

INTRODUCTION

The twenty-third *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 mainly covers events and developments of 2016 and 2017.

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							2017	2016	2015
2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
2004	2003	2002	2001	2000	1999	1998	1997	1996	1995

All *Annual Reports* (1995–2017) were compiled by [Antoon De Baets](#).

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AFGHANISTAN

Previous *Annual Report* entries: 2000–2016.

ALBANIA

Previous *Annual Report* entries: 1996, 2012, 2015–2016.

In April 2015, the parliament passed a law opening up files from the secret police (Sigurimi) of the Communist era (1944–1991) to people who were spied upon and barring former Sigurimi members from holding public office in the future. An estimated 7,000 opponents of the regime were killed and more than 100,000 deported to labor camps. During the Communist era, 90 percent of the Sigurimi files were destroyed every five years as a routine practice. In 1991 many of the remaining files were destroyed; the rest is kept in the Interior Ministry archive. Kastriot Dervishi, the archive's former director, estimated that the surviving documents comprised random samples from the files of only 12,000 or so Sigurimi collaborators—roughly 10 percent of the total. Unofficial sources believe that about 20 percent of Albanians collaborated with the Sigurimi.

In December 2016, Prime Minister Edi Rama announced that, as a follow-up to the 2015 law, a commission had been charged with opening the Sigurimi files and with vetting candidates for public office to see if they collaborated with the repressive regime. The commission was chaired by Gentiana Sula, a former deputy minister of social welfare. She said that initial estimates suggested that there were “millions of pages of documents, more than 120,000 files and 250,000 records.” Critics feared that the 2015 law did not oblige the government to publicize the findings of searches or to remove officials who were former collaborators. Albania also planned to sign an agreement with the International Commission on Missing Persons, paving the way for an official effort to find and identify the remains of some 6,000 disappeared.¹

¹ [“Albania Opens Communist Secret Police Files,”](#) *BBC News* (1 May 2015); Matthew Brunwasser, [“As Albania Reckons With Its Communist Past, Critics Say It’s Too Late,”](#) *New York Times* (26 February 2017); Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 62; Briseida Mema, [“Opening Secret Police Files, Albania Seeks to Drain the Swamp,”](#) *AFP News* (27 March 2017).

ALGERIA

Previous *Annual Report* entries: 1996, 2001–2016.

Perpetrators of human rights crimes and abuses during the internal armed conflict (1992–2000) continued to enjoy impunity under the 2006 Charter for Peace and National Reconciliation. The charter criminalized comments deemed to denigrate the security forces or state institutions for their conduct during the armed conflict, when both state forces and extremist Islamist groups committed torture, enforced disappearances, unlawful killings, and other serious abuses. Associations representing the families of the disappeared continued to face denial for legal registration. Families of the disappeared alleged being subject to pressures because they refused compensation from the state in exchange for accepting a death certificate for their still-missing relatives. The authorities also continued to protect state forces responsible for serious crimes in the 1990s by criminalizing calls for justice, thus turning the law on its head.²

In June 2016, the French gave 22 volumes of copies of diplomatic documents about the Liberation War (1954–1962) to the Algerian national archives. On 31 October 2016, Director General of the National Archives Abdelmadjid Sheikhi (Chikhi) accused the French authorities of hiding their Algerian archives (estimated by him at sixty tons of documents), which were secretly transferred to France in the last years of colonization (1961–1962). On 2 February 2017, the Cour des comptes (public auditor) found that the archives brought to France from Algeria and Indochina after decolonization and located in its National Archives had not been preserved, catalogued or made accessible adequately. Only an unspecified quantity of records relating to the 17 October 1961 massacre and to the Algerian war of independence had been made accessible after May 1999 and April 2001 respectively.³

In 2017, Leila Sidhoum, assistant professor at the Faculty of Political Science of the University of Algiers 3, was awarded a distinction for her PhD research on the role of governing elites in the period between 1989 and 2016. However, the acting dean reportedly blocked her degree and pulled her work from the university library. Sidhoum said that she had been told to remove parts of the thesis referring to the army, the president and the banned Islamic Salvation Front political party (FIS) during the

² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 54, 65; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 76.

