whereabouts of some 700 children who were victims of enforced disappearance during the conflict. It was criticized for inefficiency and lack of independence because it located only thirty of the disappeared children.

[Source: Amnesty International, *Report 2009* (London 2009) 136.]

In November 2008, two human rights organizations filed a suit in a Spanish court against former President Alfredo Cristiani Burkard (in power during 1989–1994), and fourteen military officers in connection with the murder of six Jesuit priests, their housekeeper and her daughter in 1989.

[Source: Amnesty International, *Report 2009* (London 2009) 18, 136–137.]

ERITREA

Last *Annual Report* entry: 2008.

ESTONIA

Last *Annual Report* entry: 2007.

ETHIOPIA

Last *Annual Report* entry: 2008.

In May 2008, the Federal Supreme Court overturned earlier rulings and sentenced to death former President Mengistu Haile Mariam (in exile in Zimbabwe) and eighteen senior officials of his *Dergue* government (in power during 1974–1991). The prosecution had appealed against life imprisonment sentences passed in 2007, after the nineteen had been convicted by the Federal High Court of genocide and crimes against humanity perpetrated during the *Dergue* government.

[Source: Amnesty International, *Report 2009* (London 2009) 145.]

EUROPEAN UNION

Last *Annual Report* entry: 2008.

In April 2008, the European Union (EU) Council approved an amendment to the *EU Framework Decision on Combating Terrorism*, introducing new offenses of provocation and terrorist recruitment and training, including when committed on the Internet. The provocation offense gave rise to concern about criminalization of speech with little connection to terrorism. In September 2008, the European Parliament recommended narrowing the amendment, so that only speech intended to directly incite specific terrorism offenses would be criminalized.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 359.]

FIJI

Last *Annual Report* entry: 2006.

FINLAND

Last *Annual Report* entry: –.

See Rwanda.

FRANCE

Last *Annual Report* entry: 2008.

On 18 November 2008, a report on “memory laws”, commissioned by the National Assembly, recommended that no new laws on historical truth and memory should be adopted. It indicated that it was not the role of Parliament to adopt laws which pre-judge the relative importance or value of historical facts, particularly when such laws include criminal sanctions. A week earlier, a group of historians and writers had published the *Appel de Blois* (Appeal of Blois) which maintained that it was not the business of any political authority to define historical truth and to restrict the liberty of historians by penal sanctions.

[Sources: *Appel de Blois* at http://www.concernedhistorians.org/content_files/file/to/162.pdf; Article 19, *Ifex Alert* (26 November 2008) at http://www.concernedhistorians.org/content_files/file/to/167.pdf.]

On 16 February 2009, the Council of State (the highest court) recognized the “responsibility” of the French State for the deportation of 76,000 Jews in 1942–1944 (during World War II). It declared that the then Vichy government had permitted or facilitated deportations that led to anti-Semitic persecution without being coerced by the occupiers. But it also found that reparations had since been made “as much as was possible, for all the losses suffered”. In 1995, then President Jacques Chirac had for the first time officially recognized state responsibility in the deportation of French Jews.

[Sources: *BBC News* (16 February 2009); *Keesings historisch archief* (2009) 130–131.]

See also Rwanda, Thailand.

GEORGIA

Last *Annual Report* entry: 2003.

GERMANY

Last *Annual Report* entry: 2008.

In 1950, the Stadtschloss, the seventeenth-century palace of the Hohenzollern (the Prussian royal family) which was badly damaged in World War II, and other buildings (such as the city palace of Potsdam) were demolished as they were seen as reminders of Prussian militarism. The Schlossplatz on which it stood was renamed Marx-Engels Platz. In 1976, the Palast der Republik (East German parliament) came in the place of the Stadtschloss. In 2006–2008, the Palast itself was demolished. Plans to rebuild the Stadtschloss were at an advanced stage.

[Source: R. Bevan, *The Destruction of Memory: Architecture at War* (London 2006) 193–194.]

On 27 November 2008, Dutch-born singer and actor Johannes Heesters (1903–), believed to be the world's oldest performing actor, sued author and documentary filmmaker **Volker Kühn**, an expert on the history of cabaret, for reckless and defamatory statements because the latter had declared various times that Heesters had performed before Nazi guards during a visit to Dachau concentration camp on 21 May 1941. Heesters did not deny the visit, but rejected charges that he sang there. On 16 December 2008, a court in Berlin ruled that the statements were neither negligent nor defamatory. Although the judge declared that the question whether Heesters performed or not was unsolvable, he added that Heesters had not proven that the factual basis of Kühn's statement was untrue and that the latter had acted prudently in formulating his opinion because it was based on a videotaped 1990 interview with a former inmate, Viktor Matejka, since deceased, who said that he had been present at the performance. Kühn had uttered the accusation on a CD, *Hitler und die Künstler: Mit den Wolfen geheult* (2007; *Hitler and the Artists: Crying with the Wolves*), and in a February 2008 interview with a Dutch newspaper.

[Sources: K. Connolly, "Centenarian Rejects Claim He Sang for SS Troops in Nazi Death Camp", *Guardian* (28 November 2008); "Gericht weist Klage wegen angeblichem KZ-Auftritt ab—Historiker will Aussagen nicht wiederholen" (WWW-text; *B2B Berlin* 16 December 2008); "Gerichtsurteil: Historiker darf weiter von Heesters' SS-Auftritt sprechen" (WWW-text; *Spiegel Online*, 16 December 2008); Landgericht Berlin, "Johannes Heesters verliert Prozess um Äußerungen über

Auftritt im Konzentrationslager Dachau” (Pressemitteilung Nr. 52/2008; WWW-text; 16 December 2008); *NRC Handelsblad* (20 October & 16 December 2008).]

On 25 February 2009, Horst Mahler (1936–), a former defense lawyer for members of the Rote Armee Fraction who had joined the extreme nationalist Nationaldemokratische Partei Deutschlands (NDP; National Democratic Party of Germany) between 2000 and 2003, was sentenced to six years’ imprisonment on charges of *Volksverhetzung* (hate speech) for Holocaust denial during a November 2007 interview. On 11 March 2009, he was sentenced to (a concurring) five years and two months’ imprisonment on a similar charge. Mahler had faced several legal charges in the past. In 2004, he was charged for Holocaust denial in connection with his founding role in the *Verein zur Rehabilitierung der wegen Bestreitens des Holocaust Verfolgten* (VRBHV; Society for the Rehabilitation of Those Persecuted for Refutation of the Holocaust). In 2006, his passport was revoked by the German authorities to prevent him from attending the “International Conference to Review the Global Vision of the Holocaust” in Tehran, Iran.

[Sources: *Keesings historisch archief* (2009) 130, 194; “Horst Mahler”, *Wikipedia* (version 29 April 2009).]

See also Bulgaria, Greece, Russia, Rwanda, United Kingdom.

GHANA

Last *Annual Report* entry: 2008.

GREECE

Last *Annual Report* entry: 2008.

In November 2008, **Polymeris Voglis** (1964–), an assistant professor of contemporary history at the University of Thessaly and former post-doctoral fellow at Princeton (1999–2000), Columbia (2001), and New York (2002) universities, could not attend the conference “Cold War in the Mediterranean: Connecting the Fronts” at Columbia University, because he did not get a visa in time from the American embassy in Athens despite repeated reminders and an invitation letter from Columbia. He was scheduled to present a paper on the Marshall Plan in Greece. Voglis was the author of *Becoming*

a Subject: Political Prisoners during the Greek Civil War (2002).

[Sources: A. Liakos, personal communication (November 2008); P. Voglis, personal communication (November 2008).]

On 22 December 2008, **Konstantina Kuneva**, who worked as a historian in Bulgaria and in 2001 became a migrant worker in Greece and trade union leader of the Attica Union of Cleaners and Domestic Workers, was attacked and seriously injured in Athens. The attack was allegedly connected with her trade union activities and followed an escalation of tension between her and her employers.

[Source: Amnesty International, “Greece: Investigate the Attack of Trade Union Leader” (7 March 2009).]

On 24 February 2009, a hand grenade was thrown at a facility of the Social and Political Rights Network (an immigrant support network headed by leftist activists) in Athens, causing material damage. The attack was reportedly carried out by neo-Nazis of Chryssi Avghi celebrating the anniversary of the founding of Germany’s Nazi party NSDAP on 24 February 1920. The Chryssi Avghi (Golden Dawn) Party openly supports National Socialism.

[Source: Ifex, *Communiqué 18–9* (4 March 2009).]

In March and April 2009, the Sunday weekly *Proto Thema*, Greece’s largest newspaper, attacked **Alexis Heraclidis**, a professor at Panteion University, Athens, three times and accused him of “participating in a filthy campaign against our history” with his “anti-Greek” and “shameful” comments that in 1919 the Greeks engaged in ethnic cleansing against the Turks in Asia Minor (made in a state TV documentary) and that the Republic of Macedonia had a right to use that name (made in his university work). On 9 April 2009, there was a debate in Parliament in which his statements were rejected by the Deputy Minister of Education, who said that “his views cannot withstand criticism as they lack scholarly validity”. No colleagues reportedly came forward to defend him, on the contrary, some defamed him as well.

[Source: Ifex, *Communiqué 18–9* (5 May 2009).]

On 5 and 12 July 2009, *Proto Thema* (see above) and some members of parliament of the far-right political party Laos (Popular Orthodox Rally Party) attacked **Giorgos Kokkinos** (1960–), an associate professor teaching history didactics and modern and contemporary European, Balkan and Greek history at the Aegean University, Rhodes, for “violating the constitution”, “not being patriotic enough” and “being a danger to the nation”, and called for his dismissal. The author of several books (including textbooks), Kokkinos was known for his inclusive views on Greek history. For a petition

in his support, see http://www.petitiononline.com/mod_perl/signed.cgi?KOKKINOS&1.

[Sources: C. Gaganakis, personal communication (July 2009); V. Sakka, personal communication (July 2009).]

GRENADA

Last *Annual Report* entry: 2007.

GUATEMALA

Last *Annual Report* entry: 2008.

In February 2008, President Álvaro Colom announced that all military archives relating to human rights violations committed during the internal armed conflict (1960–1996) would be made public, but the army refused to comply. However, the minister of defense had since delayed handing over the files, arguing that the constitution protected the confidentiality of documents related to national security. A new law passed in September 2008 challenged this argument: article 24 of the Law of Access to Public Information ordered that “in no circumstances can information related to investigations of violations of fundamental human rights or crimes against humanity” be classified as confidential. In March 2008, in a case brought against former high ranking army officers for alleged crimes against humanity, the Constitutional Court ruled that classified military documents be made public. At the end of 2008, the documents had still not been released.

The July 2005 discovery of an archive of the disbanded National Police (discovered by accident in July 2005 and containing an estimated 80 million documents on atrocities committed by security forces during 1881–1997, and especially during the internal armed conflict of 1960–1996, particularly the most violent years 1975–1985) could play a key role in the prosecution of those who committed human rights abuses during the conflict. By October 2008, the Human Rights Ombudsman’s Office had processed seven million of those documents, primarily related to cases presently under active investigation. The office planned to open the first part of the archive in 2009. Some of the archive’s 200 staff members received death threats.

In late March 2009, officials involved in opening the police archives and members of their families were threatened and attacked. On 25 March 2009, a day after the Human Rights Ombudsman (also called Special Prosecutor for Human Rights), **Sergio Morales**, had released the *Special Report*

on the *Historical Archives of the National Police: The Right to Know*, his wife was kidnapped and tortured. One official was beaten up and a number of threats were made against other officials of Morales's office, including a bomb threat and a threat against the life of Morales himself. Activists hoped that information from the archives would serve as evidence in legal cases against hundreds of perpetrators of civil-war era human rights abuses.

[Sources: Amnesty International, *Report 2009* (London 2009) 159; Amnesty International, "Threatened and Attacked: The Dangers Of Opening Guatemala's Police Files" (27 March 2009); Article 19, *Ifex Alert* (1 April 2009); Human Rights Watch, *World Report 2009* (Washington 2009) 182–183; *Keesings historisch archief* (2009) 216; *Miami Herald* (29 March 2009); *NRC Handelsblad* (28–29 March 2009) 31; S. Grainger, "Guatemala Scans Police Archive for Civil War Clues" (WWW-text; Reuters; 24 March 2009).]

Guatemala continued to suffer the effects of an internal armed conflict (1960–1996). A United Nations-sponsored truth commission estimated that as many as 200,000 people were killed during the 36-year war, and attributed the vast majority of the killings to government forces. Guatemalans seeking accountability for these abuses faced daunting obstacles. Attacks and threats against human rights defenders were commonplace, and posed a significant obstacle to their work. Others involved in human rights prosecutions were also routinely threatened or attacked, including forensic experts, plaintiffs, and witnesses. The Human Rights Ombudsman's Office documented nearly 200 attacks and threats against human rights defenders in 2007. Prosecutors and investigators received grossly inadequate training and resources. The courts routinely failed to resolve judicial appeals and motions in a timely manner, allowing defense attorneys to engage in dilatory legal maneuvering. The army and other state institutions resisted cooperating fully with investigations into abuses committed by current or former members. The police regularly failed to provide adequate protection to judges, prosecutors, and witnesses involved in politically sensitive cases.

In September 2007, the United Nations secretary-general appointed a Spanish former prosecutor and judge to lead the newly-created Commission against Impunity in Guatemala (CICIG). The commission's mandate was to work with the Attorney General's Office to investigate, prosecute, and dismantle the "clandestine groups" responsible for ongoing violence against human rights defenders. In its first year, the commission had taken on fifteen cases, which were seen as representative of the most entrenched problems of impunity. Yet as the CICIG acknowledged in its 2008 annual report, it was also "systematically obstructed" at times by the very corruption it sought to root out.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 182–183, 185.]

Of the 626 massacres documented by the truth commission, only three cases were successfully

prosecuted in the Guatemalan courts. The third conviction came in May 2008, when five former members of a paramilitary “civil patrol” were convicted for the murders of 26 of the 177 civilians massacred in Rio Negro, Baja Verapaz department, in March 1982. A draft law to establish a commission to find victims of the estimated 45,000 enforced disappearances carried out during the internal armed conflict (1960–1996) was still awaiting approval by Congress.

[Sources: Amnesty International, *Report 2009* (London 2009) 159; Human Rights Watch, *World Report 2009* (Washington 2009) 182.]

In a landmark ruling, Spain’s Constitutional Court held in September 2005 that, in accordance with the principle of universal jurisdiction, cases of alleged genocide committed during the civil war (1960–1996) could be prosecuted in the Spanish courts. In July 2006, a Spanish judge issued international arrest warrants for eight Guatemalans and the Spanish government requested their extradition in late 2006. However, in December 2007 the Guatemalan Constitutional Court ruled that two of the accused could not be extradited to Spain. Nevertheless, the Spanish court pushed ahead with the case: in February, May, and October 2008 it collected testimony from witnesses, victims, and experts on the conflict. Meanwhile, in Guatemala, the case continued to be held up by defense motions, while witnesses and experts were subjected to harassment and threats.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 185.]

GUINEA

Last *Annual Report* entry: 2007.

The Commission of Inquiry set up in 2007 to investigate grave human rights violations committed in 2006 and 2007 did not conduct any investigations. In May 2008, the commission president accused the government of freezing its financial support. In a statement in October 2008, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions expressed concern at the lack of progress and the failure to assure funding or to put in place a witness protection mechanism. He stated that the situation had all the hallmarks of a commission being used to distract attention and promote impunity.

[Source: Amnesty International, *Report 2009* (London 2009) 160.]

In October 2008, the government for the first time acknowledged responsibility for the political violence committed during the presidency of Ahmed Sekou Touré (in power during 1958–1984), but

failed to reiterate an earlier commitment by Prime Minister Lansana Kouyaté to establish a truth commission to investigate the thousands of Guineans killed during Touré's regime.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 78–79.]

GUINEA-BISSAU

Last *Annual Report* entry: 1999.

GUYANA

Last *Annual Report* entry: 1997.

HAITI

Last *Annual Report* entry: 2008.

In 2008, there was still no accountability with regard to the 1994 case involving the killing of civilians in Raboteau by soldiers and paramilitaries during the military government (1991–1994). In 2005, the Supreme Court overturned the convictions of fifteen former soldiers and paramilitaries in the case.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 188.]

HONDURAS

Last *Annual Report* entry: 2002.

By the end of 2008, the principal recommendation of the United Nations Working Group on Enforced or Involuntary Disappearances, which called on the government to carry out a comprehensive investigation to clarify cases of enforced disappearances during the 1980s and 1990s, had not been implemented. In 2007, the Working Group had reported on 125 cases of disappearance that remained to be clarified.

[Source: Amnesty International, *Report 2009* (London 2009) 165.]

