

INTRODUCTION

The seventeenth *Annual Report* of the Network of Concerned Historians (NCH) contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists, and archaeologists around the globe, as reported by various human rights organizations and other sources. It covers events and developments of 2010 and 2011. The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

The complete set of *Annual Reports* (1995–2011) was compiled by Antoon De Baets. Please send any comments to: <antoondebaets@concernedhistorians.org>.

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AFGHANISTAN

Last *Annual Report* entry: 2010.

In early 2010, the National Stability and Reconciliation bill was officially promulgated, granting immunity from criminal prosecution to people who committed serious human rights violations and war crimes over the past thirty years. In March 2007, a coalition of powerful warlords in parliament pushed through the amnesty law to prevent prosecution of individuals responsible for large-scale human rights abuses in the preceding decades. It was not publicized and promulgated until early 2010. It was revived in 2010 to facilitate amnesties for reconciliation and reintegration of the Taliban and the Islamist political party Hezb-i Islami Gulbuddin. In the absence of a practical justice system to address the lack of accountability by the warring parties, the government was urged to ask the International Criminal Court to investigate allegations of war crimes and crimes against humanity committed by all parties to the conflict.

[Sources: Amnesty International, *Report 2011* (London 2011), 55, 57; Human Rights Watch, *World Report 2011* (Washington 2011), 280.]

See also United States.

ALBANIA

Last *Annual Report* entry: 1996.

See Macedonia, Serbia / Kosovo.

ALGERIA

Last *Annual Report* entry: 2010.

The government maintained the state of emergency in force since 1992. No steps were taken to investigate the thousands of enforced disappearances and other serious abuses that took place during the internal conflict of 1992–2000, in which over 100,000 Algerians died. The authorities continued to implement the Charter for Peace and National Reconciliation (Law 06–01), which gave impunity

to the security forces, criminalized public criticism of their conduct and amnestied members of armed groups responsible for gross human rights abuses. In October 2010, a senior official claimed that 7,500 “repented terrorists” had been granted amnesties since 2005. He also said that 6,240 families of people who had disappeared had accepted financial compensation, and that only twelve families “manipulated by NGOs and foreign bodies” were refusing compensation. Under Law 06–01, relatives can seek compensation if they obtain a death certificate from the authorities for the person who disappeared. A 2000 decree banning demonstrations in Algiers remained in effect in 2010. Despite the ban, families of the disappeared continued to hold protests in several cities, including Algiers, Constantine and Jijel. SOS Disparu(e)s—an organization comprised of relatives of persons forcibly disappeared—held small vigils in front of the Algiers headquarters of the state human rights commission for most Wednesdays since 1998, in spite of occasional police harassment. In August 2010, police dispersed the gathering and briefly arrested the protesters. During the same month, the head of the National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH) declared that demands by families for truth and justice were unrealistic due to the absence of testimonies and the impossibility of identifying perpetrators. In July 2010, the United Nations Human Rights Committee said that the authorities should investigate the disappearance of Douia Benaziza, who was arrested by security forces in June 1996, and provide her family with an adequate remedy. The Committee found that the authorities had breached her right to liberty and security of person, and her right not to be tortured or ill-treated.

[Sources: Amnesty International, *Report 2011* (London 2011), 60, 61; Human Rights Watch, *World Report 2011* (Washington 2011), 506–509.]

ANGOLA

Last *Annual Report* entry: 2009.

See Congo (Democratic Republic).

ARGENTINA

Last *Annual Report* entry: 2010.

According to official data, by the end of 2010, 110 people had been convicted for their role in human

rights violations committed under the military regimes of 1976–1983; 820 more were facing criminal charges; and 13 trials were continuing. On 20 April 2010, Reynaldo Bignone, a former military general and former *de facto* President, was found guilty of torture, murder and several kidnappings that occurred while he was commander of the Campo de Mayo detention center (1976–1978) on the outskirts of Buenos Aires. He received a 25 year prison sentence. In December 2010, Jorge Videla, *de facto* President of Argentina in 1976–1981, was found criminally responsible for the torture and deaths of over thirty prisoners in Córdoba in 1976. The court found a further 22 military and police officers guilty of these crimes. Delays in judicial proceedings, however, continued to undermine accountability. According to the Center for Legal and Social Studies (CELS), by October 2010, 253 people implicated in crimes committed during the dictatorship had died before being brought to justice. One of the main causes of delay was the failure to allocate sufficient courtrooms in Buenos Aires. There were also long delays at the appellate level: as of March 2010 the Supreme Court had confirmed final sentences in only two of the cases reactivated after the annulment of the amnesty laws.

[Sources: Amnesty International, *Report 2011* (London 2011), 14, 66; Human Rights Watch, *World Report 2011* (Washington 2011), 204–205.]

In 2010 no one was convicted for the 1994 bombing of the Jewish Argentine Mutual Association in Buenos Aires (AMIA), in which 85 people died and over 300 were injured. Criminal investigations and prosecutions were hindered by judicial corruption and political cover-ups in Argentina, and by the failure of Iran, which is suspected of ordering the attack, to cooperate with the Argentine justice system. An Argentine federal court issued an international warrant for the arrest of former Iranian president Ali Akbar Hashemi-Rafsanjani and six Iranian officials in 2006, but demands for their extradition fell on deaf ears. In a speech at the United Nations (UN) in September 2010, President Cristina Fernández de Kirchner offered Iranian President Mahmoud Ahmadinejad the possibility of holding the trials in a neutral third country. In a letter to the UN in October 2010, Iran rejected the proposal as “unsustainable.”

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 206–207.]

See also Germany, Vietnam.

ARMENIA

Last *Annual Report* entry: 2010.

See Turkey, United States.

AUSTRALIA

Last *Annual Report* entry: 2009.

See Myanmar.

AUSTRIA

Last *Annual Report* entry: 2009.

AZERBAIJAN

Last *Annual Report* entry: 2010.

On 6 July 2010, a Baku court convicted Eynulla Fatullayev (see *NCH Annual Report 2010*) of drug possession and sentenced him to 30 months' imprisonment. On 26 July 2010, an appeal was filed against the decision. In late July and August 2010, two newspapers and a television channel conducted a smear campaign against Fatullayev, calling him, inter alia, a "traitor." On 4 October 2010, an appeal to the Grand Chamber of the European Court of Human Rights (ECHR) filed by the government in July was rejected. In November 2010, the Supreme Court ruled that the country would uphold the ECHR decision of April 2010 (it had ruled that Fatullayev's rights to free expression and to a fair trial had been violated and that he should be given compensation); it lifted the charges of defamation and instigating terrorism, but not the drug possession charges. On 22 November 2010, the appeals court upheld the drug possession conviction. In January 2011, Fatullayev announced that he had appealed to the ECHR against the drugs charge. In February 2011, Fatullayev expressed fears for his safety in prison (he was kept in the same prison as some of the criminals he had written about

critically while an active journalist) and announced a hunger strike if he would not be transferred to another prison. He was put in solitary confinement. In March 2011, his life was reported in danger. In early May 2011, Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media Dunja Mijatovic met with Fatullayev in prison. On 26 May 2011, he was released due to a general amnesty for political prisoners to mark 28 May Republic Day.

[Sources: Article 19, “Azerbaijan: Eynulla Fatullayev Sentenced to 2.5 Years’ Imprisonment on New Political Charge” (7 July 2010); Article 19, “Fatullayev’s Fate Lies with the Council of Europe Committee of Ministers” (6 December 2010); European Court of Human Rights, *Eynulla Fatullayev versus Azerbaijan: Judgement* (<http://www.concernedhistorians.org/le/150.pdf>; 22 April 2010); Human Rights Watch, *Azerbaijan: Beaten, Blacklisted, and Behind Bars—The Vanishing Space for Freedom of Expression in Azerbaijan* (Washington, October 2010), 21–23, 34–35; Human Rights Watch, *World Report 2011* (Washington 2011), 398; *Ifex Communiqué* (1 June 2011); Institute for Reporters Freedom and Safety, Press releases (7 July & 27 July & 9 August & 21 October 2010; 10 & 25 January & 11 February & 27 April & 29 April 2011); *Index on Censorship*, 4/10: 213–214; *Keesings historisch archief* (2010), 657; PEN, *RAN 27/07 Updates* (5 October 2010; 10 & 22 November 2010; 27 May 2011); Reporters Without Borders, *Ifex Alert* (22 July 2010).]

BAHRAIN

Last *Annual Report* entry: 2010.

In June 2010, the authorities blocked a popular blog called Sanawat al-Jareesh, which provided an unofficial account of Bahrain's history.

[Source: S. Kelly & S. Cook, eds., *Freedom on the Net: A Global Assessment of Internet and Digital Media* (Washington: Freedom House, 2011), 51.]

In September 2010, the Department of Publications of the Ministry of Culture and Information banned a book entitled "*Unbridled Hatreds: Read in the Fate of Ancient Hatreds*" written by Nader Kadim. On 26 September 2010, a discussion seminar supposed to take place at the same time as the book launch was canceled. The book provided an overview of hatred in different historical contexts, especially focussing on defamation laws and laws criminalizing hate speech. Kadim had previously published sections of the book as newspaper articles without any objections. In 2008, his book "*Using Memory in a Society Plagued by its History*" was banned because the authorities considered it "dangerous to the principles of modern-day society."

[Source: Bahrain Center for Human Rights, *Ifex Alert* (27 October 2010).]

BANGLADESH

Last *Annual Report* entry: 2010.

In March 2010, the government set up the International Crimes Tribunal to try "those who committed crimes, assisted criminals and took part in the genocide during the Liberation War [1971]." Between August and November 2010, the Tribunal ordered the arrest of five leaders of the Jamaat-e-Islami (a religious right-wing political group alleged to have collaborated with Pakistani forces) for war crimes, including genocide. They were Motiur Rahman Nizami, Ali Ahsan Muhammad Mojahid, Muhammad Kamaruzzaman, Abdul Quader Molla and Delwar Hossain Sayeedi. Salauddin Quader Chowdhury, a leader of the opposition Bangladesh Nationalist Party (BNP) detained since mid-December 2010, was later declared a war crimes suspect. They all had been arrested initially on unrelated charges. The International Crimes (Tribunal) Act 1973 and its 2009 amendment, under which the trials were being held, lacked adequate fair trial safeguards. It denied, among other things, the right to challenge the jurisdiction of the Tribunal, the right to the possibility of bail and the right

to challenge the impartiality of the judges.

[Sources: Amnesty International, *Report 2011* (London 2011), 74–75; Human Rights Watch, *World Report 2011* (Washington 2011), 284.]

BELARUS

Last *Annual Report* entry: 2010.

In 2009, one dissertation on everyday life in Soviet Belarus between 1944 and 1953 was rejected by Yakov Treshchenok, a former history teacher of President Aleksandr Lukashenka who was very influential in the history domain, because it did not present Russia as Belarus's "birth mother." In 2010, *Sowietyzacja zachodniej Białorusi, 1944–1953* (Cracow: Arcana, 2010), a dissertation by Jan Szumski on the extension of Soviet Belarus to the west was published abroad.

[Source: Timothy Snyder, "In Darkest Belarus," *New York Review of Books* (28 October 2010).]

BELGIUM

Last *Annual Report* entry: 2010.

When on 24 June 2010 police officers raided the Roman Catholic Church and its commission to investigate and aid victims of sexual abuse by priests (established in 2000), they also raided the National Archives, where part of the commission records were held since September 2009. It was reportedly the first time in the history of the National Archives that judicial authorities seized records in their custody. The tombs of two cardinals were disturbed in a hunt for documents. The confiscation was sensitive because many of the victims who testified before the commission had done so after they had been promised confidentiality.

[Sources: Stephen Castle, "Belgian Raiders Went to National Archives," *New York Times* (30 June 2010); *Keesings historisch archief* (2010) 372.]

On 8 December 2010, the Brussels Civil Court delivered its first findings in a case brought by nine survivors of the Rwandan genocide against the Belgian state and three Belgian soldiers. The Court found that the Belgian state was responsible for ordering the prompt return of Belgian peacekeepers from Kigali in 1994, leaving behind an estimated 2,000 people in a school building that was under

Belgian control when the peacekeepers withdrew. Many of them were killed shortly after the departure of the peacekeepers. The Court also ruled that by obeying those orders the three soldiers had engaged their own responsibility.

[Source: Amnesty International, *Report 2011* (London 2011), 78.]

BOLIVIA

Last *Annual Report* entry: 2010.

In November 2008, the government requested the extradition of former president Gonzalo Sánchez de Lozada and two of his ministers to stand trial for killing at least 67 people and injuring more than 400 in anti-government protests in September and October 2003, when the army used lethal force to quell violent demonstrations in the highland city of El Alto. It did not receive a response from the United States (US) government. Sánchez de Lozada had resigned and fled to the US after the events, known in Bolivia as “Black October.” The three men, as well as other ministers who were given asylum in Peru, were declared fugitives from justice. In August 2010, the prosecutor had filed charges against three senior military officials, including a former chief commander of the armed forces, for destroying military documents, including a log believed to have recorded details of the events and the personnel who participated.

[Sources: Amnesty International, *Report 2011* (London 2011), 80; Human Rights Watch, *World Report 2011* (Washington 2011), 211–212.]

In 2010, there were continued delays in bringing to justice those responsible for human rights violations committed under past military regimes and since the return to democratic rule, and in providing reparation to victims. Prosecutors attempting to access military archives as part of their investigations into enforced disappearances in 1980–1981 faced continuing obstacles, despite two Supreme Court orders to declassify the archives in April 2010. On 31 May 2010, Defense Minister Rubén Saavedra announced that the armed forces had finally agreed to declassify the archives. In late 2010 the army continued to defy the order and did not provide information to help clarify the fate of the “disappeared.” Mendoza, whom Vice-President Alvaro García Linera publicly criticized for overstepping his mandate, was taken off the case.

[Sources: Amnesty International, *Report 2010* (London 2010) 80; *Report 2011* (London 2011) 15, 80; Reporters without Borders, *Ifex Alert* (22 February & 3 June 2010); “Gobierno boliviano hará que desclasifiquen archivos militares” (Prensa Latina <http://www.prensa-latina.cu>); Human Rights Watch,

World Report 2011 (Washington 2011), 210–211; Luis Oporto Ordoñez, “La batalla por abrir los archivos militares de la dictadura de 1980,” *La época* (4 July 2010).]

BOSNIA and HERZEGOVINA

Last *Annual Report* entry: 2010.

On 28 January 2010, the Court of Appeals in The Hague heard a civil case filed by 6,000 relatives of the victims of the 1995 genocide in Srebrenica (the “Mothers of Srebrenica”) against the Netherlands and the United Nations (UN). The applicants claimed compensation from the Dutch authorities and the UN for having failed to protect them and their families from genocide committed in Srebrenica in July 1995 by members of the Bosnian Serb Army led by General Ratko Mladić. In the first instance judgment in July 2008, the District Court in The Hague had stated that it had no jurisdiction over actions by the UN personnel. It also discharged any responsibility of the Dutch government. On 30 March 2010, the Court of Appeals in The Hague rejected the appeal in the case. The court stated that the immunity of the UN from prosecution was absolute and that it was not competent to deal with the compensation claim.

[Source: Amnesty International, *Report 2011* (London 2011), 82.]

On 11 July 2010, the remains of 775 victims of the Srebrenica massacre were buried in the Potocari area, at a ceremony marking the fifteenth anniversary of the worst atrocity in Europe since World War II. In June 2010, the International Criminal Tribunal for the former Yugoslavia (ICTY) convicted Vujadin Popovic and Ljubisa Beara, two high-ranking Bosnian Serb army officials, of genocide, murder, extermination, and persecution for their roles in the massacre at Srebrenica, sentencing them to life imprisonment. A third defendant, Drago Nikolic, was convicted of aiding and abetting genocide, murder, extermination, and persecution, and sentenced to 35 years in prison. Four others were also convicted of a range of crimes committed during and following the fall of Srebrenica and Zepa.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 410–411.]

In July 2010, just before the 15th anniversary of the genocide at Srebrenica in 1995, several high-level politicians of Republika Srpska made statements glorifying the perpetrators of the genocide in Srebrenica in July 1995 and other people accused of being responsible for it, including Radovan Karadžić. Some of them denied the fact that genocide had taken place in Srebrenica.

[Source: Amnesty International, *Report 2011* (London 2011), 38, 81.]

The Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) found that at least 5,336 individuals were killed in several executions following the fall of Srebrenica but noted that the final number of victims could be as high as 7,826. The proceedings against Radovan Karadžić continued before the Trial Chamber on various charges, including two counts related to genocide. The first referred to Srebrenica. The second related to the crimes committed between 31 March and 31 December 1992 in a number of municipalities in Bosnia-Herzegovina, including killings, torture and forcible transfer or deportation, and whose aim was the destruction of Bosnian Croats and Bosnian Muslims as ethnic or religious groups. There were also five counts of crimes against humanity, including persecution, extermination, murder and deportation of non-Serbs. The indictment also contained four charges of violations of the laws or customs of war such as hostage-taking and spreading terror among the civilian population. During the proceedings Karadžić rejected all charges, claiming that both Sarajevo and Srebrenica were legitimate military targets.

[Source: Amnesty International, *Report 2011* (London 2011), 82.]

On 26 May 2011, after almost 16 years on the run, Ratko Mladić, the former Bosnian Serb army commander was arrested. The International Criminal Tribunal for the Former Yugoslavia in The Hague (ICTY) charged him with eleven counts of genocide, crimes against humanity, and war crimes, including the 43-month siege of Sarajevo and the Srebrenica genocide in July 1995. The arrest came as European countries were considering the opening of formal membership negotiations with Serbia. The European Union had stressed that Belgrade had to cooperate fully with the ICTY before talks could start. Cooperation of the Serbian government with the ICTY also included surrendering key documents and archives for ongoing and upcoming trials. Although ICTY had to complete all of its work, including appeals, by the end of 2014, it was unlikely that Mladić's trial would be completed by that date. The ICTY delivered its first genocide conviction against General Radislav Krstić in August 2001, sentencing him to 46 years in prison. Krstić was second in command to Mladić of the Bosnian Serb troops at Srebrenica. In April 2004, the ICTY Appeals Chamber, while reducing Krstić's sentence to 35 years, confirmed that genocide had occurred in Srebrenica.

[Source: Human Rights Watch, "Bosnia: Mladić Arrest Ends Reign of Impunity; UN Security Council's Ongoing Support Essential for Yugoslav Tribunal" (26 May 2011).]

Prosecution of crimes under international law continued before the domestic judiciary in Bosnia and Herzegovina (BiH), at a slow pace. The War Crimes Chamber (WCC) of the State Court continued to play the central role in war crimes prosecutions in BiH. At the end of September 2010, 50 war crimes

trials were pending before the WCC. A further 20 cases were on trial in the Federation of BiH and 13 in the Republika Srpska. The Brcko District had 4 pending cases. Prosecution of rape and other war crimes of sexual violence continued to receive little attention. Fewer than 20 such cases had been prosecuted in total by the WCC since its creation in 2005. However, it was estimated that there was a backlog of up to 10,000 untried war crimes cases. The implementation of the State Strategy for the Work on War Crimes, which was adopted in 2008 in order to address the issue, was delayed. Witness support and protection measures in BiH remained inadequate. Despite some efforts, the authorities failed to grant access to reparation for many victims of war crimes, including survivors of sexual violence, families of those forcibly disappeared and victims of torture.

[Source: Amnesty International, *Report 2011* (London 2011), 81.]

Progress in identifying the whereabouts of victims of enforced disappearance during the 1992–1995 war was slow. Due to the inadequate response of the justice system, those responsible often enjoyed impunity. Although exhumations conducted by the Missing Persons Institute continued at various locations, the whereabouts of between 10,000 and 11,500 people remained unknown. The state authorities failed to create a database of the missing people and to open the Fund for Support to the Families of Missing Persons—both of which were envisaged by the Law on Missing Persons adopted in 2004. In June 2010, the United Nations Working Group on Enforced or Involuntary Disappearances visited BiH and urged the authorities to implement in full the 2004 law. It also noted with concern that many judgments of the Constitutional Court of BiH in cases involving enforced disappearances remained unimplemented. It recommended that the authorities establish a national program on reparations for relatives of victims of enforced disappearance, which should include measures such as compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition.

[Source: Amnesty International, *Report 2011* (London 2011), 83.]

See also Croatia, Montenegro.

BRAZIL

Last *Annual Report* entry: 2010.

Brazil continued to lag behind the rest of the region in its response to grave human rights violations committed during the military era (1964–1985). In April 2010, the Supreme Federal Tribunal upheld

the interpretation that crimes committed by members of the military—extrajudicial executions, torture and rape—were political or related to political acts and, therefore, covered by an amnesty law passed by the military regime in 1979; in so doing, it ruled against a challenge to interpretations of this Law. However, on 14 December 2010, the Inter-American Court of Human Rights ruled that Brazil was responsible for the enforced disappearance of at least 70 peasants and Araguaia Guerrilla activists in Pará state in 1970–1972. The court found that Brazil had violated the right to the truth by not adequately investigating the cases and withholding information, and that the amnesty law ran counter to its obligations under international law and could not be used to block prosecutions in cases of grave human rights violations. The court also stated that Brazil could not justify its failure to provide information simply on the grounds that there was no proof that the required information existed; it had to indicate all measures taken to confirm whether the information ever existed. The federal government in 2010 presented a bill creating a national truth commission to investigate dictatorship-era abuses, but in late 2010 its approval was still pending in congress.

[Sources: Amnesty International, *Report 2011* (London 2011), 15–16, 87; Article 19, *Ifex Alert* (21 December 2010); Human Rights Watch, *World Report 2011* (Washington 2011), 219.]

BULGARIA

Last *Annual Report* entry: 2009.

See Macedonia.

BURKINA FASO

Last *Annual Report* entry: 2005.

See Guinea.

BURUNDI

Last *Annual Report* entry: 2010.

In September 2010, President Pierra Nkurunziza committed to moving forward with the creation of a Truth and Reconciliation Commission (TRC) in his inauguration speech. In November 2010, Nkurunziza received the report on the 2009 national consultations on transitional justice (held by a committee representing the government, the United Nations, and civil society). Publishing the report was a prerequisite to establishing the TRC and a Special Tribunal. Impunity persisted for serious past abuses by the National Liberation Forces (FNL), by the National Council for Defense of Democracy-Forces for Defense of Democracy (CNDD-FDD; the ruling party) and the former Burundian army.

[Sources: Amnesty International, *Report 2011* (London 2011), 3–4, 92; Human Rights Watch, *World Report 2011* (Washington 2011), 90.]

See also Congo (Democratic Republic), Rwanda.

CAMBODIA

Last *Annual Report* entry: 2010.

In a landmark decision in July 2010, the Extraordinary Chambers in the Courts of Cambodia (ECCC), the United Nations-backed Khmer Rouge tribunal, convicted Kaing Guek Eav (known as Duch) for crimes against humanity and grave breaches of the Geneva Conventions for his role in mass executions, torture and other crimes during the Khmer Rouge period (1975–1979). Duch was the commander of security prison S-21, where at least 14,000 people were tortured and killed. He was sentenced to 35 years' imprisonment, reduced by 16 years for time served and illegal detention. Both the prosecution and defense appealed against the sentence. In September 2010, Ieng Sary, Ieng Thirith, Khieu Samphan and Nuon Chea were charged with genocide of the Cham and Vietnamese, crimes against humanity, war crimes, and other crimes. Prime Minister Hun Sen undermined progress on two additional cases covering five individuals by warning that he would not allow further prosecutions.

[Sources: Amnesty International, *Report 2011* (London 2011), 28, 92, 93; Human Rights Watch, *World Report 2011* (Washington 2011), 300.]

See also Thailand.

CAMEROON

Last *Annual Report* entry: 2010.

CANADA

Last *Annual Report* entry: 2009.

See Myanmar, United States.

CENTRAL AFRICAN REPUBLIC

Last *Annual Report* entry: 2009.

On 22 November 2010, the International Criminal Court (ICC) started the trial of Jean-Pierre Bemba, former Vice-President of the Democratic Republic Congo. In October 2010, an appeals panel at the court in The Hague had rejected an appeal from his lawyers to dismiss the case, the final obstacle to starting the trial. The ICC said that Bemba would face two counts of crimes against humanity and three counts of war crimes. He was accused of leading militias in the country in 2002–2003 that killed and raped civilians.

[Source: Amnesty International, *Report 2011* (London 2011), 3, 97, 98, 126.]

CHAD

Last *Annual Report* entry: 2010.

In 2010, the Senegalese government continued to delay judicial proceedings against former Chadian president Hissène Habré, who stands accused of crimes against humanity and torture during his 1982–1990 rule. In May 2010, the Community Court of Justice of ECOWAS declared Habré's 2009 complaint against Senegal admissible. The complaint claimed that the prosecution violated the prohibition of retroactive criminal law in the African Charter on Human and Peoples' Rights, even though the crimes alleged were all violations of international law when they were committed. In November 2010, the ECOWAS Court ruled that Senegal could only try Habré if ad hoc or special jurisdictions were put in place. In July 2010, following a joint African Union-European Union mission, a round table was announced to finalize the financial terms of Habré's trial. The round table was held in November 2010, and European and African donors agreed to contribute to financing the trial. Meanwhile, thousands of victims of torture and killings under Habré's rule never received compensation or recognition from Chad's current government, and many of Habré's henchmen still held key positions of power, including state security jobs. In December 2010, President Abdoulaye Wade declared that he was no longer interested in pursuing the investigation and prosecution of Habré.

[Sources: Amnesty International, *Report 2011* (London 2011), 3, 280–281; Human Rights Watch, *World Report 2011* (Washington 2011), 95.]

See also Sudan.

CHILE

Last *Annual Report* entry: 2010.

In January 2010, the Memory Museum was opened to the public, providing a space to acknowledge human rights violations committed in 1973–1990.