³ [“La France remet à l'Algérie des copies d'archives de guerre,”](#) *CRIonline* (22 June 2016); [“France Accused of Hiding Its Archive Smuggled during Colonial Era,”](#) *Memo: Middle East Monitor* (1 November 2016); APS [“La Conservation des archives rapatriés d'Algérie en 1962 est ‘défaillante’”](#) *Al Huffington Post* (4 February 2017).

armed conflict (1992–2000).⁴

See also France, Mali.

ANGOLA

Previous *Annual Report* entries: 2003, 2009, 2016.

On 29 June 2016, the Supreme Court in Luanda ordered the conditional release of the group of seventeen known as the Luanda Book Club [see *NCH Annual Report 2016*] after it upheld a habeas corpus petition filed in April, requesting that the seventeen be released pending a decision on their appeal to the Constitutional Court. The seventeen were not allowed to leave Angola and were required to check in with the authorities every month while waiting for the decision. Upon their release, they reportedly walked through the streets of Luanda, shouting “Reading is not a crime!”⁵

ARGENTINA

Previous *Annual Report* entries: 1997–2016.

As of September 2016, 2,541 people had been charged, 723 convicted, and 76 acquitted of crimes allegedly committed by the military junta during the “Dirty War” (1976–1983), according to the Attorney General’s Office. Prosecutions were made possible by a series of actions taken in the early 2000s by Congress, the Supreme Court, and federal judges annulling amnesty laws and striking down pardons of former officials implicated in the crimes. As of November 2016, 121 children illegally taken from their parents during the war had been located.

In May 2016, a federal court convicted fourteen former military and intelligence chiefs from Argentina and one from Uruguay of crimes against humanity committed as part of the “Plan Condor,” a coordinated intelligence plan launched in the 1970s by the de facto governing military regimes in Argentina, Brazil, Bolivia, Chile, Paraguay and Uruguay. Reynaldo Bignone, the last de facto president of Argentina at the time, was sentenced to twenty years’ imprisonment for his role in hundreds of enforced disappearances during Plan Condor. A further fourteen military leaders were

⁴ Ahmed Rouaba, “[Algerian Student: ‘University Censored My Political Thesis’](#),” *BBC News* (4 July 2017).

⁵ “[Angola Court Orders Conditional Release of Jailed Activist Book Club](#),” *Guardian* (29 June 2016); PEN International, “Luanda Book Club Activists Conditionally Released” (Update #1 to RAN 07/16; 8 July 2016).

sentenced to imprisonment.

In August 2016, the sentence on the “La Perla” historical trial—which included clandestine centers in Córdoba Province—was rendered, sentencing 28 perpetrators to life imprisonment without parole for crimes that included torture, homicide, and the illegal abduction of babies in 1974—the first conviction for abuses committed before the 1976 coup. Nine sentences were passed for between two and fourteen years’ imprisonment and six acquittals. By December 2016, the Bicameral Commission to identify economic and financial interests that had colluded with the military dictatorship, created by Law 27.217 in 2015, had not been established.

Given the large number of victims, suspects, and cases, prosecutors and judges faced challenges bringing those responsible to justice while respecting their due process rights. In September 2016, the Attorney General’s Office reported that 489 pretrial detainees and convicted prisoners were under house arrest, a right provided for by law to people over seventy years old. In August 2016, the government said it would not appeal judicial rulings granting house arrest to these detainees and convicted prisoners.⁶

Twenty-two years after the 1994 bombing of the Argentine Israelite Mutual Association (AMIA) in Buenos Aires that killed 85 people and injured more than 300, no one has been convicted of the crime. The investigation stalled when Iran, suspected by the Argentine judiciary of ordering the attack, refused to allow Argentine investigators to interview Iranian suspects in Argentina. In 2013, Argentina and Iran signed a memorandum of understanding (MOU) that allowed an international commission of jurists to review evidence and question Iranian suspects—but only in Tehran, which would likely have rendered the interviews inadmissible in an Argentine court. A federal court declared the MOU unconstitutional, a ruling that the administration of President Mauricio Macri said it would not appeal. The government said further that it would ask Interpol to reissue red notices—a form of international arrest warrant—to detain several Iranians implicated in the attack, and that it would present draft legislation to try the Iranians in absentia. In January 2015—days after he had filed a criminal complaint accusing then-President Cristina Fernández and her foreign affairs minister of conspiring with Iran to undermine the investigation—Alberto Nisman, the prosecutor in charge of investigating the bombing, had been found dead in his home with a single gunshot wound to the head and a pistol beside him. In 2015, a federal court dismissed Nisman’s complaint but an appeal by a federal prosecutor to reopen the investigation was pending in late 2016. As of November 2016, the courts had not determined if Nisman was a victim of suicide or murder.