On 21 July 2009, a few weeks after President Manuel Zelaya was ousted from power by the military and expelled from the country during a constitutional crisis on 28 June 2009, the new Minister of Culture Myrna Castro dismissed **Natalie Roque Sandoval**, director of the Centro Documental de Investigaciones Históricas de Honduras (CDIHH; containing the National Archives, the Ethnohistorical Archives and the Specialized Anthropology Library) when Roque publicly opposed military occupation of the CDIHH premises. Press releases about the past of de facto President Roberto Micheletti were allegedly destroyed. In late July 2009, the International Council on Archives issued the following statement on the Honduran archives: “As the international non-governmental organization which aims to advance the cause of archives worldwide, ICA wishes to express its professional concern about reports that the building housing the national archives in Honduras has been occupied by military personnel, creating a situation which could cause harm to some of the archives kept there. ICA believes that it is timely to remind the international community that the rule of law and the protection of citizens’ rights depend on the preservation of archives, which provide

evidence of key decisions and entitlements. It is also an inescapable duty of all civilized societies to look after their archives, because they transmit the collective memory from one generation to another. Without its archives, a country will lose its history, memory and identity”.

[Sources: N. Roque Sandoval, “Honduras: Los golpistas contra la cultura” (WWW-text; Argenpress Cultural, 31 July 2009); International Council on Archives, [Statement on Honduran Archives] ([July] 2009).]

HUNGARY

Last *Annual Report* entry: 2008.

In October 2008, the extreme rightist Magyar Garda (Hungarian Guard) disturbed the commemoration of the 1956 Hungarian Revolution. In December 2008, the organization was banned. [Source: *Keesings historisch archief* (2009) 80.]

See also Slovakia.

INDIA

Last *Annual Report* entry: 2008.

In February 2008, *Jodhaa Akbar*, a film about Mughal Emperor Akbar (1542–1605) by director **Ashutosh Gowariker**, was banned in the states of Uttar Pradesh, Rajasthan, Haryana, and Uttarakhand because their governments feared that certain communities that felt they were misrepresented might turn violent. The Supreme Court overturned the ban.

[Source: *Index on Censorship*, 4/08: 167.]

On 5 June 2008, pro-Marathi activists from the Shiv Sangram group attacked the house of **Kumar Ketkar**, editor of *Loksatta*, because it had contained articles critical of the state government and the latter's decision to erect a statue of Marathi Emperor Shivaji (1627–1680), the leader who had opposed Mughal domination and became founder of the Maratha State.

[Sources: *The Hindu* (13 June 2006); *Index on Censorship*, 3/08: 205.]

In May 2009, the standard seventh textbook of the National Council for Educational Research and Training (NCERT) was criticized by the Hindu nationalist Hindu Janajagruti Samiti (HJS; established 2002) for “glorifying foreign history while not giving Indian history due significance”. Some critics also found too much information on the Mughals and too little on Maratha King Shivaji (1627–80; Shivaji had opposed Mughal domination and became founder of the Maratha State). Two chapters termed objectionable by teachers and parents would be reviewed and possibly taken out by the Goa Board of Secondary and Higher Secondary Education (GBSHSE) after a GBSHSE committee recommendation.

[Source: *Times of India* (17 May 2009).]

On 20 August 2009, *Jinnah: India, Partition, Independence* (2009), a book written by **Jaswant Singh** (1938–), a leader of the Bharatiya Janata Party (BJP) who had served as finance and external affairs minister, was banned in Gujarat. The book examined the role of Ali Jinnah, Pakistan's first governor-general, Jawaharlal Nehru, India's first prime minister, and Sardar Vallabhbhai Patel, of Gujarati origin and India's first home minister, in the 1947 partition of India, and argued that the latter two, members of the Congress Party, had been more responsible for the partition than Jinnah and that Jinnah had been “demonized” in India. He added that Jinnah did not “win” Pakistan but that Nehru and Patel “conceded” it to him. On 19 August 2009, the BJP had “dissociated” itself from the book and expelled Singh from the party. In 2005, BJP leader Lal Krishna Advani had already been

criticized for describing Jinnah as “a secular leader”.

[Sources: *BBC News* (18 & 20 August 2009); *Times of India* (14 August 2009).]

Jammu and Kashmir. Impunity continued for past offences including enforced disappearances of thousands of people during the armed conflict in Kashmir since 1989.

Gujarat. Those responsible for the violence in 2002 in which thousands of Muslims were attacked and more than 2000 killed largely continued to evade justice. The Mumbai High Court made limited progress towards accountability by convicting twelve people in January 2008 for an incident of sexual assault.

Punjab. Many of the police officers responsible for serious human rights violations between 1984 and 1994 were not brought to justice. Findings of an inquiry by the Central Bureau of Investigation into allegations of unlawful killings of 2,097 people cremated by police had not been made fully public.

Assam. No action was taken on findings by the Commission of Inquiry published in 2007 according to which the unlawful killings of 35 individuals between 1998 and 2001 were carried out at the behest of a former chief minister and the state police.

[Source: Amnesty International, *Report 2009* (London 2009) 170.]

INDONESIA

Last *Annual Report* entry: 2008.

In January 2008, former President Suharto died without having faced prosecution for abuses committed during his rule (1965/67–1998). The list of abuses was extensive, and included anticommunist pogroms that killed half a million or more people in 1965–1966, and atrocities by security forces in East Timor, Aceh, southern Sumatra, and Papua. Many collaborators in Suharto-era abuses still held positions of power. Several were candidates for the 2009 elections, including General Wiranto and Suharto’s son-in-law Prabowo Subianto, implicated in abuses in East Timor and other crimes.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 259.]

In March 2008, the Supreme Court overturned the conviction of former militia leader Eurico Guterres for instigating violence following the 1999 United Nations-sponsored referendum on independence for East Timor (now Timor-Leste), in which militias backed by the Indonesian-army killed hundreds

of Timorese and destroyed much of East Timor's physical infrastructure. With the reversal of the conviction, all eighteen people indicted by the Indonesian Ad Hoc Human Rights Court on East Timor were acquitted.

In July 2008, the Indonesian and Timorese joint Commission on Truth and Friendship (CTF), established to document crimes committed in Timor-Leste in 1999 and promote reconciliation, released its final report. It allocated institutional responsibility for gross human rights violations to pro-autonomy militia groups, and to the Indonesian army, civilian government and police. The Indonesian government welcomed the report and expressed its regret over the events of 1999, but stopped short of offering an apology. The CTF's mandate prevented it from pursuing its own prosecutions, and it did not name violators. Concerns about impunity led the United Nations to boycott the CTF's investigations and instead resume prosecutions through the Serious Crime Unit and Timor-Leste prosecutors.

[Sources: Amnesty International, *Report 2009* (London 2009) 172, 324; Human Rights Watch, *World Report 2009* (Washington 2009) 260.]

In November 2008, *Pretext for Mass Murder* (Madison 2006), a book on the 1965 coup by **John Roosa**, and *A Not-so-Distant Horror: Mass Violence in East Timor* (Ithaca 2005) by **Joseph Nevins**, were investigated by the Attorney General. The second book contained what the Commission of Truth and Friendship (established jointly by Indonesia and Timor-Leste to document crimes committed in Timor-Leste in 1999) had already officially established as facts.

[Sources: M. Hammer, personal communication (November 2008); S. Prasetyo, personal communication (August 2009).]

In late November 2008, at the request of House Speaker Agung Laksono, the Attorney General Office investigated the Indonesian translation of *Legacy of Ashes: The History of the CIA* (2007), a book written by *New York Times* journalist and Pulitzer Prize winner **Tim Weiner**, because it included a claim by a former Central Intelligence Agency (CIA) official that Adam Malik, a top diplomat and later minister of foreign affairs and vice president (1978–1983), had been a CIA agent in 1964 to promote the anti-communist cause in Indonesia.

[Sources: *Asia Media* (WWW-text; 1 December 2008); *Indonesia Matters* (WWW-text; 26 November 2008); *Jakarta Post* (24 November 2008).]

Aceh

In 2008, accountability for past human rights violations committed during or after the Aceh conflict (1976–2005) was still lacking. No truth and reconciliation commission was established. In August

2008, a United States court ruled that a lawsuit against Exxon Mobil for alleged complicity in military abuses in Aceh could proceed to trial.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 260, 262.]

Maluku

Twenty-one men who performed a traditional war dance in front of President Susilo Bambang Yudhoyono culminating in the unfurling of the banned “Benang Raja” flag were sentenced to between 7 and 20 years’ imprisonment for “rebellion” in trials throughout 2008.

[Source: Amnesty International, *Report 2009* (London 2009) 171.]

See also Timor-Leste.

IRAN

Last *Annual Report* entry: 2008.

In August 2008, security forces forcibly prevented a peaceful gathering at an unmarked graveyard in Tehran to mark the twentieth anniversary of mass executions starting in 1988 for which no one was held accountable. At least three people were subsequently sentenced to prison terms for participating in the commemoration, or planning to do so.

[Source: Amnesty International, *Report 2009* (London 2009) 174.]

In December 2008, the Center for Human Rights Defenders was forcibly closed by security officials shortly before it was to hold an event commemorating the 60th anniversary of the Universal Declaration of Human Rights.

[Source: Amnesty International, *Report 2009* (London 2009) 173.]

See also Azerbaijan, Germany.

IRAQ

Last *Annual Report* entry: 2008.

In February 2008, parliament passed legislation intended to refine procedures for vetting former Baath Party members. The new law focused on group affiliation rather than individual responsibility for past abuses. At the same time, an amnesty law was passed partly aimed at easing overcrowding in the detention system, but it had a limited impact on the number of detainees.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 465.]

In November 2008, the religious authority in Najaf renewed its objections to the history textbooks of the Saddam Hussein era that were still in use, and demanded a right to study Shiite history. The Director of Education in Najaf, Majid Sudani said, however, that in 2007 he had consulted Ayatollah Ali Al Sistani, the senior Shiite cleric in Iraq, who had declared that he was against sectarian curricula and in favor of a unified curriculum for all religious sects.

[Sources: *Asharq Alawsat* (13 November 2008); The Middle East Media Research Institute (MEMRI), *Special Dispatch No. 970* (26 August 2005).]

The Supreme Iraqi Criminal Tribunal (SICT) continued to try former senior officials, Ba'ath party members, military officers and others associated with the former presidency of Saddam Hussain (1979–2003). Trials were marred by political interference undermining SICT's independence and impartiality. In September 2008, it was reported that the Iraq government had engineered the dismissal of one of the judges who had tried Saddam shortly before the year-long trial ended in 2006, replacing the judge with one considered more likely to support the imposition of the death penalty. In May 2008, the SICT began trying former foreign minister and deputy prime minister Tariq Aziz, along with seven other defendants, for the former government's execution of merchants accused of profiteering while Iraq was subject to sanctions in 1992. On 2 December 2008, the SICT imposed death sentences on Ali Hassan al-Majid and Abdul Ghani Abdul Ghafour, both senior officials under Saddam, after convicting them of involvement in thousands of killings during the 1991 uprising in southern Iraq.

[Sources: Amnesty International, *Report 2009* (London 2009) 178; Human Rights Watch, *World Report 2009* (Washington 2009) 468.]

See also Azerbaijan.

IRELAND

Last *Annual Report* entry: 2004.

ISRAEL

Last *Annual Report* entry: 2008.

On 24 September 2008, Polish-born **Zeev Sternhell** (1935–), a Holocaust survivor, a veteran who fought in the wars of 1967, 1973, and 1982, a specialist in fascist history, professor of political science and director of the Center for European Studies, Hebrew University, Jerusalem, was slightly wounded in a bomb attack reportedly launched by ultranationalist Israelis. As a member of Peace Now (an Israeli group campaigning against settlement building), Sternhell was a well-known critic of Jewish settlement in the occupied West Bank and of the Israeli blockade of the Gaza Strip. Before the attack, he had received threats by telephone.

[Sources: *BBC News* (25 September 2008); International PEN, *Half-Yearly Caselist To 31 December 2008* (London 2009) 91.]

On 14 December 2008, **Richard Falk**, a Jewish-American professor of international law at Princeton University and United Nations Special Rapporteur on Human Rights in the Palestinian Territories (2008–), was forbidden entry into Israel because he had compared Israel's treatment of the Palestinians to Nazi atrocities and described Israel's embargo on Gaza, which was controlled by Hamas, as a crime against humanity. After subjecting him to an extensive body search, authorities detained him overnight in a small cell with five other persons before deporting him on a flight to the United States. The Israeli Foreign Ministry called Falk's United Nations mandate "biased and distorted" because it only covered Israeli human rights and humanitarian law violations.

[Sources: Human Rights Watch, "Israel: Reverse Expulsion of Human Rights Rapporteur" (17 December 2008); I. Kershner, "U.N. Rights Investigator Expelled by Israel", *New York Times* (16 December 2008); *NRC Handelsblad* (16 December 2008) 4.]

In 2009, **Rafi Greenberg**, a senior lecturer in archaeology at the University of Tel Aviv, was denied entry on the City of King David (Ir David) excavations, Jerusalem, after many years of collaboration in them, reportedly because he criticized the politicization of the project. Greenberg had suggested that public trust in the fact that the excavations unearthed the palace of King David (1000 BCE) (who

was seen as the King who unified Israel) could legitimize the Jewish claim on the Palestinian quarter of Silwan where its ruins were located.

[Source: *NRC Handelsblad* (18–19 April 2009), *Science*, 8–9.]

On 24 May 2009, a governmental panel supported a bill brought to parliament to ban Israeli Arabs from commemorating the Nakbah (the “Catastrophe”: the 1948 Palestinian expulsion and dispossession) on 15 May (the day Israelis celebrate their Independence Day). Proposed by Yisrael Beiteinu (“Israel Our Home”), the party of far-right Foreign Minister Avigdor Lieberman “to strengthen unity in the state of Israel”, it was widely condemned.

[Source: *BBC News* (25 May 2009).]

See also Lebanon, Palestinian Authority, United States.

ITALY

Last *Annual Report* entry: 2008.

See Uruguay.

IVORY COAST (Côte d’Ivoire)

Last *Annual Report* entry: 2008.

In 2008, the United Nations (UN) Security Council had still not made public the findings of the UN Commission of Inquiry into serious violations of human rights and international humanitarian law since September 2002, which had been handed to the UN secretary-general in November 2004. In September 2003, the Ivorian government accepted the jurisdiction of the International Criminal Court (ICC) over serious crimes. However, as in previous years, the government consistently undermined a planned ICC mission to assess the possibility of opening an investigation into such crimes.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 58.]

JAPAN

Last *Annual Report* entry: 2008.

Parliaments in Taiwan and South Korea passed resolutions calling for justice for the survivors of Japan's military sexual slavery system during World War II. The United Nations Human Rights Committee recommended that Japan apologize and accept legal responsibility for the "comfort women" system. The city councils of Takarazuka, Kiyose, and Sapporo passed resolutions calling on the Japanese government to resolve this issue.

[Source: Amnesty International, *Report 2009* (London 2009) 191.]

In January 2009, the controversy regarding the mass suicides after the 1945 battle of Okinawa (see *NCH Annual Report 2008*) was reignited. On 3 February 2009, the government decided not to insert a special Battle of Okinawa clause into textbook screening guidelines that would give "special consideration" to passages about the history of Okinawa.

[Sources: *Japan Times* (4 February 2009); *Keesings historisch archief* (2008) 109–110; *Telegraph* (9 January 2009).]

On 9 April 2009, the Education, Science and Technology Ministry released details of two textbooks that passed its 2008 screening process, including a controversial history textbook written by members of the Japanese Society for History Textbook Reform. The textbook, *Chugakko Shakai Rekishi* (Middle School Social Studies and History; published by Jiyu Sha), was an updated edition of a former textbook, *Atarashii Rekishi Kyokasho* (New History Textbook; published by Fusosha). According to ministry officials, nearly 300 parts of the textbook had to be edited as part of the screening process. For example, a passage that said that the Imperial Japanese Army "was unable to prevent improper killing and abuse" of prisoners of war and civilians during the war was changed to a sentence saying that Japan had "committed improper murders and abuse, and caused great damage".

[Source: *Asian News/Yomiuri Shimbun* (10 April 2009).]

See also Korea (North), Korea (South).

JORDAN

Last *Annual Report* entry: 2004.

KAZAKHSTAN

Last *Annual Report* entry: 2007.

KENYA

Last *Annual Report* entry: 2007.

In January and February 2008, widespread violence followed the disputed December 2007 presidential and parliamentary elections. In the worst outbreak of ethnic and partisan conflict since independence in 1963, over 1,100 people were killed, over 350,000 people were internally displaced, and property worth millions of dollars was destroyed. International mediation produced a coalition government in March 2008. In October 2008, the Commission of Inquiry on Post Election Violence (CIPEV) that had investigated the violence of 2007–2008 submitted its report to the government. The CIPEV recommendations covered individual criminal responsibility of alleged perpetrators of the violence, police reform, the incorporation into domestic legislation of the Rome Statute of the International Criminal Court (ICC) and constitutional reforms. The CIPEV key recommendation was for the government to establish a Special Tribunal to investigate and prosecute perpetrators of the violence. If the government failed to do this, the CIPEV recommended that the cases be referred to the ICC for investigation. In November 2008, the government formed a cabinet committee headed by President Mwai Kibaki and the prime minister to implement the report. In December 2008, the government announced that the committee would prepare a draft bill to establish a Special Tribunal to investigate and prosecute alleged perpetrators of the post-election violence. However, by the end of 2008, the government had not announced a comprehensive plan of action to implement the report or guarantees that victims of human rights abuses would receive reparations. Parliament, however, enacted an International Crimes Act to incorporate the ICC Rome Statute into domestic law.

