

INTRODUCTION

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

AFGHANISTAN

Little action was taken to bring to justice perpetrators of serious abuses in the past. Many of those holding central and regional government posts were allegedly responsible for human rights violations committed during the armed conflict (1978-2003). In February 2003, the United Nations Special Rapporteur on Extrajudicial Executions proposed the establishment of an international commission of inquiry into abuses in Afghanistan since 1978, a proposal supported by the Afghan Independent Human Rights Commission (AIHRC; formed in June 2002). However, the proposal was opposed by a majority of governments, and the United Nations Commission on Human Rights then failed to endorse the proposal. Despite this setback, the AIHRC continued their efforts to map past abuses. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 146.]

ALGERIA

No full, independent and impartial investigations were carried out into crimes against humanity committed by security forces, state-armed militias or armed groups since 1992. The crimes included thousands of cases of extrajudicial execution, deliberate and arbitrary killings of civilians, torture and

ill-treatment and “disappearances”, most of which occurred between 1994 and 1998. The authorities continued to deny that state agents had been responsible for a pattern of “disappearances”. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 273-74.]

ARGENTINA

In May 2003, two judges of the Federal Court in La Plata declared that crimes against humanity are not subject to any statute of limitations. The judges revoked the dismissal of the case against a former police officer accused of destroying information from the morgue of the Buenos Aires Police Headquarters about the causes of death of people who had “disappeared”. The judges stated that crimes that occurred during military rule (1976-83) linked to crimes against humanity can be investigated and punished. In July, President Néstor Kirchner repealed Decree 1581/01 which prohibited the extradition of individuals allegedly involved in human rights violations in 1976-83. In August 2003, the Senate declared the 1986 Full Stop and 1987 Due Obedience Laws null and void. These laws had blocked the investigation of thousands of cases of human rights abuses committed in 1976-83. In October, the Supreme Court referred the issue of the constitutionality of these laws to the Appeal Court. A ruling was pending at the end of 2003. In December, a German prosecutor issued an international arrest warrant for former Argentine President Jorge Videla, who was accused of involvement in the killing of two German citizens in 1976 and 1977 respectively. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 14, 94-95, 97-98, 128.]

BAHRAIN

More than 30,000 people were reported to have petitioned King Hamd bin Issa Al Khalifa in May 2003 to repeal Decree No. 56 of October 2002. The decree effectively granted impunity to anyone who had committed human rights violations before February 2001. The petition also called on past allegations of torture to be investigated and for victims to be compensated.

[Source: AI, *Report 2004* (2004) 276.]

BANGLADESH

On 12 January 2004, a bomb blast killed at least two people and injured about thirty, while thousands

of devotees were chanting Quran verses and singing Islamic songs during a festival at the 700-year old shrine of Muslim saint Hazrat Shah Jalal (d. 1346) in Sylhet. According to legend, the saint, who came from Yemen to preach Islam, transformed the evil followers of the local king into fish. In an incident at the shrine in December 2003, 500 fish were poisoned in a pond.

[Source: “Bangladesh Shrine Bomb Kills Two”, *BBC News* (12 January 2004.)]

On 27 February 2004, Humayun Azad (?1947-), leading writer and lecturer at Dhaka University, was stabbed by unidentified assailants. He went into a coma. The attack was reportedly connected to death threats he received following the publication of *Pak Sar Zamin Saad Baad* (the first line of the Pakistani national anthem), his novel about religious groups in Bangladesh who collaborated with the Pakistani army during the 1971 independence war. In December 2003, a group had called for his arrest. In January 2004, a member of Jamaat e Islami had demanded in parliament the introduction of a blasphemy law to ban such publications. (See NCH #35.)

[Sources: AI, *Public Statement* (4 March 2004); PEN, *Rapid Action Network 7/04* (8 March 2004)].

See also Pakistan.

BELGIUM

Legislation enacted in 1993 and amended in 1999 made provision for Belgian courts to exercise universal jurisdiction over genocide, crimes against humanity, and war crimes in international and internal conflicts, wherever the crimes were committed and whatever the nationality of the accused and the victims. Those facing charges included past and present heads of state. Amendments to the law were made in April and July 2003 and approved by parliament in August; they limited the law to cases directly connected with Belgium through the accused or victims. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 71-72, 209-10.]

See also Chad.

BOSNIA HERZEGOVINA

Impunity for human rights violations remained endemic. Thousands of “disappearances” which occurred during the 1992-95 war remained unresolved. In March 2003, the Human Rights Chamber reached a decision in the case of 49 relatives of the “disappeared” from the former “protected area”

of Srebrenica who had brought an application against the authorities of the Republika Srpska (RS; a semi-autonomous entity in Bosnia-Herzegovina). The Chamber expressly recognized the continuing pain of the relatives of the “disappeared” and concluded that the RS had done almost nothing to relieve their agony. It held that this inaction by the RS authorities amounted to a violation of the relatives’ fundamental human rights and ordered the RS to disclose all information relevant to establishing the fate and whereabouts of the “disappeared” without further delay. The RS was instructed to conduct a full and thorough investigation into the human rights violations at Srebrenica, to bring those responsible to justice and to pay two million euros in compensation for the collective benefit of all applicants and families of Srebrenica victims. Subsequently, the Chamber refused to consider over 1,800 further applications filed by other Srebrenica relatives, as it was decided that the March ruling would apply to all victims collectively. In September, the RS authorities sent a reply to the Chamber which proposed, inter alia, the establishment of an independent commission of inquiry into the events which took place in and around Srebrenica between 10 and 19 July 1995. (See NCH #27.)

[Source: AI, *Report 2004* (2004) 211.]

In June 2003, the Peace Implementation Council (PIC; an intergovernmental body responsible for monitoring the implementation of the 1995 Dayton Peace Agreement) endorsed a proposal by the Office of the High Representative (nominated by PIC’s Steering Board) to abolish the Human Rights Chamber and to establish a special chamber for war crimes in the new State Court, to be operational from 2004. It was envisaged that the War Crimes Chamber would include international judges and prosecutors for a period of three to five years, after which it would be entirely staffed by local officials. The proposal did not take into account the regional nature of the war and the fact that many perpetrators, as well as material evidence relating to these crimes, remained in neighboring states, beyond the reach of the Bosnian criminal justice system.

[Source: AI, *Report 2004* (2004) 210-11.]

The International Criminal Tribunal for the former Yugoslavia (ICTY) continued to try alleged perpetrators of serious human rights violations, including Slobodan Milosevic, former president of the Federal Republic of Yugoslavia (Serbia and Montenegro). (See NCH #32.)

[Source: AI, *Report 2004* (2004) 211.]

See also Croatia, Serbia and Montenegro.

BRAZIL

See Paraguay.

BURKINA FASO

No progress was reported in the judicial investigation commission promised in early 2002, after the human rights organization Burkanibè Movement for Human and Peoples' Rights reported that 106 bodies had been found between October 2001 and January 2002. The organization alleged that the victims had been executed by security forces during an operation launched in October 2001.

[Source: AI, *Report 2004* (2004) 33.]

CAMBODIA

In 2003, the United Nations (UN) resumed negotiations with the Cambodian government on the establishment of a criminal tribunal to bring to justice suspected perpetrators of gross human rights violations during Khmer Rouge rule (1975-79). A revised draft agreement, endorsed by the UN General Assembly in May but not yet formally ratified by the Cambodian legislature, provided for the establishment of Extraordinary Chambers in Cambodian courts with international assistance. Amnesty International commented that serious flaws remained which threatened the integrity of the legal process and set a dangerous precedent for other future international or mixed tribunals. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 152.]

CHAD

In 2003, Belgian and Chadian courts continued judicial investigations into human rights violations including "crimes of torture, murder and enforced disappearance" allegedly committed by former President Hissene Habré and others (1982-90). A case against Habré (who lived in Senegal) proceeded in Belgium despite restrictions to the law on universal jurisdiction. Reportedly, related investigations in Chad did not result in charges against Habré. In 2001, Senegalese President Abdoulaye Wade had announced his readiness to hand over Habré to stand trial in a third country for gross human rights violations (See NCH #32.)

[Source: AI, *Report 2004* (2004) 40, 73.]

See also Belgium.

CHILE

In June 2003, the trial began of five former members of the armed forces charged with illegally exhuming the remains of fourteen people who had been taken from La Moneda presidential palace following the military coup of 11 September 1973. The remains were reportedly removed from a grave in the north of the Metropolitan Region in December 1978 and dumped in the sea. It was the first time that the crime of unlawful exhumation was prosecuted in Chile.