In 2015, a court began the trial of several officials—including former President Carlos Meném, his

⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 30, 69; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 83–84.

head of intelligence, and a judge—for their alleged interference with the initial investigation into the bombing. The trial continued in late 2016.⁷

In 2017, at the occasion of their 40th anniversary, the Mothers of the Plaza de Mayo declared that they were worried that the present center-right government of President Mauricio Macri was attempting to “whitewash history,” because it had suggested that the number of victims of the dictatorship (1976–1983) may have only been around 9,000, a provisional figure drawn up by the 1984 CONADEP. But the military themselves reported killing 22,000 people in a 1978 communication to Chilean intelligence.” The Mothers warned that the current era of alternative facts, revisionist history and dictatorship denialism posed a new kind of threat for the country.⁸

See also Bolivia, Spain.

ARMENIA

Previous *Annual Report* entries: 2005–2006, 2010, 2014–2016.

See Germany, Sweden, United States.

AUSTRALIA

Previous *Annual Report* entries: 1997, 2001, 2003, 2007–2009, 2014–2016.

See China, Indonesia, United Kingdom.

AUSTRIA

Previous *Annual Report* entries: 2000–2001, 2005–2007, 2009.

⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 69; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 86.

⁸ Uki Goñi, [“40 Years Later, the Mothers of Argentina’s ‘Disappeared’ Refuse to Be Silent,”](#) *Guardian* (28 April 2017).

AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2013, 2015–2016.

In April 2016, historians and human rights activists Leyla and Arif Yunus went to live in the Netherlands [see *NCH Annual Report 2016*].⁹

In May 2016, police arrested youth activists Giyas Ibrahimov and Bayram Mammadov for spraying graffiti on a monument to former President Heydar Aliyev and demanded that they apologize on camera. When they refused, policemen beat and threatened to rape them with truncheons to force them to confess to drug possession. Authorities failed to conduct effective investigation into the ill-treatment allegations. In October 2016, Ibrahimov was sentenced to ten years' imprisonment; Mammadov's trial was ongoing at the end of 2016.¹⁰

⁹ Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 77.

¹⁰ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 104.

BAHRAIN

Previous *Annual Report* entries: 2004, 2008–2012, 2015–2016.

On 14 February 2016, the authorities sought to repress civil society actions commemorating the peaceful uprising of 14 February 2011, in which Bahrainis marched for human rights and democracy. They violently suppressed street protests and imposed sieges to restrict individuals from participating in these marches. In the days leading up to the anniversary and on the day itself, they attacked and arrested many of the protesters on the streets. On 9 February 2016, the Chief of Public Security issued a warning against protests. On 14 February, the police chief implied in a public statement that the protesters posed “security threats from Iran-backed elements and militants linked to Islamic State.” The Bahrain Center for Human Rights documented 157 protests, at least 33 protests of which were suppressed by riot police. Between 7 February and 14 February 2016, 89 individuals were arrested. By the end of 2016, no senior officers or officials responsible for torture, unlawful killings and other excessive use of force in 2011 had been held to account.¹¹

On 9 October 2016, the authorities arrested journalist and social media activist Faisal Hayyat and charged him with “insulting a sect and a religious figure” after he had published tweets on 7 October commenting on events from early Islamic history. On 28 November 2016, 46 human rights organizations signed a letter asking King Hamad bin Isa Al Khalifa to release him. On 29 November 2016, however, he was sentenced to three months’ imprisonment. Hayyat had already been imprisoned and tortured in 2011 for his involvement in the pro-democracy protests.¹²

BANGLADESH

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2016.