[Sources: Amnesty International, *Report 2009* (London 2009) 8, 195–196; Human Rights Watch, *Give Parliament Time to Enact Necessary Legislative and Constitutional Amendments* (23 December 2008); Human Rights Watch, *World Report 2009* (Washington 2009) 82.]

In October 2008, parliament passed a law establishing a Truth, Justice and Reconciliation Commission (TJRC), in accordance with the political mediation agreement signed in March 2008. The TJRC mandate would be to investigate human rights violations, including those committed by the state, groups or individuals, between 12 December 1963 and 28 February 2008. The law

contained a number of provisions which breached international law and best practice standards: these included provisions allowing the TJRC to recommend amnesty for crimes under international law such as torture, enforced disappearance, and extrajudicial executions, and provisions creating obstacles to prosecutions of crimes under international law. The law did not guarantee a comprehensive protection program for victims and witnesses, and fell short of ensuring a broad range of reparations for victims of human rights violations. By the end of 2008, the TJRC had not been formed.

[Sources: Amnesty International, *Report 2009* (London 2009) 196; Article 19, *Ifex Alert* (3 November 2008).]

On 21 February 2009, around 23 members of Bunge la Mwananchi (People's Parliament, a civil society forum purporting to offer an alternative to the official Kenyan National Assembly) were reportedly arrested after attending readings commemorating two victims of assassination: Mau Mau leader Kimathi Wa Chiuri (Dedan Kimathi; 1920–1957) and journalist, politician and member of parliament Pio Gama Pinto (1927–1965). They were charged with “being members of an illegal sect”.

[Source: International Pen Writers in Prison Committee, *Rapid Action Network RAN 13/09* (24 February 2009).]

KOREA, NORTH

Last *Annual Report* entry: 2007.

North Korea's widespread policy of enforced disappearance practised since the Korean War (1950–1953) continued. Family members of suspected dissidents disappeared under the principle of “guilt by association”. The authorities, however, still refused to acknowledge the use of enforced disappearances. In 2008, the issue of foreigners allegedly abducted by North Korea mostly in the 1970s and 1980s remained unresolved. South Korea said that 496 of its citizens, abducted by North Korean agents, remained in North Korea against their will, but North Korea denied this. However, in August 2008, North Korean officials agreed to re-open investigations into the fate and whereabouts of several Japanese nationals who had disappeared in previous decades. They admitted that North Korea had abducted thirteen Japanese—returning five to Japan in 2002, but claiming that the other eight died—and that no other Japanese citizens were abducted. Japan insists that several more of its citizens were abducted.

[Sources: Amnesty International, *Report 2009* (London 2009) 200; Human Rights Watch, *World*

Report 2009 (Washington 2009) 283–284.]

See also Korea, South.

KOREA, SOUTH

Last *Annual Report* entry: 2008.

In January 2008, President-elect Lee Myung-bak said he would not call on Japan to apologize for its wartime atrocities. In October 2008, the South Korean parliament passed a resolution calling for justice for the survivors of Japan's military sexual slavery system during World War II.

[Source: Amnesty International, *Report 2009* (London 2009) 201.]

In February 2008, President Lee Myung-bak took office with a pledge to change South Korea's policies on North Korea, saying he would speak out on the latter's human rights record and demand the return of South Korean prisoners of war and abductees. Under former Presidents Kim Dae-jung and Roh Mu-hyun, both of whom had summit meetings with North Korean leader Kim Jong Il, South Korea offered large amounts of aid and started major economic projects in North Korea, but largely remained silent on human rights violations.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 284.]

In early October 2008, the Ministry of Education, Science and Technology announced that it would intervene in the revision process for an authorized six-volume high school history textbook entitled *A Modern and Contemporary History of Korea* (published by Kumsung Publishers) written by, *inter alii*, **Kim Han-jong**, a history education professor at the Korea National University of Education, and **Hong Soon-kwon**, a history professor, ostensibly "to establish the legitimacy of the Republic of Korea". On 9 October 2008, the Joint Committee on Resolving the Textbook Issue, a newly formed coalition of history associations (including the Association for Korean Historical Studies, the Korean Association of History Education, and the National History Teachers Association) and civic organizations (including the Institute for Research in Collaborationist Activities) declared that the plan damaged the textbook authorization system and undermined the neutrality of education as guaranteed by the Constitution. On 14 October 2008, the ministry set up a committee of experts (teachers, professors, and school supervisors) after the governmental National History Compilation Committee (which had authorized the textbook in 2002, 2004, and 2005) had declined to give its

opinion on 253 items which were listed in a revision request by various conservative groups (including members of the ruling Grand National Party and the New Right group Textbook Forum) who had criticized the textbooks as too friendly to North Korea, anti-United States, and leftist. Authorization would be revoked if the ministry's demands for revision were not accepted. On 16 October 2008, the official National Institute of Korean History (NIKH) submitted a report entitled "A Review of *A Modern and Contemporary History of Korea* and Proposed Guidelines" to the ministry with its judgment on 49 of the 253 items, which was meant to serve as a guideline for the textbook's revision. One of the NIKH comments was that, after the Korean War (1950–1953), the Republic of Korea (South Korea) emphasized economic development and deterred communist threats by deferring democracy. On 30 October 2008, the ministry demanded that the authors of this and five other textbooks delete or revise 55 sections that "undermined the legitimacy of the South Korean government".

One textbook (published by the Institute for Better Education) stipulated that President Syngman Rhee, South Korea's founding president (1948–1960) but called an anti-communist by liberals, exploited the North Korean threat to "shore up his dictatorial regime". The Defense Ministry demanded that the passage be rewritten as "He did his best to contain Communism". The Kumsung textbook stipulated that President Park Chung Hee (in power 1961–1979), a military strongman who came to power in a coup in 1961, was "a president who placed himself above the nation's Constitution". The Defense Ministry demanded that this was to be replaced with: "a president who contributed to the nation's modernization". The Ministry of Unification demanded that the term "sunshine policy" (the South Korean doctrine toward North Korea during the administration of former President Kim Dae-jung [1998–2008]) be described as a "policy of reconciliation and cooperation". The authors rejected the interference as a beautification of Korea's history, overlooking Korean collaboration with the Japanese occupiers and postwar dictatorships, and as reminiscent of the censorship of those dictatorships.

Professional historians such as Ju Jin-oh (Chu Chin-oh), a history professor at Sangmyung University, declared that such revisions would be contrary to the current curriculum (which said that the rule of Presidents Syngman Rhee and Park Chung-hee was dictatorial), created in 1997, and thus tended to justify the authoritarian rule of the past as an unavoidable consequence of the Korean War (1950–1953). Another historian, Lee Tae-jin, chairman of the Korean History Department at Seoul National University and the dean of the College of Humanities, however, criticized the textbook for its liberal bias; as a result, Lee declared, there was a tendency to highlight only the popular uprisings in contemporary history, while ignoring the Korean Empire period and the period of enlightenment for Korea. The shift of the ministry from a unification to a national security perspective was ascribed to the hardening of the South-North relations under the conservative government of President Lee

Myung-bak, elected in February 2008.

[Sources: *Chosun Ilbo* (26 February 2009); *The Hankyoreh* (22 September 2008; 9–10 & 17–18 & 20 & 28 October 2008; 15 January 2009); *International Herald Tribune* (17 November 2008); *New York Times* (17 November 2008).]

See also Japan, Korea, North.

KUWAIT

Last *Annual Report* entry: 2005.

KYRGYZSTAN

Last *Annual Report* entry: –.

See Uzbekistan.

LATVIA

Last *Annual Report* entry: 2008.

LEBANON

Last *Annual Report* entry: 2008.

More than two years after the end of the 2006 war between Israel and Hizbollah, neither the Israeli nor the Lebanese government has investigated the violations of the laws of war committed by the warring parties. The estimated one million cluster bombs left behind by Israel's bombing campaign continued to harm civilians. Israel persisted in its refusal to turn over detailed information on the location of the areas that had been target of the cluster attacks. In July 2008, the bodies of two Israeli soldiers captured by Hizbullah from northern Israel in July 2006 were handed over to Israel in exchange for five Lebanese prisoners, four of them Hizbullah members, and the human remains of almost 200 Arab nationals.

[Sources: Amnesty International, *Report 2009* (London 2009) 207; Human Rights Watch, *World Report 2009* (Washington 2009) 486, 488.]

Little action was taken to address impunity for political killings, enforced disappearances, torture and other abuses committed during the civil war (1975–1990) and since. In 1992, the Lebanese authorities said that more than 17,000 people had disappeared while in the custody of the parties to the conflict. There was no new information about some 650 Lebanese and other nationals reported to have disappeared when held by the Syrian authorities after they were abducted or detained in Lebanon. An official joint Syrian-Lebanese committee established in May 2005 to investigate such cases had not published any findings. In August 2008, the authorities said they were “committed to pursuing the issue of Lebanese citizens who are missing or detained in Syria”. However, the government took no practical steps to uncover mass graves or collect information on the disappeared.

[Sources: Amnesty International, *Report 2009* (London 2009) 207; Human Rights Watch, *World Report 2009* (Washington 2009) 486, 488.]

In [2008], the Israeli film *Waltz with Bashir* was banned despite documenting an important period of modern Lebanese history and winning a Golden Globe for Best Foreign Film. The film depicts the September 1982 killings of Palestinians in the Sabra and Shatila refugee camps that took place by

Lebanese militias following the assassination of Lebanese President Bashir Gemayel. Film director **Ari Folman** also briefly examined the role of the Israeli government in the killings, as Lebanon was under Israeli occupation at the time. The ban was part of a larger prohibition of any goods that originated from Israel.

[Source: Article 19, *Artist Alert* (WWW-text; January 2009).]

On 2 December 2008, the 11th report was issued of the United Nations International Independent Investigation Commission on its investigations into the killing of former Prime Minister Rafiq al-Hariri and 22 others in February 2005 and twenty other bombings and assassinations. The Special Tribunal for Lebanon, which would further investigate and prosecute the cases, was scheduled to begin functioning on 1 March 2009. In August 2008, Ayman Tarabay and Moustapha Talal Mesto, two of nine men detained without charge since 2005 in connection with the investigation into the Hariri killing, were released on bail. The seven others continued to be detained without charge or trial even though the United Nations Working Group on Arbitrary Detention ruled in November 2007 that six of them were arbitrarily detained.

[Sources: Amnesty International, *Report 2009* (London 2009) 207; Human Rights Watch, *World Report 2009* (Washington 2009) 490.]

See also Syria.

LIBERIA

Last *Annual Report* entry: 2008.

In 2008, the Liberian Truth and Reconciliation Commission (TRC), which had since its creation in 2006 been plagued with leadership, transparency, and operational problems, showed significant improvement. From January to September 2008, the TRC conducted well-attended, countrywide hearings in which over 500 victims and some 35 former faction leaders testified. One session took place in the United States, the first time TRC hearings have been held outside the country where the violations occurred. They were followed by institutional and thematic hearings that were continuing at the end of 2008. The victims described war crimes committed by all sides in the conflict (1979–2003), while perpetrators often failed to admit violations or ask forgiveness, and appeared to use the hearings to absolve them of their guilt. In September 2008, the TRC made a request to the Special Court for Sierra Leone for former President Charles Taylor to testify. TRC commissioners were

praised for having brought the perpetrators to testify, but also criticized for their lack of rigorous questioning, thus failing to ensure a more accurate historical account. Questions remained about whether TRC commissioners should act on their power to recommend individuals for prosecution, as included in their mandate; and whether the Liberian judicial system would be able and willing to try these cases. In December 2008, however, in an effort to call on alleged perpetrators to attend hearings, the TRC published a list of 198 names of alleged perpetrators who refused to appear and respond to allegations against them.

[Sources: Amnesty International, *Report 2009* (London 2009) 209–210; Human Rights Watch, *World Report 2009* (Washington 2009) 87, 90.]

In March 2008, an appeal court in the Netherlands overturned the conviction of Gus Kouwenhoven who had been found guilty of breaking a United Nations arms embargo by supplying weapons to former President Charles Taylor during Liberia's conflict. The appeals court followed the district court by acquitting Kouwenhoven of charges of war crimes.

[Source: Amnesty International, *Report 2009* (London 2009) 210.]

In September 2008, Charles "Chuckie" Taylor, Jr., the son of former Liberian president Charles Taylor, went on trial in the United States (US) accused of torture while he headed Liberia's Anti-Terrorist Unit (ATU). On 30 October 2008, the jury found the defendant guilty on all counts. The case against Taylor, an American citizen, was the first brought under the US Torture Victim Protection Act (enacted in 1994 to allow charges against a person accused of torture abroad if the accused was in the US or was an American citizen). It was also the first prosecution for war crimes committed in Liberia. Sentencing was due in early 2009.

[Sources: Amnesty International, *Report 2009* (London 2009) 209–210; Human Rights Watch, *World Report 2009* (Washington 2009) 90.]

See also Sierra Leone.

LIBYA

Last *Annual Report* entry: 2008.

The State Security Court sentenced **Idriss Boufayed** and ten others to prison terms of up to 25 years after being convicted on vaguely worded charges, including "attempting to overthrow the political

system”, “spreading false rumours about the Libyan regime”, and “communication with enemy powers”. In February 2007, they had been arrested after Boufayed and three others issued a statement about a planned peaceful protest to commemorate the killing of at least twelve people during a demonstration in February 2006 in Benghazi. In October 2008, Idriss Boufayed was released, as were eight of his co-defendants in November 2008. No explanation was given for the releases. Two men sentenced with them remained in prison.

[Source: Amnesty International, *Report 2009* (London 2009) 47, 212.]

The authorities failed to address the long-standing pattern of impunity for perpetrators of gross human rights violations. No public information was made available about the investigation into events in 1996 at Tripoli’s Abu Salim Prison in which hundreds of prisoners were allegedly killed. The only organization permitted to address human rights, the Society of Human Rights of the Gaddafi International Charity and Development Foundation (GDF), announced that a preliminary report establishing criminal and legal responsibility for the incident would be submitted to the judicial authorities, but gave no date. In June 2008, it was reported that the North Benghazi court ordered the authorities to disclose the fate of some 30 prisoners who were feared to have died in detention during the events at Abu Salim, but they failed to provide any public information. Some reports suggested that the authorities had agreed to pay financial compensation to about 35 families of prisoners who died in return for their agreement not to seek judicial redress. The authorities took no steps to address the legacy of gross human rights violations committed in earlier years, notably the 1970s, 1980s and 1990s, including the enforced disappearance of hundreds of critics and opponents of the government. Many are feared to have died or been killed in custody.

[Source: Amnesty International, *Report 2009* (London 2009) 212–213.]

LITHUANIA

Last *Annual Report* entry: 2005.

On 17 June 2008, a new law banned the public use of Nazi and Soviet symbols such as the swastika, hammer and sickle, national anthems, and portraits of leaders.

[Source: *Keesings historisch archief* (2008) 678.]

See also Belarus, Russia.

MACEDONIA

Last *Annual Report* entry: 2008.

See Greece.

MALAYSIA

Last *Annual Report* entry: 2008.

MALDIVES

Last *Annual Report* entry: 2006.

In October 2008, journalist, historian, and politician **Mohamed Nasheed** won the presidential elections with 54 per cent of the votes. (See NCH *Annual Report 2006*).

[Source: *Keesings historisch archief* (2009) 287.]

MAURITANIA

Last *Annual Report* entry: 2002.

Although slavery was officially abolished in 1981 and made a criminal offence in 2007, evidence indicated the continued existence of the practice. People were believed to be held in forced labor or slavery in the regions of Tiris Zemour and Nema. In September 2008, a former slave wrote to the authorities asking them to look for fourteen members of his family still held in slavery in Tiris Zemour.

[Source: Amnesty International, *Report 2009* (London 2009) 223.]

MEXICO

Last *Annual Report* entry: 2008.

On 12 April 2007, President Felipe Calderón signed a law (passed by the federal Parliament) decriminalizing defamation and insult. The federal Senate declared it was for “civil court judges to decide if persons, journalists and communicators act within or outside the law when they disseminate information or opinions, by eliminating the possibility of a prison sentence for any abuse of freedom of expression”. These would henceforth be punishable by fines or the award of damages. “Under no circumstances” were the negative opinions of literary, artistic, historical, scientific or professional critics to be considered “attacks on the honor” of a person or institution.

[Source: C. Wendell, *The Right to Offend, Shock or Disturb: A Guide to Evolution of Insult Laws in 2007 and 2008* (Reston, VA, 2009) 93.]

During its five-year existence, the Special Prosecutor’s Office that former President Vicente Fox established in 2001 to address abuses committed during the “dirty war” in the 1960s, 1970s, and 1980s made very limited progress in investigating and prosecuting these crimes. It did not obtain a single criminal conviction. Of the more than 600 “disappearance” cases, it filed charges in sixteen cases and obtained indictments in nine. The office determined the whereabouts of only six “disappeared” individuals, finding that four were sent to psychiatric institutions and two were killed while in detention. After President Felipe Calderón officially closed the office, the cases were transferred to another, non-specialized office within the federal Attorney General’s Office, which did not make significant advances in the investigations.