[Source: Amnesty International, *Report 2011* (London 2011), 103.]

A decree signed in January 2010 by outgoing President Michelle Bachelet established a commission to allow the cases of those who had been subjected to political imprisonment, torture or enforced disappearance in 1973–1990—and who had not yet been identified by the Rettig or Valech Commissions—to be presented. Victims and their relatives were given six months to present their cases, after which the commission would review the cases and produce a list of names of those who qualified for the same benefits as those granted under the Rettig and Valech Commissions. President Sebastián Piñera provided government support for the human rights program attached to the ministry of the interior, whose lawyers helped relatives of victims pursue their cases before the courts. As of June 2010, 292 former military personnel and civilian collaborators had been convicted on charges of enforced disappearances, extrajudicial executions, and torture (of whom 210 had the verdict confirmed on final appeal). Sixty-four were serving prison sentences; 490 more were facing charges. In July 2010, Piñera announced he would exclude prisoners convicted of human rights violations from presidential clemency measures that the Catholic Church had requested to mark the 200 anniversary of Chile's founding as a republic. However, in many cases the Supreme Court routinely used its discretionary powers to reduce sentences against human rights violators in recognition of the time elapsed since the criminal act. Often the sentence finally imposed was low enough to exempt those convicted from going to prison. This practice raised concerns about Chile's fulfilment of its obligation to hold perpetrators of disappearances accountable by imposing appropriate punishment or sanctions; less than one-third of those convicted were actually serving prison time in August 2010. Victims' groups continued to present cases for prosecution. In August 2010, 438 cases were presented by a group of ex-conscripts, accusing the army of human rights violations against army recruits in 1973–1990. In October 2010, a group representing the families of those executed on political grounds announced they had presented a total of 300 cases to the judiciary.

[Sources: Amnesty International, *Report 2011* (London 2011), 103–104; Human Rights Watch,

World Report 2011 (Washington 2011), 224–225.]

In July 2010, Manuel Contreras, former head of the infamous Chilean National Intelligence Directorate (Dirección de Inteligencia Nacional, DINA), was sentenced to 17 years' imprisonment for his part in the killing in Argentina in 1974 of General Carlos Prats, a member of cabinet in the government of President Salvador Allende (1970–1973), and his wife. The court held these were crimes against humanity, and that Chile was bound under the Geneva Conventions to judge and punish those responsible for such crimes, regardless of the self-amnesty law that Augusto Pinochet introduced in 1978.

[Sources: Amnesty International, *Report 2011* (London 2011), 15, 104; Human Rights Watch, *World Report 2011* (Washington 2011), 224–225.]

CHINA

Last *Annual Report* entry: 2010.

On 19 August 2010, Xie Chaoping ([1955–), a former journalist with the *Procuratorial Daily* (–2006) was detained by security officers of Weinan, Shaanxi, and accused of illegal publication of a book for commercial sale. In 2006, Xie had written an article about the Sanmenxia Dam, chronicling how the then Weinan government persuaded farmers to leave their homelands to allow the central government to build the dam in the 1950s. In the process, he exposed local government wrongdoing (which cheated the farmers, depriving them of land and compensation allocated to them by the central government). As the *Procuratorial Daily* censored the story, Xie resigned in protest and wrote a book about it, *The Great Migration*. He contacted four publishers of which three refused the manuscript (two cited pressure from the Weinan government, while the third requested the deletion of all names of alleged wrongdoers from the book, which Xie refused). In May 2010, *Sparkle*, a Beijing-based cultural magazine, agreed to publish the book, on the condition that Xie bear the cost (which he did) and signed a memorandum promising that the book was not intended for commercial sale. On 26–27 June 2010, more than 10,000 copies of the book were confiscated by the Weinan government's cultural department. *Sparkle* was suspended and its publisher dismissed. On 15 September 2010, the printer of the book was arrested. On 17 September 2010, Xie was released on bail for lack of evidence.

[Sources: International Federation of Journalists, “IFJ Urges Immediate Release of Illegally Detained Writer in China” (14 September 2010); International Federation of Journalists, *Ifex Alert* (21

September 2010); Reporters without Borders, “Author of Book about Sanmenxia Dam Freed on Bail” (7 & 20 September 2010).]

On 10 December 2010, Liu Xiaobo was awarded the Nobel Peace Prize. (See *NCH Annual Report 2010*; see also entry about Spengler below.)

[Sources: *Index on Censorship*, 4/10: 182–183, 221–222; *NRC Handelsblad* (9 December 2010) 3; *Wordt vervolgd* (December 2010–January 2011) 38.]

On 27 December 2010, democracy activist and lawyer Bai Dongping was arrested in Beijing for inciting subversion after he had posted a photograph online of the 1989 Tiananmen events.

[Source: *Index on Censorship*, 1/11: 111–112.]

In January 2011, the Chinese authorities censored references to the protests in Egypt as some internet users drew comparisons, including historical parallels, with China. One message on the popular Baidu.com message board asked: “Will Mubarak become Deng Xiaoping?”, a reference to the crackdown on the pro-reform protests on Tiananmen Square in 1989.

[Sources: Tania Branigan, “Chinese Authorities Restrict News of Egypt Protests,” *Guardian* (31 January 2011); *NRC Handelsblad* (1 February 2011), 5.]

On 30 March 2011, German sinologist Tilman Spengler was denied a visa when he wanted to accompany German Foreign Minister Guido Westerwelle on a trip to Beijing to open the art exhibition “Kunst der Aufklärung” (Art of the Enlightenment) on 1 April 2011. In September 2010, Spengler had given a speech in honor of Liu Xiaobo when the latter was awarded the Hermann-Kesten-Medal. Spengler was called “not a friend of the Chinese people.”

[Source: *Der Spiegel Online* (30 March 2011).]

On 8 April 2011, the Beijing Municipal Committee of the Communist Youth League banned an inter-university debate competition on the 1911 Revolution scheduled to open one day later. The debates, held annually since 2002, were to focus on “The Three Principles of the People—nationalism, democracy, and livelihood,” the guiding political philosophy for the 1911 Revolution developed by Sun Yat-sen (1866–1925), the founding father of modern China. A total of sixteen universities were to take part in the event. The central government reportedly wanted to use the centenary in October 2011 to promote patriotism, not revolution and democracy. It monitored gatherings in public areas following recent anonymous online calls urging mainlanders to stage “jasmine” rallies every Sunday—an attempt to copy recent popular uprisings in the Middle East.

[Source: *South China Morning Post* (10 April 2011).]

On 26 April 2011, scholar Mao Yushi was told that he would be beaten up because the *Caixin* magazine website had uploaded an article of his about Mao Zedong. The article mentioned that Mao Zedong was responsible for the numerous deaths during the famine (1959–1962) and the Cultural Revolution (1966–1976). The article and its supportive messages were deleted from the website soon after the threat was made.

[Source: International Federation of Journalists, *Ifex Alert*; 8 May 2011.]

The new National Museum of China was reported to minimize and underexpose certain episodes of contemporary history, such as the Great Leap Forward (1958–1960), the famine (1959–1962), the Cultural Revolution (1966–1976), the transition after Mao's death, including the crisis with the Gang of Four and Deng Xiao Ping's early years in power (1976–1980), and the Tiananmen massacre (1989).

[Source: *NRC Handelsblad* (30 May 2011), 14–15.]

Hong Kong

Foreign nationals denied entry to Hong Kong included Chen Weiming, sculptor of the Goddess of Democracy statue used in the 4 June 1989 Tiananmen vigil. On 29 and 30 May 2010, police arrested 13 activists and twice confiscated Goddess of Democracy statues displayed in Times Square. Following public criticism, the statues were returned before the Tiananmen vigil which attracted between 113,000 and 150,000 participants.

[Source: Amnesty International, *Report 2011* (London 2011), 105, 107.]

On 3 August 2010, a question-and-answer webpage on Hong Kong's Chinese-language Google website was blocked in some parts of mainland China. Visitors to the forum had searched for information on sensitive topics such as the 1989 Tiananmen massacre.

[Source: *Index on Censorship*, 1/11: 112.]

Tibet

In September 2008, popular Tibetan singer Tashi Dhondup ([1980]–) was detained for releasing “counter-revolutionary” songs, such as “The Year of 1959” (the year of the Uprising in Lhasa and the Dalai Lama's flight into exile) and “The Terror of 1958–2008.” He was beaten by police over a

seven-day period. In February 2009, he was released. After his music was banned, he went in hiding. In October 2009, he released a new album (called “Torture Without Wounds” or “Scarred Heart”), containing also lyrics about the Dalai Lama, the last five decades of Tibetan history, and about the crackdown on Tibetans after the March 2008 protests. It sold some 5,000 copies in Qinghai Province (the Amdo area) before it was banned. On 3 December 2009, he was arrested in Xining, the capital of Qinghai, for releasing these songs branded “subversive,” “reactionary” and “splittist.” On 5 January 2010, he was sentenced to fifteen months’ “re-education through labor” and sent to his home village in Qinghai.

[Sources: Free Tibet, “Current Prisoners: Tashi Dhondup” (s.d); *Index on Censorship*, 3/10: 150–155, 177.]

Xinjiang

The Urumqi riots of July 2009—the most lethal episode of ethnic unrest in recent Chinese history—continued to cast a shadow over developments in the Xinjiang Uyghur Autonomous Region. The government did not account for hundreds of persons detained after the riots, nor investigated serious allegations of torture and ill-treatment of detainees that surfaced in testimonies of refugees and relatives living outside China. The few publicized trials of suspected rioters were marred by restrictions on legal representation, overt politicization of the judiciary, failure to publish notification of the trials, and failure to hold genuinely open trials as mandated by law.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 313.]

A few days after ethnic riots erupted in Xinjiang on 5 July 2009, Tursunjan Hezim ([1973–]), a former high school history teacher and owner of the popular Uyghur-language website called *Bilik* or *Orkhun* (2006–2009), was arrested and held incommunicado. The website (named after the homeland of ethnic Uyghurs’ Turkic ancestors), which had published mostly scholarly articles about Uyghur culture and history, was closed down. Following a secret trial in a district court in Aksu (Xinjiang), Hezim was sentenced to seven years’ imprisonment on unknown charges in July 2010. The news of the sentence became known in March 2011 only. Hezim’s whereabouts were unknown. From 1991 to 1996, Hezim had studied in the history department of Xinjiang University. After graduation, he had returned to his hometown of Aksu where he taught history at an Uyghur-language high school. The school director, however, reportedly banned him from teaching history in 2006 and demoted him to school doorman. Hezim published several articles on Uyghur history and local regional history.

[Sources: “Uyghur Historian Given 7 Years,” *Radio Free Asia* (6 March 2011); Committee to Protect Journalists, *Ifex Alert* (11 March 2011).]

See also Myanmar, Spain.

COLOMBIA

Last *Annual Report* entry: 2010.

The Justice and Peace process continued to fall short of international standards on victims' rights to truth, justice and reparation, although some truths about human rights violations did emerge. Through the process, which began in 2005, around 10 per cent of the more than 30,000 paramilitaries who supposedly demobilized qualified for reduced prison sentences in return for laying down their arms, confessing to human rights abuses and returning stolen lands. The rest received *de facto* amnesties. However, in November 2010, the Constitutional Court rejected a law, passed in 2009, which would have confirmed such amnesties for 19,000 of these paramilitaries, arguing that it ran counter to the right to truth, justice and reparation. In December 2010, Congress passed a law again granting *de facto* amnesties to these paramilitaries in return for them signing an Agreement to Contribute to the Historic Truth and Reparation. In recent years, the army was blamed for an alarming number of extrajudicial killings of civilians, including extrajudicial executions known as "false positives," when army members, pressured to show results, killed civilians and reported them as combatants killed in action. The alleged executions occurred throughout Colombia and involved multiple army brigades. The problem continued despite a significant drop in false positives since 2009. The government did not keep statistics for such cases, but as of May 2010, the Attorney General's Office was investigating 1,366 cases of alleged extrajudicial killings committed by state agents involving more than 2,300 victims. There were only convictions in 63 cases. The military justice system's resistance to transferring cases to ordinary civilian courts impeded prosecution of extrajudicial killings.

[Sources: Amnesty International, *Report 2011* (London 2011), 109, Human Rights Watch, *World Report 2011* (Washington 2011), 229–230.]

In May 2010, the Supreme Court of Justice ruled that former Congressman César Pérez García should be prosecuted in connection with a 1988 massacre in Segovia by paramilitaries in which more than 40 peasant farmers were killed. The Court argued that the massacre amounted to crimes against humanity and was, therefore, not subject to the statute of limitations.

[Source: Amnesty International, *Report 2011* (London 2011), 16.]

On 8 June 2010, retired Colonel Luis Alfonso Plazas Vega was sentenced to thirty years'

imprisonment for the enforced disappearance of eleven people in November 1985, after military forces stormed the Palace of Justice where people were being held hostage by members of the M-19 guerrilla group. Plazas Vega appealed against the sentence. The presiding judge left the country after the ruling following threats.

[Source: Amnesty International, *Report 2011* (London 2011), 15, 109.]

When in the summer of 2010 historian and anthropologist Diana Marcela Gómez Correal (1978–), living in the United States, temporarily returned to Colombia to do Ph.D. fieldwork among human rights activists, she received death threats.

[Source: Diana Gómez, personal communication (August 2010).]

CONGO (Democratic Republic)

Last *Annual Report* entry: 2010.

In 2010, proceedings continued before the International Criminal Court (ICC) against Thomas Lubanga, charged with recruiting and using children under the age of fifteen for the armed group Union des Patriotes Congolais in Ituri. In July 2010, the trial nearly collapsed when the Prosecutor refused to comply with a ruling by ICC judges to disclose the identity of an intermediary to defense lawyers. In October 2010, the appeal chamber ruled that the trial could continue.

[Source: Amnesty International, *Report 2011* (London 2011), 126.]

On 1 October 2010, the Office of the United Nations High Commissioner for Human Rights published its report of a human rights mapping exercise in Congo, which documented 617 incidents of serious violations of international humanitarian law between 1993 and 2003. The report described the role of the main Congolese and foreign parties responsible—including military or armed groups from Rwanda, Uganda, Burundi, and Angola—and suggested options to pursue justice for the crimes, including the proposed establishment of a mixed chamber in Congo with Congolese and international judges. It raised hopes of justice for crimes under international and national law for thousands of victims and human rights defenders. While not binding under Congolese law, it amplified the obligation of the government to investigate the violations, bring those responsible to justice, and ensure victims received effective reparation. The Congolese government welcomed the report and said it would support the option of a mixed chamber. Criticism of the report by countries including Rwanda and Uganda, named in the report as perpetrators of human rights violations, reflected

unwillingness to hold those responsible to account.

[Sources: Amnesty International, *Report 2011* (London 2011), 3, 126, 274; Human Rights Watch, *World Report 2011* (Washington 2011), 110.]

On 17 November 2009, the president of the Democratic Forces for the Liberation of Rwanda (FDLR), Ignace Murwanashyaka, and his deputy, Straton Musoni, were arrested in Germany by the German police for war crimes and crimes against humanity committed by FDLR troops under their command in eastern Congo. Another FDLR leader, Callixte Mbarushimana, the Rwandan executive secretary of the FDLR, was arrested in France by French police in October 2010, under an arrest warrant issued by the International Criminal Court for similar crimes. France had granted him refugee status in 2003 and French prosecuting authorities had declined to open criminal investigations into earlier allegations of his involvement in the 1994 genocide. In November 2010, his surrender to the ICC was ordered by the Paris Appeal Court. In Congo itself, the government increased military prosecutions against soldiers accused of human rights violations, including crimes of sexual violence, although the majority of those prosecuted held junior ranks. In one notable exception, following pressure from the United Nations (UN) Security Council and human rights organizations, judicial authorities in Kinshasa arrested General Jerome Kakwavu in April 2010 on 110 war crimes charges for rape and torture. Kakwavu is the first general arrested on rape charges in Congo's history.

[Source: Amnesty International, *Report 2011* (London 2011), 276; Human Rights Watch, *World Report 2011* (Washington 2011), 108, 110, 154.]

See also Central African Republic, Rwanda.

CONGO (Republic)

Last *Annual Report* entry: 2008.

In November 2010, the Republic of Congo withdrew a case against France that it had lodged with the International Court of Justice (ICJ) in 2002. Congo had asked the ICJ to nullify a case against President Denis Sassou-Nguesso and other senior government officials in a French court in connection with the disappearance in 1999 of more than 350 Congolese nationals after their return from the Democratic Republic of Congo. In 2005, a Congolese court had found the Congolese government responsible for many of the disappearances but acquitted all security and government officials on trial. By the end of 2010, there had been no inquiry to establish the identities of those

who had ordered, carried out or condoned the disappearances.

[Source: Amnesty International, *Report 2011* (London 2011), 113.]

COSTA RICA

Last *Annual Report* entry: —.

See Guatemala.

CROATIA

Last *Annual Report* entry: 2010.

Progress prosecuting crimes committed during the 1991–1995 war continued to be slow. The political will to implement justice system reforms and tackle impunity, including for ethnic bias in prosecutions, was still largely missing. Allegations pointing to command responsibility for war crimes against several high-profile political and military leaders remained uninvestigated. The capacity of the justice system to prosecute war crimes remained low. On average, fewer than 18 cases were completed each year. Hundreds of cases, especially those in which the victims were Croatian Serbs and those allegedly responsible were members of the Croatian Army and police forces, remained unaddressed. The political will to implement justice system reforms and tackle impunity was largely missing. The authorities failed to provide victims of war crimes and their families with access to reparation. In June 2010, the Council of Europe Commissioner for Human Rights urged the authorities to take effective measures to ensure that war crimes cases were prosecuted in an unbiased manner, independent of the alleged perpetrator's ethnic or other background and in accordance with the general prohibition of discrimination. In November 2010, the European Commission, in its progress report on Croatia, observed that impunity for war crimes remained a problem, especially when victims were ethnic Serbs and alleged perpetrators were members of the Croatian Army. In the first nine months of 2010, the authorities issued war crimes indictments against 25 individuals, 11 of whom were Serbs. But Serbs remained the majority of defendants in domestic war crimes prosecutions. Ten trials, involving 13 Serb and 5 other defendants were completed in the same period, 16 of whom were convicted. Another 17 trials involving 29 Serbs and 14 Croats were still ongoing. *In absentia* war crimes trials remained a problem, with 23 Serbs and 7 others not present to

defend themselves.

[Sources: Amnesty International, *Report 2011* (London 2011), 37–38, 116–117; Human Rights Watch, *World Report 2011* (Washington 2011), 417.]

In 2010, Prime Minister Jadranka Kosor apologized to families and victims of the Srebrenica massacres in July 1995—while falling short of referring to them as genocide.

[Source: Amnesty International, *Report 2011* (London 2011), 37.]

In September 2010, the trial of retired Generals Ante Gotovina, Ivan Čermak and Mladen Markač at the International Criminal Tribunal for the Former Yugoslavia (ICTY) for war crimes and crimes against humanity against Serbs concluded. They were indicted on nine counts of crimes against humanity and violations of the laws or customs of war allegedly committed against the Serb population in 14 municipalities in the southern part of Croatia during “Operation Storm” in 1995. The judgment was expected to be announced in 2011. At the request of Prime Minister Jadranka Kosor, the government created a task force in October 2009 to search for documents related to the case that the ICTY prosecutor alleged were in the government’s possession. The trial concluded without these documents. Croatian investigations into war crimes committed by members of the Croatian Armed Forces increased in 2010. In September 2010, the Court of Bosnia and Herzegovina enforced a Croatian war crimes conviction and eight-year sentence against former Croatian member of parliament Branimir Glavas, following a request from the Croatian Justice Ministry. Glavas, a Bosnian citizen, fled to Bosnia in May 2009 on the same day he was convicted in the Zagreb district court. Bosnian police arrested him after the court ruling which, barring a successful appeal, would see Glavas serve his sentence in Bosnia.

[Sources: Amnesty International, *Report 2011* (London 2011), 117; Human Rights Watch, *World Report 2011* (Washington 2011), 416–417.]

See also Montenegro, Serbia.

CUBA

Last *Annual Report* entry: 2006.

From 23 to 25 February 2010, more than 100 people were arbitrarily detained across Cuba or placed under house arrest to prevent them participating in memorial services for Orlando Zapata Tamayo, a

political prisoner who died that month following an 85-day hunger strike.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 234.]

In 2010, the Damas de Blanco (Ladies in White), an unofficial group of women relatives and friends of individuals who were imprisoned during a major crackdown in March 2003 against political activists, regularly became victims of threats and intimidation by Cuban security officials and government supporters, when they organized peaceful demonstrations and marches for those imprisoned and commemorations for those who died in prison. In 2010, 53 of those arrested in March 2003 continued to be detained.

[Source: Amnesty International, *News and Updates* (18 & 23 March, 17 August 2010).]

CYPRUS

Last *Annual Report* entry: 2010.

Negotiations between Greek Cypriot and Turkish Cypriot leaders continued during 2010. In November 2010, both sides agreed to intensify their contacts. The United Nations Committee on Missing Persons in Cyprus continued its work. By the end of December 2010, it had exhumed in total the remains of 767 people.

[Source: Amnesty International, *Report 2011* (London 2011), 120.]

CZECH REPUBLIC

Last *Annual Report* entry: 2000.

DENMARK

Last *Annual Report* entry: 2007.

DJIBOUTI

Last *Annual Report* entry: 2008.

ECUADOR

Last *Annual Report* entry: 2010.

In June 2010, the Truth Commission in charge of investigating human rights violations in 1984–2008 (and created by the Rafael Correa administration) published its final report. The commission documented 118 cases, affecting 456 victims of arbitrary detention, torture, sexual violence, enforced disappearances and killings; it named 458 alleged perpetrators of abuses. According to the commission, few of those responsible for the abuses had been held accountable due to statutes of limitations, jurisdictional disputes, and procedural delays. In October 2010, a team of prosecutors appointed by the attorney general to investigate cases reported by the commission began re-interviewing suspects and witnesses. A draft law guaranteeing the right to reparation to victims of these violations was under discussion at the end of 2010.

[Sources: Amnesty International, *Report 2011* (London 2011), 130; Human Rights Watch, *World Report 2011* (Washington 2011), 239.]

EGYPT

Last *Annual Report* entry: 2010.

On 13 May 2010, submitted to the Islamic Studies Institute two copies of his book *Witness to the Muslim Brotherhood*, which described the history of the Brotherhood movement and its relationship with Egypt's successive presidents. In September 2010, the institute refused to approve the book at the instigation of the State Security Investigations (SSI), which alleged that it would confuse citizens.

[Source: Arabic Network for Human Rights Information, *Ifex Alert* (1 October 2010).]

On 28 January 2011, about ten looters broke into the Egyptian Museum in Cairo—housing the world's greatest collection of Pharaonic treasures, including the King Tutankhamen collection—smashing several statues and damaging two mummies. Thirteen display cases were shattered and several broken statues and porcelain figures lay on the floor. Eighteen objects were stolen, including eleven wooden *shabti* statuettes from Yuya, a statue of Nefertiti, a gilded wooden statue of Pharaoh Tutankhamun ([1341] BCE–[1323] BCE) carried by a goddess and one of his father Pharaoh Achnaton (?–1336/1334 BCE). The latter was found back in February 2011. There were also reports of looted archaeological sites across the country, including at Luxor, Sakkara, and Dakhla.

[Sources: *NRC Handelsblad* (1 February 2011), 4; (8 February 2011), 6; (14 February 2011), 6; (18 February 2011), 6; 18; Reuters (28 & 29 January 2011); *Wall Street Journal* (1 February 2011).]

On the evening of 5 March 2011, protesters stormed the headquarters of the State Security Investigations (SSI) in Cairo in an effort to stop the destruction of files ordered by SSI head, General Hassan Abd al-Rahman. Secret prisons, torture rooms and graveyards, files of political dissidents, lists of informants (some famous) were all captured on camera and uploaded onto the YouTube and Facebook websites. Released files exposed the repression by the Hosni Mubarak regime, including unlawful detentions, kidnappings and disappearances, systematic torture and rape, and inhuman prison conditions (formerly known as “red lines” or taboos).

[Source: Omar Ashour, “History’s Lessons: Dismantling Egypt’s Security Agency,” *BBC News* (9 March 2011).]

See also China, Libya.

EL SALVADOR

Last *Annual Report* entry: 2010.

In January 2010, President Carlos Funes signed into law an Executive Decree creating a new National Search Commission for Disappeared Children to look for children who were forcibly disappeared during the armed conflict (1980–1992). The Decree was a response to a 2005 Inter-American Court of Human Rights’ order in the case of the Serrano Cruz sisters. The two girls were last seen in 1982, aged seven and three, when they were captured by the military. By the end of 2010, however, the new commission was still not operational and the whereabouts of hundreds of disappeared children remained unknown. The 1993 amnesty law, which obstructs efforts to bring to justice those responsible for human rights violations during the internal armed conflict, remained in place, despite public commitments by the government to take steps toward its repeal.

[Source: Amnesty International, *Report 2011* (London 2011), 16, 135.]

ERITREA

Last *Annual Report* entry: 2008.

ESTONIA

Last *Annual Report* entry: 2007.

ETHIOPIA

Last *Annual Report* entry: 2010.

On 4 March 2010, Voice of America reported that its Amharic-language broadcasts were being jammed. On 19 March 2010, the Prime Minister declared that the radio station had been broadcasting “destabilizing propaganda” and compared it to Radio Mille Collines, a Rwandan radio station that incited ethnic hatred before and during the 1994 Rwandan genocide.

[Source: Amnesty International, *Report 2011* (London 2011), 141.]

FIJI

Last *Annual Report* entry: 2010.

FINLAND

Last *Annual Report* entry: —.