The International Crimes Tribunal (ICT), a court established to investigate the events of the 1971 independence war, continued its operations in 2016 without addressing serious procedural and substantive defects. It sentenced at least six people to death. The proceedings were marked by severe irregularities and violations of fair trial rights, such as the arbitrary restriction of the number of

¹¹ Bahrain Center for Human Rights, *Annual Report Bahrain 2016: A Series of Repressive Attacks against Rights and Human Rights Defenders* (Copenhagen: BCHR, 2017), 31–32; Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 54.

¹² International PEN, “[Bahrain: Government Must End Judicial Harassment of Faisal Hayyat and Other Journalists](#)” (28 November 2016); Bahrain Center for Human Rights, *Annual Report Bahrain 2016: A Series of Repressive Attacks against Rights and Human Rights Defenders* (Copenhagen: BCHR, 2017), 30.

defense witnesses allowed. Two people convicted of war crimes and crimes against humanity by the ICT were executed, both senior members of Jamaat-e-Islami—Motiur Rahman Nizami in May 2016 and Mir Quasem Ali in September 2016. Ali was a senior member of the executive committee of the opposition Jamaat-e-Islami party; he was convicted for crimes he allegedly committed in 1971, even as the chief justice criticized the attorney general, the prosecution, and investigators for producing insufficient evidence in the case. The government secretly detained Ali's son, a key member of his defense team, denied him access to his father before execution, and forbade him from participating in the funeral. On 23 August 2016, a group of United Nations human rights experts expressed concern about the fairness of ICT trials, and urged the government to annul Ali's death sentence and grant him a retrial, stating that proceedings were marred by irregularities.¹³

A new proposed law, entitled “Bangladesh Liberation War (Denial, Distortion, Opposition) Crime Law” (abbreviated as “Liberation War Denial Crimes Act”) and dated 8 March 2016, provided for imprisonment and fines if certain events of the 1971 war of independence were denied, distorted or opposed. The proposal would outlaw the “inaccurate” representation of war history and “malicious” statements in the press that “undermined any events” related to the war. Efforts to “trivialize” information related to the killing of civilians during the war would also be forbidden.¹⁴

The draft Digital Security Act 2016 proposed to do away with the contentious Section 57 of the 2006 Information and Communications Technology Act (amended in 2013), which was invoked against those who questioned facts about the 1971 independence war. The new law, however, included draconian clauses such as life sentences for spreading false information about the 1971 war or about the founder of Bangladesh, Sheikh Mujibur Rahman.¹⁵

In February 2017, the Education Ministry released a new version of textbooks for grades one to ten that many said displayed a shift toward radical Islam. Names of people affiliated with religions other than Islam had been replaced, including that of the poet Rabindranath Tagore (1861–1941), who wrote the national anthem for Bangladesh.¹⁶

On 26 May 2017, workers begun to dismantle the statue of Themis, the Greek goddess of justice

¹³ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 81; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 118–119.

¹⁴ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 118–119; David Bergman, “[The Politics of Bangladesh's Genocide Debate](#),” *New York Times* (5 April 2016); David Bergman, “[Bangladesh Liberation War \(Denial, Distortion, Opposition\) Crime Law](#),” *Bangladesh Politico* (10 April 2017).

¹⁵ Sadaf Saaz, “Dying to Tell a Story,” *Index on Censorship*, 46, no. 1 (spring 2017), 36.

¹⁶ GEM Report, “[What Did You Learn in School? Is 'B' for Banana? Or Burka?](#)” (8 February 2017).

(wearing a sari), from the Supreme Court complex. It was erected six months before but Islamists led by conservative Islamist group Hefazat-e-Islam had staged mass rallies in Dhaka demanding its removal. They claimed that it amounted to idolatry and hurt the religious sentiments of Muslims. Prime Minister Sheikh Hasina agreed to its removal, although secular groups opposed it.¹⁷

BELARUS

Previous *Annual Report* entries: 1996–2000, 2005–2007, 2009–2011, 2014–2016.