[Sources: Amnesty International, *Report 2009* (London 2009) 226; Human Rights Watch, *World Report 2009* (Washington 2009) 192–193.]

On 25 or 26 July 2008, **Miguel Ángel Gutiérrez Ávila** (?1955–2008), an anthropologist, author of a number of books on the indigenous people of Guerrero state and activist for the rights of the Amuzgo people, was killed (probably beaten to death) while driving toward Chilpancingo de los Bravo, the capital of Guerrero. His filming equipment was stolen. Between 23 and 25 July 2008, he had visited the Suljaa’ and Cozoyoapan communities in Costa Chica, Guerrero, for a documentary film on indigenous cultures and traditions, entitled “La Danza del Tigre” (The Dance of the Tiger). During his visit, he had also documented alleged human rights violations by the authorities against the staff of the a local community radio station Radio Ñomndaa/La Palabra del Agua (The Word of the Water). According to local press reports, one lead pointed to the involvement of Aceadeth Rocha

Ramírez, mayor of the municipality of Xochistlahuaca in Costa Chica and allegedly one of a number of local political leaders opposed to indigenous movements and Radio Ñomndaa. Another lead suggested that Gutiérrez had angered the authorities by filming members of the Agencia Federal de Investigación (AFI; Federal Investigations Agency) as they raided the radio station. Gutiérrez's publications included *La tradición oral afromestiza en México* (1985; The afromestizo oral tradition), *Déspotas y caciques: una antropología política de los Amuzgos de Guerrero* (2001; Despots and caciques: a political anthropology of the Amuzgos of Guerrero) and *La historia del estado de Guerrero a través de su cultura: una perspectiva antropológica* (2008; The history of the state of Guerrero through its culture: an anthropological perspective).

[Sources: International PEN Writers in Prison Committee, *Half-Yearly Caselist To 31 December 2008* (London 2009) 33; Idem, *Rapid Action Network 42/08, Update 1* (29 July 2009).]

On 2 October 2008, the 40th anniversary of the Tlatelolco Square massacre, when government forces gunned down protesters in Mexico City in circumstances that have never been sufficiently clarified, those responsible were no closer to being held to account. A federal court review of a previous ruling that former President Luis Echeverría Álvarez should not stand trial for genocide in connection with the Tlatelolco massacre was pending at the end of 2008.

[Source: Amnesty International, *Report 2009* (London 2009) 226.]

MOLDOVA

Last *Annual Report* entry: 2003.

MONGOLIA

Last *Annual Report* entry: 2007.

MONTENEGRO

Last *Annual Report* entry: 2008.

Judicial investigations proceeded slowly into the 1992 enforced disappearance of 83 Bosnian

Muslims (Bosniaks) who had fled to Montenegro from the then Republic of Bosnia and Herzegovina (RBiH). In May 2008, a retired senior police officer testified that the then Minister of Interior Pavel Bulatović had ordered the Bosniaks to be detained and handed over to the Bosnian Serb Army. In June 2008, Milo Đukanović, Prime Minister both then and in 1992, denied knowledge of the “deportations”. On 25 December 2008, the government acknowledged state responsibility for the enforced disappearances. In this unprecedented decision, they agreed to provide reparations to nine survivors and their families, and to the relatives of those who were killed as a result of their unlawful “deportation” by the Montenegrin police to Bosnian Serb military forces.

[Source: Amnesty International, *Report 2009* (London 2009) 38–39, 231.]

MOROCCO/WESTERN SAHARA

Last *Annual Report* entry: 2008.

In 2008, Morocco made important progress in addressing past abuses and allowing space for public dissent and protest. But the authorities, aided by complaisant courts, continued to use repressive legislation to punish peaceful opponents, especially those who violate the taboos against criticizing the king or the monarchy, questioning the “Moroccanness” of Western Sahara, or “denigrating” Islam.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 497.]

The Human Rights Advisory Board, charged with continuing the work of the Equity and Reconciliation Commission (IER; established in 2004 to look into grave human rights violations committed during the rule of King Hassan II during 1956–1999), still did not publish the list of all cases of enforced disappearances investigated by the IER. The IER’s final report, published in January 2006, recommended measures to prevent repetition of grave human rights violations through a comprehensive program of judicial and institutional reforms, but these had not yet been implemented. Nor was any progress made toward providing victims with effective access to justice or holding individual perpetrators to account, issues that were excluded from the remit of the IER.

In June 2008, a court ordered *Al-Jarida Al-Oula* newspaper to stop publishing testimonies made by senior public officials to the IER, following a complaint by the President of the Human Rights Advisory Board. This intervention was widely criticized by local human rights organizations.

[Source: Amnesty International, *Report 2009* (London 2009) 234.]

Little independent information was available about conditions in the refugee camps run by the Polisario Front in Algeria. No steps were known to have been taken to address the impunity of those accused of committing human rights abuses in the camps in the 1970s and 1980s.

[Source: Amnesty International, *Report 2009* (London 2009) 234.]

MYANMAR (BURMA)

Last *Annual Report* entry: 2008.

On 21 February 2009, history teacher Ma Khin Khin Leh (?1966–) was released. (See NCH *Annual Reports 2001, 2003*; and http://www.concernedhistorians.org/content_files/file/ca/18.pdf and follow-up.)

[Source: Amnesty International, “Political Prisoners Set Free in Myanmar” (24 February 2009).]

See also Thailand.

NAMIBIA

Last *Annual Report* entry: 2008.

There was no end in sight for the Caprivi treason trial, which started in 2004 following attacks carried out in the Caprivi Strip in 1999 by a secessionist group, the Caprivi Liberation Army. Most of the 117 people on trial spent their ninth year in detention. By the end of 2008, the prosecution had still not closed its case. None of the police officers accused of torturing suspects detained in the wake of the Caprivi uprising faced any formal charges or disciplinary action.

[Source: Amnesty International, *Report 2009* (London 2009) 239.]

Mass graves were reportedly discovered in northern Namibia and southern Angola, containing the bodies of people unlawfully killed between 1994 and 2002 by Namibian and Angolan security forces. Suspected supporters of the Angolan armed group the União Nacional para a Independência Total de Angola (UNITA; National Union for the Total Independence of Angola) were allegedly targeted by the security forces, particularly in the late 1990s and in early 2000. In September 2008, the existence of the graves was reported by the National Society for Human Rights (NSHR). On 1 October 2008, the Minister of Safety and Security said that the government already knew about the graves. A police investigation launched by the government later that month was criticized by the NSHR for its failure to include independent forensic experts.

[Source: Amnesty International, *Report 2009* (London 2009) 240.]

NEPAL

Last *Annual Report* entry: 2008.

During the 1996–2006 armed conflict, both the security forces and the Communist Party of Nepal-Maoist (CPN-M) rebels were responsible for human rights abuses. Security forces committed hundreds of extrajudicial killings, widespread torture, and, in some years, the largest number of “disappearances” in the world. Maoist forces abducted, tortured, and killed civilians suspected of being “informers” or “enemies of the revolution”, extorted “donations” from villagers, recruited children as soldiers, and abducted students for political indoctrination. Maoists often executed their victims in public, forcing the victim’s relatives and other villagers to observe the killing. Even after they signed a peace agreement in November 2006, both the army and Maoists failed to cooperate with

police investigations. In late 2008, not a single perpetrator had been brought to justice before a civilian court. The Nepal Army continued to resist accountability. The police, subordinate to the army, resisted filing cases of human rights violations.

The lack of political will to address crimes was also reflected in proposals to grant an amnesty for serious human rights abuses committed during the conflict. Draft laws on both a truth and reconciliation commission and a disappearances commission contained such an amnesty. In September 2008, although the ruling parties affirmed their commitment to establish commissions on national peace and rehabilitation, truth and reconciliation, “disappearances”, and land reform, they had not made significant progress on establishing any of them in late 2008.

In early 2008, the International Committee of the Red Cross listed more than 800 people who had disappeared at the hands of the government and the CPN-M during the conflict and whose fate and whereabouts remained unknown. The government conducted consultations on a draft bill which would make enforced disappearance a criminal offence under Nepalese law. However, the June 2007 Supreme Court order that the government form a commission to investigate cases of enforced disappearances remained in limbo due to lack of political will. In November 2008, the government released a draft of the Disappearances (Crime and Punishment) Bill.

[Sources: Amnesty International, *Report 2009* (London 2009) 240–241; Human Rights Watch, *World Report 2009* (Washington 2009) 272–273.]

Following demonstrations on 10 March 2008 in Kathmandu to commemorate the failed 1959 Tibetan uprising against Chinese rule, over 2,500 Tibetans were arrested for protesting peacefully. On 18 April 2008, two Tibetan journalists covering the protests, **Tenzin Choephel** and **Thupten Shastri**, were arrested. On 8 August 2008, 1,300 Tibetans were arrested after another demonstration.

[Sources: Human Rights Watch, “Nepal: Stop Illegally Detaining Tibetans” (20 April 2008); Idem, *World Report 2009* (Washington 2009) 276, 278; *Index on Censorship*, 3/08: 209; *Keesings historisch archief* (2008) 526–527.]

In May 2008, the government was urged to ensure the security of historical materials and papers contained in Narayanhiti Palace, including the Madan Puraskar Pustakalaya (the biggest record library of Nepal), during the process of transferring ownership of the premises after abolishing the monarchy and establishing the republic on 28 May 2008.

[Source: “Nepal govt urged to protect historical documents at Narayanhiti”, *OneIndia* (WWW-text, 25 May 2008).]

NETHERLANDS

Last *Annual Report* entry: 2008.

In 2002–2004, the Ministry of Foreign Affairs refused a grant for a project proposal by **Selma Leydesdorff** (1949–), a professor of oral history and culture at the University of Amsterdam, in which she would interview the widows of the 1995 Srebrenica genocide in depth. A letter of inquiry, sent by Leydesdorff in 2002, was not answered by the Ministry of Foreign Affairs and a first project proposal from October 2003 was rejected in April 2004. After an appeal by the author, a hearing was organized in June 2004 in which it was agreed that she would be given the opportunity to submit a new proposal. This second project received support from, inter alia, the International Commission for Missing Persons, several Bosnian women's organizations, and several ministry officials, but was again turned down in December 2004. Minister of Foreign Affairs Ben Bot and Minister of Development Cooperation Agnes van Aardenne personally intervened to block the grant. The official reasons given during ministerial replies to five questions asked in parliament, were that the project did not fit into foreign policy programs and that due to its scholarly character, it had not the required social relevance, nor would it foster reconciliation. In ministry circles, however, other reasons circulated such as suspicion of Leydesdorff's motives and fear for the project's political aspects, particularly by encouraging legal claims by survivors for financial compensation in the wake of a possible lawsuit against the Netherlands (such a lawsuit was eventually started by some Srebrenica survivors in 2007). The project eventually resulted into the book *De leegte achter ons laten: een geschiedenis van de vrouwen van Srebrenica* (March 2008; *Leaving the void behind us: a history of the women of Srebrenica*).

[Sources: S. de Hoop, "Vrouwen van Srebrenica en hun leed", *Internationale Spectator*, 2009: 326; S. Leydesdorff, *De leegte achter ons laten: Een geschiedenis van de vrouwen van Srebrenica* (Amsterdam 2008), 375–385; *NRC Handelsblad* (11 March 2008).]

In 2009, historian Lambert Giebels (1935–) was granted access to 73 pages of secret Council of Ministers minutes on the "Hofmans affair". (See *NCH Annual Report 2007*.)

[Source: L. Giebels, "Geheime ministerraadnotulen Hofmans-affaire openbaar", *Historisch nieuwsblad* (March 2009) 7.]

See also Bosnia and Herzegovina, Germany, Liberia, Rwanda.

NEW ZEALAND

Last *Annual Report* entry: 2007.

NICARAGUA

Last *Annual Report* entry: 1998.

NIGER

Last *Annual Report* entry: —.

In October 2008, the Community Court of Justice of the Economic Community of West African States (ECOWAS) ordered the Niger government to pay reparations to a woman who had been kept as a domestic and sexual slave for a decade. The woman had lodged a complaint against the government for failing to implement existing laws against slavery. This landmark decision corroborated allegations by international and national NGOs who had said that there were still slaves in Niger although this practice had been made a crime in 2003.

[Source: Amnesty International, *Report 2009* (London 2009) 246.]

NIGERIA

Last *Annual Report* entry: 2008.

NORWAY

Last *Annual Report* entry: —.

See Rwanda.

PAKISTAN

Last *Annual Report* entry: 2006.

In April 2008, Law Minister Farooq Naik promised that the government would trace all people subjected to enforced disappearance. According to the government's own figures, 1,102 people have disappeared in the province of Balochistan alone. In May 2008, the government set up two committees to trace disappeared people. In June 2008, the government stated that 43 disappeared persons had been traced in Balochistan, and had either been released or detained in an official place of detention. Petitions relating to hundreds of cases of disappearances remained pending before the Supreme Court. On 21 November 2008, Human Rights Minister Mumtaz Alam Gilani announced that a new law was being prepared to facilitate the recovery of disappeared people and stated that his ministry had 567 documented cases of enforced disappearance. On 25 November 2008, the Senate Standing Committee on the Interior reportedly acknowledged that intelligence agencies maintained "countless hidden torture cells" across the country. Despite these initiatives, new cases of enforced disappearance were reported.

[Source: Amnesty International, *Report 2009* (London 2009) 252–253.]

PALESTINIAN AUTHORITY

Last *Annual Report* entry: 2008.

In 2006–2009, **X** (name unknown), an archaeologist specialized in Islamic archaeology and the history of Islamic art and architecture and working as a university professor at the University of Gaza, received repeated threats by telephone from unidentified persons who did not state why he was being targeted. The reason was probably his active engagement with Western communities, including his participation in visiting programs at the University of Chicago and Montclair State University, Montclair, New Jersey, in the United States. He relinquished his position as chair of the department of antiquities, University of Gaza, (of which he was the founder) because he refused to serve under a violent political and administrative body that had obtained power as a result of armed conflict. He went into exile in Canada, where he became a visiting professor at the Department of Near and Middle Eastern Civilizations, University of Toronto.

[Source: Scholars at Risk (SAR), *Case Palestinian Authority 540* (New York June 2009).]

See also Israel, Syria, United States.

PANAMA

Last *Annual Report* entry: 2008.

PARAGUAY

Last *Annual Report* entry: 2007.

In August 2008, nearly five years after it was established by law, the Truth and Justice Commission (TJC) presented its conclusions and recommendations to the state. During the same month, the new President Fernando Lugo made a public apology to the victims of human rights violations under the military government of General Alfredo Stroessner (1954–1989), the first such statement ever by a Paraguayan head of state. However, he stopped short of accepting state responsibility for the violations. A new law passed in September 2008 enabled victims of detention on political grounds in 1954–1989 to seek reparations; those who were tortured or disappeared during that time were already eligible for reparations. In December 2008, the TJC published its report and recommendations on human rights violations committed during 1954–1989. The TJC's conclusions identified 20,090 direct victims of human rights violations during the period under investigation. These included 19,862 victims of arbitrary or illegal detention, 18,772 victims of torture, 59 victims of extrajudicial execution and 336 victims of enforced disappearance. The TJC recommended that the Public Prosecutor and Procurator General investigate all cases further. It found that sexual violence had been employed as a repressive strategy, identifying cases of rape and sexual abuse by military and police officers committed against girls aged between 12 and 15. Through witness testimony, the TJC investigated violence against children, particularly in *campesino* (peasant) communities. It also concluded that systematic and generalized violations against the Aché indigenous peoples in the 1970s might constitute a crime against humanity.

[Source: Amnesty International, *Report 2009* (London 2009) 18, 259–260.]

PERU

Last *Annual Report* entry: 2008.

On 10 December 2007, the trial began of Alberto Fujimori, former president of Peru (1990–2000), who was extradited from Chile. He was accused of the extrajudicial execution of fifteen people in the Barrios Altos district of Lima in November 1991, the enforced disappearance and murder of nine students and a teacher from La Cantuta University in July 1992, and two abductions. He faced a sentence of up to 35 years' imprisonment. During 2008, the three judges of the Special Criminal Court heard evidence from Fujimori and scores of witnesses, including victims' relatives, members of the Colina group (an army death squad responsible for the killings), high-ranking military officers, journalists, and human rights experts. It was the first time in its history that Peru tried a former president for grave human rights violations. On 7 April 2009, Fujimori was found guilty on charges involving serious human rights violations. He was convicted of the killings of 25 people in two massacres (1991, 1992), and of the kidnappings of a journalist and a businessman in 1992. The massacres were carried out by the Colina unit, a specialized squad of military intelligence officers operating under his control. During the trial, evidence showed that the killings formed part of a counterinsurgency strategy that Fujimori established and carried out through the intelligence services. [Sources: Human Rights Watch, *World Report 2009* (Washington 2009) 196; Idem, "Peru: Fujimori Verdict a Rights Victory" (WWW-text; 7 April 2009).]