In June 2010, François Bazaramba, a Rwandan national residing in Finland, was sentenced to life imprisonment by the District Court of Itä-Uusimaa for committing genocide in Rwanda in 1994. During the proceedings, allegations were made that several witness testimonies had been obtained directly as a result of torture by the Rwandan authorities. The court determined that, to ensure a fair trial, it would disregard the testimony of two witnesses, after finding that it was likely that their evidence had been obtained through torture or other ill-treatment. The judgment was appealed and proceedings were ongoing at the end of 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 144.]

FRANCE

Last *Annual Report* entry: 2009.

On 5 March 2009, Karoline Postel-Vinay, specialist of Japan and senior research fellow at the Fondation nationale des sciences politiques Center for International Studies and Research, Paris, was summoned to court at the request of the “Fondation Franco-Japonaise dite Sasakawa” (FFJDS; French Sasakawa Foundation, established 1990). FFJDS sued her for libel because it alleged that five statements contained in an email with the subject line “Sasakawa, a war criminal to celebrate 150 years of Franco-Japanese Diplomacy?” and an attached memorandum entitled “Memorandum—Ryōichi Sasakawa (1899–1995), the Sasakawa Empire and the Sasakawa Foundation,” sent on 16 December 2008 to scholars, various public figures and institutions, as well as to French and foreign media organizations, constituted acts of malicious defamation. In December 2008, Postel-Vinay had joined some sixty other colleagues in signing a petition addressed to the Foreign Minister, Bernard Kouchner, asking him to withdraw his support from an event celebrating the 150th anniversary of Franco-Japanese diplomatic relations that was mainly financed by FFJDS. According to the

petitioners, several historical works mentioned that Sasakawa had been a figure of Japanese fascism who in 1945 was arrested and charged with crimes against peace as a class A war criminal by the Supreme Commander for the Allied Powers; he was not tried by the International Military Tribunal for the Far East although the charges were never dropped. As a result, the foreign ministry withdrew from the event. On 22 September 2010, Postel-Vinay was acquitted after examination of her good faith according to four criteria: proof that her purpose was legitimate, that it was devoid of personal animosity, that she had made a serious investigation and that she had adopted a cautious manner of expression.

[Sources: Paris District Court, *Fondation Franco-Japonaise dite Sasakawa versus Karoline Postel-Vinay: Judgment* (22 September 2010; <http://www.concernedhistorians.org/le/184.pdf>); Karoline Postel-Vinay & Mark Selden, "History on Trial: French Nippon Foundation Sues Scholar for Libel to Protect the Honor of Sasakawa Ryōichi," *The Asia-Pacific Journal* (26 April 2010); "Pour la liberté de la recherche: Les chercheurs et enseignants-chercheurs titulaires et associés de Sciences Po expriment leur solidarité avec leur collègue Karoline Postel-Vinay" (Paris [2010]).]

In [July] 2010, Jewish history teacher ([1952–]) was suspended for four months for breaching the principles of secularism and neutrality after the education ministry concluded in a report that she was teaching "too much" about the Holocaust and spending too much time organizing trips for her students at a Nancy lyceum to Nazi death camps in Poland and the Czech Republic.

[Sources: *Haaretz* (1 September 2010); *Libération* (1 September 2010).]

See also Congo (Democratic Republic), Rwanda.

GEORGIA

Last *Annual Report* entry: 2010.

In 2010, none of the sides to the conflict of August 2008 between Russia and Georgia conducted comprehensive investigations, in spite of a report by an international fact-finding mission commissioned by the European Union (EU) in 2009 which confirmed that violations of international human rights and humanitarian law had been committed by Georgian, Russian and South Ossetian forces. In September 2010, the Council of Europe Human Rights Commissioner reported “serious shortcomings” by all sides in the process of clarifying the fate of people missing since the war; he called for the release of the remaining people detained in Tskhinvali, South Ossetia, during and after the conflict in South Ossetia as their health was reportedly deteriorating. The EU Monitoring Mission, the only international monitor with a conflict-related mandate, was denied access to Abkhazia and South Ossetia by the *de facto* authorities. The Office of the Prosecutor at the International Criminal Court—to which Georgia is a party—continued with its preliminary examination of the situation and sent delegations to Russia in March 2010 and to Georgia in June 2010 to obtain additional information on domestic proceedings. Some 20,000 ethnic Georgians from South Ossetia remain displaced.

[Sources: Amnesty International, *Report 2011* (London 2011), 38, 148–149; Human Rights Watch, *World Report 2011* (Washington 2011), 439–440.]

See also Russia.

GERMANY

Last *Annual Report* entry: 2010.

In early September 2010, the Bundesnachrichtendienst (BND; the German foreign intelligence agency overseen by Chancellor Angela Merkel’s office) handed over 2,400 of some estimated 3,400 pages on top Nazi Adolf Eichmann (1906–62; one of the main organizers of the Holocaust), with much of the information blacked out, but Gabriele Weber, a German freelance reporter based in Argentina, sued the BND for the second time (see *NCH Annual Report 2010*) for greater access. Critics said that important reasons for the obstruction were fear for disclosure of names of former West German politicians with a Nazi past and fear for disclosure of hitherto unknown levels of

collusion between the West German government and former Nazis who after the war fled overseas to escape prosecution and often lived comfortably in exile in Argentina and other South American countries. Pressure on the BND to release its old files on Nazi fugitives had increased after the Central Intelligence Agency declassified many documents relating to Nazi war crimes in 2005 and 2006. The curators of the Topography of Terror Documentation Center in Berlin, Lisa Hauff and Ulrich Baumann, did not gain access to the files to prepare their exhibition about Eichmann (April–September 2011). In January 2011, however, a BND document obtained by the German mass-circulation daily *Bild*, showed that the BND knew Eichmann's location as early as 1952 (eight years before his capture in Buenos Aires by Israeli agents in 1960; Eichmann was put on trial in Israel, found guilty of crimes against humanity, and hanged in 1962). In August 2010, Weber was sent back to Buenos Aires after arriving in Washington to do research at the National Archives. A new application for a special journalism visa was rejected in January 2011; Weber's appeal was rejected on 18 March 2011.

[Sources: "Fight over Eichmann Files Back to German court" (Associated Press; 7 September 2010); *Keesings Historisch Archief* (2010), 552–553; *Spiegel Online* (11 March 2010; 3 May 2010; 10 January 2011).]

In May 2011, Silvana Koch-Mehrin (1971–), politician of the Free Democrat Party and vice-president of the European Parliament (EP), was accused of having plagiarized substantial parts of her 1998 doctoral thesis about economic history written at the University of Heidelberg and entitled "Historical Currency Union" (about the currency union between France, Belgium, Italy, Switzerland and Greece in the late nineteenth century). The Heidelberg public prosecutor's office announced that she had no legal action to fear because prosecution of copyright infringement was limited to five years. However, the university intended to investigate the matter. Koch-Mehrin resigned as EP vice-president.

[Sources: Michael Gardner, "Top Euro Politician Accused of Plagiarism," *University World News* (8 May 2011); *NRC Handelsblad* (12 May 2011).]

See also China, Congo (Democratic Republic), Indonesia, Iran, Turkey, United States.

GHANA

Last *Annual Report* entry: 2008.

GREECE

Last *Annual Report* entry: 2010.

Excessive use of force against peaceful protesters was reported during the commemorative demonstration of the second anniversary of the death of 15-year-old Alexandros Gregoropoulos on 6 December 2008. According to reports, some riot police officers beat and injured a photojournalist and a photographer covering the events.

[Source: Amnesty International, *Report 2011* (London 2011), 38, 148–149.]

See also Macedonia.

GRENADA

Last *Annual Report* entry: 2007.

GUATEMALA

Last *Annual Report* entry: 2010.

Guatemala continued to suffer the effects of the 36-year civil war (1960–1996). In 1999, a United Nations-sponsored Commission on Historical Clarification (CEH) had estimated that as many as 200,000 people had been killed during the conflict. The CEH attributed 93 per cent of the human rights abuses it documented to state security forces and concluded that the military had carried out “acts of genocide.” Very few of those responsible for the grave human rights violations during the civil war have been held accountable. Of the 626 massacres documented by the commission, only three cases were successfully prosecuted in Guatemalan courts. Guatemala’s first conviction for the crime of enforced disappearance occurred in August 2009, when an ex-paramilitary leader was sentenced to 150 years’ imprisonment for his role in “disappearing” individuals between 1982 and 1984. The verdict was made possible by a landmark ruling by the Constitutional Court in July 2009, which established that enforced disappearance was a continuing crime not subject to a statute of limitations so long as the fate of the victims was still unknown. The July 2005 discovery of approximately 80 million documents of the disbanded National Police, including files on

Guatemalans who were killed or “disappeared” during the conflict, could play a key role in prosecuting past human rights abuses. Documents in the archive led to the March 2009 arrest of two former National Police agents for their alleged participation in the 1984 “disappearance” of student leader and activist Edgar Fernando García. In September 2008, Congress passed the Law of Access to Public Information, which ordered that “in no circumstances can information related to investigations of violations of fundamental human rights or crimes against humanity” be classified as confidential or reserved. In March 2009 President Álvaro Colom created the Military Archive Declassification Commission, tasked with sorting and declassifying military documents from 1954–1996. The case against former President General Efraín Ríos Montt and other military and police leaders of the early 1980s for grave human rights violations remained stalled, however, because the Ministry of Defense failed to hand over documents, despite being ordered to do so by a court.

[Sources: Amnesty International, *Report 2011* (London 2011), 155, 156; Human Rights Watch, *World Report 2011* (Washington 2011), 244–245.]

In September 2007 the United Nations (UN) secretary-general had appointed Carlos Castresana, a Spanish former prosecutor and judge, to lead the newly-founded Comisión internacional contra la impunidad en Guatemala (CICIG; International Commission against Impunity in Guatemala). The commission’s mandate allowed it to work with the Attorney General’s Office, the police, and other government agencies to investigate, prosecute, and dismantle the criminal organizations operating in Guatemala. As of September 2010, the commission undertook 56 investigations and participated in 11 prosecutions. CICIG helped to improve the witness protection program and purge 1,700 officers from the National Civilian Police. Originally set to expire in 2009, its mandate was extended by Congress for another two years until the end of 2011. However, on 7 June 2010, Castresana abruptly resigned, citing lack of cooperation from several high ranking government officials, including the then-attorney general, whom he alleged had links to organized crime. Three days later, the Constitutional Court annulled the selection process and an interim attorney general was appointed, pending a new selection process. The UN appointed Francisco Dall’Anese—Costa Rica’s former attorney general—as CICIG’s new head. The UN High Commissioner for Human Rights had maintained an office in Guatemala since 2005. In June 2010 James Anaya, UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, visited Guatemala to investigate alleged human rights violations affecting the country’s indigenous people. He concluded that the right to previous consultation, according to which indigenous people were entitled to be consulted before any commercial enterprise occurred in their territory, was not being adequately protected.

[Sources: Amnesty International, *Report 2011* (London 2011), 155; Human Rights Watch, *World*

Report 2011 (Washington 2011), 246–247.]

GUINEA

Last *Annual Report* entry: 2010.

In December 2008, Captain Moussa Dadis Camara took power in a coup after the death of Lansana Conté, Guinea's authoritarian president for 24 years. Throughout 2009 the military violently suppressed the opposition, culminating in a large-scale massacre of some 150 demonstrators on 28 September 2009 in the capital, Conakry. In December 2009, Camara was removed following an assassination attempt against him, and his deputy, the more moderate General Sékouba Konaté, took over, committing to move the country toward democratic elections. In January 2010, Camara formally handed over power to Konaté, under considerable pressure from international actors, by way of an agreement signed in the Burkinabé capital Ouagadougou, which called for the formation of a transitional government of national unity; an ad hoc parliamentary body comprised of members of civil society, political parties, the security forces, and religious bodies; and democratic elections within six months. Despite the many problems, both domestic and international election observers concluded that the elections were generally free and fair.

In December 2009, the International Commission of Inquiry led by the United Nations delivered its report, but it had not been officially made public by the end of 2010. It confirmed the killing of at least 156 people and the rape of over 100, and concluding that the crimes perpetrated in Conakry on 28 September 2009, rose to the level of crimes against humanity. The inquiry identified several military officers, including Camara, as bearing direct individual criminal responsibility for the crimes. This contradicted the government's National Commission of Inquiry, which in its report in February 2010, which absolved Camara, laid blame solely on his then-aide de camp Lieutenant Abubakar "Toumba" Diakité and the soldiers he commanded, and set the number of dead at 63. The commission acknowledged that demonstrators had faced violent repression by members of the security forces, but blamed the "excited crowd" as well as the lack of equipment and co-ordination of security forces. It accused civil society organizations of spreading "far-fetched figures regarding the number of deaths, rapes and disappearances." Regarding sexual violence, the report noted that no female victim of rape came to testify before the commission, and that it therefore relied only on medical records. The commission named Diakité, the man who allegedly attempted to kill Camara, and his unit of "red berets," as responsible for the violence. It called for them to be tried before Guinean courts. It recommended a general amnesty for misconduct by leaders of the former

opposition, now in government. It stated that political leaders, in refusing to cancel the demonstration after it had been forbidden by the authorities, shared some responsibility for the events. It also stated that demonstrators committed acts of robbery, looting, and destruction of public and private property.

In October 2009, the International Criminal Court (ICC) confirmed that Guinea was under preliminary examination and visited the country in February, May, and November 2010 to assess progress made in national investigations. In February 2010, the ICC Deputy Prosecutor said that those bearing responsibility for the crimes should not go unpunished and that the violators should be tried either by the Guinean authorities or by the ICC. She added that crimes against humanity were committed on 28 September 2009 and in its aftermath and that the ICC should continue with its preliminary investigation. The Guinean authorities took no steps to suspend or prosecute violators of human rights.

[Sources: Amnesty International, *Report 2011* (London 2011), 156–157; Human Rights Watch, *World Report 2011* (Washington 2011), 127–128, 130, 132.]

In 2011, the under-exposed atrocities committed since independence (1958–2011), notably during the reign of Ahmed Sékou Touré (1958–84), were called “Guinea’s memory problem” and served as a motive to call for a truth-telling mechanism. Members of the Guinean Camp Boiro Victims’ Association noted that there was no monument to the victims, no official recognition, and no report.

[Source: Human Rights Watch, *“We Have Lived in Darkness”: A Human Rights Agenda for Guinea’s New Government* (Washington 2011), 31–33.]

GUINEA-BISSAU

Last *Annual Report* entry: 1999.

GUYANA

Last *Annual Report* entry: 1997.

HAITI

Last *Annual Report* entry: 2009.

HONDURAS

Last *Annual Report* entry: 2010.

In January 2010, seven months after a military coup ousted democratically elected President Manuel Zelaya, President Porfirio Lobo took office. The Lobo administration created a truth commission to look into the events surrounding Zelaya's ouster. But Honduras was failing to hold accountable those responsible for the widespread human rights violations committed by the *de facto* government of Roberto Micheletti installed after the coup (June 2009–January 2010). Following the military coup in June 2009, the *de facto* government suspended key civil liberties, including freedoms of the press and assembly. In the ensuing days the military occupied opposition media outlets, temporarily shutting down their transmissions. Police and military personnel responded to generally peaceful demonstrations with excessive force. This pattern of the disproportionate use of force led to several deaths, scores of injuries, and thousands of arbitrary detentions. In 2010, the human rights unit in the Attorney General's Office was investigating approximately 200 cases of alleged abuses committed by security officials since the coup, many of which involved multiple victims. In late 2010, it had filed charges in twenty cases. In eight, the defendants were acquitted, leaving many acts committed by security forces after the coup unaccounted for. Most of the others remained pending before the courts, some of them stalled because the defendants were at large. The human rights unit's progress on these cases was hindered by its limited resources and by the government's failure to allocate funds to the existing witness protection program. The unit had to rely on an investigative police force institutionally tied to the Ministry of Security, an arrangement that could affect the impartiality and thoroughness of the investigations. Security forces obstructed investigations of abuses committed after the coup. Under the *de facto* government, military and police personnel had systematically refused to cooperate with investigators. They had failed to turn over firearms for ballistics tests, to respond to information requests to identify officers accused of committing abuses, and to grant access to military installations. The situation improved somewhat under Lobo, but the prior lack of cooperation had a lasting impact on the investigations. In October 2010, the Honduran Congress approved an increased budget for the unit only for 2011. In November 2010, the International Criminal Court Chief Prosecutor announced that preliminary investigations would be opened into

reports of widespread and systematic human rights violations under the *de facto* government.

[Sources: Amnesty International, *Report 2011* (London 2011), 163; Human Rights Watch, *World Report 2011* (Washington 2011), 252–253.]

HUNGARY

Last *Annual Report* entry: 2010.

In December 2010, Bence Rétvári, the parliamentary secretary at the Ministry of Public Administration and Justice, made an announcement regarding the files of the Hungarian secret police, interior ministry and state security of the Communist era (1948–1989), currently available to professional researchers at the Historical Archives of Hungarian State Security, Budapest, and regarding a separate collection of unreleased data on over 50,000 communist state security officers, encrypted on magnetic tape. He reportedly declared “A constitutional state cannot preserve personal information collected through unconstitutional means, because these are the immoral documents of an immoral regime.” A new law, to be introduced by November 2011, would allow citizens who were spied on by the secret police and government officials to remove and destroy the original documents of which they had been the subject. As copies would not be kept of these original documents, researchers and future generations would no longer have access to tens of thousands of files. The law would replace a 2003 law allowing access to and copying of documents for the persons observed.

[Sources: Christopher Adam, “Hungary Erases the Past and Whitewashes the Future,” *National Post* (Toronto; 13 January 2011); <http://www.ipetitions.com/petition/hungarianarchives>; Jan Petter Myklebust, “Hungary: Historians Resist Return of Spy Files” (University World News; 27 February 2011).]

INDIA

Last *Annual Report* entry: 2010.

On 9 July 2010, the Supreme Court refused the plea of Maharashtra government to ban *Shivaji: Hindu King in Islamic India* (Oxford 2003), a book about Maratha King Shivaji (1627–1980) by American scholar James Laine, professor of religious studies at Macalester College, St. Paul, Minnesota, for allegedly promoting social enmity, thereby upholding a 2007 decision of the Bombay High Court. (See NCH *Annual Report 2004*.)

[Source: *Times of India* (9 July 2010).]

The government had yet to prosecute those responsible for the mass killings of Sikhs that followed the 1984 assassination of Prime Minister Indira Gandhi by her Sikh bodyguards (itself following mob attacks on Sikh separatists at the Golden Temple in Amritsar organized with the complicity of senior members of Gandhi's then-ruling Congress party, leaving an estimated 3,000 Sikhs killed). In September 2010, the Supreme Court directed the trial of Congress Party leader Sajjan Kumar to proceed. In April 2010, the case against another former Congress Party leader, Jagdish Tytler, was closed by a Delhi court. Both men were accused of inciting their supporters to commit the 1984 mass killings of Sikhs. In January 2011, two new mass graves related to the massacre were discovered in northern Haryana state. The Haryana state government established a judicial commission to look into the graves, but successive government-appointed commissions had failed to ensure the prosecution of those responsible for instigating the 1984 riots.

[Sources: Amnesty International, *Report 2011* (London 2011), 168; Human Rights Watch, *World Report 2011* (Washington 2011), 317; Human Rights Watch, "India: Bring Charges for Newly Discovered Massacre of Sikhs" (25 April 2011).]

On 30 September 2010, the Allahabad High Court ruled in a majority verdict that the disputed holy site of Ayodhya should be split between Hindus and Muslims. It said that the site was Rama's birthplace, that the Archaeological Survey of India had proved that the site had contained a massive Hindu religious structure, and that the mosque which stood on the place until December 1992, was constructed by Babur (1483–1531) against the tenets of Islam and therefore could not have the character of a mosque. The judges gave control of the main disputed section, where the mosque was torn down in 1992, to Hindus. Both parties planned to appeal the verdict. (See previous NCH *Annual Reports*.)

[Sources: *BBC News* (30 September 2010); *NRC Handelsblad* (30 September 2010: 6; 1 October

2010: 8).]

Gujarat

Cases against some of those responsible for the 2002 attacks against Muslim minorities in Gujarat, in which about 2,000 people were killed, made little progress. Proceedings were marred by the authorities' openly hostile attitude toward witnesses, the investigating agencies' refusal to examine crucial evidence including official telephone records, and the destruction of evidence linking key political leaders to the violence.

[Source: Amnesty International, *Report 2011* (London 2011), 168.]

On 30 March 2011, the government of Gujarat banned *Great Soul: Mahatma Gandhi and His Struggle with India* (New York 2010), a biography by Pulitzer-winning author Joseph Lelyveld ([1937]–), a former journalist for the *New York Times*. The announcement was made by Chief Minister Narendra Modi in the Assembly; the opposition Congress supported the decision. Gandhi was born in Gujarat. The book—which contained critical passages about Gandhi's racial bias toward Black Africans (during his time in South Africa), his sexual life (including a homo-erotic relationship), his political opinions (including about topics such as Muslims, untouchability, and Nazism), his social opinions (including about birth control) and his occasional interpersonal cruelty—was deemed defamatory. Modi said that it should be banned across India; he demanded a public apology from Lelyveld. The Law Ministry had reportedly been asked to suggest amendment to the Prevention of Insults to National Honour Act (1971), so as to make actions or gestures showing disrespect to Gandhi an offence. Union Law Minister Veerappa Moily declared: "We can't allow anybody to draw adverse inferences about historical figures and denigrate them. Otherwise history will not forgive us. That is why the need is being felt to amend the Act." In 2009, the Supreme Court had turned down a plea to make it mandatory for people to show respect to Gandhi.

[Sources: *Hindustan Times* (1 April 2011); *Indian Express* (31 March 2011); Andrew Roberts, "Among the Hagiographers," *Wall Street Journal* (26 March 2011); *Times of India* (30 March 2011).]

Kashmir

Impunity for past violations in Kashmir, including the disappearance of thousands of people since 1989 during the armed conflict, continued. Official inquiries into some of the violations made slow or little progress. Between June and September 2010, the police and security forces fired at protesters during pro-Independence protests demanding accountability for past violations in the Kashmir valley.

More than 100 people, mostly youths, were killed and 800 others, including media workers, were injured. An inquiry, instituted by the state authorities and covering only 17 of the 100 deaths, made little progress.

[Source: Amnesty International, *Report 2011* (London 2011), 169.]

In late October 2010, the Delhi home of Booker Prize-winning author Arundhati Roy (1961–) was surrounded by around 150 members of the Bharatiya Janata Party's (BJP) women's faction. The protestors demanded that Roy leave India or withdraw her statement done on a 24 October 2010 seminar in Delhi named *Azadi: The Only Way* ("azadi" means freedom). Roy had said: "Kashmir has never been an integral part of India. It is a historical fact." On 27 November 2010, a New Delhi court ordered to investigate accusations of separatism and anti-Indian statements.

[Sources: Article 19, *Artist Alert* (October 2010); *NRC Handelsblad* (29 October 2010).]

In 2011, a report suggested that the state systematically discouraged historical research at Kashmiri universities about the decades of insurgency in Kashmir (1989–), in which some 43,000 people lost their lives. Critics said that the government called such research "anti-national" as it had been embarrassed by university research papers, which had blamed the Indian army for gross human rights violations in Kashmir.

[Source: Haroon Mirani, "India: Academic Dissent Stifled in Kashmir," *University World News* (1 May 2011).]

Orissa

In a positive development, a legislator from the ultra-nationalist Bharatiya Janata Party was convicted in June 2010 for his role in violence against Christians in Orissa in 2008 that left at least 40 people dead and thousands displaced when a Hindu mob attacked Christians. In August 2010, 16 others were sentenced to three years in prison for their role in the violence.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 317.]

Punjab / Assam

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

[Source: Amnesty International, *Report 2011* (London 2011), 168.]

INDONESIA

Last *Annual Report* entry: 2010.

Indonesia still did not credibly investigate most allegations of serious human rights abuse by security forces. Despite parliament's recommendation in September 2009, President Susilo Bambang Yudhoyono failed in 2010 to authorize an ad hoc court to investigate the 1997–1998 enforced disappearances of student activists. In January 2010, he even appointed Major General Sjafrie Sjamsoeddin, implicated in the 1997–1998 student disappearances and in serious human rights abuses in East Timor, to the position of deputy defense minister. Of 18 Kopassus (Indonesian Special Forces) personnel convicted of human rights abuse since 1999, at least 11 continue to serve in the military.

Impunity for past gross human rights violations in Aceh, Papua, Timor-Leste and elsewhere continued. The government continued to promote reconciliation with Timor-Leste at the expense of justice for crimes during the Indonesian occupation of East Timor (1975–1999). Most past human rights violations against human rights defenders, including torture, murder and enforced disappearances, remained unsolved and those responsible were not brought to justice. In 2009, Parliament recommended that an ad hoc human rights court be created to try those responsible for enforced disappearances in 1997–1998. However, the government had not acted on the recommendations by the end of 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 171.]

Yusuf Sapakoly, 52, died of kidney failure in a hospital in Ambon, Maluku province, after being refused access to adequate medical assistance by prison authorities. The father of four was arrested in 2007 for assisting a group of peaceful political activists who unfurled the “Benang Raja” flag, a symbol of South Maluku independence, in front of President Yudhoyono. In July 2010, prisoner of conscience Yusak Pakage, sentenced to ten years' imprisonment, was released following a Presidential Decree. However, Filep Karma who was arrested at the same time and sentenced to fifteen years' imprisonment, remained in prison. The two men were convicted in 2005 for raising the “Morning Star” flag.

[Source: Amnesty International, *Report 2011* (London 2011), 170–171.]