On 23 March 2017, human rights organizations called on the authorities to drop all charges immediately against writers, publishers and journalists who were arrested following a wave of nationwide protests. The detainees included writer and historian Vladimir Orlov. He and others were arrested by six masked security officers at the entrance of a literature festival in Minsk. It was believed that the arrests were part of a crackdown by the authorities ahead of nationwide Freedom Day celebrations on 25 March 2017.¹⁸

Throughout March 2017, the government executed a crackdown on peaceful demonstrators against a tax to fight “social parasitism.” The crackdown came to a head around 25 March (Freedom Day), a popular but unacknowledged commemoration of national independence in 1918 (the establishment of the Belarusian People’s Republic). This wave of mass arrests was the severest since the post-election crackdown in December 2010.¹⁹

See also Denmark.

BELGIUM

Previous *Annual Report* entries: 2002–2004, 2006, 2008, 2010–2012.

¹⁷ [“Greek Goddess Statue Removed in Bangladesh after Islamist Outcry,”](#) *BBC News* (26 May 2017).

¹⁸ John Keenan, [“Outrage as Belarus Arrests Authors, Publishers and Journalists in Crackdown,”](#) *Guardian* (23 March 2017).

¹⁹ United Nations General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in Belarus* (A/HRC/35/40; New York 21 April 2017), §§4–5; Andrei Aliaksandrau, “There’s Nothing New about Fake News,” *Index on Censorship* (2017, no. 2), 52–54.

BELIZE

Previous *Annual Report* entries: 2014.

BOLIVIA

Previous *Annual Report* entries: 2007, 2009–2016.

On 20 November 2016, the Foreign Ministry announced that it would declassify diplomatic documents from the dictatorships in 1964–1982 so that relatives of the dead and disappeared could obtain new information about the crimes committed at the time. They would include diplomatic files of René Barrientos Ortuño’s military regime (1964–1969)—regarding the execution of Argentine revolutionary Ernesto Che Guevara on 9 October 1967—and of Hugo Banzer Suárez’s military regime (1971–1978), on the steps it took against leftist opponents as part of Plan Condor.²⁰

Bolivia has prosecuted only a few of the officials responsible for human rights violations committed under authoritarian governments (1964–1982), in part because the armed forces had at times refused to provide information to judicial authorities on the fate of people killed or forcibly disappeared. Despite repeated commitments to do so, the government had yet to create a truth, justice and reconciliation commission to carry out independent investigations of abuses during that period; the creation was promised at a March 2015 public hearing before the Inter-American Commission on Human Rights.²¹

See also Argentina.

BOSNIA and HERZEGOVINA

Previous *Annual Report* entries: 2001–2016.

There was slow progress in prosecuting crimes from the 1992–1995 war in domestic courts. Lack of capacity and resources, along with ineffective case management and persistent political obstruction,

²⁰ “[Bolivia to Declassify Operation Condor and Che Murder Files](#),” *Telesur* (22 November 2016).

²¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 86; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 127.

continued to slow down the progress of prosecution and access to redress before these courts. In July 2016, an independent analysis commissioned by the Organization for Security and Co-operation in Europe (OSCE) showed that the National War Crimes Strategy had failed to meet its targets, with a backlog of over 350 complex cases still pending before the State Court and Prosecutor's Office. In April 2016, the Constitutional Court declared that the statute of limitations applied to reparation claims for non-material damage and that claims could be directed only against the perpetrators, not the state, further limiting the ability of victims to claim and obtain compensation.

Although more than 75% of the missing persons from the war had been exhumed and identified, there were still 8,000 people missing. The process of exhumations encountered significant challenges, including reduced funding for the Missing Persons Institute and limited expertise domestically. The Law on Missing Persons remained unimplemented, with the Fund for the families of missing persons still awaiting establishment.

The trial in the State Court against Naser Orić, a former Bosnian army general, and Sabahudin Muhić, a former Bosnian army soldier, started on 26 January 2016—after the Mechanism for International Tribunals rejected a request by Orić's lawyers to order the State Court to stop the case against him because he had already been acquitted of the same charges at the International Criminal Tribunal for the Former Yugoslavia (ICTY).