According to the Truth and Reconciliation Commission (TRC), almost 70,000 people died or "disappeared" during the internal armed conflict (1980–2000). Many were victims of atrocities committed by the Sendero Luminoso (Shining Path) and the Tupac Amaru Revolutionary Movement, and others of human rights violations by state agents. In August 2008, five years after the publication of the final TRC report, the TRC's former president criticized the government's failure to implement any of the recommended reforms. In November 2008, two separate bills proposing amnesties for police and military personnel implicated in human rights violations were presented to Congress.

In April 2008, General Julio Salazar Monroe, former head of the National Intelligence Service (SIN) during the Fujimori government (1990–2000), was sentenced to 35 years' imprisonment for ordering the Cantuta killings. Efforts to investigate and prosecute former officials and military officers implicated in scores of other killings and disappearances dating from the beginning of the armed conflict had meager results. Lack of cooperation by the military hampered investigation of human rights cases. The excessive workload of prosecutors, inefficiency, and inexperience in dealing with human rights cases also contributed to the delays. According to information published by the

Human Rights Ombudsman in December 2007, of 192 cases monitored by the institution—which include abuses committed by insurgent groups—only six had led to convictions, while 110 were still under investigation by prosecutors. In all, only nineteen individuals had received prison sentences. In August 2008, the Ombudsman noted with concern that court proceedings were stagnating.

In May 2008, Peru was reviewed under the Universal Periodic Review mechanism of the United Nations Human Rights Council. During the review, Peru pledged to report back to the Human Rights Council on its efforts to implement the TRC recommendations, in particular with regard to victims' compensation and institutional reform, including bringing to justice those responsible for human rights violations during the armed conflict.

[Sources: Amnesty International, *Report 2009* (London 2009) 261; Human Rights Watch, *World Report 2009* (Washington 2009) 195–197, 200.]

On 21 July 2008, **Leysi Suarez**, a model and a dancer for the band *Alma Bella*, was featured on the cover of *D'Farándula* magazine sitting naked on a horse and using the national flag as a saddle in the run-up to the 187th anniversary of Peru's 1821 independence from Spain on 28 July. She could face up to four years' imprisonment for offending patriotic symbols.

[Source: *Index on Censorship*, 4/08: 186.]

POLAND

Last *Annual Report* entry: 2008.

On 25 November 2008, a Moscow court refused to reopen the investigation into the 1940 Katyn massacre. On 29 January 2009, the Supreme Court confirmed this judgment.

[Source: *Keesings historisch archief* (2009) 89.]

See also Israel, Russia.

ROMANIA

Last *Annual Report* entry: 2008.

RUSSIA

Last *Annual Report* entry: 2008.

On 27 March 2008, students from the Volgograd Academy of Public Administration barred entry to the new rector in protest over the *de facto* dismissal of the former rector, historian, and political theorist **Mikhail Sukiasyan** (1992–2008). The students also organized strikes. Sukiasyan had reportedly angered the Volgograd region governor by inviting Boris Nemtsov, a leader from the opposition Union of Right Forces, to speak to students during the 2007 parliamentary election campaign. Shortly after, his re-election was not confirmed by the administration of President Vladimir Putin.

[Source: Georg-Eckert Institut, *Das Bulletin* no. 4 (Winter 2008) 64–65; *International Herald Tribune* (Russian press review; 28 March 2008).]

On 8 July 2008, the Ulyanovsk city court judged extremist *Hitler's Table Talk*, a book by British historian **Hugh Trevor-Roper** (1914–2003) and banned it.

[Source: SOVA Center for Information and Analysis, *Aggressive Racism in Russia, Efforts to Counteract It, and Abuse of Anti-Extremist Legislation: Current Trends* (November 2008) 5.]

On 4 December 2008, masked and armed men broke into the premises of the Research and Information Center Memorial in St. Petersburg. They had a warrant signed by the Prosecutor's Office and included police, special forces, and members of the investigative committee of the Prosecutor's Office. They seized the entire archive of Memorial in St Petersburg: eleven hard drives containing electronic archives on the Soviet repression from 1917 to the 1960s collected since 1987. These included biographical information on more than 50,000 victims of Stalinist repression; the results of the search for execution and burial sites of victims of repression (several hundred sites described or photographed); the photo collection (over 10,000 photographs) and accompanying textual material of the "Virtual Gulag Museum" (an online source linking more than one hundred local Russian museums). Also confiscated were the database to the oral history archive and an electronic collection of photographs, including scans of historic materials from private archives. In addition, the

prosecutors took a hard drive and documents belonging to art historian **Aleksandr Margolis**, a member of Memorial and director of the “International Charitable Foundation for the Renaissance of St. Petersburg-Leningrad” dedicated to the preservation of St Petersburg's historic architecture. The search was apparently ordered in connection with an investigation against the local newspaper *Novy Petersburg* (*New Petersburg*) for publishing an “extremist” article in June 2007. However, Memorial director **Irina Flige** declared that Memorial had no relationship with the newspaper. She also said that the seizure might have been part of an official campaign to rehabilitate the Stalinist regime. The raid took place one day before Flige would attend a conference in Moscow about Stalin's place in Russian history. Memorial has been nominated for the Nobel Peace Prize.

[Sources: http://www.concernedhistorians.org/content_files/file/ca/58.pdf; O. Figes, “Shelved: Did Kremlin Make my Stalin Book Disappear?” *Guardian* (4 March 2009); Idem, “Open Letter by International Scholars Regarding Attack on Memorial” (5 December 2008); L. Harding, “British Scholar Rails at Police Seizure of Anti-Stalin Archive”, *Observer* (7 December 2008); Human Rights Watch, “Russia: Police Raid Prominent Rights Group” (WWW-text; 4 December 2008); A. Rodriguez, “Russia Rewriting Josef Stalin's Legacy”, *Chicago Tribune* (WWW-text; 17 December 2008).]

On 25 February 2009, Russian archivists issued a DVD and a book of historical documents meant to counter Ukrainian claims in relation to the Holodomor (the famine that as a result of Stalin's farm collectivization program killed millions of people in 1932–33).

[Sources: M. Foley, “Ukraine: The Politics of Hunger” (WWW-text); S. Gutterman, “Russia Blasts Ukraine's Soviet-era Genocide Claims” (WWW-text; Associated Press); H. Swoboda & J.M. Wiersma, eds., *Politics of the Past: The Use and Abuse of History* (Strasbourg 2009) 11.]

In March 2009, emergency situations minister Sergei Shoigu called for a law, based on Holocaust denial legislation in Germany, that would criminalize attempts to “rehabilitate Nazism” and to suggest that the USSR did not win World War II. The law would also seek to punish eastern European or former Soviet states which deny they were liberated by the Red Army. The call came after a NTV documentary had exposed the scale of human losses during the Battles of Rzhev, fought in 1942–3, killing up to 1.5 million soldiers, two-thirds of them Soviet. Critics had demanded the arrest of its presenter, **Alexei Pivovarov**, who was reportedly accused of being part of a Jewish conspiracy financed in the West to belittle the Soviet war effort.

[Sources: American Historical Association, “Open Letter to President Dmitrii Medvedev” (Washington 17 June 2009); *Telegraph* (5 March 2009).]

On 19 May 2009, President Dmitry Medvedev decided to create a Commission to Counteract Attempts at Falsifying History to Damage the Interests of Russia, consisting of 28 members, including members of parliament, FSB intelligence service officials and only three historians. Among the historical events labeled as sensitive were the August 1939 Molotov-Ribbentrop Pact of nonaggression between the USSR and Nazi Germany, the Soviet annexation of the Baltic countries, and the 1940 Katyń massacres. The plan coincided with the introduction of a bill “opposing the rehabilitation of Nazism, Nazi criminals and their accomplices on the territory of the independent states, former republics of the Soviet Union”. According to this bill, anyone condemning the Allies for the 1945 forcible repatriation to the USSR and subsequent execution or deportation of about two million Soviet citizens who had fallen into German hands before they were freed by the Allied advance (the so-called “victims of [the February 1945 Conference of] Yalta”, including Russian Cossacks, prisoners of war, forced laborers, émigrés and anti-Communists who had fought for Germany against Stalin) could be branded as a “criminal”. In a 17 June 2009 letter to Medvedev, the American Historical Association asked to disband the commission as it contradicted the principle of intellectual freedom.

[Sources: American Historical Association, “Open Letter to President Dmitrii Medvedev” (Washington 17 June 2009); *Guardian* (13 July 2009); *Keesings historisch archief* (2009) 319; Y. Kiselyov, “When Interpreting History Becomes a Crime”, *Moscow Times* (3 June 2009); *NRC Handelsblad* (22 May 2009) 7, (6–7 June 2009) 4–5.]

On 3 March 2009, the publishing house Atticus canceled publication of *The Whisperers: Private Life in Stalin's Russia*, a book by British historian **Orlando Figes** (1959–), professor of history at the University of London, about life under Stalin (translated into 22 languages, including all the European languages of the former Soviet Union except Russian). The publisher mentioned economic reasons, but Figes believed that the decision was the result of political pressure and reflected a desire by the Kremlin to rehabilitate Stalin. The book drew on several hundred family archives and thousands of interviews with survivors of the Stalinist regime that Figes conducted with Memorial. Memorial was attacked for helping “foreign historians accused of setting out to blacken Soviet history by focusing on Stalin's crimes”.

[Source: O. Figes, “Shelved: Did Kremlin Make my Stalin Book Disappear?” *Guardian* (4 March 2009); *NRC Handelsblad* (5 March 2009).]

On 19 June 2009, the home affairs ministry in St Petersburg shut down the website <http://www.hrono.info> (founded in 2000), because it had published extracts from Hitler's autobiography, *Mein Kampf*. However, the website founder, **Vyacheslav Rummyantsev**, a history

graduate from Moscow State University, declared that the closure had nothing to do with Hitler, adding that the text, widely available elsewhere, was only summarized on the site. According to Rummyantsev, the real reason was an article posted on 16 June 2009 which criticized St. Petersburg's pro-Kremlin governor, Valentina Matviyenko, for her decision to cut an allowance given to survivors of the Nazi siege of Leningrad (1941–1944). The website (also available at <http://www.hrono.ru>) was Russia's largest online history resource, widely used by scholars in Russia and elsewhere for its biographical and historical material.

[Source: *Guardian* (13 July 2009).]

On 3 July 2009, the Russian delegation walked out of a session of the Parliamentary Assembly of the Organisation for the Security and Co-operation in Europe (OSCE) in Vilnius, Lithuania, after the assembly had passed a resolution, of which paragraph 10 read: "Recalling the initiative of the European Parliament to proclaim 23 August, when the Ribbentrop-Molotov Pact was signed 70 years ago, as a Europe-wide Day of Remembrance for Victims of Stalinism and Nazism, in order to preserve the memory of the victims of mass deportations and exterminations". Russia accused the OSCE of trying to "distort history with political goals".

[Sources: *BBC News* (3 July 2009); *Guardian* (13 July 2009); Organisation for the Security and Co-operation in Europe Parliamentary Assembly, *Resolution on Divided Europe Reunited: Promoting Human Rights and Civil Liberties in the OSCE Region in the 21st Century* (Document AS (09) D 1 E; Vilnius 3 July 2009), paragraph 10.]

Chechnya

A number of mass graves were found in Chechnya. However, the federal authorities blocked the construction of a forensic laboratory, which could have helped to identify the fate of victims of enforced disappearance. On 17 June 2008, four members of the human rights organization Memorial were detained in Chechnya, while filming a building thought to have been used as a secret detention center. The video footage was destroyed and the four were threatened.

[Source: Amnesty International, *Report 2009* (London 2009) 271, 272.]

See also Poland, Syria, Ukraine, Vietnam.

RWANDA

Last *Annual Report* entry: 2008.

President Paul Kagame sought to prevent independent prosecution of soldiers of the Rwandan Patriotic Front (RPF), a rebel group he once headed and Rwanda's dominant political party, for war crimes committed during and after the 1994 Rwandan genocide, including the killing of at least 30,000 people. The International Criminal Tribunal for Rwanda (ICTR) was mandated to prosecute such crimes, but rather than see it try RPF soldiers, the government arranged to have the one remaining case under ICTR investigation transferred to its own court where it could more easily determine the outcome.

In June 2008, Rwanda charged four Rwandan Patriotic Army (RPA) military officers with war crimes for the 1994 killing of fifteen civilians. Two of the officers confessed to the killing and were sentenced to eight years' imprisonment. Two more senior officers were acquitted after a brief trial. The RPF had acknowledged the crime committed by its soldiers, but brought the accused to trial only after the ICTR prepared a case against them. Neither the Rwandan prosecutor's office nor the ICTR anticipated any more of such prosecutions, despite United Nations estimates that between 25,000 and 45,000 persons were killed by RPF soldiers in 1994.

[Sources: Amnesty International, *Report 2009* (London 2009) 277; Human Rights Watch, *World Report 2009* (Washington 2009) 9–10, 100.]

At the end of December 2008, Rwanda's prisons contained 59,532 people, 37,277 people of whom had been accused of genocide. In October 2008, an estimated 10,000 category-one cases were pending before *gacaca* courts (community-based tribunals, created in 2001 in an effort to combine restorative and punitive justice), whose procedures fail to meet international standards of fair trial. Category one cases involved the planners, organizers, instigators, and supervisors of the genocide. Of these, at least 6,000 were rape cases which were transferred to category one in May 2008. Originally scheduled to end in 2007, *gacaca* tribunals would continue to hear cases until 2010. Instances of faulty procedure, judicial corruption, and false accusations undermined trust in the *gacaca* system among victims as well as the accused. The safety of witnesses in judicial proceedings continued to be a concern, with 17 genocide survivors killed in the first nine months of 2008, some in connection with giving testimony in *gacaca* proceedings.

[Sources: Amnesty International, *Report 2009* (London 2009) 276–277; Human Rights Watch, *World Report 2009* (Washington 2009) 99–101.]

The International Criminal Tribunal for Rwanda (ICTR) was to finish all first-instance trials by the end of 2008 and complete all work by 2010, according to United Nations Security Council Resolution 1503. This deadline became unfeasible, given the 28 detainees on trial and the nine accused awaiting trial. In July 2008, the United Nations Security Council extended the terms of the Trial Chamber and its judges until 31 December 2009. ICTR judges, however, refused transfers to Rwanda, citing among other reasons difficulty in obtaining defense witness testimony and the possible imposition of a sentence of life in solitary confinement. (The 2007 transfer law abolished capital punishment and replaced it with life imprisonment in solitary confinement, commonly considered as a violation of Article 7 of the International Covenant of Civil and Political Rights.) Four requests by the Rwandan Prosecutor General for cases to be transferred from the ICTR to Rwanda were rejected on the basis that the accused were at risk of being subjected to an unfair trial. The four decisions cited reports that defense witnesses inside and outside Rwanda risk being rejected by their community, arrested, tortured, and in some cases killed. The Rwandan Parliament passed a law on 3 November 2008 to prohibit solitary confinement for transfer cases.

Judicial proceedings against genocide suspects took place in Belgium, Canada, France and the Netherlands. Extradition hearings against genocide suspects in Sweden, Germany and Norway were continuing. A genocide suspect was detained in Finland and it remained unclear whether he would be extradited to Rwanda. The United Kingdom agreed to the extradition of four Rwandans, a decision which was appealed. A French appeals court refused to extradite two Rwandans, as did a German court. More than a dozen requests were pending in other European countries. Belgium was pursuing further domestic prosecutions. In February 2008, a Spanish judge issued arrest warrants for 40 Rwandan Defense Force (RDF) officers for war crimes and crimes against humanity committed against Spanish, Rwandan, and Congolese citizens in the 1990s. The prosecution was based on both domestic law and universal jurisdiction (a doctrine which permitted national courts to prosecute the most heinous crimes committed abroad). At the African Union summit in June 2008, President Paul Kagame criticized abuse of the principles of universal jurisdiction in response to the arrest warrants issued in France and Spain against leading RPF members. The summit called for an international regulatory body “to review and/or handle complaints or appeals arising out of abuse of the principle of universal jurisdiction” by states.

On 5 August 2008, the report of the Mucyo Commission, set up in 2006 by the Rwandan government to investigate the role of France in the 1994 genocide, was published. The report alleged the involvement of 33 current and former French political and military figures in the genocide. On 15 November 2008, the Prosecutor General stated that the authorities were ready to indict 23 of those named. The Mucyo report followed an investigation instituted by a French judge into the shooting

down of a plane in 1994 whose passengers included President Juvenal Habyarimana of Rwanda, President Cyprien Ntaryamira of Burundi and three French nationals. On 17 November 2006, the French judge issued international arrest warrants against nine leading RPF members for shooting down the plane. On 9 November 2008, Rose Kabuye, Chief of Protocol for President Kagame, was arrested in Frankfurt, Germany. She was transferred to France and charged with “complicity in murder in relation to terrorism”.

[Sources: Amnesty International, *Report 2009* (London 2009) 276–277; Human Rights Watch, *World Report 2009* (Washington 2009) 9–10, 102.]

Authorities used prosecution, or the threat of prosecution, for “genocide ideology” to silence dissent of many kinds, including calls for justice for war crimes committed by the Rwandan Patriotic Front (RPF). Prosecutors brought hundreds of cases involving this accusation before the charge was finally established by law in June 2008. The current definition was vague, required no link to any genocidal act, and prohibited speech protected by international conventions. The offence was punishable by 10 to 25 years’ imprisonment. This law could potentially stifle freedom of expression, and restrict the ability of the accused to put forward a defense in criminal trials.