From 18 until 21 January 2011, the Cultural Center Goethe Institut organized a conference about the aborted “Communist” coup of 1965 in Indonesia. It requested police protection against radical

groups, including the Islam Defenders Front (FPI), after rumors that FPI members would mob the Goethe Institut building and after dozens of people who called themselves members of the Youth Islamic Movement (GPI) staged a rally in front of the building, calling for the conference to be called off. Protesters carried banner denouncing the defunct Indonesian Communist Party.

[Source: *Jakarta Post* (19 January 2011).]

In August 2010, Indonesian police arrested 21 individuals for planning to float pro-independence flags attached to balloons during a visit to the Moluccas by President Susilo Bambang Yudhoyono. Police subjected them to severe beatings.

[Sources: AI, “Indonesia: Case sheet: The Jayapura Flag-raisers” (February 2005); Human Rights Watch, *Ifex Alert* (19 November 2009); Human Rights Watch, “Hellman/Hammett Grants Honor 42 Writers for Courage Facing Political Persecution” (4 August 2010); Human Rights Watch, *World Report 2011* (Washington 2011), 321.]

On 6 August 2010, the Jakarta State Administrative Court upheld the ban, agreeing with LSF that *Balibo* could “reopen old wounds” and that LSF had fulfilled required administrative procedures to ban it.

[Sources: Human Rights Watch, *Ifex Alert* (7 December 2009); Human Rights Watch, *World Report 1998* (Washington 1997) 314; International Federation of Journalists, *Ifex Alert* (10 August 2010); *Ifex Communiqué* (6 & 14 February 2007); “Indonesia: Historical Books and Films Banned” (<http://www.freewordonline.com>; 2010); International Federation of Journalists, *Ifex Alert* (10 March 2010); *Index on Censorship*, 6/00: 173; 2/07: 194; 4/09: 147.]

On 13 October 2010, the Constitutional Court ruled that the 1963 law which allowed the Attorney General to ban books was unconstitutional. All requests to ban books had to be approved by a court.

[Sources: Article 19, “Indonesia: Constitutional Court Reverses Book Ban Ruling” (14 October 2010); Irwin Firdaus, “Indonesia Revokes Book-Ban Law from Suharto Days” (Associated Press, 14 October 2010).]

See also Timor-Leste.

IRAN

Last *Annual Report* entry: 2010.

On 7 May 2009, Fatemeh Masjedi, a historian holding a MA in history from the University of Illinois and with a job offer for a PhD in history at the Free University Berlin, and Maryam Bidgoli were arrested. Both women—members of the One Million Signatures Campaign (also known as the Campaign for Equality), a grassroots movement launched in 2006—had peacefully collected signatures for a petition demanding an end to discrimination against women in Iran. After two weeks in detention they were released, pending further investigation. On 29 August 2010, a Revolutionary Court in Qom sentenced them to one year's imprisonment for "spreading propaganda against the system," reduced to six months by the provincial appeal court. On 29 December 2010, they were summoned to report within three days to begin serving the sentence. However, they remained free pending further legal challenges against their convictions and sentences. Among the reasons for the sentence was the fact that the two women had "signed a letter complaining about the situation of human rights in Iran, and stating that Iran's candidacy for a seat on the Commission on the Status of Women had no merit and that the presence of Iran on this Commission would be a threat to world peace and security." The verdict also referred to an interview given by Bidgoli to the opposition website Jaras, and a statement signed by 600 members of the women's movement on the occasion of 12 June (the anniversary of a demonstration against legal discrimination against women).

[Amnesty International, *Urgent Action* (<http://www.concernedhistorians.org/CA/63.pdf>; 7 January 2011); Ulrike Freitag, personal communication (10 January 2011).]

In December 2009, after years under house arrest and government monitoring, Grand Ayatollah Hossein-Ali Montazeri died. Security forces arrested scores of mourners who attended his funeral.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 524.]

In 2010, the government initiated an aggressive campaign to "islamicize" universities, in part by forcibly retiring professors in the social sciences. The government relied on plainclothes security forces and the *Basij*, a state-sponsored paramilitary force, to target Shi'a clerics critical of the government.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 524.]

In [late February 2011], the University Security Unit of Payame Noor University in Mashhad requested the faculty of arts not to assign courses at the beginning of the new term to history lecturer

Seyed Hossein Javdani. Javdani declared that this *de facto* dismissal, of which he had not been directly informed, was connected to articles he wrote and published on various websites before and after the June 2009 presidential elections (mostly about the Green movement that staged protests after these elections) and had nothing to do with his lectureship since he never mentioned national politics in his classes. He also stated that his membership of the Central Council of Khorasan's Tahkim-e Vahdat Alumni Association (Advar) branch was not related to his lectureship. Javdani had been threatened with dismissal in the middle of last term as well. Following his dismissal, he tried to fight the decision but he was ignored by the University Security Unit, which reportedly experienced external pressure from the Intelligence Ministry. Javdani started working in different places on a project basis. As a graduate student, Javdani had been banned for his student activities at Tehran University. At the time, he had been Secretary of Tehran University's Islamic Association of Democracy-Seeking Students.

[Sources: International Campaign for Human Rights in Iran, "Faculty Member Dismissed for Publishing Articles" (7 March 2011); NEAR, "Iranian University Lecturer Banned from Teaching after Publishing Critical Articles" (<http://www.concernedhistorians.org/ca/65.pdf>; 16 March 2011).]

See also Argentina.

IRAQ

Last *Annual Report* entry: 2010.

United States (US) forces in Iraq committed serious human rights violations, including killings of civilians. Thousands of classified files were published by Wikileaks. These showed, among other things, that US troops manning security roadblocks had shot dead many Iraqi civilians in previous years and that, contrary to their denials, the US military authorities had sought to keep a count of the number of Iraqi civilians killed in the conflict in Iraq. Revised estimates put the total number of civilian casualties in the conflict in Iraq in 2004–2009 at 66,081.

[Source: Amnesty International, *Report 2011* (London 2011), 178.]

The Supreme Iraqi Criminal Tribunal (SICT) continued to try former senior members of the Ba'ath party as well as military and other officials in the government of Saddam Hussain, toppled in 2003, who were accused of war crimes, crimes against humanity and other grave offences. Trials failed to meet international fair trial standards; the SICT lacked independence and was said by lawyers and

judges to be influenced by political interference. In October 2010, two former government ministers—74-year-old Tareq ‘Aziz, the former Foreign Affairs Minister; and Sa’doun Shakir, former Interior Minister—as well as ‘Abed Hamoud, Saddam Hussain’s private secretary, were sentenced to death by the SICT after being convicted of participating in the elimination of Shi’a religious parties.

[Source: Amnesty International, *Report 2011* (London 2011), 178.]

See also Syria, United Kingdom, United States.

IRELAND

Last *Annual Report* entry: 2004.

ISRAEL

Last *Annual Report* entry: 2010.

In May 2010, Miriam Eliav-Feldon, a professor of history at Tel Aviv University organized a faculty petition drawing more than 150 signatures to protest a speech given by Harvard University law professor Alan Dershowitz, in which he had publicly denounced the academics at the university who supported an academic boycott of Israel. Eliav-Feldon reportedly received insulting e-mails from university donors for organizing the petition. Two reports by right-leaning think-tanks had reportedly accused some professors of undermining traditional Israeli historical narratives about the conflict with the Palestinians and of intimidating students who did not accept that interpretation of events.

[Source: *Chronicle of Higher Education* (21 August & 4 November 2010).]

On 1 October 2010, the principal of Shaar Hanegev high school, southern Israel, was summoned for a hearing by the education ministry for using an unapproved history textbook that gave the Israeli narrative of Israel’s 1948 founding next to the Palestinian narrative of *nakba*, with blank space in the middle for students to insert their own thoughts. The ministry reportedly instructed the school to withdraw the book as it had been rejected by the ministry in 2005.

[Sources: *Irish Times* (1 October 2010); *Chronicle of Higher Education* (4 November 2010).]

According to a detailed report on impunity published by the Israeli human rights organization

B'Tselem in October 2010, the Israeli military killed 1,510 Palestinians in 2006–2009, (excluding those killed during Operation “Cast Lead”—see below). Of these, 617, including 104 children aged under 18, were not taking part in any hostilities when they were killed. B'Tselem called for an investigation into 288 of the killings committed in 148 incidents, most in the Gaza Strip; investigations were opened in only 22 incidents, most in the West Bank. B'Tselem reported that only four investigations were opened within a month of the incident. In two investigations, the case was closed without any prosecution of the soldiers involved.

[Source: Amnesty International, *Report 2011* (London 2011), 183.]

Although some Israeli military investigations into specific incidents were ongoing, the Israeli authorities still failed to conduct independent investigations into alleged war crimes and other serious violations of international law by Israeli forces during Operation “Cast Lead” that conform with international standards. The United Nations (UN)-mandated Fact-Finding Mission on the conflict (the Goldstone report) found in 2009 that Israeli forces and Palestinian armed groups had both committed war crimes and possibly crimes against humanity. By the end of 2010, only three Israeli soldiers had been convicted in connection with Operation “Cast Lead.” Two of them were found guilty of “unauthorized conduct” for ordering a nine-year-old Palestinian boy, Majed R., to act as a “human shield” by opening bags they believed were booby-trapped. In November 2010, they were demoted and given suspended three-month prison sentences. In January 2010, Israel paid US \$10.5 million compensation to the UN for UN buildings damaged during Operation “Cast Lead.” However, no compensation was paid to or on behalf of any of the victims of the attacks. The UN said the payment concluded the financial issues relating to the Operation, even though the Goldstone report had specifically recommended that the UN seek compensation not only for UN personnel and civilians killed or injured in attacks on UN premises, but also for civilian victims of other attacks during the Operation.

[Source: Amnesty International, *Report 2011* (London 2011), 183–184.]

See also Germany, Lebanon, United States.

ITALY

Last *Annual Report* entry: 2010.

IVORY COAST (Côte d'Ivoire)

Last *Annual Report* entry: 2010.

The United Nations (UN) Security Council still did not make public the findings of the UN Commission of Inquiry into serious violations of human rights and international humanitarian law since September 2002, delivered to the UN secretary-general in November 2004. In 2003 the Ivorian government accepted the jurisdiction of the International Criminal Court (ICC) over serious crimes committed in violation of international law. However, it repeatedly failed to facilitate ICC initiatives to assess national efforts on accountability for such crimes, including to determine whether the ICC should open an investigation there.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 101.]

In 2011, historian Laurent Gbagbo, who had become president of Ivory Coast after controversial elections in October 2000, was deposed amid violent conflict after he had refused to accept that he had lost the presidential elections in late 2010. In February 1982, Gbagbo (1945–), a history lecturer, director at the Institut d'histoire, d'art et d'archéologie africaines, National University of Abidjan (1981–1982), and student-union and teacher-union activist since 1969, had circulated a suppressed speech on democracy and the advantages of a multiparty system that he had intended to deliver. The cancelation of the lecture entitled “Youth and Democracy on the Ivory Coast” sparked off student unrest in February and led to several retaliatory measures by the government against universities and secondary schools. Gbagbo went into self-imposed exile in France for more than six years. In September 1988, he returned and in December 1988, he was summoned to a meeting and reprimanded by President Félix Houphouët-Boigny for unspecified subversive activities. In November 1989, the socialist opposition party Front populaire ivoirien (Ivorian Popular Front) that he had cofounded in 1982, was legalized and challenged Houphouët-Boigny in the October 1990 elections, the first since independence in 1960. In February 1992, he and his wife were arrested with other opposition party leaders because they were held responsible for the riots that had followed anti-government student demonstrations earlier that month. These had been organized because Houphouët-Boigny had refused to accept the findings of a commission of inquiry into a military raid on Yopougon University campus in May 1991. In March 1992, Gbagbo was sentenced to two years' imprisonment for “acts of violence and destruction of public property” despite his parliamentary immunity. In protest, all other opposition members of Parliament resigned. In July 1992, Gbagbo was released after the National Assembly had adopted an amnesty law.

[Sources: Amnesty International, *Report 1993* (London 1993) 104–105; *Index on Censorship*, 3/82: 45; 5/92: 35; 6/92: 35; 9/92: 43; Derek Jones, ed., *Censorship: A World Encyclopedia* (London/Chicago: Fitzroy Dearborn, 2001) 587; *Keesing's Record of World Events* (CD-rom version); Robert Mundt, *Historical Dictionary of the Ivory Coast* (Metuchen: Scarecrow Press, 1987) 72; *NRC Handelsblad* (6 April 2011), 11.]

JAPAN

Last *Annual Report* entry: 2010.

In May 2010, the United Nations (UN) High Commissioner for Human Rights visited Japan and called on the government, inter alia, to resolve the “comfort women” issue. During the same month, the UN Special Rapporteur on Violence against Women noted that survivors of sexual crimes “do not want to receive economic compensation without an official apology and official recognition of State responsibility.” She considered the “comfort women” reparation movement one of the most organized and well documented. Councils in 21 Japanese cities or towns adopted resolutions advocating apology and compensation for survivors of the “comfort women” system.

[Source: Amnesty International, *Report 2011* (London 2011), 189.]

See also France.

JORDAN

Last *Annual Report* entry: 2004.

KAZAKHSTAN

Last *Annual Report* entry: 2007.

KENYA

Last *Annual Report* entry: 2010.

There were two achievements in the efforts against impunity during 2010. In a landmark ruling on 4 February 2010, the African Commission on Human and Peoples' Rights condemned Kenya's government for expelling the Endorois people from their traditional land for tourism. It ruled that the eviction—with minimal compensation—violated the rights of the Endorois as an indigenous people to property, health, culture, religion, and natural resources. It ordered Kenya to compensate and restore them to their historic land. It was the first international tribunal ruling to find a violation of the right to development. In another unprecedented judgment, Kenya's constitutional court awarded US\$500,000 compensation to 21 political prisoners who were tortured during the government of former president Daniel arap Moi (1978–2002). The court had previously ruled that this case could not be heard.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 136.]

In March 2010, the International Criminal Court (ICC) decided to investigate crimes against humanity allegedly committed during the post-election violence of 2007–2008. In December 2010, the ICC Prosecutor requested the ICC to issue summonses against six individuals for crimes against humanity alleged to have been committed during the post-election violence. The same month, the parliament passed a motion calling for the executive arm of government to initiate Kenya's withdrawal from the Rome Statute establishing the ICC and for the repeal of the International Crimes Act which incorporates the statute into Kenyan law. The government's formal reaction to the motion was pending at the end of 2010.

While the ICC investigated a limited number of cases, Kenya did not credibly and effectively investigate and prosecute other perpetrators of the post-election violence. Witness protection emerged as a key challenge to investigations. Threats against individuals who witnessed post-election violence, including some who testified before the Commission to Investigate the Post-Election Violence, increased after the prosecutor announced that he would seek to open a Kenya investigation. In May 2010, the president signed into law amendments to the Witness Protection Act, a key step in

reforming Kenya's witness protection system. The amendments created a new witness protection agency with increased independence, but resources and time were needed to implement changes.

[Sources: Amnesty International, *Report 2011* (London 2011), 3, 194–195; Human Rights Watch, *World Report 2011* (Washington 2011), 133–134, 140.]

The Truth, Justice and Reconciliation Commission (TJRC) established in the wake of the post-election violence of 2007–2008 started its operations. By the end of 2010, the TJRC was engaged in a country-wide process of taking statements from possible witnesses. However, its work was constrained by questions over the credibility of the chairperson and lack of funding. In April 2010, the Commission vice-chair resigned, citing allegations that the chairperson had been involved in human rights violations and other issues that might be the subject of the TJRC inquiry. Following a petition in April 2010 by eight of the nine TJRC Commissioners, the Chief Justice appointed a tribunal in October 2010 to investigate the issue. In November 2010, the TJRC chair stepped aside pending the tribunal's report, which was due within six months.

[Source: Amnesty International, *Report 2011* (London 2011), 195.]

Although Kenya was obliged to arrest and surrender to the ICC anyone named in an arrest warrant, in August during celebrations to mark the new constitution the government hosted Sudanese President Omar Al Bashir, against whom the ICC issued arrest warrants for genocide, crimes against humanity, and war crimes in March 2009 and July 2010. Kenya cited a July 2009 decision by the African Union not to cooperate with the ICC in arresting al-Bashir to justify its failure to do so during his visit.

[Sources: Amnesty International, *Report 2011* (London 2011), 195; Human Rights Watch, *World Report 2011* (Washington 2011), 133–134, 140.]

See also Sudan.

KOREA, NORTH

Last *Annual Report* entry: 2010.

In February 1997, Hwang Jang-yop (1923–2010), a former Chairman of the Supreme People's Assembly (1972–1983), went into exile in South Korea. He had been largely responsible for crafting the official *Juche* ideology (*chu-cheism*; the spirit of national sovereignty). In this context, he helped delete references to Joseph Stalin from the speeches of former President Kim Il-sung (1912–1994) in

the 1940s and early 1950s and he supervised the rewriting of the history of the Korean Workers' Party (KWP, the Communist Party) to aggrandize Kim's founding and leading role of the KWP. Hwang had also been the teacher of Kim Jong-il (the son of Kim Il-Sung and the Supreme Leader of North Korea since 1994) at Kim Il-sung University. In 1960, when Kim Jong-il began his graduate course at this university, a number of historiographical articles praising the *juche* ideology were published under his name. They were described as heavily distorted versions of Korean history.

[Sources: Leonid Petrov, "North Korean Historiography in Crisis (1956–1967)," in Young-A Cho, ed., *Korean Studies at the Dawn of the Millennium: Proceedings of the Second Biannual Conference, Korean Studies Association of Australia* (Melbourne 2002), 382; *Wikipedia* (2 May 2011).]

KOREA, SOUTH

Last *Annual Report* entry: 2010.

KOSOVO

See Serbia / Kosovo.

KUWAIT

Last *Annual Report* entry: 2005.

KYRGYZSTAN

Last *Annual Report* entry: 2010.

Baktybek "Bakyt" Beshimov was a history and political science professor at Kyrgyz State University who became President of Osh State University (1994–) until his dismissal and house arrest, a member of parliament as the leader of the sole opposition party (1998–2000, 2005–2009), and a former ambassador to India, Sri Lanka, Bangladesh, and Nepal (2000–2005). After [2007], he came under constant surveillance by state security officers and received repeated threats to his life from

government agents. The threats intensified in 2009 after Beshimov took President Kurmanbek Bakiyev to court for violating the Constitution's prohibition against partisan lobbying, after he led parliamentary investigations into charges of corruption against the government, and after he transpired to be the sole member of parliament to vote against the government's decision to evict the United States Air Base from Kyrgyzstan. In April 2009, he reportedly received public threats from the head of the State National Security Committee at a parliamentary session. He evaded two assassination attempts (poisoning and a staged car crash on a mountain road). In the autumn of 2009, he went into exile in the United States, where he worked on the history of the Ferghana valley as a visiting fellow at Harvard University's Davis Center for Russian and Eurasian Studies and at the Center for International Studies at the Massachusetts Institute of Technology. In May 2010, following a coup, he was offered his country's ambassadorship to Washington, but he turned it down.

[Sources: Scholar Rescue Fund, "Summer Featured Scholar 2010" (New York 2010); Corydon Ireland, "The Man from Kyrgyzstan," *Harvard Gazette* (3 March 2011).]

Four days of violence in June 2010 between ethnic Kyrgyz and ethnic Uzbeks left hundreds dead and forced hundreds of thousands to flee their homes. Serious human rights violations marred the efforts to restore order to the region, including widespread reports of the use of excessive force by security forces, arbitrary detentions, and torture and other ill-treatment during transfer and in custody. Attempts to establish the truth about what happened were undermined by apparent ethnic bias. At least 271 people were remanded in custody charged with participation in the violence, the majority ethnic Uzbeks. There were concerns over ethnic bias in the attitudes of the authorities following the events. The Jalal-Abad prosecutor's office stated that 88 people faced charges in relation to the violence, and that 26 were ethnic Kyrgyz. By 10 November 2010, official figures revealed that 271 individuals had been arrested in relation to the violence. Human rights defenders and lawyers maintained that the majority of those arrested were ethnic Uzbeks.

[Source: Amnesty International, *Report 2011* (London 2011), 201, 203–204.]

LATVIA

Last *Annual Report* entry: 2008.

LEBANON

Last *Annual Report* entry: 2010.

Few or no steps have been taken by any Lebanese government to investigate the thousands of disappearances, abductions, killings and other abuses that were committed during the fifteen-year civil war (1975–1990), nor even to adequately protect mass graves, despite the pleas of the now ageing relatives of the thousands of missing people. Despite a 2009 pledge to work to uncover the fate of the “disappeared” and to ratify the 2006 International Convention for the Protection of all Persons from Enforced Disappearances, the government took no steps on these issues in 2010. An official joint Syrian-Lebanese committee established in May 2005 to investigate cases of Lebanese who “disappeared” at the hands of Syrian security forces did not published any findings in 2010. Each day a solemn group of people gathered in a Beirut park clutching precious but yellowing photographs of their long-lost loved ones, to ask what became of them and where their remains lie. The Council of Ministers provided a short document about mass graves to a court that was hearing a lawsuit filed by two NGOs. The NGOs were working on behalf of people whose relatives had disappeared or been abducted, and who hoped to protect and identify the bodies buried in three mass graves cited in an official 2000 report. In March 2010, senior government leaders boycotted the Arab Summit held in Libya in protest at Libyan leader Mu’ammar al-Gaddafi’s alleged involvement in the abduction and enforced disappearance of senior Shi’a Imam, Musa al-Sadr, and two companions in 1978.

[Sources: Amnesty International, *Report 2011* (London 2011), 48, 205, 207; Human Rights Watch, *World Report 2011* (Washington 2011), 556, 560–561.]

Tension increased within the fragile unity government and in the country amid reports that several members of Hizbullah—Lebanon’s most powerful political force and a partner in the coalition government—were to be indicted by the Special Tribunal for Lebanon (STL), set up under United Nations auspices in connection with the 2005 assassination of former Prime Minister Rafik Hariri. Hizbullah called for a boycott of the STL and accused it of being an “Israeli project” and of failing to investigate earlier allegations that had led to four former Lebanese security and intelligence heads

being detained without charge for nearly four years. In September 2010, Prime Minister Saad Hariri said that it had been a mistake to accuse the Syrian government of responsibility for his father's assassination.

[Sources: Amnesty International, *Report 2011* (London 2011), 48, 205; Human Rights Watch, *World Report 2011* (Washington 2011), 561.]

See also Libya, Syria.

LIBERIA

Last *Annual Report* entry: 2010.

The government made no progress in ensuring the prosecution of those responsible for war crimes committed during the armed conflict (1979–2003), and made little effort to implement the recommendations of the Truth and Reconciliation Commission (TRC). The TRC, mandated to investigate human rights violations committed in the conflict, presented its final report to the government in December 2009, and concluded its four-year mandate in June 2010. Its key recommendations included dispensing reparations; establishing a criminal tribunal to prosecute the most notorious perpetrators; barring from public office scores of former supporters of the warring factions, including current President Ellen Johnson-Sirleaf; and instituting an informal village-based reconciliation mechanism. Implementing the recommendations was slowed by disagreement about which branch of power should take the lead, as well as by legitimate questions about the constitutionality of some recommendations. The poor quality of sections of the report, notably the lack of solid factual evidence about those recommended for prosecution and bans from public office, further undermined its findings. During 2010, the president asked the justice ministry, the Law Reform Commission, and the National Bar Association to study the legal and constitutional implications of the recommendations. However, the slow pace of this consultation process raised questions about the president's will to move things forward. Some former warlords named in the TRC report maintained seats in the Senate and other positions of power. The trial of former Liberian President Charles Taylor continued at the Special Court for Sierra Leone in The Hague. He was facing charges of war crimes, but only for his alleged involvement in the war in Sierra Leone. He was not charged with crimes under international law committed in Liberia.

[Sources: Amnesty International, *Report 2011* (London 2011), 3, 208; Human Rights Watch, *World Report 2011* (Washington 2011), 142, 145–146.]

Serious abuses and some deaths resulting from harmful traditional practices continued to occur in 2010, in part because of distrust of the judicial system and the absence of law enforcement and judicial authorities. These included ritual killings, including one case in which alleged perpetrators were local government officials; killings of alleged witches; and “trials by ordeal” in which suspects of crimes were forced to swallow the poisonous sap of a tree or endure burning, their guilt or innocence being determined by whether they survive. The government condemned these practices and on several occasions the police and judiciary took action against alleged perpetrators.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 144.]

See also Sierra Leone.

LIBYA

Last *Annual Report* entry: 2010.

The Amazigh (Berbers), the main cultural and linguistic minority, faced discrimination and harassment by security officials. Libyan authorities did not allow schools to teach, or media to use, the Amazigh language. Libyan law also banned use of non-Arab Amazigh names on all official documentation. In January 2010, Colonel Muammar al-Gaddafi criticized Amazigh New Year celebrations as un-Islamic and not recognized by the state, saying they disrupted national unity; an Amazigh organization reported that at least two people had been arrested in connection with trying to organize celebrations. The Amazigh website *Libya Imal* was among those blocked by authorities during the same month. In August 2010, Internal Security officers arrested Amazigh activist Ali Abu al-Seoud and detained him incommunicado for eight days in connection with his online writing on Amazigh rights. They released him without charge.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011) 566.]

The authorities did not make public any account of the June 1996 Abu Salim prison massacre in which 1,200 prisoners were killed, nor did they hold anyone responsible. On 6 September 2009, the acting secretary of defense established a seven-judge investigation panel, headed by a former military tribunal judge, to conduct an investigation. The panel’s final report was due in March 2010, but it remained unpublished in late 2010. Libyan authorities offered compensation of 200,000 dinars (US\$162,000) to families who agreed to relinquish all legal claims, but most of the victims’ families in Benghazi, Libya’s second-largest city, refused to accept compensation on those terms and

continued to call for criminal accountability. In June 2010, families reported that local authorities and security officials were pressuring them to relinquish their compensation claims. In October 2010, the Organizing Committee of the Families of Victims of Abu Salim in Benghazi suspended their weekly public protests after security officials undertook to address their health, housing and socioeconomic concerns.