[Source: AI, *Report 2004* (2004) 106.]

In August 2003, President Ricardo Lagos announced plans for dealing with the legacy of human rights violations committed during the military government (1973-90). The proposals included possible immunity from prosecution for people currently not charged or on trial who present themselves before courts to supply information on the whereabouts of victims or the circumstances of their “disappearance” or death; possible immunity from prosecution for military personnel arguing they were acting under orders; the transfer to civil courts of all cases of human rights violations committed in 1973-90 currently under trial in military courts; and the establishment of a committee to examine cases of torture. The plans did not include the annulment of Decree Law 2191 of 1978, known as the Amnesty Law, which has obstructed the attainment of truth, justice, and full reparations for victims, but instead proposed that courts continue to decide on the Amnesty Law’s application. In October, three draft bills based on the proposals were submitted to Congress. Human rights organizations, victims and relatives rejected the plans, arguing that they would fail to bring a complete end to impunity. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 106.]

CHINA

In February 1998, Tohti Tunyaz (pen name: Tohti Muzart) (1959-), an Uighur historian and writer, was arrested in Urumqi, Xinjiang, when returning to China to visit his relatives, collect source materials, and do research. Tohti was born in Kashgar and graduated from the Central Institute of Nationalities history department, Beijing (1984). He was later assigned to work for the China National Standing Committee, and he was studying for a Ph.D. in Uighur history and ethnic relations in nineteenth- and

twentieth-century China at Tokyo University Graduate School of Humanities, Japan (1994-). His works on Uighur history included one book published in China and several papers published in Japan. In November 1998, he was charged with “leaking confidential documents” because he had received a copy of a single fifty-years-old list of documents relating to the second East Turkestan (Xinjiang) Independence Movement of 1944 from a clerk working at the archives and officially authorized to do so. Tohti was also charged with “instigating national disunity” because he had allegedly published a book in Japan in 1998, entitled *The Inside Story of the Silk Road*, advocating “ethnic separatism”--but his Japanese supervisor Sato Tsugitaka insisted that no such book exists (although the Japanese publisher Sofukan had approached Tohti with a plan, not accepted by Tohti, to publish a book). In March 1999, Tohti was tried and, following an appeal, sentenced by the Supreme Court in March 2000 to eleven years’ imprisonment and two years’ deprivation of political rights. On 17 May 2001, the United Nations Working Group on Arbitrary Detention concluded that Tohti was “arbitrarily detained.” (See NCH #22, #22ii, #22iii.)

[Source: United Nations Commission on Human Rights, *Civil and Political Rights, Including the Questions of Torture and Detention--Opinions Adopted by the Working Group on Arbitrary Detention: Opinion no. 7/2001 (China)* (E/CN.4/2002/77/Add.1; Geneva 2001) 50-54.]

In June 2000, computer engineer Huang Qi (1964-), who in June 1998 had created a website to help find missing persons and reunite families, and which included information on the Tiananmen massacre of June 1989, was arrested on charges of separatism and inciting subversion against the state. In August 2001, he was secretly tried, but no verdict was announced. At a closed hearing in Chengdu, Sichuan, in May 2003, he was sentenced to five years’ imprisonment and one year of suspension of political rights for the crimes of “splitting the country” and subversion. He was reportedly ill-treated in prison. His sentence was upheld on appeal in August. (See NCH #32.)

[Sources: *IOC 1/04*: 136; AI, *Report 2004* (2004) 155.]

In December 2002, Ouyang Yi (1968-), a former secondary-school teacher and a dissident from the banned China Democracy Party, was detained in Chengdu, Sichuan, after signing an open letter calling for political reforms, the reversal of the official condemnation of the 1989 Tiananmen massacre, and the release of the students convicted after it. In January 2003, Ouyang was charged with “inciting the overthrow of state power” and in March 2004 sentenced to two years’ imprisonment.

[Sources: *Ifex Communiqué 11-49* (17 December 2002); *IOC 2/03*: 149; *IOC 4/03*: 130; PEN, *Half-Yearly Caselist* (2003): 81-82; Human Rights in China, *Internet Activist Ouyang Yi Formally Arrested* (15 January 2003.)]

In August 2003, former history student and Xian-based dissident Zhao Changqing (1967-) was sentenced to five years' imprisonment (See NCH #32.)

[Source: *IOC* 4/03: 130.]

In November 2003, Liu Di (1979-) was released (See NCH #32.)

[Sources: PEN, *Rapid Action Network*, 1 December 2003; AI, *Report 2004* (2004) 155.]

On 24 February 2004, Jiang Yanyong (?1932-), an army surgeon in Beijing who witnessed the 1989 Tiananmen massacre, wrote a 4,700-word letter to the National People's Congress describing the scenes he had seen and appealing for an official reevaluation of the massacre. Thousands signed the letter to support him. Some websites posting the Chinese version of the letter were blocked.

[Sources: Independent Chinese PEN Centre, "Petition Letter on Behalf of the Tiananmen Mothers Ding Zilin, Zhang Xianling and Huang Jinping" (WWW-text; 29 March 2004); *IOC* 2/04: 124.]

On 28 March 2004, Ding Zilin and two other so-called Tiananmen Mothers, Zhang Xianling and Huang Jinping, were arrested by the police for "their alleged involvement in activities to endanger national security." The reasons were, reportedly, that they had published video testimonies of the 1989 Tiananmen massacre and planned to submit a report on those missing after the massacre to the sixtieth session of the United Nations Commission on Human Rights then in progress in Geneva. Their arrest also came shortly before the traditional grave-sweeping festival Qing Ming, in which families visit ancestral graves and commemorate the dead. The festival had been used by the Tiananmen Mothers (a group of around 124 relatives) in the past. (See NCH #17.)

[Sources: Independent Chinese PEN Centre, "Petition Letter on Behalf of the Tiananmen Mothers Ding Zilin, Zhang Xianling and Huang Jinping" (WWW-text; 29 March 2004); Radio Free Asia, "China Detains Tiananmen Mothers Ahead of Festival, Anniversaries" (WWW-text; 30 March 2004.)]

COLOMBIA

In September 2003, criminal investigations were reportedly initiated against five members of the non-governmental organization Comisión Inter-eclesiástica Justicia y Paz (Inter-ecclesiastical Justice and Peace Commission). These proceedings were the latest in a string of threats and harassment against commission members. They followed a Constitutional Court decision to allow the commission to participate in judicial proceedings into over 200 human rights violations committed by paramilitaries operating in conjunction with the army's XVII Brigade in 1997 and 1998.

[Source: AI, *Report 2004* (2004) 109.]

CONGO (Democratic Republic)

The transitional Constitution established a number of civil institutions to support progress towards democracy, including a Truth and Reconciliation Commission (TRC). The TRC lacked sufficient independence, proper resources and a clear mandate. One individual suspected of involvement in human rights abuses was appointed to the TRC executive committee. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 42.]

CONGO (Republic)

In April 2003, the government asked the International Court of Justice (ICJ) in The Hague to rule that French courts have no jurisdiction over investigations or prosecutions of Congolese government and security officials, including President Denis Sassou-Nguesso. In a case lodged in a French court in late 2001, the officials were accused of responsibility for the May 1999 “disappearance” of at least 353 refugees returning from the neighboring Democratic Republic of the Congo. In June, the ICJ dismissed the government’s case. However, no official was brought to justice. Investigations in the country into the “disappearances” had not been concluded by the end of 2003. In November, the government had reportedly demanded that the United Nations High Commissioner for Refugees provide documents relating to the return of refugees in 1999.

[Source: AI, *Report 2004* (2004) 45.]

CROATIA

Both Serb and Croat war crimes suspects were transferred to the custody of the International Criminal Tribunal for the former Yugoslavia (ICTY). Other suspects continued to evade arrest, some apparently protected by the Croatian authorities. The ICTY rejected a proposal (reportedly made by President Stipe Mesic) for retired Croatian Army General Ante Gotovina, charged with command responsibility for crimes against humanity and war crimes against the Krajina Serb population in 1995, to be surrendered in exchange for a revision of the indictment against him. Increasingly, Croats as well as Serbs were brought to trial on war crimes charges before national courts. However, witnesses remained at risk of intimidation and harassment. The Croatian Government Commission on

Missing Persons was still searching for over 1,200 “disappeared” people. Those responsible remained unidentified. Cooperation continued between the Croatian government and neighboring Serbia and Montenegro in exhuming bodies buried in Serbia and returning them to Croatia for identification and final burial. In June the Government Commission said that a total of 200 bodies of Croats had been exhumed. The Bosnian Commission for Missing Persons was reportedly still searching for dozens of people missing in Croatia. (See NCH #23.)