[Sources: Amnesty International, *Report 2009* (London 2009) 277; Human Rights Watch, *World Report 2009* (Washington 2009) 102–104.]

In 2008, the Rwandan government expelled historian and Human Rights Watch expert **Alison Des Forges** (1942–2009) after Human Rights Watch had published an extensive analysis of judicial reform there, drawing attention to problems of inappropriate prosecution and external influence on the judiciary that resulted in deficient genocide-related trials and verdicts. Des Forges was best known for her award-winning account of the genocide, *Leave None to Tell the Story* (1999). She appeared as an expert witness in eleven trials for genocide at the International Criminal Tribunal for Rwanda, three trials in Belgium, and at trials in Switzerland, the Netherlands, and Canada. In 2009, Des Forges died in an plane crash.

[Source: Human Rights Watch, “Human Rights Watch Mourns Loss of Alison Des Forges: Leading Rwanda Expert Killed in Plane Crash” (WWW-text; 13 February 2009).]

On 21 March 2008, **Bonaventure Bizumuremyi**, founder and editor of *Umuco*, faced prosecution for defaming President Paul Kagame, because in an article he had compared the latter to Hitler and claimed that he would be tried on genocide charges.

[Source: *Index on Censorship*, 2/09: 132.]

On 25 April 2009, the Rwandan government suspended the British Broadcasting Corporation's (BBC) Kinyarwanda radio service saying it threatened the country's national reconciliation by hosting people with views negating the 1994 genocide. Minister of Information Louise Mushikiwabo justified the suspension on the grounds that the program amounted to a "blatant denial of the 1994 genocide against the Tutsi of Rwanda". The suspension followed the BBC's broadcast of a promotion of a forthcoming feature of its weekly local vernacular program "Imvo n'imvano" (Analysis of the Source of a Problem) that was to include a debate on forgiveness among Rwandans after the genocide. The advance segment included comments by a former presidential candidate opposing the government's attempt to force Rwanda's entire Hutu population to apologize for the genocide, since not all Hutu people had killed Tutsi or otherwise participated in the genocide. It also included a man of mixed Hutu-Tutsi ethnicity questioning why the government had refused to allow relatives of those killed by the Rwanda Patriotic Front (RPF)—led by President Paul Kagame that took over the country and stopped the genocide—to mourn for their loved ones. According to estimates from experts working for the United Nations High Commissioner for Refugees, RPF soldiers killed between 25,000 and 45,000 people between April and August 1994. The government declared that it would no longer tolerate anyone who implied that there had been a double genocide in 1994 (one by the Hutus and the other by the Tutsi-led RPF in their bid to end the first one). Rwanda has since banned the use of ethnic labels and established stringent laws against "divisionism" (spreading ideas that encourage ethnic animosity between the Tutsi and Hutu populations) and "genocide ideology" (ideas that could lead to genocide, including the double genocide thesis). In 2004, the government already lodged complaints against the BBC radio station after a parliamentary report accused it of propagating "genocide ideology". In late 2007, the government accused a BBC journalist, **Yusuf Mugenzi**, of exacerbating ethnic differences through the Imvo n'imvano program and of giving airtime to "genocide fugitives", referring to the Democratic Forces for the Liberation of Rwanda (FDLR), a Hutu rebel group based in eastern Congo, some of whose members took part in the 1994 genocide and continued to threaten stability in the region.

[Sources: Human Rights Watch, "Rwanda: Restore BBC to the Air" (27 April 2009); Human Rights Watch, "Rwanda: Tribunal Risks Supporting 'Victor's Justice'" (1 June 2009); *Ifex Alert* (29 April 2009); K. Roth, "The power of horror in Rwanda", *Los Angeles Times* (11 April 2009).]

See also Sudan.

SAUDI ARABIA

Last *Annual Report* entry: 2006.

See Bahrain.

SENEGAL

Last *Annual Report* entry: 2006.

Despite the elimination of the last legal obstacles, the criminal investigation of Hissene Habré's case did not begin during 2008. In April 2008, the National Assembly adopted a constitutional amendment introducing retrospective legislation for crimes against humanity, war crimes, genocide, and torture which would permit the trial of the former Chadian head of state who was living in exile in Senegal and who stands accused of crimes against humanity and torture during his 1982–1990 rule. In May 2008, a coordinating judge was appointed to organize the trial. The new legislation amended a 2007 law that permitted the prosecution of cases of genocide, crimes against humanity, war crimes, and torture, including crimes committed outside of Senegal. It encompassed crimes committed prior to the enactment of the 2007 law. Prosecutors were conducting interviews with victims and former officials of the Habré regime and were examining fourteen complaints filed in September 2008, alongside documentary evidence from the files of the Bureau of Documentation and Security, Chad's former political police. The prosecution would subsequently decide whether to file formal charges.

In August 2008, prosecutors in Chad accused Habré of providing support to rebel groups involved in the failed February 2008 coup and sentenced him to death in absentia. Senegal's justice minister expressed concerns that the decision would interfere with Senegal's proceedings against Habré, but Chadian authorities insisted that the ruling pertained only to the events of February 2008. (*See* Chad.) [Sources: Amnesty International, *Report 2009* (London 2009) 8, 281, 282; Human Rights Watch, *World Report 2009* (Washington 2009) 52; International Federation for Human Rights, "African Union: Press Senegal on Habré Trial (28 January 2009).]

See also Chad.

SERBIA

Last *Annual Report* entry: 2008.

On 30 July 2008, Radovan Karadžić was transferred to the International Criminal Tribunal for the former Yugoslavia (ICTY) (*See* Bosnia and Herzegovina). The arrest was a significant breakthrough in Serbia's cooperation with ICTY, reflecting the growing authority within the government of President Boris Tadic's Democratic Party. Widespread public hostility to the ICTY persists. ICTY indictees Ratko Mladic and Goran Hadzic remained at large in late 2008. In August 2008, special prosecutor for war crimes, Vladimir Vukcevic, reiterated that the arrest of both fugitives was a priority for Belgrade. In the same month, the president of the National Council on ICTY Cooperation, Rasim Ljajic, said that Mladic had been hiding in military barracks in Belgrade from June 2002 until the end of 2005. During a September 2008 visit to Serbia, ICTY Prosecutor Serge Brammertz expressed "careful optimism" that Mladic would be "arrested soon", but declined publicly to assess Serbia's cooperation with the ICTY.

Prosecutions continued at the War Crimes Chamber at Belgrade District Court. In September 2008, the Serbian Supreme Court upheld the appeals of two members of the Scorpions paramilitary group, convicted in April 2007 for the murder of six civilians from Srebrenica in 1995, reducing one sentence from twenty to fifteen years and ordering the retrial of another defendant sentenced to five years' imprisonment.

In June 2008, the Supreme Court sentenced former secret police chief Radomir Markovic to 40 years' imprisonment, and several other defendants to long prison terms, for the attempted murder of opposition leader Vuk Draskovic in October 1999. The verdict concluded an eight-year cycle of trials, during which three earlier decisions of lower courts had been annulled by the Supreme Court, which ultimately tried the case itself.

[Sources: Amnesty International, *Report 2009* (London 2009) 284; Human Rights Watch, *World Report 2009* (Washington 2009) 402–403.]

In September 2008, the Helsinki Committee for Human Rights in Serbia and its director **Sonja Biserko** received threats linked to their work on war crimes accountability. On 30 September 2008, ultranationalists protested outside the group's office. On 2 October 2008, Biserko's home address was published by a tabloid newspaper article calling her a "traitor". She was subsequently placed under police protection.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 406.]

In November 2008, the International Court of Justice (ICJ) decided that it had jurisdiction over Croatia's motion to sue Serbia for genocide.

[Sources: Amnesty International, *Report 2009* (London 2009) 283.]

Kosovo

On 3 April 2008, Ramush Haradinaj, a former commander of the Kosovo Liberation Army (KLA), was acquitted by the International Criminal Tribunal for the former Yugoslavia (ICTY). Haradinaj, who was Kosovo's prime minister at the time of his indictment, had been charged with murder, persecution, rape, and torture of Albanians, Serbs and Roma in 1998 during the Kosovo conflict. ICTY judges found him not guilty on all counts. The court cited significant difficulties in obtaining testimony of many witnesses due to security concerns. Prosecution appeals against the acquittal was pending in late 2008.

The remaining international prosecutors and judiciary of the United Nations Interim Administration Mission in Kosovo (UNMIK) made slow progress in addressing an estimated backlog of 1,560 war crimes cases. In August 2008, UNMIK said that proceedings were open in seven cases, only one of which was not an appeal or a retrial. According to UNMIK, prosecutors were also reportedly directing investigations in 47 cases. In November 2008, following negotiations with Pristina and Belgrade, the United Nations Security Council approved a "status-neutral" plan to reconfigure UNMIK. This enabled a European Security and Defence Policy mission (EULEX), envisaged in the Ahtisaari Plan and authorized by the European Union in February 2008, to take over responsibilities for international policing and the investigation and prosecution of outstanding war crimes in December 2008. The United Nations Secretary-General also reported that the UNMIK Department of Justice had established guidelines to enable access to criminal files by EULEX prosecutors, who had repeatedly complained that war crimes files were not available.

There was little progress in determining the fate of missing persons. As of April 2008, 1,963 persons—the majority Kosovo Albanian—remained missing. In June 2008, the Parliamentary Assembly of the Council of Europe nominated Dick Marty as rapporteur to investigate the fate of missing Serbs allegedly transferred to northern Albania after June 1999. The Kosovo government refused to investigate the allegations. The Office of Missing Persons and Forensics performed 73 exhumations and recovered 53 sets of mortal remains. Some 437 exhumed bodies remained unidentified.

[Sources: Amnesty International, *Report 2009* (London 2009) 283–286; Human Rights Watch, *World Report 2009* (Washington 2009) 410–411.]

See also Bosnia and Herzegovina, Croatia.

SIERRA LEONE

Last *Annual Report* entry: 2008.

The 2005 report of Sierra Leone's Truth and Reconciliation Commission (TRC) attributed the civil war (1991–2002) largely to decades of corrupt rule by the political elite and recommended abolishing the death penalty, repealing laws that criminalize seditious libel, increasing the transparency of the mining industry, improving good governance, and establishing a reparations fund for war victims. Despite a presidential promise in February 2008 to implement the TRC recommendations, little progress was made during 2008. No steps were taken to create a TRC follow-up committee. The mandate of the National Commission for Social Action, the agency in charge of reparations, was extended. It was given responsibility for overseeing the setting up of a Special Fund for War Victims. The Reparations Task Force was reconstituted as a Reparations Steering Committee.

[Sources: Amnesty International, *Report 2009* (London 2009) 288; Human Rights Watch, *World Report 2009* (Washington 2009) 107.]

In January 2008, the trial of former Liberian president Charles Taylor—charged with eleven counts of war crimes and crimes against humanity for supporting Sierra Leonean rebel groups—resumed before the Special Court for Sierra Leone (SCSL). This followed a six-month delay due to an overhaul in Taylor's legal team after he sought to fire his lawyers over concerns that he was receiving inadequate resources to prepare his defense. The prosecution completed its case in late 2008. Taylor was the first former African head of state to stand trial in front of an international or hybrid international-national war crimes tribunal. For security reasons his trial was taking place in The Hague instead of Freetown, Sierra Leone's capital.

After issuing verdicts in the cases of its first five defendants in 2007, the SCSL Appeals Chamber in February 2008 upheld the original sentences passed in the cases of Armed Forces Revolutionary Council (AFRC) members Alex Tamba Brima (50 years' imprisonment), Ibrahim Bazy Kamara (45 years' imprisonment) and Santigie Borbor Kanu (45 years' imprisonment). The case against Moinina Fofana and Allieu Kondewa, members of the Civil Defence Forces (CDF), was concluded in May 2008. Doubling their original sentences, the Appeals Chamber sentenced them to 15 and 20 years' imprisonment respectively. In the cases against Revolutionary United Front (RUF) members Issa Sesay, Morris Kallon and Augustine Gbao, the defense cases were heard. Judgments had not been issued by the end of 2008.

[Sources: Amnesty International, *Report 2009* (London 2009) 288; Human Rights Watch, *World Report 2009* (Washington 2009) 105, 108.]

See also Liberia.

SINGAPORE

Last *Annual Report* entry: 1998.

On 17 May 2008, the Board of Film Censors and the Media Development Authority banned screening of the film *One Nation under Lee*, produced and directed by artist **Seelan Palay**. The film documented the rise to power of former Prime Minister Lee Kuan Yew (in power in 1959–1990).

[Sources: *Index on Censorship*, 3/08: 211; *Reuters India* (21 May 2008).]

SLOVAKIA

Last *Annual Report* entry: 2007.

On 21 August 2009, the government of Prime Minister Robert Fico barred Hungarian President László Sólyom from making a controversial visit during which he had planned to unveil the statue of Saint Stephen (975–1038), the first Hungarian king, in the southern town of Komárno, on the River Danube, which separates Slovakia and Hungary. No Slovak officials had been invited to the event, which coincided with the anniversary of the 1968 invasion of (Czecho)Slovakia by five armies, including Hungary's. The incident heightened bilateral tension over Slovakia's treatment of its ethnic Hungarians, who make up about ten per cent of the population.

[Sources: *BBC News* (21 & 25 August 2009); *NRC Handelsblad* (28 August 2009) 5.]

SLOVENIA

Last *Annual Report* entry: 2008.

The authorities still failed to guarantee the rights of a group of permanent residents known as the “erased”. A year after Slovenia's 1991 declaration of independence, more than 18,000 individuals were unlawfully removed from the registry of permanent residents. They were people originating from other former Yugoslav republics, many of them Roma, who had been living in Slovenia but had

not acquired Slovenian citizenship after independence. The move was discriminatory as citizens of former Yugoslav republics were treated less favorably than other foreign nationals whose permanent residency status was granted automatically. As a result of the “erasure”, many permanent residents were forcibly expelled from Slovenia. Many others lost their jobs, were denied access to education and the right to a comprehensive healthcare service. The issue of the “erased” was the subject of much political debate in the run-up to the September 2008 parliamentary elections. The Constitutional Committee of Parliament initiated a discussion on a draft constitutional law on the “erased”. The draft law, which had been presented by the government in 2007, would maintain discriminatory treatment of the “erased”. It would provide new legal grounds for discriminatory actions by the authorities, including the possibility of reversing individual decisions to restore permanent residency. It failed to restore the permanent residency status of the “erased”, disclaimed state responsibility for the “erasure” and explicitly excluded the possibility of reparations, including compensation for human rights violations suffered by the “erased”. Through 2008, deportation procedures were initiated against “erased” individuals, although deportations were not carried out. The authorities failed to acknowledge the discriminatory nature of the “erasure”, and did not implement two earlier Constitutional Court decisions which found the “erasure” illegal and unconstitutional.

[Source: Amnesty International, *Report 2009* (London 2009) 292–293.]

SOMALIA

Last *Annual Report* entry: 2006.

SOUTH AFRICA

Last *Annual Report* entry: 2008.

In December 2008, the Pretoria High Court ruled as unconstitutional, unlawful, and invalid, the 2005 National Prosecution Policy on the prosecution of offences “emanating from conflicts of the past”. The case had been brought by relatives of victims of extrajudicial executions and disappearances in the 1980s. The Court accepted that the policy would have the effect of allowing immunity against prosecution for individuals who had not co-operated with or had been denied amnesty by the Truth and Reconciliation Commission, even in circumstances where there was a well-founded case against

them.

[Source: Amnesty International, *Report 2009* (London 2009) 300.]

SPAIN

Last *Annual Report* entry: 2008.

In August 2008, the restrictive Official Secrets Act (1968, amended 1978) was criticized as Minister of Defense Carme Chacón announced her intention to declassify thousands of secret files of historical value. Many important documents, especially military documents on the 1936–1977 period referring to repression under Franco’s rule were either unavailable for public use or badly preserved. In addition, since Franco’s death, no government legally regulated the military justice archives.

[Sources: *El País* (10 August 2008); *Frankfurter Rundschau* (20 August 2008); A. González Quintana, “Spain: Pact of Oblivion”, *UNESCO Courier*, 2008, no. 9 (WWW-text).]

On 16 October 2008, judge Baltasar Garzón initiated a case against General Francisco Franco (1892–1975) and 35 of his generals and ministers for crimes against humanity during the civil war (1936–1939) and the first years of the dictatorship (1939–1952) when accepting a petition filed by thirteen associations of victims’ families and ordering to open nineteen mass graves believed to hold the remains of hundreds of victims. An estimated 114,266 persons disappeared at the time; most of them were killed at the hands of Franco’s supporters and buried in mass graves. Garzón maintained that he could investigate these crimes against humanity because they had no statute of limitations. In November 2008, however, judges from the Audiencia Nacional (National Criminal Court), had suspended the opening of the mass graves while it examined the public prosecutor’s appeal. When the latter questioned Garzón’s jurisdiction, he made use of the following arguments: the perpetrators were dead; the crimes were covered by a 1977 amnesty law (granting amnesty for all crimes with a political connection committed up to 1977) and by rules stipulating that most crimes lapse after twenty years; and, finally, international human rights laws did not apply to the civil war as Spain was not a signatory to them at the time. On 18 November 2008, Garzón declared that he was dropping a case. On 2 December 2008, the National Criminal Court said that it was not competent to investigate crimes of this type and the investigation was closed. However, Garzón ruled that local courts were competent to investigate such crimes when they had been committed in their territorial jurisdiction and on 26 December 2008 he sent information to a number of local courts for further investigation on suspected cases of enforced disappearances and the illegal removal of 30,960 children from their

families.