[Sources: Amnesty International, *Report 2011* (London 2011), 211–212; Human Rights Watch, *World Report 2011* (Washington 2011), 562, 564.]

There were still dozens of unresolved disappearance cases, including those of Libyan opposition members Jaballa Hamed Matar and Izzat al-Megaryef, whom Egyptian security had arrested in 1990 in Cairo. Their families later learned that Egypt had handed them over to Libyan security officials, who detained them in Abu Salim prison. Prominent Lebanese Shi'a cleric Imam Musa al-Sadr disappeared in Libya 32 years ago; his fate remains unknown.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 564.]

See also Lebanon.

LITHUANIA

Last *Annual Report* entry: 2009.

MACEDONIA

Last *Annual Report* entry: 2010.

The dispute with Greece over the name “Macedonia” continued to dominate international relations and domestic politics. In November 2010, the European Commission criticized Macedonia’s uneven progress toward European Union accession, highlighting concerns about independence of the judiciary and media freedom, but recommended that accession talks should be opened, pending resolution of the country’s name. Divisions arose over government expenditure on monuments to Macedonia’s history and over war crimes proceedings in the wake of the 2001 armed conflict. Ethnic Albanian political parties argued for some cases to be dropped under the 2002 Amnesty Law, which granted amnesty to those involved in the 2001 conflict, except in cases taken under the jurisdiction of the International Criminal Tribunal for the former Yugoslavia (ICTY). As the cases were investigated but not prosecuted by ICTY, they argued that the Amnesty Law should apply. Impunity continued for the enforced disappearance in 2001 of six ethnic Albanians and the abduction of 13 ethnic Macedonians and one Bulgarian.

[Source: Amnesty International, *Report 2011* (London 2011), 214–215.]

MALAYSIA

Last *Annual Report* entry: 2010.

On 1 August 2010, police dispersed eight candlelight vigils commemorating the fiftieth anniversary of the Internal Security Act (ISA), detaining more than thirty people. The ISA permitted indefinite detention without charge or trial of any person deemed by officials to be a threat to national security.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 333.]

MALAWI

Last *Annual Report* entry: —.

On 28 October 2010, the National Archives issued a letter with an immediate suspension of the weekly tabloid *Weekend Times* (launched in 2009) on charges of failing to register the paper.

According to the 1958 Printed Publications Act, all newspapers were required to be registered and to deposit a copy of each of their publications with the National Archives. Under this law, the National Archives could close publications for an indeterminate period without appeal. The paper's ban came three months after President Bingu wa Mutharika threatened to shut down newspapers that he accused of lying. At the time, two papers had cited a regional agency's report forecasting food shortages in Malawi.

[Source: Committee to Protect Journalists, "Malawi Government Bans Weekly Tabloid" (1 November 2010).]

On 14 May 2011, photojournalist Jacob Nankhonya of Blantyre Newspapers was stopped from taking pictures at a memorial service for the late former President Hastings Kamuzu Banda (1896/1906–1997) at Kamuzu's mausoleum at the Heroes' acre in the capital Lilongwe. Possibly, the reason was that Jim Jumani Johansen, who claimed to be Banda's biological son, passed through the spot the photojournalist had focused on with his camera.

[Source: Media Institute of Southern Africa, *Ifex Alert* (19 May 2011).]

MALDIVES

Last *Annual Report* entry: 2010.

MALI

Last *Annual Report* entry: —.

See Mauritania.

MAURITANIA

Last *Annual Report* entry: 2009.

In July 2010, Mohamed Lemine Ag Maleck, a Malian history student, was arrested in Oualata, 1,200 km south of the capital Nouakchott. He was held for more than twenty days at the police station

before being charged with giving information to a foreign power. The accusation was based on his possession of a GPS device and a camera, equipment he was using to take photos and design itineraries for a tourism agency.

[Source: Amnesty International, *Report 2011* (London 2011), 223.]

Although slavery was abolished in 1981 and has been a criminal offence since 2007, the practice persisted. There have been no judicial proceedings against slave owners. Two families were freed from slavery during 2010 with the help of two human rights organizations, SOS Esclaves and L'Initiative pour la résurgence du mouvement abolitionniste en Mauritanie (IRA, Initiative for the Resurgence of the Abolitionist Movement in Mauritania). Eight anti-slavery activists were arrested and detained in December 2010 in Nouakchott after raising the case of two young girls who they believed were held in slavery.

[Source: Amnesty International, *Report 2011* (London 2011), 223–224.]

MEXICO

Last *Annual Report* entry: 2010.

There were no advances in ending impunity for past human rights violations committed during Mexico's "dirty war" (1964–1982).

[Source: Amnesty International, *Report 2011* (London 2011), 224.]

MOLDOVA

Last *Annual Report* entry: 2010.

MONGOLIA

Last *Annual Report* entry: 2007.

MONTENEGRO

Last *Annual Report* entry: 2009.

While war crimes prosecutions against low-ranking military personnel or police officials continued, senior officials were rarely indicted. Under an extradition agreement signed with Serbia in October 2010, eleven people wanted in Montenegro were arrested in Serbia including five men suspected of committing war crimes in Dubrovnik, Croatia. Proceedings continued against nine former police officers and officials, five in their absence, for the enforced disappearance in 1992 of Bosniak refugees, who were handed over to the *de facto* Bosnian Serb authorities. In November 2010, the authorities granted former President Momir Bulatović permission to divulge state secrets when he appeared as a witness in this case.

[Source: Amnesty International, *Report 2011* (London 2011), 230.]

MOROCCO / WESTERN SAHARA

Last *Annual Report* entry: 2010.

The long-running truth and reconciliation process launched in 2004 by the Equity and Reconciliation Commission (ERC) continued its slow progress. From the outset, the process explicitly omitted any consideration of justice as a means to remedy the enforced disappearances and other gross human rights violations committed by government forces between 1956 and 1999 and, in practice, it largely failed even to provide the truth about what happened to those who disappeared or suffered other grave abuses. The authorities showed little sign of implementing the far-reaching legal and institutional reforms that had been due to flow from the process, to hold the security forces accountable under the law and eradicate the use of secret detention and torture. In January 2010, the Advisory Council for Human Rights, mandated to follow up on the ERC recommendations, published a report, covering the period since the ERC ended its work in 2005. It failed to provide a comprehensive list of those who had disappeared or any detailed findings on individual cases or whether they had been referred for further investigation. The overdue list of 938 victims of enforced disappearance and other human rights violations was published on 14 December 2010 as an annex to the initial report. Little and vague information, if any, was added on individual cases. Six pending cases were listed and referred for further investigation. Victims and survivors continued to have no effective access to justice, and none of those who perpetrated the gross violations were investigated

or brought to account. By the end of 2010, the authorities had still not taken any concrete measures to implement recommendations for judicial and institutional reform made by the ERC, including reform of the judiciary and security forces. The European Union provided twenty million euros to assist the government to introduce legal reforms and eight million euros toward preserving the memory and archives of the gross human rights violations in 1956–1999. In September 2010, the government declared that it would convert some former secret prisons into memorials for the “preservation and rehabilitation of memory.” No steps were known to have been taken by the Polisario Front to address the impunity of those accused of committing human rights abuses in the camps in the 1970s and 1980s.

[Sources: Amnesty International, *Report 2011* (London 2011), 48, 232, 234; Human Rights Watch, *World Report 2011* (Washington 2011), 570.]

MYANMAR (BURMA)

Last *Annual Report* entry: 2009.

On 21 February 2009, history teacher Ma Khin Khin Leh (?1966–) was released. In July 1999, she had been detained with eighteen others in Pegu, on suspicion that they were planning a pro-democracy march scheduled for 19 July (Martyrs’ Day, commemorating the 1947 assassination of General Aung San [1915–47], independence leader and father of opposition leader Daw Aung San Suu Kyi). The military intelligence service arrested her and her three-year old daughter after officials from the State Peace and Development Council (military junta) attempted to detain her husband, Kyaw Wunna, a political activist and one of the march organizers, but could not locate him. The child was released after five days’ detention. In December 1999, a Special Court sentenced Ma Khin Khin Leh to life imprisonment. In January 2000, she was transferred to an unknown location. After her release in 2009, she was harassed and in the summer of 2010 she fled to Thailand where she lived as an illegal refugee.

[Sources: <http://www.concernedhistorians.org/ca/18.pdf>; Amnesty International, *Myanmar: Prisoners of Political Repression* (London 2001), 14; Amnesty International, *Report 2003* (London 2003), 181; Amnesty International, “Political Prisoners Set Free in Myanmar” (24 February 2009); Amnesty International, *Amnesty in actie* (February 2011), 11; American Association for the Advancement of Science, Human Rights Action Network, *BU0009.Daw* (5 December 2000).]

In his report to the United Nations (UN) Human Rights Council in March 2010, Tomás Ojea

Quintana, the Special Rapporteur for the Situation of Human Rights in Myanmar, outlined a “pattern of gross and systematic violation of human rights which has been in place for many years.” He concluded that “UN institutions may consider the possibility to establish a commission of inquiry (CoI) with a specific fact finding mandate to address the question of international crimes.” In late 2010, more than thirteen countries publically supported the formation of a CoI, including the United States, the United Kingdom and several other European countries, Australia, and Canada. UN Secretary-General Ban Ki-moon did not publically comment on Quintana’s call. During a general debate at the UN Human Rights Council in Geneva on 17 September 2010, Burmese ambassador U Wunna Maung Lwin denied that the situation in Burma warranted an inquiry, saying there were “no crimes against humanity in Myanmar...(w)ith regard to the issue of impunity, any member of the military who breached national law was subject to legal punishments...there was no need to conduct investigations in Myanmar since there were no human rights violations there.” Quintana’s report to the UN General Assembly in October 2010 elaborated on the possible parameters of a CoI, possible areas of investigation, and time frames. In late October 2010, United States Secretary of State Hillary Clinton said she wanted to “underscore the American commitment to seek accountability for the human rights violations that have occurred in Burma by working to establish an international Commission of Inquiry.” China actively tried to block the proposal. The European Union, which drafted the annual Burma resolution, did not pursue calls for the CoI to be included in the resolution in the UN General Assembly.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 292–293.]

On 27 July 2010, the army arrested Buddhist monk and Rakhine historian Ashion Pyinya Sara (= U Pyinya Sara), leading abbot of the Buddha Vihara Mahamuni orphanage in Sittwe. When the orphanage was raided, antiques from the library (ancient coins, Buddha statues, palm-leaf inscriptions) were seized. The charges against U Pyinya Sara—inter alia, abuse of Buddhist religious principles (by living with a woman), misappropriation of funds donated by foreign countries, and disruption of the stability of the state—were widely believed to have been fabricated to hide the real motive, namely the monk’s critical political attitude. On 2 August 2010, he was reportedly tortured during interrogation. He went a on hunger strike. At the trial, the government’s main witness—the woman who had supposedly lived with the monk—retracted her earlier accusation. In September 2010, he was sentenced to eight years and three months’ imprisonment on charges including handling obscene materials, insulting religion, criminal breach of trust and possession of foreign currency. U Pyinya Sara was a well-known Arakanese historian specialized in the history of the ancient kingdom of Arakan and Arakanese literature, an activity seen as behavior against solidarity of the union.

[Sources: Altsean Burma (Alternative Asean Network on Burma, Bangkok), *The SPDC’s Crimes*

Continue: A UN Commission of Inquiry Is still Needed To Protect Burma's People (BN 2010/1073; 28 September 2010); Amnesty International, *Report 2011* (London 2011), 236–237; Burma News International (2 September 2010); Narinjara News (11 & 24 September 2010); “Prominent Historian Monk U Pyinya Sara Arrested in Sittwe” (Democracy for Burma; 30 July 2010).]

See also Spain.

NAMIBIA

Last *Annual Report* entry: 2009.

The Caprivi high treason trial, the biggest and longest criminal trial in Namibia's history, entered its eleventh year. The accused were charged with involvement in attacks carried out in the Caprivi Strip in 1999 by the Caprivi Liberation Army. At the start of the trial in October 2003, there were 132 people on trial. By the end of 2010, 21 of them had died in custody.

[Source: Amnesty International, *Report 2011* (London 2011), 239.]

NEPAL

Last *Annual Report* entry: 2010.

The government and political parties still failed to show the will to establish accountability for human rights violations committed during the war (1996–2006). No one from the security forces or among the Maoists has been held criminally responsible for abuses committed during the conflict. In many cases, those accused of violations actively received protection from the security forces or political parties. In October 2010, the Nepal Army extended the tenure of Colonel Raju Basnet by two years, though he was at the Maharajgunj army barracks in 2003 and 2004 when various cases of torture, arbitrary detention, and enforced disappearance took place. The National Human Rights Commission (NHRC) and the United Nations (UN) Office of the High Commissioner for Human Rights repeatedly requested that the government start proceedings against Basnet. The Unified Communist Party of Nepal (Maoist) (UCPN-M) leadership likewise failed to cooperate with investigations into alleged crimes committed by Maoists during and after the conflict. Although the Comprehensive Peace Agreement did not provide a broad amnesty for serious crimes, the government continued to discuss the withdrawal of cases deemed “political,” including cases of murder. In April 2010, the long-delayed draft bills to establish a Truth and Reconciliation Commission and a Disappearances Commission were tabled in parliament but awaited debate by the Statute Committee. The drafts had notable shortcomings, including the proposed commission's lack of independence from political influence and a proposal to grant it the power to recommend amnesty for perpetrators of serious human rights violations. A draft bill criminalizing enforced disappearances and establishing a Commission of Inquiry was pending. It incorporated proposed amendments to address some of the serious shortcomings of previous drafts. The amendments included defining enforced disappearances

in certain circumstances as a crime against humanity and ensuring that punishments were proportionate to the extreme seriousness of the offence. However, families of the disappeared were dissatisfied with the draft and claimed that it was prepared without adequate consultation.

[Sources: Amnesty International, *Report 2011* (London 2011), 239, 240; Human Rights Watch, *World Report 2011* (Washington 2011), 337–338.]

NETHERLANDS

Last *Annual Report* entry: 2010.

On 1 December 2009, Robert and Eleonora van Maasdijk—the children of Gerrie van Maasdijk (1906–1997), general secretary of the royal court until his dismissal by Prince Bernhard (1948–July 1950), and Queen Juliana’s chamberlain afterward (July 1950–1956)—sued historian Cees Fasseur (1938–) for posthumous defamation of their father and for invasion of their privacy because in his book *Juliana en Bernhard: Het verhaal van een huwelijk 1936–1956* (2008; *Juliana and Bernhard: The Story of a Marriage, 1936–1956*) he had called van Maasdijk “a troublemaker,” “a Trojan horse at the court,” and “a splitter of the royal marriage.” On 19 February 1950, Van Maasdijk had written a letter to Prince Bernhard about the latter’s “dubious contacts” (persons involved in illegal arms trade and coup plans against Indonesian President Sukarno in 1950). Van Maasdijk’s diaries also contained entries on these events. The Van Maasdijk children had given Fasseur access to Van Maasdijk’s archives during his research. Fasseur had doubted Van Maasdijk’s story, suggesting that his dismissal by Bernhard was the reason for his confessions. On 23 March 2011, the judge ruled that Fasseur had not acted irresponsibly, that judgments about important persons in his book belonged to his task as a historian, that these judgments were based on much literature and several original sources, and that the Van Maasdijk children had no right to consult Fasseur’s manuscript before publication.

[Sources: Rechtbank Amsterdam, *Van Maasdijk versus Cees Fasseur & Arbeiderspers, Archipel, Balans, Subpoena* (14 June 2010; <http://www.concernedhistorians.org/le/182.pdf>) and *Judgment* (23 March 2011; <http://www.concernedhistorians.org/le/200.pdf>).]

In 2010, historian Jolanda Withuis did not receive permission to access the Royal House Archive for her biography about Queen Juliana.

[Source: *Historisch nieuwsblad* (14 December 2010).]

In June 2010, the Ministry of Justice threatened to sue the National Library of the Netherlands for incitement to hatred and discrimination if it made available online Dutch-language Nazi publications dating from World War II in the framework of a scholarly digitization project of all Dutch-language newspapers from 1618 to 1995. Scholars protested this, arguing that a scholarly edition of these publications, much of which was already accessible through other channels, was in the public interest. On 1 September 2010, Minister of Justice Ernst Hirsch Ballin declared that the library could proceed with the project because of its scholarly nature.

[Sources: *Historisch nieuwsblad* (October 2010) 31; *NRC Handelsblad* (1 September 2010) 3; Frank van Vree, “Verboden bronnen,” *Groene Amsterdammer* (23 June 2010).]

On 26 April 2011, historian and writer Thomas von der Dunk (1961–) was to give the annual Willem Arondéus lecture, entitled “The New Taboo on the War,” organized by the province of North Holland. Under pressure from the Freedom Party (PVV), politicians from the ruling parties Christian Democratic Appeal (CDA) and People’s Party for Freedom and Democracy (VVD) canceled the lecture for being “tainted by party politics” because Von der Dunk wanted to draw parallels between tolerance of the political elite for populist parties in the 1930s and tolerance for the PVV in present time. Von der Dunk declared that the ban confirmed his taboo thesis. On 27 April 2011, the Platform Stop Racism and Exclusion organized the lecture in open air in front of the provincial house: Von der Dunk spoke to an audience of 800 (instead of the 160 guests originally invited). In May 2011, the lecture was published as a pamphlet in Amsterdam.

[Sources: *NRC Handelsblad* (22 April 2011), 2, 3, 24, (28 April 2011), 7; Thomas von der Dunk, “Het nieuwe taboe op de oorlog” (<http://opinie.volkskrant.nl>; 21 April 2011); *Wikipedia* (30 April 2011).]

See also Bosnia-Herzegovina, Sierra Leone.

NEW ZEALAND

Last *Annual Report* entry: 2007.

NICARAGUA

Last *Annual Report* entry: 1998.

NIGER

Last *Annual Report* entry: 2009.

NIGERIA

Last *Annual Report* entry: 2010.

In late 2010, none of the police officers responsible for the execution of Mohammed Yusuf, leader of the Boko Haram Islamist group, and dozens of his suspected supporters in Maiduguri in July 2009 were prosecuted. Similarly, the government did still not hold members of the police and military accountable for their unlawful 2008 killing of more than 130 people during sectarian violence in Jos, or for the 2001 massacre by the military of more than 200 people in Benue State, and the military's complete destruction of the town of Odi, Bayelsa State, in 1999. (See NCH *Annual Report 2010*.)

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 150.]

NORWAY

Last *Annual Report* entry: 2009.

OMAN

Last *Annual Report* entry: 2010.

PAKISTAN

Last *Annual Report* entry: 2010.

In 2009–2010, militant nationalist groups in Balochistan threatened teachers and school administrators in order to prevent standard school practices such as the teaching of Pakistani history. On 25 October 2010, for example, the Balochistan Liberation Front threw pamphlets into educational institutions in the province, warning teachers and staff not to sing the national anthem, or to raise the national flag, or to celebrate Pakistan Day (23 March) and Independence Day (14 August), or to teach Pakistan Studies (Pakistan history and geography). The pamphlets warned that there would be serious consequences for noncompliance. On 13 June 2009, the Baloch Liberation Army assassinated Anwar Baig, a senior teacher in Kalat (south of the provincial capital Quetta), because he had opposed recitation of the Baloch nationalist anthem in school and did not want to hoist the nationalist flag instead of the Pakistani flag.

[Source: Human Rights Watch, “*Their Future Is at Stake:*” *Attacks on Teachers and Schools in Pakistan’s Balochistan Province* (Washington 2010) 2, 33–34.]

In March 2010, a three-member Judicial Commission constituted by the Supreme Court began to review cases of enforced disappearance. Its mandate included recording evidence of released people and investigating the role of the intelligence agencies. The commission reached its conclusion on 31 December 2010 and submitted its findings and recommendations to the federal government for review. The commission’s report remained classified at the end of 2010. Hundreds of people went missing, apparently after being held by the intelligence services or the army. The majority of cases were in Balochistan. Hundreds of *habeas corpus* petitions remained pending in provincial high courts but the intelligence services refused to respond to court directions. Families of the disappeared were threatened for speaking out about their missing loved ones.

[Source: Amnesty International, *Report 2011* (London 2011), 252.]

PALESTINIAN AUTHORITY

Last *Annual Report* entry: 2010.

See Israel, United States.

PANAMA

Last *Annual Report* entry: 2008.

PARAGUAY

Last *Annual Report* entry: 2010.

PERU

Last *Annual Report* entry: 2010.

According to Peru's Truth and Reconciliation Commission, almost 70,000 people died or "disappeared" during the internal armed conflict (1980–2000). They were victims of atrocities committed by the Shining Path and the Túpac Amaru Revolutionary Movement, and of human rights violations by state agents. In August 2010, President Alan García signed into law Decree 1097 that amounted to a disguised amnesty for perpetrators of human rights violations during this conflict. Decree 1097 violated Peru's international human rights obligations by allowing a statute of limitations to be applied to crimes against humanity committed before 2003, the year Peru ratified the United Nations Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Such crimes would include atrocities committed during the first government of Alan García (1985–1990), such as the massacre of 122 prisoners at El Frontón prison in 1986. Decree 1097 also obliged judges to close judicial proceedings against military and police personnel if formal charges were not presented within the 36 month maximum allowed by law. Within days a general and several members of the Colina Group—a death squad responsible for killings and "disappearances" during the government of former President Alberto Fujimori (1990–2000)—asked a judge to close investigations against them. García initially defended the decree but changed his mind after intense international and domestic criticism. In September 2010, a series of decree laws were issued effectively rolling back advances in tackling impunity over the previous ten years. Congress voted to revoke Decree 1097 but two further decrees allowing members of the armed forces accused of human rights violations to be tried under military courts remained in place.

In December 2009, a Supreme Court panel unanimously confirmed a 25-year prison sentence for Fujimori for the extrajudicial execution of 15 people in the Barrios Altos district of Lima in

November 1991, the enforced disappearance and murder of nine students and a teacher from La Cantuta University in July 1992, and two abductions. Fujimori was the first democratically elected Latin American leader to be convicted for grave human rights violations in his own country. In January 2010, the Supreme Court upheld the sentence passed on Fujimori. Given the landmark significance of the Fujimori conviction, prosecutions in other human rights cases from the armed conflict period had disappointing results, with convictions trailing behind the number of acquittals. In June 2010, the National Human Rights Coordinator, an NGO that monitored accountability, reported that the National Criminal Court, created in 2004 to hear cases involving human rights violations and terrorism, had acquitted 65 military and police agents, convicted only 15, and dismissed 23 cases. The Peruvian military consistently failed to provide information to help prosecutors identify officers who participated in atrocities. Mainly as a result of this lack of cooperation, prosecutors and lawyers for relatives of victims had difficulty assembling evidence that meets the rigorous standards courts demand. Several former senior military officials facing charges used tactics to delay court proceedings and then filed *habeas corpus* petitions to the Constitutional Court, claiming that their right to a trial within a reasonable time had been violated. In October 2010, members of Peru's "Colina group" death squad and former high-ranking officials in Fujimori's government (1990–2000) were convicted of the killing of fifteen people and the enforced disappearance of ten others in 1991 and 1992. However, thousands of other cases remained unresolved. The Inter-American Commission on Human Rights condemned Peru's failure to implement a 2003 agreement to ensure truth, justice and reparation for over 2,000 women who were forcibly sterilized under Fujimori's government. Individual reparations, including formalizing ownership of land granted to relatives and victims, a priority agreed by the government in 2003 before the Inter-American Commission on Human Rights, remained pending at the end of 2010.

[Sources: Amnesty International, *Report 2011* (London 2011), 15, 16, 261; Human Rights Watch, *World Report 2011* (Washington 2011), 263–264.]

See also Bolivia.

PHILIPPINES

Last *Annual Report* entry: —.

In February 2010, the Commission on Human Rights of the Philippines announced that it had recorded 777 cases of extrajudicial executions and 251 cases of enforced disappearance since 2001.

In September 2010, human rights group Karapatan recorded 1,206 extrajudicial executions and 206 victims of enforced disappearance during the same period. A report published in September 2010, commissioned by the United States Agency for International Development and the NGO Asia Foundation recorded 305 cases of extrajudicial executions with 390 victims from 2001 to 2010. The same report stated that only 1 per cent of reported cases resulted in a conviction, and that members of the armed forces were implicated in 20 per cent of cases.

[Source: Amnesty International, *Report 2011* (London 2011), 262, 263.]

POLAND

Last *Annual Report* entry: 2010.

On 11 June 2010, Dariusz Ratajczak (1962–2010), a history lecturer at the University of Opole (until 1999) and Holocaust denier, was found dead in a car parked near a shopping center in Opole. The body had been in the car for nearly two weeks and was decomposed beyond recognition. Autopsy showed that it was a suicide due to alcohol abuse. One observer linked his death to an operation of the Mossad (the Israeli Institute for Intelligence and Special Operations), but this was not confirmed by others. In November 1999, he had been suspended from his position following complaints made by an official commission investigating Nazi crimes in Poland for publishing remarks challenging the Holocaust of the Jews during World War II in his March 1999 booklet *Tematy Niebezpieczne* (Dangerous Topics). In December 1999, a court in Opole had found Ratajczak guilty of breaching the Institute of National Remembrance law that outlawed the denial of crimes against humanity committed by Nazi or by communist regimes in Poland, but also said that he had caused “negligible harm to society” due to the low circulation of the self-published book (230 copies) and to the fact that in the second edition and in public appearances Ratajczak had criticized Holocaust denial. After several appeals, the verdict was upheld and the case dismissed in 2002. In April 2000, Ratajczak had been dismissed from the university for violating ethical standards and banned from teaching at other universities for three years. From then on, he had lived in increasing isolation, surviving with menial jobs.