[Source: AI, *Report 2004* (2004) 214-16.]

See also Bosnia-Herzegovina, Serbia and Montenegro.

CYPRUS

See Greece.

EL SALVADOR

Those responsible for human rights violations during the armed conflict (1980-91) and since were not brought to justice. In January 2003, the United Nations Working Group on Enforced or Involuntary Disappearances reported on the lack of progress by the government in investigating “more than 2,000 [“disappearance”] cases pending”. The National Assembly did not support efforts by relatives of victims and non-governmental organizations to create a national committee to search for “disappeared” children. The success of the organization Pro-Búsqueda de Niñas y Niños Desaparecidos (Association for the Search for Disappeared Children), established by the relatives of “disappeared” children, in reuniting such children with their biological families provided strong evidence both of the violations and of the fact that many of the children were still alive. (See NCH #23, #27.)

[Source: AI, *Report 2004* (2004) 95, 115.]

In December 2003, a monument to the victims of human rights violations during the armed conflict (1980-91) was inaugurated as a result of the efforts of the families of the victims. The monument was a recommendation of the Truth Commission which the authorities had failed to implement.

[Source: AI, *Report 2004* (2004) 115.]

ETHIOPIA

In 2003 the trial continued of 33 senior officials of the former Dergue government (1974-91) for “genocide”, murder, torture and other crimes. The Zimbabwean government continued to refuse to extradite former President Mengistu Haile Mariam to face trial. Trials also continued of up to 1,000 less senior officials accused of killing members of former Emperor Haile Selassie’s government (1930-74) and thousands of “anti-revolutionaries” during the government’s “Red Terror” atrocities (1977-78). According to official figures in mid-2003, since the trials began in 1994, 1,017 defendants had been tried, 552 had been convicted, and 3,426 were still awaiting trial. During 2003, six were sentenced to death and others to prison terms. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 52.]

FIJI

Racial intolerance toward the mainly Indo-Fijian non-indigenous community was linked to an attack on a Hindu temple, the 44th Hindu temple reported to have been burned down, damaged, or desecrated since the 2000 coup.

[Source: AI, *Report 2004* (2004) 157.]

FRANCE

On 16 June 2004, it was sixty years ago that historian and co-founder of the *Annales* Marc Bloch (1886-1944) was executed by the Gestapo near Lyons.

[Source: A. De Baets, “Resistance to the Censorship of Historical Thought in the Twentieth Century”, in: S. Sogner, ed., *Making Sense of Global History* (Oslo 2001) 390.]

GERMANY

See Argentina, France.

GHANA

In January 2003, hearings began of the National Reconciliation Commission. Established by the government in 2002, its task was to compile a record of human rights abuses committed during Ghana's periods of unconstitutional rule since independence in 1957, and to make recommendations for reparations and reforms. The law establishing the commission did not require it to make its findings and recommendations public. Most of the people making statements in hearings before the commission were victims of human rights violations under the military government headed by Flight Lieutenant, later President, Jerry Rawlings (1979, 1981-2001). (See NCH #27.)

[Source: AI, *Report 2004* (2004) 53.]

GREECE

On 3 May 2004, Greek state television ET-3 canceled the scheduled showing of the documentary "The Other Side" (produced by journalist Fani Toupalgiki for ET-3), which presented the events of 1963-74 in Cyprus from the angle of Turkish-Cypriots. The documentary was reportedly seen as "anti-national" and "dangerous". Its cancellation was allegedly the result of an intervention from the prime minister's office, possibly in connection with the forthcoming visit of Turkish Prime Minister Recep Tayyip Erdogan to Greece. In January 2004, ET-3 withdrew its participation as co-producer of a documentary on a convicted war criminal.

[Source: Greek Helsinki Monitor, *Ifex Alert* (4 & 7 May 2004).]

GUATEMALA

During 2003, General Efraín Ríos Montt faced lawsuits both in Guatemala and abroad in connection with army-led massacres carried out while he was head of state (1982-83, one of the most repressive periods of the army's rural counter-insurgency campaign). In 1999 the United Nations-sponsored Comisión para el Esclarecimiento Histórico (CEH; Historical Clarification Commission) judged that these massacres had constituted genocide. Despite provisions in the Constitution barring those who gained office through a coup from contesting the presidency, the Constitutional Court ruled in July 2003 that Ríos Montt could stand as candidate for the Frente Republicano Guatemalteco (Guatemalan Republican Front), of which he was a founder member, in the presidential elections. He failed to make it through to the second round in December 2003. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 116-17.]

Suits for genocide and crimes against humanity filed in Guatemala and abroad against the former

governments of General Romeo Lucas García (1978-82) and Efraín Ríos Montt (1982-83) continued to be accompanied by intimidation and reprisals against the human rights organizations and forensic experts in the cases. (See NCH #32.) In March 2003, the government signed an agreement to establish a commission to investigate clandestine structures responsible for attacks on human rights defenders, lawyers, judges, prosecutors, witnesses, journalists, and others. It was scheduled to be established in 2005 as soon as Congress had approved several important legal reforms.

[Source: AI, *Report 2004* (2004) 95, 117.]

In October 2003, the Constitutional Court rejected the 2002 reversal of guilty verdicts passed in 2001 against three military officers for the extrajudicial execution of Bishop Juan Gerardi. The bishop was killed in 1998, two days after presenting the Guatemalan Roman Catholic Church's findings on abuses during the conflict years (1960-96). One of the three officers convicted in 2001 was murdered in prison in January 2003, allegedly as he was about to implicate other officers in the murder. In October, Erick Urizar Barillas became the 14th witness to the bishop's death to be killed. An appeal in this case was pending at the end of 2003. (See NCH #13, #32.)

[Source: AI, *Report 2004* (2004) 117.]

In October 2003, the Estado Mayor Presidencial (Presidential High Command), the military intelligence structure involved in human rights abuses during the country's armed conflict and implicated in high-profile human rights cases, was abolished, to be replaced by a civilian agency. Civil patrols, responsible for grave abuses while serving as the army's civilian adjuncts during the conflict years, remobilized and held violent demonstrations demanding compensation for their wartime service. Human rights groups and government officials opposing their demands were threatened. Payments were subsequently made to them by the government of President Alfonso Portillo. However, comprehensive reparations for the victims of violations by army and civil patrols had not been agreed by the end of 2003. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 116-17.]

HUNGARY

In October 2003, the deputy director of the municipal office of Piliscsaba, Pest county, after being presented with data on the number of Roma in the community, reportedly stated: "Oh Lord, there are so many of them here, I wish Hitler had started his project with Gypsies". She was suspended and a disciplinary procedure was initiated.

[Source: AI, *Report 2004* (2004) 226.]

On 21 January 2004, Andras Bencsik, chief editor of the weekly *Magyar Demokrata*, was imprisoned for ten months for defaming Democrat Member of Parliament Imre Mecs in articles alleging that he had betrayed Hungarian members of the resistance to the Soviet occupiers during the uprising of October-November 1956 and that four of them had been executed as a result. A second reporter, Laszlo Attila Bertok, was given an eight-month suspended sentence.

[Source: *IOC 2/04*: 130.]

INDIA

In 1996, the Supreme Court had ordered the National Human Rights Commission (NHRC) to examine the findings of the Central Bureau of Investigations that 2,097 people had been illegally cremated by police officials in the Amritsar district, Punjab. The cremations took place following widespread “disappearances” in police custody and possible extrajudicial executions in the mid-1990s. In 2003, the state of Punjab had only just begun to file its affidavits on cases under examination by the NHRC. (See NCH #32.)

[Source: *AI, Report 2004* (2004) 160.]

On 6 December 1992, a mosque in the sacred city of Ayodhya, Uttar Pradesh, built by Mughal emperor Babar in 1528 allegedly by destroying a temple that stood at the birthplace of the Hindu deity Rama, was demolished by Hindu nationalists. In March 2002, the Lucknow High Court ordered the government-controlled Archaeological Survey of India (ASI) to excavate the site. In August 2003, ASI’s report concluded that remnants of a tenth- or eleventh-century temple once stood on the place of the demolished mosque. The scientific quality of the report, however, was heavily criticized and ASI was accused of tampering with the evidence. The release of the ASI report was followed by car bombs in Mumbai (Bombay) in which more than a hundred people died. In October 2003, thousands of cadres of the Vishwa Hindu Parishad (World Hindu Council) were prevented from staging a rally in Ayodhya in a government attempt to uphold the court order banning religious activity on or near the site. (See NCH #27, #32.)