[Sources: Amnesty International, *Report 2009* (London 2009) 301, 303; *Guardian* (17 October 2008); *New York Times* (17 October & 19 November 2008); *NRC Handelsblad* (28 May 2009) 4; *The Times* (19 November 2008).]

By the end of 2008, the procedural guidelines and mapping of graves required by the Law on Historic Memory, introduced in December 2007, had still not been developed.

[Source: Amnesty International, *Report 2009* (London 2009) 303.]

See also Austria, El Salvador, Guatemala, Peru, Rwanda.

SRI LANKA

Last *Annual Report* entry: 2008.

Investigations into human rights violations by the military and police stalled and court cases did not proceed as witnesses refused to come forward for fear of reprisals. In April 2008, the International Independent Group of Eminent Persons tasked with overseeing the latest Presidential Commission of Inquiry (COI) into sixteen cases of serious violations of human rights terminated their mission stating that the COI had not been able to investigate cases in accordance with international standards. The process was so flawed that the International Independent Group of Eminent Persons, after regularly raising serious concerns, eventually withdrew from its role as observer. Four Sri Lankan commissioners also resigned.

[Sources: Amnesty International, *Report 2009* (London 2009) 305; Human Rights Watch, *World Report 2009* (Washington 2009) 310.]

On 7 October 2008, Vinayagamoorthi Muralitharan, otherwise known as Karuna, was sworn into Parliament. As a military commander of the Tamil Makkal Vidulthalai Pulika, and previously as a military commander in the Liberation Tigers of Tamil Eelam, Karuna was suspected of serious human rights abuses and war crimes, including the abduction of hundreds of teenagers to serve as child soldiers, and the torture, holding as hostage and killing of hundreds of civilians. There had been no official investigation into these allegations.

[Source: Amnesty International, *Report 2009* (London 2009) 305.]

SUDAN

Last *Annual Report* entry: 2008.

On 14 July 2008, Prosecutor Luis Moreno Ocampo of the International Criminal Court (ICC) submitted to the ICC's pre-trial chamber an application for an arrest warrant to be issued against President Omar al-Bashir. The application included ten counts of Darfur-related war crimes, crimes against humanity and genocide that were allegedly carried out on al-Bashir's "direct orders". The application triggered calls by states belonging to the African Union, the League of Arab States, and the Organization of the Islamic Conference to defer the case under article 16 of the ICC Rome Statute (which empowers the Security Council to suspend court proceedings for up to twelve months renewable if required to maintain international peace and security). On the initiative of Rwanda, the African Union adopted a decision criticizing what it called the abuse of universal jurisdiction (*See Rwanda*).

In October 2008, the government announced that it had detained former Janjaweed leader Ali Kushayb, indicted by the ICC in 2007, pending his prosecution by a special court in El Geneina in West Darfur. Despite an announcement that his trial would begin in October 2008, the case had not started by the end of 2008. There were unconfirmed reports that he remained free to travel between the Darfur states. Ahmed Haroun, also indicted by the ICC in 2007, remained in his position as Minister of State for Humanitarian Affairs. On 20 November 2008, the Prosecutor applied for arrest warrants to be issued against three commanders of armed opposition groups operating in Darfur. He did not disclose their names. The commanders were accused of war crimes arising from an attack on the African Union Mission in Sudan (AMIS) in December 2007 in which twelve peacekeepers were killed.

[Sources: Amnesty International, *Report 2009* (London 2009) 8, 307; Human Rights Watch, *World Report 2009* (Washington 2009) 9–10, 121.]

See also Chad, Uganda.

SURINAME

Last *Annual Report* entry: 2004.

The trial of those accused of carrying out extrajudicial executions in December 1982 continued in the

capital, Paramaribo. 25 people, including seventeen former members of the armed forces, were accused of the extrajudicial execution of thirteen civilians and two army officers, who had been arrested in December 1982 on suspicion of organizing an attempted coup and held at the army barracks of Fort Zeelandia in Paramaribo. One of the accused, former President Lieutenant Colonel Désiré (Desi) Delano Bouterse, announced on television at the time that the fifteen detainees had been killed while trying to escape. Reports indicate that the victims showed signs of torture. The victims included journalists, lawyers, university lecturers, businessmen, and a trade union leader. The trial, which started in November 2007, was held before a military court instead of an ordinary civilian court, despite the fact that all ordinary offences committed by military personnel, including human rights violations and crimes under international law, should be tried in civilian courts, according to ordinary criminal procedures. The charges against the accused did not include the crime of torture. During the hearings in July and August 2008, the defense challenged the impartiality of two judges, arguing a conflict of interest. In November and December 2008, the court dismissed this objection. [Source: Amnesty International, *Report 2009* (London 2009) 310.]

SWEDEN

Last *Annual Report* entry: 1998.

See Rwanda.

SWITZERLAND

Last *Annual Report* entry: 2008.

On 21 October 2008, the District Court of Winterthur imposed a fine on three Turks, Ali Mercan, Hasan Kemali, Ethem Kayali, for denial of the 1915–1917 Armenian genocide. On 30 June 2007, they were present at a Turkish nationalist meeting organized by Doğu Perinçek (see NCH *Annual Report 2008*) and declared there that the massacre of the Armenians was not a genocide, but an international lie orchestrated by France, the United Kingdom and “Russian tsarists”.

[Source: National Academy of Sciences of the Republic of Armenia (Armenian Genocide Museum-Institute) “Swiss court fines three Turks for Armenian Genocide denial” (WWW-text; 23 October 2008).]

See also Rwanda.

SYRIA

Last *Annual Report* entry: 2008.

The fate of some 17,000 people, mostly Islamists who were victims of enforced disappearance in the late 1970s and early 1980s, and hundreds of Lebanese and Palestinians who were detained in Syria or abducted from Lebanon by Syrian forces or Lebanese and Palestinian militias, remained unknown. In August 2008, the Lebanese and Syrian Presidents issued a joint statement pledging to examine the fate of people who disappeared in their countries.

[Source: Amnesty International, *Report 2009* (London 2009) 316.]

In April 2009, the Ministry of Culture confiscated the book “Syria in the Russian Flights During the Nineteenth Century” [sic] (General Syrian Book Organization, April 2009), after massive protests alleging that it tarnished the image of Syria and its citizens. The book dealt with impressions of Russian citizens who had visited Syria or had resided there in the mid-nineteenth century, including doctors, diplomats, travelers, poets, historians, and archaeologists. The book’s two translators stated that they had not deleted some offensive passages because this would amount to misleading and to embellishment of the text. The manager of the General Syrian Book Organization apologized for the publication of the book in the *al-Watan* newspaper; he blamed his predecessors for the decision to publish.

[Source: *Ifex Alert* (Arabic Network for Human Rights Information, 26 May 2009).]

See also Lebanon.

TAIWAN

Last *Annual Report* entry: 2008.

In November 2008, the legislature passed a resolution calling on the Japanese government to apologize and issue reparations to the survivors of Japan's military sexual slavery system during World War II.

[Source: Amnesty International, *Report 2009* (London 2009) 318.]

See also Japan.

THAILAND

Last *Annual Report* entry: 2008.

In January 2008, an independent committee found no evidence linking any government official to extrajudicial executions during former Prime Minister Thaksin's "war on drugs" in 2003. This was despite its objective to identify people who might be brought to justice for such killings, and its findings that Thaksin's shoot-to-kill orders were widely implemented and that the interior ministry was ordered to issue a blacklist. According to the report, of 2,819 people killed between February and April 2003—54 in shoot-outs with the police—only 1,370 were related to the drugs trade.

[Source: Amnesty International, *Report 2009* (London 2009) 322.]

On 15 June 1962, the International Court of Justice ruled that the Temple of Preah Vihear area, occupied by Thailand since 1954, was situated on territory under Cambodia's sovereignty since the 1904–1908 boundary settlement between France (at that time conducting Cambodia's foreign relations) and Thailand. It instructed Thailand to withdraw and to restore to Cambodia any sculptures and other works of art removed from the temple. When on 7 July 2008 UNESCO recognized the site as heritage of humanity, tensions between the two countries flared up. In November 2008, Cambodia and Thailand agreed to determine the border on the basis of a French map from 1907. The temple site, constructed between the ninth and eleventh centuries and dedicated to Hindu deity Shiva, had been a royal Khmer site linked to Angkor Vat.

[Sources: Amnesty International (Amnesty International), *Report* (London) 2009: 95; *Le Figaro*, 18 July 2008: 7; International Court of Justice, *Case Summaries: Case Concerning the Temple of Preah*

Vihear (Merits)—Judgment of 15 June 1952 (WWW-text; The Hague); *Keesings historisch archief* (2009) 46; S. Rosenne, *The World Court: What It Is and How It Works* (Dordrecht/Boston/London 1995) 198–199.]

The offices of some Network for Human Rights Documentation–Burma (ND–Burma) members in Thailand were raided by the authorities and documents were removed. The network—comprising ten independent, community-based organizations—collected data on human rights violations committed in Burma under military rule to create an accurate historical record.

[Source: L. Bickford, P. Karam, H. Mneimneh & P. Pierce, *Documenting Truth* (New York 2009) 9, 31.]

TIMOR-LESTE

Last *Annual Report* entry: 2008.

In July 2008, the Commission of Truth and Friendship (CTF) report into the 1999 violence was officially submitted to the governments of Timor-Leste and Indonesia. The report concluded that crimes against humanity occurred in Timor-Leste in 1999 (during and after a United Nations [UN]-sponsored referendum on independence, militias backed by the Indonesian army killed hundreds of Timorese and destroyed much of Timor-Leste's physical infrastructure) and attributed institutional responsibility to the Indonesian military, police, and government. UN Secretary-General Ban Ki-moon urged the leaders of Indonesia and Timor-Leste to follow up the release of the report with initiatives to “ensure full accountability” and “end impunity”. The leaders, however, rejected calls to bring individuals to account but formally accepted the findings of the report, emphasizing their determination to “bring closure to a chapter of our recent past”. Concerns about impunity led the UN to boycott CTF investigations and instead resume prosecutions through the Serious Crime Unit, set up in conjunction with Timor-Leste prosecutors. By the end of 2008, twenty cases had been submitted. The UN estimated that it could take three years to complete investigations into nearly 400 cases.

Those responsible for perpetrating human rights violations at the time of the independence referendum in 1999 and during violence in April/May 2006 continued to enjoy impunity. In May 2008, President José-Manuel Ramos Horta issued a decree granting full and partial pardons to 94 prisoners. As a result, at least twenty prisoners were released, including former Interior Minister Rogerio Lobato, who had played an instrumental role in the 2006 crisis (when fighting between

soldiers and police triggered wider violence in which at least 37 people were killed). Nine prisoners serving sentences for committing crimes against humanity in 1999 also received commuted sentences with four released in June 2008. In September 2008, a petition against the president's decision to pardon the criminals was rejected by the court of appeal. Timorese politicians and human rights activists backing the petition felt that the decision "strengthens impunity, weakens the people's faith in the justice system and undermines the rule of law". In July 2008, Horta unveiled new draft legislation addressing the 2006 crisis. If passed by parliament, the law would provide a wide-ranging amnesty for perpetrators: even individuals responsible for murder and other serious crimes would be able to immunize themselves from prosecution by issuing an apology.

[Sources: Amnesty International, *Report 2009* (London 2009) 323, 324; Human Rights Watch, *World Report 2009* (Washington 2009) 321–324.]

See also Indonesia.

TOGO

Last *Annual Report* entry: 2008.

In September 2008, the representative of the United Nations High Commissioner for Human Rights submitted the final report on national consultations for a future Truth and Reconciliation Commission (TRC) to President Faure Gnassingbé. The consultations helped to gather the views of Togolese people on the nature and mandate of the TRC, established to shed light on political violence in Togo. The report called on the authorities to take appropriate steps to ensure the safety of witnesses, victims, and alleged perpetrators.

[Source: Amnesty International, *Report 2009* (London 2009) 325.]

TUNISIA

Last *Annual Report* entry: 2001.

TURKEY

Last *Annual Report* entry: 2008.

In 2008, the trial continued of nineteen people accused of the January 2007 murder of Turkish-Armenian journalist and human rights defender Hrant Dink. Reports by the Parliamentary Human Rights Investigative Commission in July 2008, and by the Prime Ministry Inspectorate in November 2008 pointed to failures by state authorities to act on intelligence reports about plans to murder Dink, and supported the Dink family lawyers' demand for criminal investigation of the Trabzon and Istanbul police. (See NCH *Annual Reports 2006, 2007, 2008.*)

[Sources: Amnesty International, *Report 2009* (London 2009) 332; Human Rights Watch, *World Report 2009* (Washington 2009) 420.]

After protests from the Hrant Dink Foundation, the Ministry of Education stopped distribution of a DVD containing a one-sided depiction of the Armenian genocide of 1915–1917.

[Source: *NRC Handelsblad* (4–5 April 2009) 5.]

Traditional Newroz/Nevruz festivals after the 21 March equinox, which are celebrated especially by the Kurdish community, were refused authorization in south-eastern Turkey. Television footage showed law enforcement officials beating people after demonstrations went ahead without permission.

[Source: Amnesty International, *Report 2009* (London 2009) 331.]

In early October 2008, the Education Ministry's Board of Education and Discipline removed passages about the military coups of March 1971, September 1980, and February 1997, and about the Gulf War (1990–1991) from official history textbooks for the year-eight course *History of the Turkish Republic and Kemalism* because they reportedly "introduced matters contradictory to the democratic character of the republic and hampered consolidation of Turkish democracy".

[Source: *Turkish Daily News* (4 October 2008).]

In December 2008, three scholars, **Cengiz Aktar**, a professor of European Studies at the University of Bahcesehir, Istanbul, **Ahmet Insel**, and **Baskin Oran**, and a journalist, **Ali Bayramoglu**, issued a public apology on the Internet for the Armenian genocide in the following terms: "My conscience does not accept the insensitivity shown to and the denial of the Great Catastrophe that the Ottoman Armenians were subjected to in 1915. I reject this injustice and for my share, I empathize with the

feelings and pain of my Armenian brothers and sisters. I apologize to them". The letter triggered a furious response from ultranationalists, who labeled it a "betrayal" and an "insult to the Turkish nation". In late January 2009, the campaign had attracted over 28,000 signatures. Four Ankara residents had demanded the trial of the signatories, but the Chief Public Prosecutor's Office declined to prosecute them.

[Sources: Bianet, *Ifex Alert* (28 January 2008); *Keesings historisch archief* (2009) 9, 210; R. Tait, "Writers Risk Backlash with Apology for Armenian Genocide", *Guardian* (8 December 2008).]

In [March] 2009, several men assaulted and harassed author **Latife Tekin** when she questioned the expropriation of land and the improper acquisition of the archaeological site of Mydos during a panel discussion in Bodrum, Mugla. The Aegean Environment and Culture Foundation (EGEÇEP) condemned the attack and alleged that men who harassed Tekin worked for the businessman who bought the land from the villagers.

[Source: Bianet, *Ifex Alert* (1 April 2009).]

On 5 May 2009, the trial began against **Nedim Gürsel** on charges of "incitement to hatred" and "humiliating the religious values of part of the population" for his novel *Daughters of Allah*. On 25 June 2009, Gürsel was acquitted. The court had concluded that the novel did not incite hostility and violence, inter alia because it was set in the past, spanning the Prophet Muhammed's lifetime to World War I, so that it could not be seen as an imminent danger to peace.

[Source: International PEN, *Ifex Alert* (14 July 2009).]

In June 2009, **Nedim Sener**, a reporter for the daily *Milliyet* who wrote *The Dink Murder and Intelligence Lies*, a book about the murder of journalist Hrant Dink, faced up to 28 years' imprisonment after police officers filed complaints against him under the Anti-Terrorism Law. The book dealt with the gendarmerie, police, and national intelligence officers who were accused both of having prior knowledge of the murder plans and of preventing the solution of the case with misleading evidence and fake documents.

[Source: Bianet, *Ifex Alert* (9 June 2009).]

In 2009, an armed group, the so-called "People's Defence Forces" (Hezen Parastina Gel, or HPG, in Kurdish), related to the PKK (Kurdistan Workers' Party), openly threatened sociologist and political scientist **Ismail Beşikçi** (1939–) on their website. (See also NCH *Annual Report 2002*.) A group of intellectuals and academics condemned this, saying that Beşikçi (author of several works on Kurdish history) was "a respectable intellectual who used insight, courage, and determination to oppose the

Turkish Republic's official ideology, official history and official truths, all of which ignored, denied and denigrated the Kurdish people".

[Source: IPS Communication Foundation (Bianet), *Ifex Alert* (26 February 2009).]