[*BBC News* (16 & 17 November, 8 December 1999); “Holocaust Denier Death, Mossad Linked,” *Press TV* (<http://www.presstv.ir/detail/139718.html>); United States State Department, *Annual Report on International Religious Freedom 2000* (Washington 2000), 348; *Wikipedia* (28 May 2011).]

QATAR

Last *Annual Report* entry: 2010.

ROMANIA

Last *Annual Report* entry: 2008.

RUSSIA

Last *Annual Report* entry: 2010.

Until January 2010, there was no Freedom of Information Act in Russia. Journalists' and historians' requests for information to be declassified were rarely successful.

[Source: *Index on Censorship*, 1/11: 88.]

In May 2010, the court rejected the defamation case of Yevgeny Dzhugashvili, Joseph Stalin's grandson living in Georgia, against radio station *Ekho Moskvy* in defamation over the comment "Stalin signed an order that children can be shot from the age of twelve as enemies of the nation." (See *NCH Annual Report 2010*). On 26 November 2010, the *Duma* (Russian parliament) condemned Stalin by name for the massacres in Katyń (in April 1940) and other sites.

[Sources: *BBC News* (26 November 2010); *Historisch nieuwsblad* (February 2011), 25; *Keesings historisch archief* (2010), 261–262, 672; *Telegraph* (17 May 2010).]

In a televised interview in July 2010, President of Chechnya, Ramzan Kadyrov, described activists of the *Memorial* Human Rights Center as "enemies of the state, enemies of the people, enemies of the law." The Kremlin failed to react. Human rights defenders working in other regions (such as Dagestan) also faced harassment and attacks. In September 2010, the defamation trial of Kadyrov against *Memorial* (concerning Kadyrov's responsibility for the assassination of journalist and historian Natalia Estemirova in 2009) took place. (See *NCH Annual Report 2010*.) In 2010 and 2011, *Memorial* was nominated for the Nobel Peace Prize.

[Sources: Amnesty International, *Report 2011* (London 2011), 272; Committee to Protect Journalists, *Attacks on the Press in 2009* (New York 2010) 157–162, 187, 266–267; Human Rights Watch, *World Report 2011* (Washington 2011), 456–457; *NRC Handelsblad* (11 March 2011), 10.]

On 9 July 2010, the sixth anniversary of the unsolved murder of Russian-born American journalist and historian Paul Klebnikov (1963–2004), no progress in the investigation was reported. On 9 July 2004, Klebnikov had been gunned down. The alleged mastermind of the murder—Chechen separatist

leader Khozh-Akhmed Nukhayev, the subject of Klebnikov's 2003 book "Conversation With a Barbarian"—was never apprehended or prosecuted. Two alleged accomplices were acquitted in May 2006 following a flawed and closed trial. Another possible reason for the murder was Klebnikov's publication of a list of Russia's 33 billionaires. As a historian, Klebnikov was reportedly fascinated by the battles of the Russians with Napoleon and during World War II.

[Sources: Committee to Protect Journalists, *Paul Klebnikov* (9 July 2004); Committee to Protect Journalists, *Ifex Alert* (13 July 2010).]

Over two years since the Russian conflict with Georgia over South Ossetia (August 2008), Russian authorities had yet to ensure a comprehensive investigation into and accountability for international human rights and humanitarian law violations by their forces, who used cluster bombs in areas populated by civilians in Georgia, leading to civilian deaths and injuries. Russia also launched indiscriminate rocket attacks on civilian areas, causing casualties. Russian forces in Georgia failed to protect civilians in areas under their effective control while also preventing Georgian forces from policing these areas.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 460.]

In December 2010, it was reported that the case of historian Mikhail Suprun (see *NCH Annual Report 2010*) had yet to be brought to court. It also became known that the Deputy Chief Prosecutor of Arkhangelsk province, who headed the investigation committee, was the editor of a *Book of Memory* himself.

[Source: Catriona Bass, "Memory Incompatible: The Archangelsk Affair Continues," *Open Democracy* (1 December 2010).]

See also Georgia, Ukraine.

RWANDA

Last *Annual Report* entry: 2010.

In late 2009 the Senate summoned the president of the opposition political party PS-Imberakuri, Bernard Ntaganda, on accusations of "genocide ideology." In June 2010, the police arrested Ntaganda and raided his house and the party office. The charges against him included endangering national security, inciting ethnic divisions, and organizing demonstrations without authorization. In February

2011, Ntaganda was found guilty of “divisionism” (and two other offenses) and sentenced to four years’ imprisonment, two years of which were for the offense of “divisionism.” Victoire Ingabire, president of another opposition political party, FDU-Inkingi, who returned to Rwanda in January 2010 after 16 years in exile, was arrested in April 2010 on charges of “genocide ideology,” “divisionism,” and collaboration with the Democratic Forces for the Liberation of Rwanda (FDLR), an armed group active in eastern Democratic Republic of Congo and composed in part by individuals who participated in the 1994 Rwanda genocide. She had declared that during the genocide Hutu militias had systematically killed about 800,000 Tutsis and moderate Hutus, but also that Hutus were killed by Tutsis. Ingabire was released on bail with travel restrictions, but in October 2010 re-arrested following allegations of involvement in forming an armed group. In November 2010, she remained in detention awaiting trial. Peter Erlinder, an American and one of Victoire Ingabire’s defense lawyers, was arrested in May 2010 on charges of “genocide denial and minimization,” and “spreading malicious rumors that could endanger national security.” He was released on bail three weeks later. The charges against Erlinder, who is also a defense lawyer at the Tanzania-based International Criminal Tribunal for Rwanda (ICTR), related primarily to articles published in previous years in which he questioned key events surrounding the genocide. Déogratias Mushayidi, a former journalist and outspoken government opponent in exile, was arrested in Burundi in March 2010 and handed over to Rwandan authorities. In September 2010 Mushayidi was found guilty and sentenced to life imprisonment on three charges: spreading rumors inciting civil disobedience, recruiting an armed group to overthrow the government, and using forged documents. He was also charged with four other offenses, including “genocide ideology” and “divisionism,” for which he was acquitted. The authorities continued to misuse broad and ill-defined laws on “genocide ideology” and “sectarianism.” The laws prohibited hate speech, but also criminalized legitimate criticism of the government. In April 2010, however, the government announced a review of the “genocide ideology” law, and indicated that the “sectarianism” law might also be reviewed. In January 2011, the minister of justice announced again that the genocide ideology law would be reformed. (See also NCH *Annual Reports 2009, 2010*.)

[Sources: Amnesty International, “Freedom of Expression Criminalized in Rwanda,” *The Wire* (October-November 2010), 9; Amnesty International, *Report 2011* (London 2011), 5, 274, 275; Amnesty International, *Safer To Stay Silent: The Chilling Effect of Rwanda’s Laws on “Genocide Ideology” and “Sectarianism”* (London 2010), 7–17, 21, 28–29; “Genocide Memorial Row in Rwanda,” *BBC News* (18 January 2011); Human Rights Watch, *World Report 2011* (Washington 2011), 154–156; Human Rights Watch, *Justice Compromised; The Legacy of Rwanda’s Community-Based Gacaca Courts* (Washington 2011), 31–33.]

On 8 July 2010, Agnès Uwimana Nkusi, editor of the privately-owned bimonthly *Umurabyo*, and around 15 July 2010, Saidati Mukakibibi, a reporter at *Umurabyo*, were detained for a series of opinion pieces written ahead of the August 2010 presidential elections, some of which claimed that there were growing divisions within the army, and that Hutu victims of the 1994 genocide deserved justice. One column was accompanied by a photo of President Paul Kagame with a Nazi swastika superimposed in the background. In January 2011, prosecutors requested a 33-year sentence for Uwimana and 12 years for Mukakibibi. On 4 February 2011, they were sentenced to 17 and 7 years' imprisonment respectively on charges of "threatening state security, genocide ideology, divisionism and defamation" (Uwimana) and charges of "threatening state security" (Mukakibibi) for "inciting disobedience, causing divisions and denying the 1994 genocide." The World Association of Newspapers and News Publishers said that the government used the "genocide ideology" law to suppress the free expression of opinions and that charges such as defamation or insulting the president were often inflated to "genocide denial" or "inciting public disorder." In June 2010, the chairman of the Media High Council Board had already accused Uwimana of publishing "defamatory articles and falsehoods" in an article that suggested that all Rwandans were both victims and perpetrators of the 1994 genocide. In 2007–2008, Uwimana had served a one-year prison sentence on charges of ethnic divisionism and libel after she had published an opinion piece on ethnic violence in Rwanda.

[Sources: Article 19, "Government Promises To Bring Freedom of Expression Laws in Line with International Standards" (London, 27 January 2011); *Ifex Communiqué* (9 February 2011); PEN Writers in Prison Committee, *RAN 06/11* (<http://www.concernedhistorians.org/ca/64.pdf>; 14 February 2011).]

In September 2010, the deadline to complete *gacaca* trials of genocide cases was postponed indefinitely. The government developed mechanisms to handle outstanding genocide cases and to adjudicate alleged miscarriages of justice by *gacaca* jurisdictions. *Gacaca* courts prosecuted around 1.5 million cases with involvement from local communities across the country. The conduct of trials before *gacaca* courts had been mixed. Some judges delivered fair and objective judgments; others handed down heavy sentences, including life imprisonment in isolation, on the basis of very little evidence. A number of witnesses and judges proved vulnerable to corruption and outside influence, affecting the outcome of trials and undermining confidence in the courts. Some defense witnesses were afraid to testify for fear of being accused of genocide themselves, and there were numerous allegations that *gacaca* courts sacrificed the truth to satisfy political interests.

The mandate of the International Criminal Tribunal for Rwanda (ICTR) was extended until the end of 2011 for first-instance trials and to the end of 2012 for appeals. Ten suspects subject to arrest

warrants by the ICTR remained at large. In November 2010, the ICTR Prosecutor made new applications to transfer cases to Rwanda. Past applications failed after Trial Chambers decided that the accused would not receive fair trials. Judicial proceedings against suspects of the 1994 genocide took place in several European countries and the United States. Sweden consented to extradition in 2009, but the case has yet to be decided before the European Court of Human Rights. No country extradited genocide suspects to Rwanda due to fair trial concerns. (See also previous NCH *Annual Reports*.)

[Sources: Amnesty International, *Report 2011* (London 2011), 275–276; Human Rights Watch, *World Report 2011* (Washington 2011), 154, 157–158; Human Rights Watch, *Justice Compromised: The Legacy of Rwanda's Community-Based Gacaca Courts* (Washington 2011).]

In September 2010, French magistrates conducted investigations in Rwanda into the shooting down of the plane in April 1994 which killed Rwandan President Juvénal Habyarimana and sparked the genocide. It was the first time that French magistrates visited Rwanda as part of their investigations. French judges dropped international arrest warrants issued in November 2006 against nine senior Rwandan Patriotic Front members for shooting down the plane, in which French nationals were also killed, and instead placed some of these individuals under investigation.

[Source: Amnesty International, *Report 2011* (London 2011), 276.]

See also Belgium, Congo (Democratic Republic), Ethiopia, Finland, Sierra Leone.

SAUDI ARABIA

Last *Annual Report* entry: 2010.

In January 2010, Turki Haydar Muhammad al-‘Ali and five other people, mostly students, were arrested after posters of an al-Hussainiya (Shi'a religious center) were displayed on the occasion of *Ashura* (the traditional annual Shi'a mourning procession) in December 2009. They were detained without charge or trial at al-Ihsa prison and all were believed to be still held at the end of 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 278.]

SENEGAL

Last *Annual Report* entry: 2009.

See Chad.

SERBIA / KOSOVO

Last *Annual Report* entry: 2010.

In March 2010, the Serbian parliament narrowly adopted the “Srebrenica Resolution,” which condemned crimes committed against the Bosniak (Bosnian Muslim) population of Srebrenica in July 1995, and apologized to the families of the victims, but failed to refer to genocide, as required by the 2007 decision of the International Court of Justice (ICJ) in a case brought by Bosnia and Herzegovina (BiH) against Serbia. In January 2010, following Croatia’s 2008 claim against Serbia, Serbia filed a counterclaim at the ICJ, alleging that Croatia had committed genocide against Croatian Serbs.

[Source: Amnesty International, *Report 2011* (London 2011), 37–38, 281.]

In November 2010, Serbia moved closer to European Union (EU) membership when the European Commission sent the government a questionnaire to assess its readiness for EU candidate status. Progress remained conditional on Serbia’s continued co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY). In a June 2010 briefing to the United Nations Security Council, ICTY prosecutor Serge Brammertz noted Serbia’s cooperation with requests for assistance,

but indicated that efforts to arrest former Bosnian-Serb General Ratko Mladić and former Croatian Serb leader Goran Hadžić “have thus far produced few tangible results.” In September and November 2010, Brammertz reiterated his dissatisfaction with Serbia’s efforts to secure the arrests of fugitives and called on the European Union (EU) to press Serbia for cooperation. On a more positive note, Serbian authorities recovered Mladić’s wartime notebooks during a search operation in February 2010 and provided them to the ICTY, which would likely introduce them as evidence in several trials. Mladić was arrested in May 2011 (*See* Bosnia-Herzegovina entry).

[Sources: Amnesty International, *Report 2011* (London 2011), 281; Human Rights Watch, *World Report 2011* (Washington 2011), 463.]

Kosovo

In May 2010, the European Union Rule of Law and Police Mission in Kosovo (EULEX) announced that only 60 of the 900 war crimes cases inherited from the United Nations Interim Administration Mission in Kosovo (UNMIK) were under investigation. Investigations into the abduction of non-Albanians after June 1999 were transferred to the local Special Prosecutor, on the basis that EULEX did not consider them war crimes.

[Source: Amnesty International, *Report 2011* (London 2011), 283.]

In May 2010, EULEX announced that its investigation into the so-called “Yellow House” case, involving the alleged transfers by the KLA in 1999 of around 400 Serbian and other captives to detention facilities in Albania, had failed to produce evidence to substantiate allegations of organ-trading. Investigations into the case by Dick Marty, the rapporteur of the Council of Europe Parliamentary Assembly, and the Serbian war crimes prosecutor continued, but no new facts were made public. In the year prior to September 2010, EULEX completed five war crime cases, with eight more ongoing and 27 at pre-trial stages. EULEX completed eight cases related to the March 2004 riots during the same period.

A draft Law on Missing Persons failed to include provisions for reparation, including compensation, to relatives of the disappeared. According to the International Committee of the Red Cross, 1,837 persons remain missing from the 1999 conflict, the majority Kosovo Albanians. In May 2010, EULEX and the Serbian authorities jointly announced the discovery of a suspected mass grave in southern Serbia believed to contain the remains of as many as 250 Kosovo Albanians who went missing during the 1999 war. In August 2010, the Office of Missing Persons and Forensics (OMPF) was transferred from EULEX to the Kosovo Ministry of Justice. In September 2010, the OMPF and the Serbian Commission for Missing Persons visited potential mass graves at Rudnica in Serbia and

Belaćevac in Kosovo. During 2010, OMPF exhumed the bodies of 34 individuals; identified 57 mortal remains and returned 103 bodies to families for burial. Some three wrongly identified bodies were re-identified by the International Commission on Missing Persons.

[Sources: Amnesty International, *Report 2011* (London 2011), 38, 283; Human Rights Watch, *World Report 2011* (Washington 2011), 471–472.]

In July 2010, the International Court of Justice issued an advisory opinion that Kosovo's 2008 declaration of independence did not violate applicable international law. In September 2010, the United Nations General Assembly adopted a resolution on Kosovo, which envisaged the resumption of talks between Serbia and Kosovo, facilitated by the European Union (EU).

[Source: Amnesty International, *Report 2011* (London 2011), 281.]

In July 2010, closing arguments were heard at the International Criminal Tribunal for the former Yugoslavia (ICTY) against former Assistant Interior Minister Vlastimir Đorđević, indicted for crimes against humanity and war crimes in Kosovo. He was charged with crimes leading to the deportation of 800,000 Albanian civilians, the enforced disappearance of more than 800 ethnic Albanians, and leading a conspiracy to conceal their bodies by transporting them to Serbia for reburial. During the same month, the ICTY Appeals Chamber ordered the partial retrial of Ramush Haradinaj, former commander of the Kosovo Liberation Army (KLA) and later Prime Minister of Kosovo; Idriz Balaj, a former member of the KLA in command of a special unit known as the Black Eagles; and Lahi Brahimaj, who served as a deputy commander of the KLA in the Dukagjin area of Kosovo. The Appeals Chamber judgment highlighted “the gravity [that] the threat of witness intimidation posed to the trial’s integrity.” In 2008, the accused were acquitted of joint criminal enterprise in the persecution and abduction of civilians suspected of collaborating with Serbian forces in 1998. In September 2010, the ICTY denied Haradinaj’s motion for provisional release, citing the integrity of the trial. A revised indictment issued in November 2010 focused on the alleged murders of Serbs, Roma and Ashkali.

[Sources: Amnesty International, *Report 2011* (London 2011), 281; Human Rights Watch, *World Report 2011* (Washington 2011), 470–471.]

See also Bosnia-Herzegovina, Croatia, Montenegro.

SIERRA LEONE

Last *Annual Report* entry: 2010.

Sierra Leone continued to move beyond the legacy of its eleven-year civil war (1991–2002), which resulted in economic devastation, infrastructure collapse, mass displacement, and atrocities including sexual slavery, forced recruitment of child soldiers and amputations. However, crucial Truth and Reconciliation Commission (TRC) recommendations were not implemented. However, reparations programs for war victims, as recommended by the TRC, provided financial and medical assistance and skills training to some 20,000 victims with support from the United Nations (UN) Peacebuilding Fund and UN Development Fund for Women.

[Sources: Amnesty International, *Report 2011* (London 2011), 285; Human Rights Watch, *World Report 2011* (Washington 2011), 163.]

Since 2002 the Special Court for Sierra Leone (SCSL) had sentenced eight men to prison terms: Moinina Fofana; Allieu Kondewa; Issa Sesay; Morris Kallon; Augustine Gbao; Alex Brima; Ibrahim Kamara; and Santigie Kanu. All eight were transferred in October 2009 to Rwanda to serve out their sentences. Sam Hinga Norman died of natural causes in 2007 as did Foday Sankoh in 2003. Sam Bockarie was killed in Liberia in 2003 and Johnny Paul Koroma remained at large. The few trials before the SCSL contributed to partial disclosure of the truth about the serious crimes committed in Sierra Leone's armed conflict since 1996. The convictions of the Revolutionary United Front (RUF) leaders Sesay, Kallon and Gbao were the first for attacks on United Nations peacekeepers as a violation of international humanitarian law and for forced marriage as an inhumane act constituting a crime against humanity. However, fewer than a dozen of those responsible for hundreds of thousands of crimes under international law were held to account by the SCSL, and most perpetrators went unpunished. The 1999 Lomé Accord contained an amnesty provision for those responsible for crimes under international law committed in Sierra Leone. Not a bar to prosecution before the SCSL, it prevailed under Sierra Leonean law, so no investigations or trials for crimes committed in the civil war took place before national courts in Sierra Leone. Concerns also remained regarding the SCSL's inaccessibility to the public, its cost management and slowness, selective justice, inadequate legacy programs (to rebuild the local justice system and strengthen local institutions), and failure to prosecute corporate actors such as diamond dealers. During 2010, the trial of former Liberian president Charles Taylor—charged with eleven counts of war crimes and crimes against humanity for his role in supporting Sierra Leonean rebel groups during the conflict—made notable progress. The defense, which closed its case in November 2010, brought forward 21 witnesses, including Charles

Taylor himself. Earlier, 94 witnesses testified for the prosecution. Closing arguments were scheduled for February 2011 and a judgment was expected later in 2011. Taylor was the first sitting African head of state to be indicted and face trial before an international or hybrid tribunal. Due to security concerns, his trial was taking place in The Hague, Netherlands, instead of in Freetown. Meanwhile, the SCSL began closing down operations in Freetown. In May 2010, it handed over control of its detention facility to the Sierra Leone prison service. It also reached an agreement with the government on residual functions of the court, which included witness protection, supervision of sentences, the trial of the last person indicted (Koroma), and SCSL archives. As the SCSL was establishing a policy on access to its archives, concerns were raised that the policy could be overly restrictive and might not allow prosecutors to use the archives to pursue war criminals in other jurisdictions such as Liberia.

[Sources: Amnesty International, *Report 2011* (London 2011), 286–287; Human Rights Watch, *World Report 2011* (Washington 2011), 162–163.]

See also Liberia.

SINGAPORE

Last *Annual Report* entry: 2010.

In March 2010, the *International Herald Tribune* newspaper apologized and paid fines for a defamation claim in relation to an article on political dynasties which included the names of former Prime Minister Lee Kuan Yew (in office 1959–1990) and his son Prime Minister Lee Hsien Loong (in office 2004–) in a list of families occupying high positions in Asia.

[Source: Amnesty International, *Report 2011* (London 2011), 288.]

In May 2010, Vincent Cheng, held under the Internal Security Act in 1987 as the alleged leader of a Marxist conspiracy, agreed for the first time to speak publicly about his treatment in detention at a seminar, *Singapore's History: Who Writes the Script*, organized by students from the History Society of the National University of Singapore. The National Library Board, the venue's sponsor, however, rescinded the invitation and the event went ahead without Cheng's participation.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 366.]

SLOVAKIA

Last *Annual Report* entry: 2009.

Former Prime Minister Robert Fico unveiled the statue of Svätopluk at Bratislava Castle shortly before the June 2010 parliamentary elections, expressing the wish for it to become a destination for pilgrims to honor Slovak nationhood. Under the rule of Svätopluk I (830–894), King of Great Moravia (871–894), Great Moravia reached its largest territorial expansion. When the statue became the focal point for right-wing extremists, the new government and the liberal SaS (Sloboda a Solidarita; Freedom and Solidarity) political party reportedly wanted to remove the statue from the castle grounds.

[Source: *Slovak Spectator* (10 August 2010).]

SLOVENIA

Last *Annual Report* entry: 2009.

The authorities continued to fail to guarantee the rights of former permanent residents of Slovenia originating from other former Yugoslav republics (they were known as the “erased”). Their legal status had been unlawfully revoked in 1992, resulting in violations of their economic and social rights. Some of them were also forcibly removed from Slovenia. On 8 March 2010, the National Assembly passed a law which aimed at retroactively reinstating permanent residency status to the “erased.” The parliamentary and public discussion prior to the adoption of the law was marred by xenophobic statements by several parliamentarians. On 12 March 2010, right-wing parties filed a proposal with the parliament to organize a referendum on the adoption of the new law; it was rejected by the Constitutional Court in June 2010. In July 2010, the European Court of Human Rights (ECHR) ruled that the authorities had violated the right to private and family life of eight applicants whose permanent residency permit had been revoked in 1992. The ECHR also found a violation of the right to an effective remedy, as the authorities had failed to implement two separate decisions of the Constitutional Court, issued in 1999 and 2003, related to the rights of the “erased.” In August 2010, the Committee on the Elimination of Racial Discrimination (CERD) recommended, among other things, that the authorities grant full reparation, including restitution, satisfaction, compensation, rehabilitation and guarantees of non-repetition, to all people affected by the revocation of their permanent residency status.

[Source: Amnesty International, *Report 2011* (London 2011), 290–291.]

SOMALIA

Last *Annual Report* entry: 2006.

SOUTH AFRICA

Last *Annual Report* entry: 2010.

See India, Thailand.

SPAIN

Last *Annual Report* entry: 2010.

In April 2010, the Supreme Court accused investigating judge Baltasar Garzón of breaking the 1977 amnesty law. Garzón had initiated Spain's first ever investigation into crimes committed during the Civil War (1936–1939) and the Franco regime (1939–1975), involving the enforced disappearance of over 114,000 individuals in 1936–1951. Subsequently, in May 2010, the General Judicial Council suspended him from duty for the duration of his trial before the Supreme Court. (See NCH *Annual Report 2010*.)

[Sources: Amnesty International, *Report 2011* (London 2011), 301; *Keesings historisch archief*, (2011) 165–166.]

In September and November 2010, the National Criminal Court closed investigations into crimes committed in Myanmar and Tibet. The decisions were taken following the limitation of universal jurisdiction by an amendment to the Law on the Judiciary in October 2009. Since the amendment, domestic courts were no longer able to prosecute cases unless the victims were Spanish citizens, the alleged perpetrator was in Spain, or there was another “relevant connecting link” with Spain and only if there was no effective investigation or prosecution already in another country or international court.

[Source: Amnesty International, *Report 2011* (London 2011), 301.]

SRI LANKA

Last *Annual Report* entry: 2010.

In May 2009, the civil war (1983–2009) between government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) ended with the defeat of the LTTE. When in late 2009, former army commander Sarath Fonseka, then a presidential candidate, stated he was willing to testify about the conduct of the war, the defense secretary threatened to have him executed for treason. In March 2010, United Nations (UN) Secretary-General Ban Ki-moon announced plans to establish a Panel of Experts to advise him on accountability issues in Sri Lanka. President Mahinda Rajapaksa protested against the announcement and in May 2010 appointed an ad hoc Lessons Learnt and Reconciliation Commission (LLRC) to examine the failure of the 2002 ceasefire, but its terms of reference made no mention of seeking accountability for violations of human rights or humanitarian law. The authorities continued to deny access to human rights organizations and other independent observers to visit the country to conduct research. On 6 July 2010, Minister Wimal Weerawansa led a demonstration that temporarily closed down the United Nations's Colombo office in an unsuccessful bid to force Ban Ki-moon to withdraw his Panel of Experts. A United States State Department report, released on 11 August 2010, noted "the history of failings of a series of past [Commissions of Inquiry] established in Sri Lanka." These included two investigations (the "Group of Eminent Persons" and the LLRC) into laws-of-war violations during the civil war. These violations included including the government's indiscriminate shelling of civilians and the LTTE's use of thousands of civilians as human shields in the final months of the war. Sri Lanka had a long history of establishing ad hoc inquiries to deflect international criticism over its poor human rights record. Since independence in 1948, Sri Lanka had established more than ten such commissions, none of which had produced any significant results. The LLRC's mandate, which focused on the breakdown of the 2002 ceasefire between the government and the LTTE, did not explicitly require it to investigate alleged war crimes during the conflict, nor did the LLRC show any apparent interest in investigating such allegations in its hearings to date. As pressure mounted for an independent investigation into alleged laws of war violations, the government responded by threatening journalists and civil society activists, effectively curtailing public debate.