[Sources: A. Charan, “Ayodhya: Digging Up India’s Holy Places”, *History Today*, January 2004: 4, 6; *IOC 1/04*: 140; “An Attempt to Mislead and Misuse the Evidence: Interview with Professor Irfan Habib”, *Frontline*, 2003, no. 19 (WWW-text.)]

Shivaji: Hindu King in Islamic India (2003), a book about Maratha King Shivaji (1627-80) by American scholar James Laine, professor of religious studies at Macalester College, St. Paul,

Minnesota, was withdrawn by its publisher, Oxford University Press, in November 2003, after some scholars in Pune protested against it. In late December, some members of the radical Hindu nationalist political party Shiv Sena blackened the face of Shrikant Bahulkar, a scholar of the Bhandarkar Oriental Research Institute (BORI) in Pune, because he was mentioned in the book's preface. In protest, historian Gajanan Mehendale (?1928-), chief editor of the *BORI Cultural Index of Mahabharata*, tore up 400 unpublished pages of his Shivaji biography. Laine apologized for inadvertently causing offense. The latter's book was not a biography but a critical analysis of sources and stories that gave rise to the dominant narrative about Shivaji. On 5 January 2004, 250 members of the Sambhaji Brigade of the Maratha Mahasangh vandalized BORI, founded in 1917, in the belief that it contained a stock of the book. An estimated 30,000 ancient manuscripts, 18,000 ancient books and many palm leaf inscriptions were destroyed. The police rounded up around seventy activists. On 14 January, the Maharashtra Government banned Laine's book on public order grounds. On 18 March 2004, Gopinath Munde, former Maharashtra Deputy Chief Minister and Maharashtra president of the Bharatiya Janata Party, demanded that the State Government either banned Jawaharlal Nehru's *Discovery of India* (Calcutta 1946) or deleted its allegedly defamatory references to Shivaji. Congress Party spokesmen reacted saying that Munde misquoted the contents of the book and that Nehru had praised rather than criticized Shivaji. In his book, Nehru had written that Shivaji was "the ideal guer[r]illa leader of hardened mountaineers" and "the symbol of a resurgent Hindu nationalism drawing inspiration from the old classics, courageous, and possessing high qualities of leadership."

[Sources: *The Hindu*, 15 January, 19 March 2004 (WWW-text); J. Nehru, *The Discovery of India* (Calcutta 1946; 23rd ed., New Delhi 2003) 272-73; S. Raval, "Shivaji Spark", *India Today International*, 2 February 2004: 19; *IOC* 2/04: 130.]

INDONESIA

The trials of individuals charged with committing crimes against humanity in 1999 in what was formerly East Timor were described as a failure because they ended in acquittals or light prison sentences. (See NCH #32 under Timor-Leste.) Similar shortcomings emerged in other trials, such as the one dealing with the killing of Muslim protesters in Tanjung Priok, North Jakarta, in 1984, or with the killing of the leader of the Papuan civilian independence movement, Theys Eluay, in 2001.

[Source: AI, *Report 2004* (2004) 161-62, 163.]

See also Timor-Leste.

IRAN

On 14 July 2003, the death sentence for apostasy imposed on historian Hashem Aghajari (1957-) was commuted on appeal to four years' imprisonment. Aghajari also appealed against this sentence. On 15 February 2004, in an open letter from prison, Aghajari urged passive resistance in protest against the ruling by the Council of Guardians to bar some 2,500 pro-reform candidates from standing in the 19 February elections. On 3 May 2004, the Hamedan court reimposed the death penalty and sent the case back to the Supreme Court. On 1 June, the Supreme Court again revoked the sentence. (See NCH #28, #28ii, #28iii, #28iv, #28v.)

[Sources: AAAS Human Rights Action Network, *IR0219-agh*, 6 May 2004; *IOC 4/03*: 137; *IOC 2/04*: 131; "Iran Dissident Faces Death again", *BBC News World Edition*, 3 May & 1 June 2004.]

IRAQ

In April 2003, during the war with the United States and the United Kingdom, Iraqi ministerial archives, archeological sites and artifacts, and museum collections were damaged and looted, including the Iraq National Museum (some thousand art objects, especially of Mesopotamian origin, probably disappeared or were destroyed) and the Saddam Manuscripts Library (some 40,000 manuscripts were burned) in Baghdad, and museums in Mosul (housing finds from the ancient Assyrian capitals of Nimrud and Nineveh) and Tikrit. The national archives--including a collection of Qurans, rare books, and manuscripts, and archives from the Ottoman and independence periods and from the Iran-Iraq war--were burned during a fire which destroyed the National Library in Baghdad. University libraries in Mosul and Basra were looted.

[Sources include: "The Threat to World Heritage in Iraq: Heritage Destroyed" (WWW-text; Oxford March-April 2003); ICOMOS, *Heritage At Risk: World Report on Monuments and Sites in Danger 2002-2003* (Munich 2003) 113-27.]

Mass graves containing thousands of bodies were uncovered in many parts of Iraq. The victims were believed to have been executed by security forces in the 1980s, in the aftermath of the 1991 uprisings, and in early 2003. Many bodies were exhumed by people desperate to locate missing relatives. Many new Iraqi human rights groups were formed and documented past and present human rights violations. They worked in difficult circumstances and lacked resources and training. Little action was taken to address past human rights violations, including mass "disappearances", or to investigate and bring to justice those found responsible for committing crimes against humanity, genocide and

war crimes, or to provide for compensation and restitution to victims. However, in December, the Iraqi Governing Council (IGC) established the statute of the Iraqi Special Tribunal in order to try former President Saddam Husayn (1979-2003) and other former Iraqi officials. The tribunal may impose the death penalty. Also in December, the IGC set up a Committee on Truth and Reconciliation.

[Source: AI, *Report 2004* (2004) 281-82.]

See also Kuwait.

IRELAND

In December 2003, the report of Justice Henry Barron on the 1974 bombings in Dublin and Monaghan, which resulted in 33 deaths and many injuries, was published. The judge found that the bombings had been carried out by Loyalist paramilitaries from Northern Ireland and did not rule out the possibility that members of the British security forces had aided them. He found defects in the investigation by the Garda Síochána (police force.) He also found that numerous files were missing at the Department of Justice. (See NCH #27.)

[Source: AI, *Report 2004* (2004) 228.]

See also United Kingdom.

IVORY COAST

Despite commitments by all parties to the conflict to accept an international inquiry into human rights abuses since the September 2002 uprising, impunity remained the rule and fuelled further human rights abuses.

[Source: AI, *Report 2004* (2004) 47.]

JAPAN

In 2003 Japan warned North Korea that it could not expect substantial Japanese aid until the sensitive issue involving the alleged abduction of several hundred Japanese citizens by North Korean secret agents in the 1970s and 1980s was resolved. During a visit by Prime Minister Koizumi Junichiro to

Pyongyang in 2002, North Korea admitted to abducting thirteen Japanese nationals. (See NCH #32.)
[Source: AI, *Report 2004* (2004) 164, 166.]

The Japanese state was directly involved in the sexual slavery of many thousands of so-called “comfort women” during World War II. In April 2003, the Supreme Court dismissed an appeal filed by a group of South Korean “comfort women” demanding compensation from the Japanese government. The Court upheld the decision of the Hiroshima High Court in March 2001, which overturned a lower-court ruling ordering the Japanese government to pay compensation to some of the women. (See NCH #27.)

[Source: AI, *Report 2004* (2004) 19, 165.]

See also Peru.

JORDAN

On 16 January 2003, Muhannad Mubaideen, a journalist of the weekly magazine *al-Hilal* (The Crescent), was arrested following the publication on 14 January of his article entitled “Aisha in the Prophet’s Home” about the Prophet Muhammad’s wives (Aisha in particular) and his sexual life. He was charged with “insulting Islam”, “damaging the prestige of the state” (Jordan’s Hashemite rulers claim descent from the Prophet Muhammad’s family), and “destabilizing society by propagating perversity and false rumors”. On 17 February, Mubaideen, who maintained that his article was based on historical and religious references, was tried before the State Security Court and sentenced to eighteen months’ (later commuted to six months’) imprisonment, without recourse to appeal. *Al-Hilal* was banned for two months.