See also Switzerland, United States.

TURKMENISTAN

Last *Annual Report* entry: 2004.

On 1 September 2008, mandatory university courses on the *Holy Rukhnama*, the philosophical book written by the previous president Saparmurad Niyazov, were discontinued. Plans for the book to be taught together with courses on history, political science, and economics, were implemented.

[Source: *Index on Censorship*, 4/08: 190–191.]

UGANDA

Last *Annual Report* entry: 2008.

In February 2008, the government and the Lord's Resistance Army (LRA) signed an Annex to the June 2007 Agreement on Accountability and Reconciliation. By the end of 2008 hopes of a final settlement had faded in the face of the repeated failure of LRA leader Joseph Kony to show up to sign the final peace agreement. Meanwhile, LRA forces continued to commit abuses against civilians outside Uganda. The parties agreed, however, to create a special division of the Ugandan High Court to try serious crimes committed during the conflict (1986–2006) and to broader accountability measures such as a truth commission, reparations, and traditional justice practices. In May 2008, judges were appointed to the special division. As the International Criminal Court (ICC)'s statute permitted national trials of its cases where certain requirements are satisfied, LRA leaders for whom ICC arrest warrants were issued could potentially be prosecuted by the special division, although only if the ICC judges determine that the national trials provide an adequate alternative.

In the meantime, warrants issued by the ICC for LRA leaders in 2005 remained outstanding. No major players—including the United States, the United Kingdom, the European Union, and the United Nations—took steps to ensure the apprehension of the suspects, although the European Parliament adopted a resolution calling on European Union and African Union member states and regional countries to help implement the warrants. The mandate of the Special Envoy of the United Nations secretary-general for the LRA-affected areas, Joaquim Chissano, was renewed for 2008. Throughout his tenure, he generally failed to stress the importance of justice for past crimes as a basis for any durable peace. After his June 2008 briefing, United Nations Security Council members could not agree on a position concerning the ICC. Meanwhile, the LRA attacked civilians in the Democratic Republic of Congo, the Central African Republic, and Southern Sudan.

[Sources: Amnesty International, *Report 2009* (London 2009) 335; Human Rights Watch, *World Report 2009* (Washington 2009) 130, 132, 135.]

UKRAINE

Last *Annual Report* entry: 1996.

On 15 September 2008, President Victor Yushchenko had a meeting with Minister of Education and Science Ivan Vakarchuk to discuss history teaching and the “objectivity of interpretation of certain

historical facts in the textbooks”. Among the issues were Kiev’s ancestry as compared to Novgorod’s ancestry and the Holodomor (the famine that as a result of Stalin’s farm collectivization program killed millions of people in 1932–1933). According to Ukrainian researcher Karina Korostelina, the doctrine was called “scientific nationalism”. On 23 October 2008, the European Parliament labeled the Holodomor a crime against humanity and called on all of the former Soviet countries to open up their archives on the Holodomor.

[Sources: European Parliament, “Resolution on the Commemoration of the Holodomor, the Ukraine Artificial Famine (1932–1933)” (23 October 2008); *Kyiv Post* (30 March 2009).]

See also Russia.

UNITED KINGDOM

Last *Annual Report* entry: 2008.

In April 2008, astronomer Nicholas Kollerstrom was stripped of his honorary post at University College London’s Department of Science and Technology Studies (1997–2008), after his Holocaust denial and anti-Semitic views on 9/11 were uncovered by bloggers. In October 2008, a European Arrest Warrant was issued in the United Kingdom to detain the Australian Frederick Toben and extradite him to Germany because he denied the Holocaust on an Australian website.

[Sources: Index on Censorship, “Debate: The Kollerstrom Question” (28 April 2008); Index on Censorship, “Extradition Will Make Dr. Toben a Martyr”. (28 April 2008);

In July 2008, the United Nations Human Rights Committee expressed concern that “a considerable time after murders (including those of human rights defenders) in Northern Ireland have occurred, several inquiries into these murders have still not been established or concluded, and that those responsible for these deaths have not yet been prosecuted”.

[Source: Amnesty International, *Report 2009* (London 2009) 341, 344.]

See also Russia, Rwanda, Uganda, Vatican.

UNITED STATES

Last *Annual Report* entry: 2008.

In January 2009, **William Robinson** ([1959]–), a Jewish sociologist at the University of California at Santa Barbara, sent the eighty students in his sociology of globalization class an e-mail (entitled “parallel images of Nazis and Israelis”) in which he compared more than a dozen graphic images of Jews in the Holocaust to pictures of Palestinians caught up in Israel’s recent Gaza offensive along with a statement in which he described Israel’s policies in Gaza as a “slow-motion genocide”. The complaints of two Jewish students who dropped the class, saying they felt intimidated by the e-mail, triggered a campus investigation and drew accusations of anti-Semitism from the Wiesenthal Center and the Anti-Defamation League, even when many students and faculty members voiced support for him. Robinson called the accusations and the campus investigation an attack on academic freedom; he said that the accusers confused his criticism of Israeli policies with anti-Semitism. Cleared of improper conduct on 25 June 2009, Robinson wanted a campus apology and an investigation into the action taken against him.

[Sources: *Angeles Times* (WWW-text; 30 April & 25 June 2009); *Inside Higher Ed* (WWW-text; 12 & 29 May 2009).]

On 17 February 2009, the 100th anniversary of **Goyathlay (Geronimo; 1829–1909)**—a leader of the Chiricahua Apache who fought against Mexican and American expansion into Apache tribal lands—his grandson, Harlyn Geronimo, sued the secret society *Skulls and Bones* to return Geronimo’s remains. In 1918, society members had allegedly invaded Geronimo’s grave at Fort Sill and stolen his skull, some bones and other items buried with him. Geronimo declared: “According to our traditions the remains of this sort, especially in this state when the grave was desecrated, need to be reburied with the proper rituals to return the dignity and let his spirits rest in peace”.

[Source: *Fox News* (WWW-text; 17 February 2009).]

On 26 February 2009, Secretary of Defense Robert Gates (Obama administration) lifted the blanket ban on news media coverage of the return of fallen soldiers. (*See NCH Annual Reports 2005, 2006.*)

[Source: National Security Archive, *Update* (26 February 2009).]

On 2 March 2009, federal authorities confirmed that 92 videotapes detailing the interrogation of detainees (including the use of illegal interrogation techniques) at secret prisons were destroyed in 2005 and 2006 by the Central Intelligence Agency (CIA). The order was reportedly given by the

former head of CIA clandestine operations, José A. Rodríguez Jr.

[Sources: Ifex, *Alert* (10 March 2009); *Keesings historisch archief* (2009) 223.]

In April 2009, **Guenter Lewy** (1923–), a Jewish exile from Germany since 1939 and a professor emeritus of political science at the University of Massachusetts, Amherst, who disputed the genocidal character of the 1915 Armenian massacres in his 2005 book *The Armenian Massacres in Ottoman Turkey: A Disputed Genocide*, sued the Southern Poverty Law Center (a group known for its studies of hate groups) for defamation. Two quotes from an article by **David Holthouse**, associate director of the center's quarterly magazine *Intelligence Report*, entitled "State of Denial: Turkey Entices U.S. Scholars, Law Makers to Cover Up Armenian Genocide" (Summer 2008), were cited as defamatory: "Lewy is one of the most active members of a network of American scholars...financed by hundreds of thousands of dollars each year from the government of Turkey, who promote the denial of the Armenian genocide". and "Lewy makes similar revisionist claims in his...book...and in frequent lectures...Revisionist historians who conjure doubt about the Armenian genocide and are paid by the Turkish government provided politicians with the intellectual cover they needed to claim they were refusing to dictate history rather than caving in to a foreign government's present-day interests". Backed by the Turkish American Legal Defense Fund, Lewy sought eight millions in damages because the accusations hurt his "scholarly credibility", falsely imputed academic corruption, fraud and deceit, and caused the loss of book sales and of speaking engagements. In November 2005, Lewy had been invited by Gazi University in Ankara, Turkey, to present a paper at an International Symposium on the "Development of Turkish-Armenian Relations and the Events of 1915". After attending, he had concluded that the conference was a political rally rather than a scholarly enterprise and had withdrawn his paper from publication. In 2007, Lewy also declared that his book had been rejected by eleven publishers, including four university presses, before the University of Utah Press published it.

[Sources: S. Jaschik, "Going after a Scholar's Critic", *Inside Higher Ed* (WWW-text; 4 May 2009); United States District Court, District of Columbia, *Guenter Lewy versus Southern Poverty Law Center and David Holthouse: Complaint* (2009).]

In April 2009, Clark University, Worcester, MA, canceled a campus talk by **Norman Finkelstein** (see NCH *Annual Reports 2007, 2008*) scheduled for 21 April. Its president, John Bassett, declared that his presence "would invite controversy and not dialogue or understanding", and would conflict with a Holocaust conference scheduled for 23–26 April 2009.

[Source: *Boston Globe* (10 April 2009).]

See also Azerbaijan, Bolivia, Colombia, Greece, Indonesia, Korea (South), Liberia, Palestinian Authority, Russia, Uganda.

URUGUAY

Last *Annual Report* entry: 2008.

The 1986 Expiry Law remained in force. This law granted members of the security forces immunity from prosecution for crimes committed during the military government (1973–1985). However, the government excluded some cases previously covered by the law, allowing investigations to progress. Scores of former military officers were called to testify in the case against the former head of military government General Gregorio Álvarez (1981–1985) and Juan Larcebeau, a retired naval officer. Both men were accused of being co-authors of the enforced disappearances of more than thirty people. In October 2008, the Appeal Court changed the charge from enforced disappearances to “aggravated homicide”. The investigation continued into the 1976 abduction and enforced disappearance of 22 people returned to Uruguay from Argentina in a Uruguayan Air Force flight. The investigation into the enforced disappearance of Maria Claudia Garcia de Gelman, initially closed under the Expiry Law, was reopened in August 2008. The move was prompted by a petition from her daughter, María Macarena, based on new evidence that she was on the 1976 Uruguayan Air Force flight. María Macarena was born in detention and raised in another family, unaware of her true identity. Italy continued its efforts to prosecute Uruguayan military officers accused of abducting and torturing Uruguayan-Italian citizens in the context of Operation Condor, a joint plan by Southern Cone military governments in the 1970s and 1980s to eliminate opponents.

[Source: Amnesty International, *Report 2009* (London 2009) 349–350.]

In 2008, several journalists were cleared of libel charges brought by former military officers named in their reports. In February 2008, a retired army major filed a suit against **Roger Rodríguez** of the newspaper *La República* for defamation and slander. The suit related to articles linking the retired major to the death of student Santiago Rodriguez Muela, who was shot dead in 1972 during an attack on a meeting of students, professors, and parents at the Liceo No 8 school in the capital, Montevideo. In April the court dismissed the case, but an appeal was pending at the end of 2008.

[Source: Amnesty International, *Report 2009* (London 2009) 350.]

UZBEKISTAN

Last *Annual Report* entry: 2008.

In 2008, the government continued to reject numerous calls for an independent international inquiry into the May 2005 Andijan massacre, when government forces killed hundreds of protestors, most of them unarmed. The circumstances surrounding the massacre have not been clarified, and those responsible for the killings have not been held accountable. The government continued to persecute anyone whom it deemed to have any connection to or information about the events. Refugees, who fled Uzbekistan in the immediate aftermath of the massacre and later returned, as well as their families, were a particular target of government pressure. They were subjected to interrogations, constant surveillance, ostracism, and in some cases overt threats to their lives, which triggered a new wave of refugees. Refugees in neighboring countries feared for their security because Uzbek security forces operated in some areas across the border, such as Osh, Kyrgyzstan. International pressure on the Uzbek government declined with the suspension and subsequent partial lifting of European Union sanctions.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 390, 435, 438.]

In August 2008, historian X [confidential name] (1970–), a deputy head and senior fellow at the Department of Central Asian and Middle East Studies at the Beruni Institute for Oriental Studies of the Academy of Sciences of Uzbekistan, Tashkent, and a senior lecturer in history, development policies, and religion studies at the Tashkent State Institute of Oriental Studies was harassed during interrogations by the Uzbek security service as a result of some of his research topics (notably ethnopolitics and democratization in Central Asia), his association with foreign scholars, and his visits to foreign universities (which were controversial after the European Union imposed sanctions on Uzbekistan following the May 2005 massacre in Andijan). On one occasion, he was forced to write a statement in which he “admitted” that his passport was false; it was confiscated for one month. X, who had a Ph.D in history from the Beruni Institute and a MA in political science from the Organization for Security and Cooperation in Europe Academy in Bishkek, Kyrgyzstan, authored articles focusing on the Bukhara emirate in the eighteenth and nineteenth centuries, the history of (West) Turkestan between 1919 and 1924, the relationship between Islam and democracy, and peace and stability in Central Asia.

[Source: Scholars at Risk, *Case Uzbekistan 521* (New York 2008).]

VATICAN

Last *Annual Report* entry: 2004.

In January 2009, it was revealed that British-born Bishop Richard Williamson (1940–), a member of the traditionalist Society of St Pius X (SSPX) whose excommunication was lifted that month, had denied the Holocaust in a November 2008 interview. As a result, Williamson was removed from his post as the head of a seminary in Argentina in early February 2009. On 12 February 2009, Pope Benedict XVI told American Jewish leaders that any denial of the Holocaust was “intolerable”, especially if it came from a clergyman. Expelled from Argentina, Williamson returned to the United Kingdom. On 27 February 2009, Williamson apologized for the offence he had caused by his Holocaust denial.

[Sources: *BBC News* (12 & 27 February 2009); *Keesings historisch archief* (2009) 210–211.]

VENEZUELA

Last *Annual Report* entry: 2006.

In 2008, President Hugo Chávez declared that Simón Bolívar (1783–1830), the leader who liberated Venezuela, Colombia, Ecuador, Peru, and Bolivia from Spanish rule in the 1810s and 1820s, was assassinated by foreign enemies (including United States President Andrew Jackson, Spanish King Fernando VII, and the English court) instead of having died of tuberculosis. He established a commission that would investigate Bolívar’s death. Venezuelan historians, including the specialist in the history of Bolívar, **Elías Pino**, and **Inés Quintero**, secretary of the Academia Nacional de Historia, however, rejected the President’s hypothesis as fantasy. In 1963, a commission of experts of the Sociedad Venezolana de Historia de la Medicina (Venezuelan Society of the History of Medicine) and of the Academia had already come to the same conclusion.

[Source: M. Rico, “La reinención de la agonía y muerte de Bolívar”, *El País* (21 December 2008).]

VIETNAM

Last *Annual Report* entry: 2006.

On 10 September 2008, **Ngô Quỳnh** (?1984–), student and dissident writer, author of online dissenting articles, including “Viet Nam Needs To Compile a New History-book” and “Journey to Lang Son’s Dairy” (published on overseas websites), was arrested in Hanoi as he was on his way to the parish of Thai Ha, where a mass rally by Catholics protesting against government policy was taking place. He was detained at a labor camp in Ha Dong province. Indicted on 3 July 2009, he and five other peaceful democracy activists were charged with conducting anti-government propaganda, which carried a sentence of up to twelve years’ imprisonment.

[Sources: Human Rights Watch, *Ifex Alert* (20 August 2009); International PEN, *Half-Yearly Caselist To 31 December 2008* (London 2009) 63; International PEN, *Rapid Action Network 47/08* (23 September 2008).]

On 25 August 2009, reporter **Huy Duc** was dismissed from the governmental daily *Sai Gon Tiep Thi* for posting criticism of the USSR on his personal blog on 23 August 2009. In the offending entry (<http://www.blogosin.org>), he had referred to the Berlin Wall as a “Wall of Shame”, condemned the USSR’s “purges” in East Germany, and called the USSR “an occupation force...that deprived people of their basic rights”.

[Source: Reporters without Borders, “Newspaper Dismisses Reporter over Blog Entry Critical of Soviet Union” (31 August 2009).]

On 28 August 2009, journalist **Pham Doan Trang**, editor of *Tuan Vietnam*, an online weekly that is a component of Vietnamnet, Vietnam’s most popular news website, was arrested. On 27 July 2009, she wrote an article in which she had criticized China’s role during the partition of Vietnam in 1954. In the past, she had condemned China’s territorial claims in the South China Sea.

[Source: Reporters without Borders, *Ifex Alert* (2 September 2009).]

YEMEN

Last *Annual Report* entry: 2003.

ZAMBIA

Last *Annual Report* entry: –.

In 2008, it was reported that access to public archives, including public records, was restricted by chapter 175 of the National Archives Act and allowed only at the archive director's discretion.

[Source: Article 19, *Speaking Out for Free Expression* (WWW-text; 2008).]

ZIMBABWE

Last *Annual Report* entry: 2008.

Zimbabwe's long history of impunity for politically motivated crimes worsened the political crisis. In 2008, those who committed past abuses remained free to carry out further violence and other crimes. Since 2000, the government had led an onslaught on the judiciary that included physical and verbal attacks against judges and bribes intended to compromise the impartiality and undermine the work of the judiciary.

[Source: Human Rights Watch, *World Report 2009* (Washington 2009) 142.]

See also Ethiopia.