[Sources: Amnesty International, *Report 2010* (London 2010), 302; Amnesty International, *Report 2011* (London 2011), 28, 301, 302; Human Rights Watch, *World Report 2010* (Washington 2010),

347, 352–53; Human Rights Watch, *World Report 2011* (Washington 2011), 370, 372; Human Rights Watch, “Sri Lanka: US Report Shows No Progress on Accountability” (11 August 2010).]

Enforced disappearances and abductions for ransom carried out by members of the security forces were reported in many parts of the country, particularly in northern and eastern Sri Lanka and in Colombo. Hundreds of members of the Liberation Tigers of Tamil Eelam (LTTE) who reportedly disappeared after they had surrendered to the army in 2009 remained unaccounted for. Military and civilian officials rejected allegations that Sri Lankan forces had violated international humanitarian law in the final phase of the armed conflict and made repeated public statements claiming that “zero civilian casualties” had occurred. Hundreds of people seeking news of relatives who disappeared after arrest by the army attempted to testify before the Lessons Learnt and Reconciliation Commission when it held sessions in the north and east starting in August 2010. Few were able to speak to the commissioners, and there were reports that witnesses were photographed and threatened. The commission’s interim report made useful recommendations to safeguard the rights of detainees and address other public grievances, but failed to address the need for accountability. Suspected perpetrators of human rights violations continued to hold responsible positions in government. In November 2010, the government investigated claims that the LTTE killed captured soldiers as the army advanced toward Kilinochchi, but continued to reject allegations that its own forces killed civilians and captured combatants during the armed conflict.

[Source: Amnesty International, *Report 2011* (London 2011), 302, 303.]

SUDAN

Last *Annual Report* entry: 2010.

Awaif Ahmed Issag Osman ([1985–]), a Darfuri feminist and activist who had started her own community publication, *Al Raheel* (“tree” news), was arrested by the national security authorities. She had posted news on a tree trunk in the center of El Fasher, North Darfur, including articles about the conflict (2003–), violence against women, and the culture and history of Darfur.

[Source: Human Rights Watch, “Hellman/Hammett Grants Honor 42 Writers for Courage Facing Political Persecution” (4 August 2010).]

The government made little progress in implementing recommendations of the African Union (AU) High Level Panel on Darfur. The AU and other influential leaders did not press the government to do

so. In Geneva, in September 2010, the United Nations (UN) Human Rights Council renewed the mandate of the Independent Expert on Sudan, maintaining a much-needed avenue for human rights reporting, over objections from Sudan and its allies. The two major peacekeeping missions in Sudan, UNMIS (UN Mission in Sudan) and UNAMID (UN–AU Mission in Darfur), did not publicly report on their human rights concerns except through regular reports to the UN secretary-general.

On 12 July 2010, the International Criminal Court (ICC) issued an additional arrest warrant against President Al Bashir for genocide. The pre-trial chamber found there were reasonable grounds to believe that Al Bashir was responsible for three counts of genocide against the Fur, Massalit and Zaghawa ethnic communities. In July 2010, the Assembly of the African Union (AU) reaffirmed its decision not to co-operate with the ICC in relation to the arrest and surrender of Al Bashir. The Assembly asked AU member states to comply with its decision. Al Bashir visited Chad and Kenya, both states parties to the Rome Statute of the ICC, in July and August 2010. The Sudanese government did not co-operate with the ICC. The three people against whom the ICC had issued arrest warrants—Al Bashir, Ahmed Haroun (governor of South Kordofan since May 2009), and Ali Kushayb (former Janjaweed leader)—also remained free from prosecution in Sudan.

[Sources: Amnesty International, *Report 2011* (London 2011), 2, 305; Human Rights Watch, *World Report 2011* (Washington 2011), 133–134.]

On 8 February 2010, the International Criminal Court (ICC) decided not to confirm the charges against Bahar Idriss Abu Garda, leader of the United Resistance Front, a Darfur-based armed group. Garda had been summoned in relation to three war crimes in an attack on Haskanita in 2007 against peacekeepers from the African Union Mission in Sudan (AMIS). He appeared voluntarily before the ICC on 18 May 2009. The pre-trial chamber rejected the ICC Prosecutor's appeal on 23 April 2010 and again refused to confirm the charges. On 17 June 2010, Abdallah Banda Abbaker Nourein, chief commander of the Collective Leadership of the armed opposition Justice and Equality Movement (JEM), and Saleh Mohammed Jerbo Jamus, former chief of staff of the Sudan Liberation Army-Unity who then joined the JEM, appeared before the ICC. The hearing to confirm the charges against them took place on 8 December 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 305.]

See also Kenya.

SURINAME

Last *Annual Report* entry: 2010.

SWAZILAND

Last *Annual Report* entry: —.

In September 2010, the government doctored a report it had commissioned ahead of the United Nations General Assembly, by changing the report's conclusion that Swaziland was "not likely" to meet the Millennium Development Goals target of halving hunger and poverty in the country by 2015 so that it read that the country could "potentially" meet the target. An October 2010 report from the Washington-based International Food Policy Research Institute indicated that 18 per cent of Swaziland's one million people were suffering from hunger, compared to 12 per cent in 1990. In addition, 6.1 per cent of Swazi children under five were underweight, compared to 8.1 per cent in 1992, making Swaziland one of the few African countries where hunger had become more widespread during the last decades.

[Sources: *Keesings historisch archief*, (2010), 650–651; "Swazi Govt Tried to Underreport Hunger" (<http://www.afrol.com/articles/36780>; 15 October 2010).]

SWEDEN

Last *Annual Report* entry: 1998.

See Rwanda.

SWITZERLAND

Last *Annual Report* entry: 2009.

SYRIA

Last *Annual Report* entry: 2010.

In 2010, crackdowns on celebrations of the Kurdish New Year, Newruz, led to the death of at least one person, while those arrested during the festivities were tried by the military. In July 2010, a military court sentenced nine Kurds alleged to have participated in the celebrations in Raqqa to four months for “inciting sectarian strife.” Kurdish citizens who organized a one-minute commemoration ceremony for the victims of the 1988 Halabja massacre (in Iraq) were also sentenced to prison.

[Sources: Cairo Institute for Human Rights Studies, *Roots of Unrest: Human Rights in the Arab Region—Annual Report 2010* (29 March 2011), *Summary of the Report*

(<http://www.cihrs.org/Images/ArticleFiles/Original/631.pdf>); Human Rights Watch, *World Report 2011* (Washington 2011), 588–589.]

In 2010, the authorities took no steps to account for thousands of people, mostly islamists, who disappeared in the late 1970s and early 1980s, and others abducted in Lebanon by Syrian forces or by pro-Syrian Lebanese and Palestinian militias, who then handed them over to Syrian forces in the years before they withdrew from Lebanon in April 2005.

[Source: Amnesty International, *Report 2011* (London 2011), 315.]

See also Lebanon.

TAIWAN

Last *Annual Report* entry: 2010.

TANZANIA

Last *Annual Report* entry: 2010.

See Rwanda.

THAILAND

Last *Annual Report* entry: 2010.

The Devil's Discus, a biography about King Ananda Mahidol (Rama VIII) (1925–46) written by South African author Rayne Kruger (1922–2002) (London: Cassell, 1964) and banned in Thailand, was republished in 2009 in Hong Kong. An underground Thai translation was published in 2010. Journalist Paul Handley's unauthorized biography of King Bhumibol Adulyadey (Rama IX), *The King Never Smiles* (New Haven: Yale University Press, 2006), was also banned in Thailand. In late May 2011, Thai-born United States citizen Joe Gordon (possibly a pseudonym) was arrested and charged with posting translations from Handley's book. The Thai government also blocked Yale's website.

[Sources: Freedom against Censorship in Thailand, "Interview with Prudence Leith, widow of Rayne Kruger" (21 January 2011); Newley Purnell, "Charge Against Professor Raises Questions about Academic Freedom in Thailand," *Chronicle of Higher Education* (1 June 2011); *Wikipedia* (3 February 2011).]

In 2010, government forces often raided Islamic schools in the south, including *tadikas* (after-school religious courses generally taking place in a mosque), to target teachers. One teacher interviewed by Human Rights Watch on 30 March 2010 said that teaching children about the Jawi language and Malay culture was seen by the military as disobedience and incitement to insurgency. He added that his school did not even have history courses. On the other hand, Muslim separatists in the three southernmost provinces attacked schools and killed teachers because in many villages schools were

seen as symbols of the government, imposing an alien language of instruction (Thai), religion (Buddhism) and history (Thai national history) as part of an assimilation policy in a previously autonomous area.

[Sources: Human Rights Watch, “*Targets of Both Sides: Violence against Students, Teachers, and Schools in Thailand’s Southern Border Provinces* (Washington 2010), 92; UNESCO, *Protecting Education from Attack: A State-of-the-Art Review* (Paris 2010) 41.]

A political crisis polarized Thai society for a fifth consecutive year, spiking sharply after former Prime Minister Thaksin Shinawatra, deposed in a 2006 coup and in self-imposed exile, was convicted in his absence by a court in Bangkok in late February 2010 on corruption charges. Mid-March through late May 2010 saw increasingly violent anti-government protests by the United Front for Democracy against Dictatorship, partly affiliated with Thaksin. The government invoked the Internal Security Act in March 2010 and the Emergency Decree in April 2010; the latter remained in place in Bangkok and three other provinces until almost the end of 2010. In the aftermath of the violence, the government established several bodies for national reform and a Truth for Reconciliation Commission.

[Source: Amnesty International, *Report 2011* (London 2011), 319.]

Although Thailand and Cambodia normalized their relations in August 2010, in February 2011, new skirmishes took place in the Temple of Preah Vihear area (See NCH *Annual Report 2009*). 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: *Keesings historisch archief*, (2011) 36; *NRC Handelsblad* (7 February 2011) 7.]

On 24 April 2011, Somsak Jeamteerasakul [Jeamtheerasakul] ([1958]–), a history professor at Thammasat University, revealed at a press conference that he had received phone calls in which he was threatened with *lèse majesté* charges. At a 10 December 2010 public event, Somsak had been on a public panel debating the *lèse majesté* laws and he had spoken about the reform and modernization (not the overthrow) of the monarchy, reportedly revealing some previously classified data in the process. Other sources said that Somsak had written an open letter to the King’s youngest daughter, Princess Chulabhorn, who was herself not covered by the *lèse majesté* law. More specifically, Somsak had asserted that Thai citizens were not allowed to debate freely with the princess about a comment she made about the political crisis because of the *lèse majesté* law. Somsak unexpectedly became very popular and the anti-government Red Shirts, who had never heard of him, made copies of CDs of his speeches. On 11 May 2011, Somsak turned himself in to the police to hear the official

charges filed by the Royal Thai Army, which he denied. Political scientist Giles Ji Ungpakorn, himself convicted for *lèse majesté* and exiled in the United Kingdom, said that the military wanted to create a climate of fear and to weaken the political opposition in anticipation of national elections expected in July 2011.

Somsak had been a leftist student leader during the royalist massacre of students at Thammasat University on 6 October 1976. He was arrested and later sentenced to two years' imprisonment. From the 1990s he had written a series of iconoclastic articles attacking several taboos surrounding the monarchy, questioning its democratic and politically impartial character. A number of these articles, published in newspapers and news weeklies, were expurgated.

[Sources: Patrick Jory, "Thai Historical Writing," in Axel Schneider & Daniel Woolf, eds., *The Oxford History of Historical Writing*, volume 5, *1945 to Present* (Oxford 2011), 554–555; Yojana Sharma, "Academics Unnerved over Lèse Majesté Threat," *University World News* (27 April 2011); Yojana Sharma, "Academic Charged in Political Case," *University World News* (15 May 2011); Southeast Asian Press Alliance, *Ifex Alert* (12 May 2011); Newley Purnell, "Charge against Professor Raises Questions about Academic Freedom in Thailand," *Chronicle of Higher Education* (1 June 2011); Giles Ji Ungpakorn, "Academic Freedom and Lèse Majesté," *University World News* (22 May 2011).]

See also Myanmar.

TIMOR-LESTE

Last *Annual Report* entry: 2010.

In January 2010, the Timor-Leste Office of the Ombudsman for Human Rights and Justice and the Indonesian National Human Rights Commission signed a memorandum of understanding on the implementation of recommendations of the joint Indonesia-Timor-Leste Commission of Truth and Friendship (CTF) and of the Commission for Reception, Truth and Reconciliation (CAVR). The content of the memorandum was not made public. In early July 2010, two draft laws establishing a National Reparations Program and an "Institute for Memory," mandated to implement recommendations of the CTF and CAVR, were presented for public consultation. Parliament was scheduled to debate the laws in late September 2010; however, the debate was delayed until February 2011. There was very little progress in addressing past serious human rights violations, including crimes against humanity, committed in Timor-Leste during the Indonesian occupation (1975–1999).

In March 2010, President José Ramos-Horta of Timor-Leste told the United Nations (UN) Human Rights Council that “in the efforts to bring about peace between long-standing rival communities, often we have to compromise on justice.” This statement flew in the face of recommendations from the CAVR in 2005, as well as by Timorese victims, national human rights groups and UN justice experts. Ramos-Horta rejected calls from national and international NGOs for an international tribunal for past crimes, although he said he would not oppose it should the UN Security Council decide to establish one. The Serious Crimes Investigation Team continued to investigate serious human rights violations committed in 1999.

[Source: Amnesty International, *Report 2011* (London 2011), 28, 322.]

TOGO

Last *Annual Report* entry: 2010.

In August 2010, the Truth, Justice and Reconciliation Commission (TJRC) opened regional branches throughout the country to collect testimonies. The TJRC was established in 2009 to shed light on human rights violations committed in 1958–2005. By the end of 2010, more than 5,800 people had made statements before the TJRC but most of these cases were from the 1960s to the 1980s. No victims of past human rights violations received any reparations. No progress was made in the investigation of 72 complaints lodged by victims of the political repression in 2005.

[Source: Amnesty International, *Report 2011* (London 2011), 322, 323.]

TUNISIA

Last *Annual Report* entry: 2001.

In January 2011, less than a month after Mohamed Bouazizi’s desperate act (he set himself alight after a local official in the town of Sidi Bouzid prevented him from selling vegetables from his handcart and reportedly assaulted him), the government of President Zine El ‘Abidine Ben ‘Ali collapsed. Ben ‘Ali fled the country, seeking refuge in Jeddah, Saudi Arabia. The people of Tunisia celebrated the end of years of unaccountable rule (1987–2011), setting the stage for the restoration of a participatory and rights-respecting government to be elected. The fall of Ben ‘Ali’s government reverberated throughout the region and the world. In no time the upheaval in Tunisia triggered

tremors in other countries. People took to the streets in Algeria, Bahrain, Egypt, Jordan, Libya and Yemen.

[Source: Amnesty International, *Report 2011* (London 2011), xii–xiii.]

TURKEY

Last *Annual Report* entry: 2010.

In a lecture on 7 May 2010, historian Taner Akçam (1953–) claimed that the *Ergenekon* group had prepared a hit list of five individuals, including Hrant Dink (assassinated in 2007), Nobel Prize for Literature winner Orhan Pamuk, and himself, all targeted for assassination because they spoke out on the Armenian genocide. They were reportedly condemned to death as “traitors to national security.” On 27 March 2011, a court in Sisli ordered Pamuk to pay fines to six plaintiffs in compensation for insulting their “Turkishness” after citing the number of Kurds and Armenians killed in Turkey. He had two weeks to appeal the case. The six who had launched the lawsuit included ultra-nationalist lawyer Kemal Kerincsiz (a suspect in the alleged *Ergenekon* coup plot and five others said to be relatives of soldiers killed during Turkey’s fight against “terrorism.”

(“Ergenekon” was the name of an alleged clandestine ultra-nationalist and state-sponsored terror organization with ties to the military and security forces, with the aim of overthrowing the government, and allegedly linked to several assassinations, including that of Hrant Dink; since October 2008, 273 people, including 116 military officers, were charged in the Ergenekon trial with trying to overthrow the government and to instigate armed riots).

[Sources: *Armenian Weekly* (11 May 2010; 28 March 2011); *Index on Censorship*, 4/10: 27–29, 206.]

On 20 July 2010, publisher Ragip Zarakolu and author Mehmet Güler were tried under the Anti-terror Law on charges of spreading propaganda that supported the banned Kurdish Workers’ Party (PKK) in a book by Güler entitled “The KCK File: The Global State and Kurds Without a State.” In May 2010, the book had been presented at the Diyarbakir Book Fair, in southeastern Turkey, where it was seized by police and subsequently banned. Zarakolu and Güler denied that the book promoted violence. Güler said that his book studied issues such as the closure of Kurdish political parties and the arrests of activists and members of city councils in the past year, adding that he “tried to give a short history of the Kurdish question, without being a supporter or an opponent for any side.” On 10 March 2011, Zarakolu was fined and Güler given a fifteen-month suspended prison term. In May 2009, Zarakolu and Güler had also been charged in another trial which concerned a novel by Güler

about the Kurdish question.

[Sources: *Index on Censorship*, 4/10: 39–40; PEN, *Ifex Alert* (26 July 2010; 14 March 2011).]

On 10 August 2010, upon his return in Turkey to visit his terminally ill father after having lived in exile for 19 years, German-Turkish writer Doğan Akhanlı (1957–) was charged with “violently undermining the constitutional order” and accused of involvement in a 1989 robbery and a murder. As a left-wing political activist, Akhanlı had joined the illegal Revolutionary Communist Party of Turkey (TDKP) after the 1980 military coup and become an underground fighter against the ruling junta. Arrested in 1985, he was convicted of membership in a terrorist organization and tortured in prison. After his release in 1987, he was kept under surveillance as a potential enemy of the state. In 1991, he and his family fled to Germany, where he was granted political asylum. In Cologne, he wrote a trilogy “Kayip Denizler” (The Disappearance of the Sea) about Turkish history. The first two volumes treated the 1970s and 1980s in Turkey; the prize-winning third volume, “Kiyamet Günü Yargıcları” (The Judges of the Last Judgment; translated into German as *Die Richter des jüngsten Gerichts*), described the Armenian genocide. Akhanlı was imprisoned. As the two principal prosecution witnesses withdrew their confessions saying that they were made under torture in 1992, Akhanlı was released on 6 December 2010. Many critics, including the German writer Günter Walraf, suspected that the trial was politically motivated.

[Sources: “Freedom and Justice for Doğan Akhanlı” (Online petition; 29 October 2010); Volker Hage & Daniel Steinvoth, “Thin Evidence: Trial of German-Turkish Author Slammed as ‘Revenge,’” *Spiegel Online* (12 August 2010); *NRC Handelsblad* (7 December 2010: 7; 9 December 2010: 8); *Wikipedia* (28 December 2010).]

In September 2010, folk music artist Pinar Sag faced four years’ imprisonment for allegedly praising İbrahim Kaypakkaya (1949–73)—founding member of the illegal Communist Party of Turkey–Marxist-Leninist (TKP-ML) in 1973—and for criticizing the killing of seventeen people by security forces. In a hearing on 15 September 2010, Sag said in her defence: “I advocated for peace.”

[Source: Bianet, *Ifex Alert* (23 September 2010).]

The repeal in September 2010 of a provision in the constitution granting immunity from prosecution to military and public officials for crimes committed during and after the 1980 military coup was significant, although jurists debated whether existing statutes of limitations for torture and murder would impede prosecution. Three trials of alleged anti-government coup plotters (the “Ergenekon” gang, comprising senior retired military, police, mafia, journalists, and academics—see Akçam entry above) continued. In related prosecutions, 69 naval officers faced trial for plotting a 2008 campaign

of violent attacks aimed at destabilizing the government, and 196 retired and serving military personnel were due to stand trial starting in December 2010 for a 2003 coup plot. The most significant attempt at bringing to justice state perpetrators of extrajudicial killings and “disappearances” continued with the ongoing trial in Diyarbakır of a now-retired colonel, village guards, and informers for the murder of 20 individuals between 1993 and 1995 in Cizre, Sırnak province.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 482–483.]

On 14 September 2010, the European Court of Human Rights (ECHR) unanimously ruled that Turkey had violated journalist Hrant Dink’s right to life (by failing to prevent the murder although the police and gendarmerie had been informed of the likelihood of an assassination attempt and even of the identity of the suspected instigators; and by not conducting an effective investigation into the failures which occurred in protecting Dink’s life) and to free expression (the guilty verdict having been handed down in the absence of a “pressing social need” and having made him a target for extreme nationalist groups). The ECHR concluded that the Court of Cassation had indirectly punished Dink for criticizing the official denial of the view that the 1915 events amounted to genocide. In paragraph 135 of the judgment, the ECHR reiterated that it was an integral part of freedom of expression to seek historical truth. In a defense argument submitted by Turkey to the ECHR, Dink had been compared to a Nazi leader and he had been accused of publishing “hate speech.” After the ECHR ruling, the Turkish government declared that it distanced itself from that argument and that it would not appeal the ECHR judgment. A murder trial of the alleged gunman and 19 other defendants in the Dink case had been ongoing for three years. (See previous NCH *Annual Reports*).

[Sources: European Court of Human Rights, *Dink versus Turkey* (<http://www.concernedhistorians.org/le/170.pdf>; <http://www.concernedhistorians.org/le/171.pdf>; Strasbourg; 14 September 2010); Bianet, *Ifex Alert* (30 August 2010); “Hrant Dink,” <http://www.hrantdinkodulu.org> (19 March 2011); Human Rights Watch, “Turkey: Uncover Plot Behind Journalist’s Murder” (16 September 2010); *Index on Censorship*, 4/10: 212; 1/11: 156–173.]

On 30 October 2010, after a court ruling, the video-sharing website YouTube, blocked since May 2008, was made accessible after videos criticizing Atatürk were made inaccessible in Turkey although visible in the rest of the world. Reporters without Borders said that thousands of websites remained blocked, in most cases for criticizing Atatürk or the army, for perceived attacks on the nation’s “dignity” or for referring to the Kurdish and Armenian minorities.

[Sources: Amnesty International, *Report 2011* (London 2011), 31–32; *Index on Censorship*, 1/11:

118; Reporters without Borders, *Ifex Alert* (8 June & 9 July & 4 November 2010).]

On 3 November 2010, writer Nevin Berktaş was arrested and detained because of her book “Difficult Places that Challenge the Faith: Prison Cells” (2000) describing resistance in the prison cells where she had been held for 22 years after the September 1980 military coup. The trial against her on charges of “spreading propaganda for an illegal organization” had been pending for ten years.

[Source: Bianet, *Ifex Alert* (24 November 2010)]

In January 2011, caricaturist Bahadır Baruter was reportedly threatened and insulted on the Internet after he designed a deck of cards with Ottoman sultans resembling insects.

[Source: Bianet, *Ifex Alert* (10 January 2011).]

In January 2011, the popular series *Muhteşem Yüzyıl* (The Magnificent Century), a fictional version of the life of Sultan Süleyman (1494–1566) which went on air on Show TV on 6 January 2011, sparked street protests and tens of thousands of complaints from conservatives and nationalists, including from the ruling Justice and Development party (AK), who felt its portrayal of the ruler’s drinking and womanizing insulted their ancestors. The series was also criticized by Deputy Prime Minister Bülent Arınç and members of the Prosperity Party (SP). Protests had started after promotional material had been broadcast from 11 December 2010 onward and billboards to advertise for the series were posted. Some people demanded cancellation of the series even before the first episode had been broadcast. On 5 January 2011, a group of protestors gathered in front of Show TV in Istanbul to express their disapproval. The Radio and Television Supreme Council (RTÜK; a body regulating the media) declared that it had received 74,911 complaints about the series between 11 December 2010 and 6 January 2011 and that the series did not display “the necessary sensitivity to the privacy of a historical figure” and broke a law stipulating that broadcasts “should not violate society’s national and moral values.” It warned that it could block future episodes if the producers did not make changes. Prime Minister Recep Tayyip Erdoğan said that “The privacy of historical figures is important. We are not a nation or a state without roots; we are a nation that built civilisations.” Süleyman became known in the West as the Magnificent and the Lawgiver in Turkey and ruled during the Ottoman Empire’s Golden Age.

[Sources: Bianet, “RTÜK: “Magnificent Century” Series Clashes with “Moral Values” (13 January 2011); *Historisch nieuwsblad* (March 2011), 27; Delphine Strauss, “Sultan’s Love Life Opens Moral Rift,” *Financial Times* (15–16 January 2011), 2.]

On 3 March 2011, Nedim Şener, a reporter for the daily national newspaper *Milliyet* and author of

The Dink Murder and Intelligence Lies (2009), was arrested together with numerous others for questioning “on suspicion of being members of the Ergenekon terrorist organization and of spreading hatred and enmity among the population,” a charge so vague that it potentially could cover legitimate acts of critical journalism. Another arrested person was socialist economist, writer and historian Yalçın Küçük (1938–), author of, inter alia, historical studies on the Ottoman and Republican periods and on Soviet economic development. Earlier in 2011, Şener had reportedly received death threats for his comments that suggested police accused of negligence into the inquiry into Dink’s death were also linked to *Ergenekon*. In one of the two books he wrote since his release, entitled “Red Friday, Who Broke Dink’s Pen?”, he had revealed secret documents about Dink’s murder, proving that the National Intelligence Agency MİT and the police had notice of the preceding death threats against Dink. On 6 March 2011, Şener and others were formally charged with being members of the Ergenekon organization. (See also NCH *Annual Report 2010*.)