[Sources include: *BBC News Online* (WWW-text; London) 17 February 2003; Committee to Protect Journalists, *Two Journalists Released in Jordan; One Remains in Jail* (WWW-text; 2003 News Alert; New York 18 February 2003); PEN, *Rapid Action Network 8/03* (London), 19 February 2003; AI, *Report 2004* (2004) 288.]

KENYA

In April 2003, the Minister of Justice and Constitutional Affairs appointed a task force to consider a possible mechanism for transitional justice. In August, the task force, after public consultations, recommended the establishment by presidential decree of a Truth, Justice and Reconciliation

Commission. (See NCH #27.)

[Source: AI, *Report 2004* (2004) 56.]

In April 2003, the United Kingdom Military Police initiated criminal investigations into allegations that British soldiers had raped hundreds of Kenyan women during a period of 35 years in areas of central Kenya which were used as training grounds by the British army. In October, the allegations were debated in the Kenyan parliament.

[Source: AI, *Report 2004* (2004) 19, 57, 266.]

See also United States.

KOREA, NORTH

See Japan.

KOREA, SOUTH

See Japan.

KUWAIT

In March 2003, Iraqi and Kuwaiti officials held talks in Jordan with Saudi Arabian officials on the fate of at least 600 of their nationals missing since the 1991 Gulf War. Following the change of government in Iraq, forensic teams from Kuwait inspected mass graves in Iraq. By the end of 2003, the remains of at least 34 Kuwaiti prisoners of war were identified through DNA testing and returned to their families. The process of identifying remains was continuing at the end of 2003.

[Source: AI, *Report 2004* (2004) 290.]

On 30 November 2003, Kuwaiti writer, journalist and researcher Yasser al-Habib (?1973-) was abducted in a Kuwait City street by security forces, reportedly in connection with an audiocassette recording of a lecture he gave on Islamic historical issues to an audience of ten to twenty people in a private setting. His research reportedly relied heavily on Wahhabi references and texts and apparently angered hard-line Wahhabi groups who used their influence within the establishment, including the

National Assembly, to bring about the maximum punishment against al-Habib. On 20 January 2004, he was sentenced to one year of imprisonment for “questioning the conduct and integrity of some of the ‘companions’ of the prophet Muhammad”. In frail health, he was reportedly subjected to orchestrated violent attacks in prison by Wahhabi inmates. Amnestied by the Emir on 25 February, Kuwaiti National Day, he was at risk of imminent re-arrest and went into hiding. On 9 March, new charges were brought against him of violating state security laws. On 5 May, he was sentenced in absentia by the Kuwait Criminal Court to ten years’ imprisonment on charges attempting to overthrow the regime. On 4 June, a group of some twenty armed security guards raided al-Habib’s family home in search of him and assaulted his father. (See NCH #33, #33ii, #33iii, #33iv, #33v).

[Sources: PEN, *Rapid Action Network 56/03*, 16 December 2003, 9 February, 2 & 10 March, 18 June 2004.]

LIBERIA

On 4 June 2003, the Special Court for Sierra Leone issued an indictment against President Charles Taylor for crimes against humanity, war crimes and other serious human rights violations (killings, mutilations, rapes, and the use of child soldiers by Sierra Leone armed opposition forces RUF and AFRC that Taylor had supported in order to destabilize Sierra Leone and gain access to diamond resources) committed during Sierra Leone’s conflict. In August, Taylor went to Nigeria, which refused to extradite him.

[Source: AI, *Report 2004* (2004) 58, 70, 74-75.]

The August 2003 peace agreement provided for a Truth and Reconciliation Commission but also stated that the National Transitional Government of Liberia would consider a recommendation for general amnesty to all those engaged or involved in military activities during the conflict. (See NCH #17, #23.)

[Source: AI, *Report 2004* (2004) 60.]

See also Sierra Leone.

MALDIVES

After his release in August 2002, Member of Parliament and historian Mohamed Nasheed continued to be harassed. On 13 June 2003, two days after its publication, all copies of the book *Dhandikoshi*, a

history of the capital city's Dhandikoshi clan, were confiscated and the permit for its publication was revoked. (See NCH #27, #32.)

[Source: *IOC* 4/03: 141].

MEXICO

On 2 February 2003, the Ministry of Education Reyes Tamez Guerra announced that the textbook *Historia de México 3: Un enfoque analítico* (Esfinge Publishers, 1998?; History of Mexico: An Analytical Approach), written for third-year secondary school pupils by Claudia Sierra Campuzano (?1951-), historian and professor at the Escuela Nacional de Antropología e Historia of Cuernavaca, would be withdrawn from circulation after pressure from the National Union of Education Workers. The union had criticized the textbook, approved in 1998 and in use since 1999, after the newspaper *Reforma* had published some extracts in which the army was held responsible for the 1968 Tlatelolco massacre and three successive presidents were held accountable for having deepened poverty after introducing neo-liberal measures in 1982-2000. Two days later, amid much protest, the minister announced that the book was not withdrawn but that all textbooks would be revised. Initially banned from a Mexico City book fair, the book sold ten thousand copies in a few days after the minister's announcement. The attempt to ban the textbook was ascribed to the continuing influence of the PRI, the Institutional Revolutionary Party which had ruled Mexico from 1929 to 2000.

[Sources: R. Ponce, "Forcejeo por la historia", *Proceso*, 9 February 2003, 12-13; *Reforma*, 2, 4, 6, 8 February 2003; T. Weiner, "Mexico Digs at Last for Truth about 1968 Massacre", *New York Times*, 7 February 2003.]

The Special Prosecutor for past human rights violations, appointed in 2002, made limited progress in holding accountable those responsible for human rights violations from the 1960s to the 1980s. The Supreme Court made an important ruling against impunity. In April 2003, a judge in Nuevo León refused an arrest warrant for officials accused of kidnapping Jesús Piedra Ibarra in 1976 on the grounds that the crime was not imprescriptible. In November 2003, the Supreme Court reversed the decision, ruling that such crimes are continuous until the abducted person reappears, in agreement with international standards on "disappearances." The Special Prosecutor subsequently issued at least three arrest warrants for a number of former officials implicated in "disappearances". A Supreme Court ruling was still awaited on the constitutionality of Mexico's reservation to the Inter-American Convention on Forced Disappearance of Persons. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 127-28.]

MOROCCO/Western Sahara

In November 2003, King Mohammed VI approved a recommendation by the official human rights body to establish an Equity and Reconciliation Commission to look into “disappearance” and arbitrary detention cases in previous decades. The commission would follow up work already undertaken by the Arbitration Commission on Compensation, which had awarded compensation to some 4,500 victims or family members since its establishment in 1999. Several hundred people who “disappeared” after arrest between the mid-1960s and early 1990s remained unaccounted for. The vast majority were Sahrawis, arrested in the period immediately following Morocco’s annexation of Western Sahara in 1975. Not one person responsible for ordering or carrying out these “disappearances” has been prosecuted. (See NCH #23, #27, #32.)

[Sources: *IOC* 1/04: 148; *AI, Report 2004* (2004) 294, 296.]

NETHERLANDS

In August 2003, R. Bresser-Dukker (?1938-) started summary proceedings against the Foundation Digital Monument Jewish Community in the Netherlands and its director, historian Isaac Lipschits. The foundation planned to publish the names of all Dutch Jews who perished in World War II (more than one million), their addresses, the names of their family members, and some other biographical data on a special Internet website. Bresser-Dukker, who as a Jewish child spent the war in hiding, asked not to include the data of her grandparents and her father for reasons of privacy and because it caused her psychological damage. In addition, she found collective registration of Jews on the Internet reminiscent of wartime practices and liable to provoke anti-Semitism, and, therefore, no respectful way of remembrance. On 11 December, the judge ruled that Bresser-Dukker’s privacy was not threatened because she herself was not identifiable on the website, that many of the summary data of her deceased relatives were already published elsewhere on the Internet, and that the foundation planned to present the data to honor, not to defame, the victims. The judge said that for all these reasons priority should be given to the foundation’s freedom of expression.

[Sources: Amsterdam Court, *Kort Geding (Summary Proceedings) 03/1363 AB* (11 December 2003); H.W. von der Dunk, “Een digitaal monument is een smakeloze banalisering,” *Historisch Nieuwsblad*, April 2004, 38-39.]

NIGERIA

The killing of civilians at Odi, Bayelsa State, in 1999 and in Benue State in 2001 remained uninvestigated. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 69.]

In 2003, the findings of the Human Rights Violations Investigation Commission, known as the Oputa Panel, were still not made public. Established in 1999 to investigate human rights violations committed between 1966 and the return to civilian rule in 1999, it reported the findings of its public hearings and investigations in May 2002 to President Olusegun Obasanjo. The government had not published the report or its recommendations, and had made no public statement about plans for implementing the recommendations by the end of 2003. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 69.]

See also Liberia.

PAKISTAN

The 28 July 2003 issue of *Newsweek* magazine was seized by Pakistani customs over an article headlined “Challenging the Quran” that examines the theory of a German linguist that the Quran may have originally been written in Aramaic instead of Arabic. *Newsweek*’s local reporter in Peshawar fled the city in fear of reprisals after the magazine appeared. The magazine was also banned in Bangladesh.

[Source: *IOC* 4/03: 146].

PARAGUAY

Concerns continued to be expressed over the failure of the state to pay compensation to the victims of human rights violations under the government of former President Alfredo Stroessner (1945-89). In August, the new Procurator General declared that he would appeal to the Supreme Court to make payments possible. In October 2003, a law was passed to set up a Truth and Justice Commission to examine the human rights violations. The commission had not been established by the end of 2003. In October as well, a court in Asunción reissued a judicial order for the arrest of Stroessner, in exile in Brazil, to face charges for his alleged involvement in the torture and killing of Celestina Pérez in 1974 while in police detention. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 95, 129, 130.]

PERU

The Truth and Reconciliation Commission (TRC), set up in 2001 to establish the circumstances surrounding human rights abuses committed by the state and by armed opposition groups between May 1980 and November 2000, delivered its final report to President Alejandro Toledo in August 2003. The Commission concluded that of the estimated 69,000 people who were killed or had “disappeared” during the twenty years, 54 per cent were the responsibility of the armed opposition group Shining Path and 46 per cent were the responsibility of armed forces. The commission also concluded that three quarters of the victims were Quechua native speakers, reflecting “the discrimination and marginalization against the Andean rural population which is impregnated in Peruvian society”. The commission said that it had submitted to the Public Ministry the identity of 24,000 victims in order that justice could be achieved. Its recommendations included proposals for institutional reform, an integrated plan for reparations, and a national plan for forensic anthropological interventions in light of the 4,644 burial sites the commission had recorded. In response, Toledo apologized in the name of the state to “all those who suffered”. He did not, however, offer the individual reparations that victims and their relatives had sought. On the issue of impunity, the President was criticized for stating that “some members of the security forces had committed painful excesses” and for not accepting that human rights violations committed by the security forces were widespread and systematic, as the TRC had concluded.

[Source: AI, *Report 2004* (2004) 131.]

In July 2003, the government submitted an extradition request to the Japanese authorities for former President Alberto Fujimori on charges of human rights violations and corruption. The Japanese authorities had not made a decision by the end of the year. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 132.]

POLAND

On 17 June 2004, historian Jacek Kuron (1934-2004) died. In 1961 Kuron, historian at Warsaw University, was expelled from the Polish Scouts Union, where he had been head of the Program Department (1960-61). In 1962, he founded with historian Karol Modzelewski (1937-) the “Political Debating Club” at Warsaw University, but the club was closed in 1963. In November 1964, Kuron

was expelled from the Polish United Workers' Party (PUWP) and in July 1965 sentenced to three years' imprisonment. In [August] 1967 he was released. Active in students' circles in 1967-68, he was again arrested during the student demonstrations on 10 March 1968. In January 1969, he was sentenced to three and a half years' imprisonment on the charge of having inspired the riots. In September 1971, he was released. He became one of the most active dissidents. He was often harassed and arrested, inter alia for his activities for the Committee for the Defense of the Workers (KOR; later Committee for Social Self-Defense, KSS-KOR), of which he was a cofounder and spokesman (1976-81). He collected and published dates about persecutions in Poland in the underground periodical *Biuletyn informacyjny*. In 1977-78 he helped found the Towarzystwo Kursow Naukowych (TKN, Society for Academic Courses; popularly known as the *Latający Uniwersytet* [Flying University]) and lectured for it. His book *Principles and Ideas*, about the strategy and political objectives of the democratic opposition in Poland, was published by NOWa (Niezależna Oficyna Wydawnicza; Independent Publishing House). In 1978 Kuron was a cofounder and editorial board member of the underground political quarterly *Krytyka*. In November he was arrested in Warsaw on his way to give a TKN lecture on education and social life. Many of his 1979 TKN lectures were disrupted and he was often beaten. He was a Solidarity member and a personal adviser to Solidarity leader Lech Walesa. In July-August 1980, he was founder and chief of the Bank of Strikes Informations during the protests. On 21, August Kuron and historian Adam Michnik (1946-) were among fourteen KOR members arrested after they had collected and disseminated information on the strike situation for several weeks. Their release (occurring on 1 September) was the final condition of the agreement between the government and Solidarity on 31 August. Kuron was interned under martial law (13 December). In September 1982, after widespread demonstrations against martial law on 31 August, four KOR members, including Kuron and Michnik, were arrested in the internment camp on charges of "making preparations for the violent overthrow of the Polish sociopolitical system". In November 1982, Kuron's wife Grazyna died after her release from detention in May because of ill health. In 1983, still under arrest, Kuron had turned down an offer to emigrate. The Kuron/Michnik trial, scheduled to open on 13 July 1984, was postponed but they were released under the 21 July amnesty for political prisoners. On 1 May 1985, Kuron was arrested after leading a demonstration on May Day to counter the official Labor Day parades and sentenced to three months' imprisonment. He was released on appeal. In 1988-89 he was a Solidarity delegation member at the Roundtable Negotiations. In June 1989, he was elected a member of Parliament for Solidarity (later for the Union of Freedom caucus). He was minister of labor and social policy twice (1989-91, 1992-93). In the first round of the November 1995 presidential elections he obtained nine percent of the votes.

[Sources include numerous AI Reports and *IOC* issues.]

RUSSIA

Thousands of Meskhetians living in Krasnodar Territory continued to be refused Russian citizenship on grounds of ethnicity. They remained effectively stateless. Meskhetians, most of whom are Muslims, were forcibly relocated from southwest Georgia in 1944 by the former Soviet regime. As Soviet citizens residing in the Russian Federation at the time the Law of Citizenship came into force in 1992, they are entitled to Russian Federation citizenship. The result of the authorities' failure to enforce this right was discrimination in almost every aspect of daily life. (See NCH #32 under Georgia.)

[Source: AI, *Report 2004* (2004) 198, 245.]

In November 2003, deputy Education Minister Viktor Bolotov declared that the ministry considered withdrawing approval for *Twentieth-Century History of the Fatherland*, a high school textbook written by historian Igor Dolutsky. If withdrawn, the textbook could no longer be used in classes as an official textbook, although teachers could still set students to read it. An exercise in the textbook asking students to write passages supporting or refuting statements included one from a historian saying that a coup took place after the 2000 election of President Vladimir Putin and another from a lawmaker reportedly declaring that a police state took shape in Russia in 2001.

[Sources: *IOC* 1/04: 152; Associated Press, *Russia May Revoke Approval of Textbook* (28 November 2003)].

RWANDA

In 2003, approximately 80,000 individuals remained in detention, nearly all of them suspected of participation in the 1994 genocide. By the end of 2003, the Specialized Chambers had tried just over 8,000 suspects since they became operational in 1996. In many cases, trials did not meet international standards of fairness. The long awaited start of gacaca trials, a community-based system of justice, did not begin as planned. Community members and elected local magistrates continued pre-trial work in the 746 tribunals, which started operating in 2002. They listed victims and suspected perpetrators, and made an inventory of civil damage claims. The remaining 8,258 tribunals were planned to be operational in 2004. The tribunals were plagued by inaction by magistrates and community members, the unwillingness of communities to provide information, and public dissatisfaction that human rights abuses by members of the former armed opposition group Rwandese Patriotic Front (RPA) were excluded from their consideration. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 70, 71.]

Trials of genocide suspects also continued at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. In December 2003, the ICTR sentenced historian Ferdinand Nahimana, a co-founder of Radio-Télévision Libre des Mille Collines (RTLM), to life imprisonment for inciting genocide in 1994. Arrested in 1996, he was charged with genocide, conspiracy to commit genocide, and crimes against humanity. He pleaded not guilty. In the months before and during the genocide, RTLM incited Rwandans to hunt down Tutsis and moderate Hutus and murder them. They listed the names and addresses of targeted individuals and, in some cases, urged listeners to “eliminate the enemy”. (See NCH #32.) By the end of 2003, the ICTR had delivered 17 judgments since its first indictments in 1995. The ICTR accused the Rwandese government of frustrating investigations of war crimes allegations against former RPA members.