[Sources: Bianet, “Several Journalists in Police Custody” (4 March 2011); Human Rights Watch, “Turkey: Journalists’ Arrests Chills Free Speech” (4 March 2011); *Ifex Communique* (16 June 2010); International Press Institute, *Ifex Alert* (16 June 2010); PEN, *Rapid Action Network 10/11* (4 & 7 March 2011).]

On 26 April 2011, demolition began of an unfinished 30 meter-high statue created by Turkish artist Mehmet Aksoy—called the Statue of Humanity and devoted to reconciliation with Armenia—in Kars, near the Armenian border. In January 2011, Prime Minister Recep Tayyip Erdogan had called it an affront to the nearby sixteenth-century shrine (rebuilt in 1996) of the Muslim Saint Hasan Harakani (963–1033). Kars’s large Armenian community had been annihilated in the 1915 genocide. In 2009, Turkey and Armenia had agreed to normalize relations after nearly a century of hostility and, therefore, the former mayor of Kars had commissioned the sculpture.

[Source: *BBC News* (10 January & 26 April 2011).]

See also United States.

TURKMENISTAN

Last *Annual Report* entry: 2009.

During his first two years in office (2006–2008), President Gurbanguly Berdimukhamedov began to reverse some of dictator Saparmurad Niyazov’s most ruinous social policies. But then his course

appeared to reverse. The government increasingly repressed NGOs and Turkmen activists, and prevented citizens from leaving the country. Instead of continuing needed reforms in education in 2010, the government introduced burdensome requirements for students seeking to travel abroad for university, and allowed “Ruhnama” (The Book of the Soul), Niyazov’s propaganda book, to remain a subject in university entrance exams.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 485.]

The authorities continued to withhold information about the whereabouts of dozens of people arrested and convicted in connection with the alleged assassination attempt on former President Saparmurad Niyazov in 2002. Calls on the authorities to disclose information about those who had died in custody remained unanswered.

[Source: Amnesty International, *Report 2011* (London 2011), 332.]

UGANDA

Last *Annual Report* entry: 2009.

In June 2010, the International Crimes Act, which incorporated the 1998 Rome Statute of the International Criminal Court (ICC) into domestic law, came into effect. Arrest warrants issued in 2005 by the ICC for Joseph Kony, leader of the Lord's Resistance Army (LRA), and three LRA commanders remained in force, but the men remained at large.

[Source: Amnesty International, *Report 2011* (London 2011), 332.]

See also Congo (Democratic Republic).

UKRAINE

Last *Annual Report* entry: 2010.

On 15 June 2010, a court was due to start hearing a lawsuit initiated by Volodymyr Volosyuk against President Viktor Yanukovich for declaring in the Parliamentary Assembly of the Council of Europe in Strasbourg in April 2010 that the famine that killed millions of Ukrainians in the 1930s had affected many nationalities and ethnic groups, and that therefore it was not fair to label it genocide. Volosyuk argued that Yanukovich wounded his personal honor and dignity and the memory of the millions of Ukrainians who died in the famine; he asked for an apology.

[Source: "Ukrainian Sues Yanukovich Over Famine Statement," *RFE/RL* (15 June 2010).]

In early September 2010, Minister of Education Dmytro Tabachnyk reportedly ordered to remove passages about the 2004 Orange Revolution (which, prompted by fraudulent elections, led to the defeat of Yanukovich) from the new 2010 history textbooks and replace it with summary information on the 2004–2010 period. The textbooks for the fifth class, with a print run of 506,000, received a new front cover without the background picture containing the Orange Revolution protests that was included in the 2005 edition; the 2010 edition had only Cossack leaders on the front cover. In a Russophile turn, other passages reportedly cut out included episodes when Ukrainians fought against Russia for independence. The Holodomor of 1932–1933 was no longer designated as "artificial" and directed against Ukraine.

[Source: Taras Kuzio, "Orange Revolution Erased from Ukrainian School Textbooks"]

(<http://www.jamestown.org/blog>; 7 September 2010).]

On 8 September 2010 in Kyiv, members of the Security Service of Ukraine (SBU) detained historian Ruslan Zabily (also: Zabilyi), the director of the Memorial Museum at the former prison of Lonskoho in Lviv (a museum under SBU auspices), for fourteen hours for planning to divulge state secrets. His computer was confiscated on the grounds that it allegedly contained top-secret documents. On 9 September 2010, the SBU launched a criminal case against him for alleged violation of national secrecy laws. On 13 and 14 September 2010, SBU officers in Lviv searched the museum and removed other computers to determine whether secret information was stored there. Zabily declared that his computer only contained documents concerning the guerrilla UPA (Ukrainian Resistance Army, the military wing of the Organization of Ukrainian Nationalists, OUN) and the Ukrainian independence movement in the 1940s and 1950s, all of which were documents declassified in 1991, and for some, in 2008–2009 (when former President Victor Yushchenko had decreed that secret archival documents be declassified). Volodymyr Vyatrovych, the former director of the SBU and the SBU archive, endorsed this opinion. On 15 September 2010, more than 100 leading historians from around the globe issued an open letter to SBU, protesting against Zabily's detention and calling on the government not to restrict archival access.

In October 2009, Lviv historians and others had signed an open appeal to the government and the SBU expressing their opposition to the creation of the museum under SBU auspices, inter alia because the museum would also serve as a research institution aimed at studying the history of repression against the Ukrainian and other peoples in the twentieth century.

[Sources: "Director of the National Museum-Prison "Tyurma na Lonskoho" Detained by the Security Service" (Human Rights in Ukraine; <http://khpg.org/index.php?id=1284024778>; 9 September 2010); Natalia Feduschak, "Harassment of Historian Raises Censorship Fears," *Kyiv Post* (15 September 2010); "Lviv Museum-Prison "Tyurma na Lonskoho" Must Not Be under the Auspices of the SBU" (Human Rights in Ukraine; <http://www.khpg.org/en/index.php?id=1254833201>; 6 October 2009); "SBU Claims that Historian Wanted To Pass on State secrets" (Alliance Maidan, Ukraine; <http://eng.maidanua.org/node/1143>; 9 September 2010).]

UNITED KINGDOM

Last *Annual Report* entry: 2010.

In March 2010, the Ministry of Defense announced the establishment of the Iraq Historic Allegations

Team to investigate allegations of criminal wrongdoing in relation to the abuse of Iraqi citizens by United Kingdom armed forces. Investigations began in November 2010 and were expected to take two years.

[Source: Amnesty International, *Report 2011* (London 2011), 340.]

On 15 June 2010, the Bloody Sunday Inquiry published its findings into the events of Sunday 30 January 1972, during which thirteen civil rights marchers were killed and as many others wounded by British soldiers in Derry, Northern Ireland. The inquiry concluded that none of those killed or injured that day bore any responsibility for the shootings; none of them posed a threat. It confirmed that several of the victims were shot in the back while running away. It also found that the accounts put forward by many of the soldiers were manifestly and knowingly untrue. Accordingly, the deaths and injuries caused by British soldiers that day were found to be unjustified. In response, Prime Minister David Cameron gave a public state apology for the “unjustified and unjustifiable” killing.

[Sources: Amnesty International, *Report 2011* (London 2011), 31, 340; Human Rights Watch, *World Report 2011* (Washington 2011), 436.]

In June or July 2010, Robert Service, professor of history at Oxford University, and former Cambridge fellow Rachel Polonsky threatened to sue historian Orlando Figes, history professor at Birkbeck College, London for defamation because he had posted negative pseudonymous reviews of their works on the British site of online bookseller Amazon. On 23 April 2010, Figes had already issued a statement in which he admitted responsibility for the reviews (after first denying it and threatening to sue for libel anyone who connected him with the reviews) and apologized to Service and Polonsky. After the latter threatened to go to court, Figes agreed to pay legal costs and damages and to issue a second apology to them. Polonsky declared that her book, *Molotov's Magic Lantern*, had benefited from the publicity surrounding the affair.

[Sources: *Daily Mail* (23 April 2010); *Guardian* (16 July 2010); *New York Times* (19 July 2010); “Orlando Figes,” *Wikipedia* (23 October 2010).]

In September 2010, *MI6: The History of the Secret Intelligence Service 1909–1949* was published. During research for this first official history of MI6 (2005–2010), Northern Irish author Keith Jeffery, a member of the School of History and Anthropology at Queen's University, Belfast, had “full and unrestricted” but privileged access to MI6's closed archives. MI6 officially acknowledged its existence in 1994 only; it did not release any of its departmental records to the British National Archives. Jeffery accepted some constraints, but argued that as long as deletions were restricted to “genuine matters of national security” rather than an attempt to protect the agency from

embarrassment, or to suppress failure or wrongdoing, “it ought to be a price worth paying.” A similar study for the Security Service (MI5), *The Defence of the Realm: The Authorized History of MI5*, was published by historian Christopher Andrew in 2009.

[Sources: David Jobbins, “UK: Belfast Historian Sheds Light on Secret Service,” *University World News* (26 September 2010); *NRC Handelsblad* (1 October 2010) 15.]

See also Myanmar, Thailand.

UNITED STATES

Last *Annual Report* entry: 2010.

In November 2009, the National Security Archive (NSA) submitted a Freedom of Information Act (FOIA) request to access a 600-plus-page internally-produced history of Nazi-hunting and Nazi-protecting by the United States (US) government written by staff of the Justice Department Office of Special Investigations (OSI; the unit responsible for excluding or deporting Nazi collaborators who entered the US illegally or fraudulently following World War II). The department denied the request on grounds that the history—although commissioned by former Attorney General Janet Reno in the late 1990s, completed in 2006 and never revised since then—was a “predecisional” draft and therefore withholdable under the fifth exemption to the FOIA (“inter-agency or intra-agency memorandums or letters”). In May 2010, after the NSA filed suit, the department released a heavily redacted version of the report, in which roughly a quarter of the contents were blacked-out (even the “personal opinions” of Congresswoman Liz Holtzman as she had expressed them in public as well as to the author of the history). In November 2010, former officials leaked the full, uncensored text of the report to the *New York Times*, which published it on its website and featured some of its more notable revelations in a front-page article entitled “Nazis Were Given ‘Safe Haven’ in US, Report Says.” While some of the withheld information was embarrassing, most of it was not and much of it was already in the public domain. The department continued to withhold the “official” version for a further two months, releasing it with minor deletions days before it was scheduled to justify its actions in court. In 2009, the Justice Department had been charged by President Barack Obama with the responsibility of ensuring compliance with his directive that a “presumption of openness” should govern all official disclosure decisions.

[Sources: *Index on Censorship*, 1/11: 33–34; National Security Archive, “Justice Department Censors Nazi-Hunting History” (13 November 2010).]

On 3 September 2010, Kaukab Siddique, associate professor of English and journalism at Lincoln University, Pennsylvania, called the state of Israel illegitimate at a pro-Palestinian rally in Washington. Asked about previous statements in which he had said that the Holocaust was a “hoax” intended to buttress support for Israel, Siddique replied that he was protected by academic freedom. After a controversy broke out, Siddique received threatening emails. Cary Nelson—the president of the American Association of University Professors known for his defense of the right of professors to take highly unpopular positions—declared that academic freedom protects the professor’s right to criticize the moral legitimacy of the Israeli state but that with regard to the Holocaust the question was whether the views called into question professional competence: “If he [Siddique] teaches modern literature, which includes Holocaust literature from a great many countries, then Holocaust denial could warrant a competency hearing,” Nelson commented. Siddique’s statements also prompted a letter from two Pennsylvania state senators in October 2010.

[Source: Dan Berrett, “Academic Freedom and Holocaust Denial,” *Inside Higher Ed* (26 October 2010).]

In September 2010, some conservative Texas Board of Education members asserted that the history textbooks presented a pro-Islamic and anti-Christian bias; for example, they reportedly spelled out atrocities committed by Christian crusaders while ignoring similar atrocities by Muslim fighters and reportedly called Christians “violent attackers” or “invaders” while playing down Muslim conquests in Europe as “migrations.” (See also NCH *Annual Report 2010*.)

[Source: *New York Times* (22 September 2010).]

In September 2010, the Pentagon [Department of Defense] bought up and on 20 September 2010 destroyed 10,000 copies of the book *Operation Dark Heart*. The book, an insider’s account written by Lieutenant Colonel Anthony Shaffer about life in Afghanistan, had been cleared for publication by Shaffer’s superiors at the United States army reserve command despite being critical of strategy in Afghanistan. The Pentagon justified its action because the book “contained information which could cause damage to national security.” Only a few copies survived the destruction. Shaffer agreed to a redacted version of the book, which was released days later. He declared that, although the Pentagon had promised “surgical” censorship, the book had been substantially redacted throughout its 300 pages with black marks replacing words or passages deemed unacceptable.

[Source: *Telegraph* (26 September 2010).]

In September 2010, *Our Virginia: Past and Present* (Five Ponds Press, Weston, Connecticut)—a

history textbook written by Joy Masoff and distributed for the first time to fourth-graders of the public elementary schools in the State of Virginia—claimed that thousands of African Americans fought for the South during the Civil War (1861–1865). The claim, often made by groups disputing the widely accepted conclusion that the struggle over slavery was the main cause of the Civil War (such as the Sons of Confederate Veterans), was called a misrepresentation by professional historians.

[Source: *Washington Post* (20 October 2010).]

On 8 November 2010, Waziyatawin, a historian and professor of indigenous studies at the University of Victoria, British Columbia, Canada, and an activist for land rights of the Dakota people, gave a lecture at Winona State University, Minnesota, about reclaiming Native American land rights “by any means necessary.” After a student accused her of inciting violence against white people, the Federal Bureau of Investigation (FBI), reportedly concerned about national security, called her. A spokesperson for the FBI would not confirm whether there was an active investigation.

[Source: Canadian Broadcasting Corporation, “B.C. Professor’s Lecture Prompts FBI Call” (11 January 2011).]

On 30 November 2010, the Turkish Coalition of America (TCA) sued the University of Minnesota for defamation over the website of its Center for Holocaust and Genocide Studies (CHGS) which contained a list of “unreliable websites” for research on genocide—including the TCA website—because they did not call the 1915 Armenian massacres a genocide. The CHGS removed the links to “unreliable websites”; it declared, however, that the decision to remove them was taken before it was informed of the TCA charge. On 30 March 2011, a federal judge ruled in favor of the university, arguing that the CHGS had the right to express views criticizing websites that argued against the certainty of an Armenian genocide and that the CHGS was free to indicate to students that it thought that certain websites were not proper sources for scholarly research. The ruling was unusual in that it was decided strictly on the issue of academic freedom.

[Sources: Scott Jaschik, “Suit Over ‘Unreliable Websites,’” *Inside Higher Ed* (1 December 2010); Sott Jaschik, “Unusual Ruling for Academic Freedom,” *Inside Higher Ed* (31 March 2011).]

In [November] 2010, a judge ruled that an article by David Holthouse (see *NCH Annual Report 2009*) had to feature a “retraction and apology” that contained the following passage: “We now realize that we misunderstood Professor [Gunter] Lewy’s scholarship, were wrong to assert that he was part of a network financed by the Turkish Government, and were wrong to assume that any scholar who challenges the Armenian genocide narrative necessarily has been financially compromised by the

Government of Turkey. We hereby retract the assertion that Professor Lewy was or is on the Government of Turkey's payroll."

[Source: Scott Jaschik, "Suit Over 'Unreliable Websites,'" *Inside Higher Ed* (1 December 2010).]

In 2010, there continued to be an absence of accountability and remedy for the human rights violations, including the crimes under international law of torture and enforced disappearance, committed as part of the United States (US) program of secret detention and rendition (transfer of individuals from the custody of one state to another by means that bypass judicial and administrative due process) operated under the administration of President George W. Bush (2001–2009). In his memoirs, published in November 2010, and in a pre-publication interview, Bush admitted that he had personally authorized "enhanced interrogation techniques" for use by the Central Intelligence Agency (CIA) against detainees held in secret custody. On 9 November 2010, the US Department of Justice announced, without further explanation, that no one would face criminal charges in relation to the destruction in 2005 by the CIA of videotapes made of the interrogations of two detainees—Abu Zubaydah and 'Abd al-Nashiri—held in secret custody in 2002. The 92 tapes depicted evidence of the use of "enhanced interrogation techniques" against the two detainees. The "preliminary review" ordered in August 2009 by Attorney General Eric Holder into some aspects of some interrogations of some detainees held in the secret detention program was apparently continuing at the end of 2010. On 8 September 2010, the full US Court of Appeals for the Ninth Circuit upheld the US administration's invocation of the "state secrets privilege" and agreed to dismiss a lawsuit brought by five men who claimed they were subjected to enforced disappearance, and torture or other cruel, inhuman or degrading treatment at the hands of US personnel and agents of other governments as part of the US secret detention and rendition program operated by the CIA. The six judges in the majority pointed to the possibility that "non-judicial relief" might be open to the plaintiffs, and that action to this end could be taken by the executive or Congress. There were calls for the US to investigate how much US officials knew about the torture or other ill-treatment of detainees held by the Iraqi security forces after new evidence emerged in files released by the Wikileaks organization in October 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 16, 343–344.]

In March 2011, William Cronon, Frederick Jackson Turner and Vilas research professor of history, geography and environmental studies at the University of Wisconsin and president-elect of the American Historical Association, was asked to write an article for the *New York Times* on the historical context of the effort of Scott Walker, Governor of Wisconsin, to get a state law approved to strip public-employee unions (including University of Wisconsin employees) of most bargaining rights. During his research for the article, on 14 March 2011, Cronon posted on his blog critical

observations about the network of conservatives reportedly working to undermine union rights. He pointed to the American Legislative Exchange Council, a conservative group backed by business interests that circulated draft legislation in every state capital, much of it similar to a union-busting law in Wisconsin. On 16 March 2011, the Republican Party of Wisconsin filed a freedom-of-information request (on the basis of the Wisconsin Open Records Law) with the university, demanding copies of all emails into and out of Cronon's state email account from 1 January 2011 which referenced any of the following terms: Republican, Scott Walker, recall, collective bargaining, AFSCME (American Federation of State, County and Municipal Employees), WEAC (Wisconsin Education Association Council), rally, union, Alberta Darling, Randy Hopper, Dan Kapanke, Rob Cowles, Scott Fitzgerald, Sheila Harsdorf, Luther Olsen, Glenn Grothman, Mary Lazich, Jeff Fitzgerald, Marty Beil, or Mary Bell. The purpose of the request was reportedly to see whether Cronon supported the recall of Republican state senators, which would be against university policy (he would then have violated a state law barring public employees from using state resources, such as their work e-mail accounts, for partisan political purposes). On 21 March 2011, the article in the *New York Times* appeared. The demand was called an abuse of academic freedom with a chilling effect on the university. On 27 March 2011, the American Historical Association deplored what it called an effort to intimidate Cronon. On 1 April 2011, Chancellor Caroly Martin of the University of Wisconsin at Madison partially complied with the state open records request by releasing a selection of Cronon's e-mails, excluding those e-mails involving personal communications, those about personnel matters, and those reflecting "intellectual communications among scholars." The university noted that confidentiality of scholarly discussions was vital to scholarship and to the mission of the university; that faculty members had to be afforded privacy in these exchanges in order to pursue knowledge and develop lines of argument without fear of reprisal for controversial findings and without the premature disclosure of those ideas; that the public interest in intellectual communications among scholars as reflected in Cronon's e-mails was outweighed by other public interests favoring protection of such communications; and that having every exchange of ideas subject to public exposure put academic freedom in peril and threatened the processes by which knowledge was created. The Republican Party did not plan to appeal the partial denial of its request. [Sources: William Cronon, "Wisconsin's Radical Break," *New York Times* (21 March 2011); William Cronon, "Scholar as Citizen" (blog; <http://scholarcitizen.williamcronon.net>); Doug Lederman, "Wisconsin Stands Up for Professor," *Inside Higher Ed.* (4 April 2011); Peter Schmidt, "Wisconsin GOP Seeks E-Mails of a Madison Professor Who Criticized the Governor," *Chronicle of Higher Education* (25 March 2011); "A Shabby Crusade in Wisconsin" (editorial), *New York Times* (25 March 2011).]

On 14 April 2011, the National Security Archive (NSA) filed a Freedom of Information Act (FOIA) lawsuit to compel the Central Intelligence Agency (CIA) to release its five-volume Top Secret "Official History of the Bay of Pigs Invasion". Based on a review of hundreds of CIA documents and on dozens of interviews with key operatives and officials involved in this 1961 operation, it was written by CIA historian Jack Pfeiffer (?–1997) in the 1970s. In 1987, then retired, Pfeiffer himself filed an unsuccessful FOIA lawsuit seeking the release of volume 5 ("Internal Investigation Report"). Volume 3 (Evolution of CIA's Anti-Castro Policies, 1951–January 1961) was released in 1998. In 2005, the NSA had already unsuccessfully requested the disclosure of the study.

[Source: National Security Archive, *Update* (14 April 2011).]

See also Bolivia, Colombia, Germany, India, Iran, Iraq, Israel, Kyrgyzstan, Myanmar, Philippines, Russia, Sri Lanka, Thailand.

URUGUAY

Last *Annual Report* entry: 2010.

On 2 August 2010, former Montevideo provincial congressman for the Communist Party of Uruguay (PCU), Carlos Alberto Tutzó López, sued journalist Álvaro Alfonso in defamation and demanded the confiscation of all editions of his book *Secretos del Partido Comunista* (Secrets of the Communist Party; July 2008). A book passage claimed that Tutzó, arrested in 1977 by agents of the military dictatorship (1973–1985), was a "collaborator" with his jailers.

[Source: Inter American Press Association, *Ifex Alert* (10 August 2010).]

Some positive steps were taken to break the cycle of impunity for human rights violations committed during the nearly twelve-year period of civilian and military rule (1973–1985). In October 2010, the Supreme Court of Justice ruled unanimously that the 1986 Law on the Expiration of the Punitive Claims of the State (Expiry Law) was unconstitutional in the case of former President Juan María Bordaberry (1971–1976), thus allowing his trial to continue. He was charged with ten cases of homicide. This was the Supreme Court's second landmark ruling on the Expiry Law, which prevented the prosecution of police and military officials for crimes committed under military rule. However, the ruling applied only to the case at hand and therefore did not provide for the reopening of previously archived cases. In the same month, members of Congress presented a bill that would declare three articles of the Expiry Law null and void. The Chamber of Deputies approved the bill,

but it remained pending before the Senate at the end of 2010.

[Source: Amnesty International, *Report 2011* (London 2011), 15, 346.]

UZBEKISTAN

Last *Annual Report* entry: 2010.

On 10 February 2010, photographer and videographer Umida Ahmedova was convicted of defamation and insulting the Uzbek people for publishing a book of photographs in 2007 and producing a documentary film in 2008 that reflect everyday life and traditions in Uzbekistan, with a focus on gender inequality. She was acquitted.

[Source: Human Rights Watch, *World Report 2011* (Washington 2011), 498.]

See also Kyrgyzstan.

VATICAN

Last *Annual Report* entry: 2009.

In 2008, German church historian Hubert Wolf (1959–) published *Papst und Teufel, Die Archive des Vatikan und das Dritte Reich* (translated as *Pope and Devil: The Vatican's Archives and the Third Reich* in 2010), for which he made use of these archives.

[Source: John Pollard, “Pope and Devil: the Vatican's Archives and the Third Reich,” *Times Higher Education* (19 August 2010).]

VENEZUELA

Last *Annual Report* entry: 2010.

VIETNAM

Last *Annual Report* entry: 2010.

In 2008, Thich Quang Do (1928–), a Buddhist scholar and poet, author of several novels and studies of Buddhist history, became Supreme Patriarch of the unofficial Unified Buddhist Church of Vietnam. In 2010, he remained under *de facto* house arrest (See previous NCH *Annual Reports*).

[Sources: Amnesty International, *Report 2011* (London 2011), 15, 352; Freedom House, “Thich Quang Do” (9 December 2010).]

In April 2011, Bui Chat ([1984–])—founder-director of the underground Giay Vun publishing house that had published the works of banned authors, including poets and historians, for almost a decade—received the International Publishers Association Freedom to Publish Prize. On 30 April 2011, after he returned home from Argentina where he picked up the prize, he was briefly arrested, his house was searched and his prize was confiscated. On 2 May 2011, Bui Chat was released but he remained under surveillance and subject to interrogation.

[Sources: International Publishers Association, *Ifex Alert* (28 April 2011); International Publishers Association, *Press Releases* (2 & 3 May 2011); *Ifex Communiqué* (4 May 2011); Reporters without Borders, “Independent Publisher Freed, but Questioned Again” (5 May 2011).]

WESTERN SAHARA

See Morocco/Western Sahara.

YEMEN

Last *Annual Report* entry: 2010.

ZAMBIA

Last *Annual Report* entry: 2009.

ZIMBABWE

Last *Annual Report* entry: 2010.

On 26 March 2010, armed police raided an art gallery in Bulawayo that presented pictures of victims and families from the Matabeleland massacres in the 1980s in which an estimated 20,000 people were killed by troops loyal to President Robert Mugabe. They arrested artist Owen Maseko on charges of “insulting or undermining the authority of the president,” later altered into “publication of false statements prejudicial to the state.” He spent four days in police custody before he was released on bail. In late 2010, he awaited trial.

[Sources: Human Rights Watch, *World Report 2011* (Washington 2011), 198; D. Smith, “Police Shut Art Gallery for Showing Images of Zimbabwe Political Violence,” *Guardian*, (4 April 2010).]