[Sources: AI, *Report 2003* (2003) 210-12; AI, *Report 2004* (2004) 70, 71; HRW, *World Report 2003* (2003) 61, 63, 65; *Ifex Communiqué 12-49* (9 December 2003); *IOC 2/03*: 164.]

SAUDI ARABIA

See Kuwait.

SENEGAL

Despite formal commitments by the authorities to investigate past human rights violations, no steps were taken to institute an inquiry into the large-scale violations committed by the security forces in the disputed region of Casamance in the past decade. As a result, dozens of women whose husbands “disappeared” after being arrested by security forces or abducted by alleged armed members of the Mouvement des Forces Démocratiques de Casamance (MFDC, Democratic Forces of Casamance Movement) had to cope with uncertainty about the fates of their husbands and with economic hardship. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 73.]

See also Chad.

SERBIA and MONTENEGRO (formerly Federal Republic of Yugoslavia)

In February 2003 the International Court of Justice (ICJ) in The Hague agreed to hear a case brought by Bosnia-Herzegovina against Serbia and Montenegro for genocide and aggression in connection with the 1992-95 war.

[Source: AI, *Report 2004* (2004) 248.]

There was limited progress in identifying those who had “disappeared” or had been abducted. Further exhumations of burial sites took place. In March 2003 the International Commission for Missing Persons announced that DNA analysis had identified 209 bodies. In May, the United Nations Mission in Kosovo announced the formation of a special police unit to investigate the hundreds and possibly thousands of unsolved killings in 1999 and 2000. In June and July, 65 bodies previously found in a mass grave in Serbia were returned to Kosovo. This brought the total number of repatriated bodies of ethnic Albanians from Kosovo to 110 out of 850 bodies exhumed from mass graves in Serbia. No suspects were indicted.

[Source: AI, *Report 2004* (2004) 248-49.]

Arrests and trials continued of ethnic Albanians accused of war crimes. In July 2003, former commander of the Kosovo Liberation Army Rustem Mustafa and three others were convicted in Pristina of war crimes connected with the illegal confinement, torture, and murder of ethnic Albanians suspected of collaboration with the Serbs. Trials and retrials continued of Serbs previously convicted of war crimes or genocide by panels with a majority of ethnic Albanian judges. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 248-49.]

In July 2003, Serbia approved legislation authorizing a Special War Crimes Prosecutor. In October, a Special War Crimes Court was established.

[Source: AI, *Report 2004* (2004) 248.]

The authorities claimed to have solved a number of murders and “disappearances”, including that of former Serbian President Ivan Stambolic who was assassinated and buried in a lime pit after “disappearing” in August 2000. Murder charges were filed against former Yugoslav President Slobodan Milosevic and others, including members of a special police force said to have carried out the kidnapping and killing.

[Source: AI, *Report 2004* (2004) 247-48.]

The trial of Slobodan Milosevic, who had been accused of responsibility for war crimes committed in

Croatia, Bosnia-Herzegovina, and Kosovo, continued before the International Criminal Tribunal for the former Yugoslavia (ICTY). Witnesses testified that his government controlled Serb “paramilitaries” responsible for atrocities. A number of suspects were transferred to the ICTY. Former Serbian President Milan Milutinovic, who had enjoyed immunity while in office, voluntarily appeared before the ICTY in January 2003 to face charges of crimes against humanity in Kosovo. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 247.]

See also Bosnia-Herzegovina, Croatia.

SIERRA LEONE

Progress was made to address impunity for past human rights abuses committed by both government and opposition forces during the conflict (1991-2001). Thirteen people were indicted by the Special Court for Sierra Leone, established in 2002 to try those guilty of grave human rights violations committed after 30 November 1996. In early May 2003, Sam Bockarie, former commander of the Sierra Leone armed opposition Revolutionary United Front (RUF) and closely associated with Liberian President Charles Taylor, was killed. In March, he had been indicted by the Special Court. Allegedly, he was killed to prevent him giving evidence to the Court which would implicate Taylor. In July, former RUF leader Foday Sankoh died. Those indicted also included Johnny Paul Koroma, an elected member of parliament and former leader of the Armed Forces Revolutionary Council (AFRC), who remained at large, and Samuel Hinga Norman, Minister of Internal Affairs and former National Coordinator of the Civil Defense Forces, which had supported the government during the conflict. Trials were expected to begin in March or April 2004. Excluding the thirteen indicted by the court, most other people responsible for serious crimes committed during the conflict continued to benefit from an amnesty provided by the 1999 Lomé peace agreement. The Truth and Reconciliation Commission made progress toward providing a historical record of human rights abuses during the conflict and toward promoting reconciliation. More than 7,500 statements were collected, including from Sierra Leonean refugees in other West African countries. In August public hearings were completed. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 60, 74-75.]

See also Liberia.

SOUTH AFRICA

In October 1998, former State President F.W. de Klerk had challenged the report of the Truth and Reconciliation Commission (TRC) in court and was successful in having a short section removed (namely that he had been an accessory after the fact to the Khotso House bombing of August 1988). Volume six of the TRC report, handed over to President Thabo Mbeki in 2003, contained a version of the deleted passage about De Klerk after De Klerk had approved it. After a settlement in court, the TRC also agreed to include in Volume six the objections of the Inkatha Freedom Party (IFP) to the TRC findings. However, the settlement left intact the TRC's core findings that the IFP, the former KwaZulu homeland government, and the KwaZulu police were responsible for gross human rights violations. Volume six also summarized the work of the Amnesty Committee. It gathered evidence which substantiated allegations of state complicity in political violence in the late 1980s and early 1990s. In April 2003, the government announced that it would pay final reparations to 22,000 victims of gross human rights violations. Victim support groups and others criticized the offer as being far below the TRC's recommended amount. In October, President Mbeki assented to the Promotion of National Unity and Reconciliation Amendment Act, which authorized use of the President's Fund not only for reparations to individual victims but also for "the rehabilitation of communities". In November, the government began one-off payments to individual victims.

[Sources: TRC, *Report* (London) volume 6 (2003) 58-62; AI, *Report 2004* (2004) 78.]

In 2003, there was controversy over access to the TRC files, some of which were sent to the National Intelligence Agency. The government claimed that it could reclassify the "sensitive" documents in the files. The South African History Archive (SAHA) won an out of court settlement which stated that TRC files had to be moved to the National Archives and prepared for public access. SAHA also discovered the existence of many thousands of Military Intelligence files that had never been sent to the TRC. It used the 2000 Promotion of Access to Information Act to secure lists of these files.

[Sources: D. Banisar, *The WWW.freedominfo.org Global Survey: Freedom of Information and Access to Government Record Laws around the World* (WWW-text; September 2003) 76; D. Orentlicher, *Independent Study on Best Practices, Including Recommendations, To Assist States in Strengthening Their Domestic Capacity To Combat All Aspects of Impunity* (E/CN.4/2004/88; 27 February 2004), paragraph 20.]

See also Switzerland.

SPAIN

The United Nations Working Group on Enforced or Involuntary Disappearances added Spain to its list of countries where people had “disappeared”. It was concerned about the period under the government of General Francisco Franco (1939-75) and asked the government to investigate two cases dating from after 1945, the date of the foundation of the United Nations. Efforts were continued to locate the bodies of some of the thousands shot during or after the 1936-39 civil war. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 254-55.]

SRI LANKA

A Commission of Inquiry, appointed by the National Human Rights Commission to investigate complaints of “disappearances” in the Jaffna, Kilinochchi and Vavuniya districts from 1990 to 1998, published its findings in October. The commission investigated the cases of 280 “disappeared” people, 245 of whom had been detained by the army and 25 by the Liberation Tigers of Tamil Eelam (LTTE). Neither the army nor the LTTE cooperated fully with the inquiry. The commission found no evidence that “disappearances” had occurred in police custody, but it did find that the police had systematically hindered investigations into complaints by relatives of the “disappeared”. It recommended that officers with command responsibility be held criminally liable in “disappearance” cases and that the government consider compensating relatives of the “disappeared”. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 189.]

SURINAME

In 2003, the investigation continued into the 1982 “December murders” in which fifteen journalists, academics and labor leaders were extrajudicially executed at Fort Zeelandia, an army center in Paramaribo. The homes of the minister of justice and police and of the investigating judge were broken into in early 2003 and documents relating to the case were reportedly taken away. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 133.]

In 2003, the Inter-American Court of Human Rights review of the Moiwana massacre case began. The massacre, in which 35 people, mostly women and children, were killed during an attack by a specialized army unit, had occurred in November 1986. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 133.]

SWITZERLAND

In April 2003, the government decided to close previously open files on South Africa, including files from the 1960-73 era (outside the thirty-year embargo), reportedly out of fear for lawsuits in the United States against Swiss companies who had dealt with South Africa under the apartheid regime. Later the prohibition was slightly amended. The Swiss Society of History protested the move for reasons of principle and because it hampered current research. In 2002, South African victims of apartheid had brought a multi-billion dollar suit in the United States against American, Swiss and German banks as well as the IBM corporation, claiming that loans to the apartheid regime had helped prop it up in defiance of a United Nations embargo in the period 1985-93.

[Sources include: Correspondence between Swiss Society of History and Swiss President Pascal Couchepin (1 May, 28 May, 30 June, 12 August 2003); HRW, *World Report 2003* (Washington) 74.]

SYRIA

In August 2003, fourteen human rights activists were arrested and charged with “affiliation to a secret organization and carrying out acts which could incite factional conflict within the nation” in relation to a lecture--which was canceled before it started--marking the fortieth anniversary of the declaration of the state of emergency in Syria.

[Source: AI, *Report 2004* (2004) 303.]

TIMOR-LESTE

By December 2003, indictments had been served against 369 individuals for serious crimes, including crimes against humanity, in connection with the independence ballot in 1999. Among those indicted were 281 people residing in Indonesia, including senior Indonesian military officials. However, Indonesia refused to transfer suspects for trial to Timor-Leste. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 163, 194.]

Human rights violations immediately before and during the Indonesian invasion in 1975 were the subject of an ongoing inquiry by the Commission for Reception, Truth and Reconciliation. (See NCH

#32.)

[Source: AI, *Report 2004* (2004) 194.]

See also Indonesia.

TURKEY

In June 2003, Fikret Baskaya (1940-) faced a new trial after publication of the eighth edition of his book *Westernization, Modernization, Development--Collapse of a Paradigm; An Introduction to the Critique of the Official Ideology* (Istanbul, April 1991) which described the social-economic evolution of Turkey since 1919 and criticized Turkey's policy of "colonizing Kurdistan". In August he was acquitted. In October, this was confirmed after new rules allowing retrial of cases heard by the European Court of Human Rights were adopted.

[Sources: European Court of Human Rights, *Case of Baskaya and Okcuoglu versus Turkey: Judgment* (WWW-text; Strasbourg, 8 July 1999); *IOC 3/03*: 162; *IOC 1/04*: 155.]

On 20 May 2004, the Supreme Court sentenced Hakan Albayrak, a former journalist for *Milli Gazete*, to fifteen months' imprisonment (of which he has to serve five), under a 1951 law criminalizing "insults to the memory of Atatürk". The conviction arose from a phrase in an article by Albayrak published in 2000, entitled "A Funeral Prayer", in which he criticized the recital of prayers at the funeral of writer Mina Urgan, a well-known atheist, and compared it with Atatürk's funeral. The contentious phrase was: "Mustafa Kemal Pasha was buried without a funeral prayer. And neither the State nor the public was disturbed by this". According to press reports, Albayrak wrote a subsequent article in which he claimed that he had been misinformed about Atatürk's funeral and apologized for any offence he had caused. (See NCH #36.)

[Source: PEN, *Rapid Action Network 28/04* (London) 10 June 2004.]

TURKMENISTAN

On 23 February 2004, writer and Russian citizen Rakhim Esenov (?1926-) and two others were detained by Security Service officers in the capital Ashgabat. They were believed to be at risk of torture. Esenov, in bad health, was accused of "smuggling" 800 copies of his banned historical novel *The Crowned Wanderer* (written around 1994, published in Moscow in 2003), into Turkmenistan. The novel was set in the period of the Mogul Empire (1526-1803 CE) and featured the character of

Bayram Khan, whom the book portrayed as a Turkmen poet, philosopher and army general who saved the empire from falling apart. In February 1997, President Saparmurad Niyazov had publicly criticized the book and denounced the author for making “historical errors”, but Esenov refused to make the “corrections” the president demanded. Esenov was charged with “inciting social, national and religious hatred”. On 9 March 2004, he was released on condition that he did not leave the country. (See NCH #34, #34ii.)

[Sources: AI, *Urgent Action 90/04* (2 March 2004); PEN, *Rapid Action Network 06/04* (5 & 17 March 2004); HRW, *World Report 2002* (Washington) 364; *IOC 2/04*: 146.]

UNITED KINGDOM

In April 2003, the Metropolitan Police Commissioner, John Stevens, delivered a long-awaited report on the practiced collusion in Northern Ireland. It confirmed widespread collusion between state agents and Loyalist paramilitaries, including state agents being involved in murder. It also confirmed the existence of the British army’s secret intelligence unit known as the Force Research Unit which had actively colluded with Loyalist paramilitaries in targeting people for assassination.

[Source: AI, *Report 2004* (2004) 265.]

See also Ireland, Kenya.

UNITED STATES

On 3 August 2003, Ali Mazrui (1933-), Kenyan-born historian and political scientist and permanent United States resident since 1974, author of many books on Islam and Africa, Albert Schweitzer professor and director of the Institute of Global and Cultural Studies at State University of New York at Binghamton, and member of the Board of Directors of the American Muslim Council, was detained and interrogated by immigration and custom officials, and agents from the Department of Homeland Security for six to seven hours in Miami after he returned from a working visit to Trinidad. Mazrui was asked what jihad was, what sect of Islam he believed in, and whether he had met a radical islamist leader in Trinidad. Mazrui declared that he did not know why he was singled out. In June 2003, Mazrui had been appointed Chancellor of the Jomo Kenyatta University of Agriculture and Technology in Nairobi, Kenya.

[Sources: *Washington Post*, 14 September 2003 (WWW-version.); K. Hasan, “US agencies paranoid

about Muslims”, *Daily Times* (Pakistan), 15 September 2003 (WWW-version).]

URUGUAY

In April 2003, the Peace Commission, established by President Jorge Battle in August 2000 to clarify the fate of Uruguayans who had “disappeared” under military rule (1973-85), published its final report. The Commission stated that 26 Uruguayans had died as a result of torture in 1973-85. Nobody was brought to justice for these grave human rights violations. In the same month, there were signs that the authorities wanted to extend the 1986 Expiry Law which granted exemption from punishment to police and military personnel responsible for human rights violations committed in 1973-85. There were also serious concerns that the government was interfering with the judiciary after a judge was asked to stop investigating the possibility that the bodies of “disappeared” people were buried in military compounds. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 95, 138-39.]

VATICAN

In February 2002 and February 2003, the release of archival records on the Pope’s wartime role was announced. The release would be gradual between 2005 and 2009, and for historians only.

[Source: *Keesings Historisch Archief*, 2000: 677; 2003: 163, 490.]

VENEZUELA

In November 2003, the government committed itself to comply with the ruling of the Inter-American Court of Human Rights to pay compensation to relatives of the victims of the widespread civil disturbances in 1989, known as the Caracazo. (See NCH #32.)

[Source: AI, *Report 2004* (2004) 140.]

VIETNAM

In June 2001, Thich Quang Do (1927-), a Buddhist scholar and poet, author of several novels and studies of Buddhist history, was put under house arrest for two years because he had called for

freedom of religion and democracy. In June 2003 he was released, but in October again placed under house arrest. (See NCH #10, #14, #17.)

[Sources: HRW, *World Report 2003* (Washington 2003) 272; AI, *Report 2004* (2004) 195.]

On 28 December 2002, Pham Que Duong (?1933-), former colonel and military historian, was arrested in Ho Chi Minh City. It is believed that his trial will take place before the end of July 2004. In August 2002, he had been among 21 signatories of a petition sent to parliament calling for democratic reforms. (See NCH #32.)

[Sources: HRW, *World Report 2003* (2003) 272; AI, *One Cyber-Dissident Released, Many Still Imprisoned*, 14 June 2004.]

ZIMBABWE

On 18 November 2003, labor historian and political scientist Brian Raftopolous, advisory board member of the Journal of Southern African Studies and chair of the Zimbabwe Crisis Coalition, which brings together many civil society organizations, was arrested and detained with others in Harare, when they were taking part in a peaceful demonstration organized by the Zimbabwe Congress of Trade Unions. After three days, the case was dismissed.

[Sources include: draft letter of Journal of Southern African Studies editorial board to *The Guardian* (22 November 2003.)]

See also Ethiopia.