The ICTY issued first-instance verdicts in cases of former high-ranking officials in relation to crimes committed during the 1992–1995 conflict. In March 2016, the ICTY found Radovan Karadžić, the wartime President of Republika Srpska (RS), guilty of genocide, war crimes and crimes against humanity and sentenced him to forty years' imprisonment. Karadžić was convicted of genocide in the area of Srebrenica in 1995, of persecution, extermination, murder, deportation, inhumane acts (forcible transfer), terror, unlawful attacks on civilians and hostage-taking. He was acquitted of the charge of genocide in other municipalities in Bosnia and Herzegovina in 1992. Also in March 2016, the ICTY found Vojislav Šešelj, the Serb Radical Party leader, not guilty on any counts of crimes against humanity and war crimes. In late 2016, the defense case in the trial of Ratko Mladić, the former commander of the Republika Srpska Army, was in progress at the ICTY. The case experienced a substantial slowdown due to delays in evidence presentation by the defense. Mladić was on trial for genocide in Srebrenica and seven other municipalities in Bosnia and Herzegovina, the persecution of Bosniaks and Croats throughout the country, terrorizing the civilian population of Sarajevo and taking United Nations peacekeepers hostage. The trial judgment was expected in November 2017.²²

See also Switzerland.

²² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 88–89; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 134–135.

BOTSWANA

Previous *Annual Report* entries: —.

See Namibia.

BRAZIL

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2016.

The perpetrators of human rights abuses during military rule (1964–1985) continued to be shielded from justice by a 1979 amnesty law that was upheld by the Supreme Court in 2010, a decision that the Inter-American Court of Human Rights ruled was a violation of Brazil's obligations under international law. In 2014, the National Truth Commission identified 377 such perpetrators, but owing to the amnesty law, their crimes remained unpunished. Federal courts did allow the prosecution of at least two former military officers for killings during military rule, but the Supreme Court temporarily halted those prosecutions in 2014 and 2015, pending its re-examination of the validity of the amnesty law.²³

On 2 September 2016, the new government of President Michel Temer appointed twenty new members to and removed six members (Ana Guedes, José Carlos Moreira da Silva Filho, Virginius Lianza, Manoel Moraes, Carol Melo and Elayne Marcia Moraes) from the Amnesty Commission (a commission, established in 2001, that proposed laws and reparations for the victims of the dictatorship of 1964–1985). One of the new members, Paulo Lopo Saraiva, a former army sergeant during the military regime, participated in repression activities during the 1964 coup against President João Goulart. The Movimento por verdade, memória, justiça e reparação (Movement for Truth, Memory, Justice and Reparation) called this a dismantlement of the commission. It was the first time that members of the commission were appointed without consulting civil society and also the first time that the government removed former members.²⁴

See also Argentina.

²³ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 145.

²⁴ “[Temer Appoints Dictatorship Defender to Amnesty Commission](#),” *Telesur* (4 September 2016); [Nota pública do Movimento por verdade, memória, justiça e reparação](#) (4 September 2016).

BULGARIA

Previous *Annual Report* entries: 1995–1998, 2002, 2006, 2009, 2012, 2015–2016.

In 2016, Defense Minister Nikolai Nenchev's written reply to parliamentary questions revealed that at least 16000 records of military intelligence personnel (half of the total) were destroyed during the transition (1989–1991), most of them by the Bulgarian Communist Party. He handed the remaining military intelligence records (a total of 87280 archival units) over to the Dossier Commission (the body established in 2006 and charged with disclosing the affiliation of people in various categories of public life to the former State Security and the Military Intelligence).²⁵

BURKINA FASO

Previous *Annual Report* entries: 2001, 2004, 2005, 2013, 2015–2016.

In May 2016, Burkina Faso issued an international arrest warrant for former President Blaise Compaoré. In June, the military tribunal indicted fourteen people, including Compaoré, suspected of involvement in the assassination of former President Thomas Sankara in 1987. Seven people, including Colonel Alidou Guebré and Caporal Wampasba Nacouma, were arrested in October and charged. The investigation into Sankara's death had been reopened after the fall of Compaoré in October 2014; he had succeeded Sankara in 1987.

An investigating judge from Burkina Faso, François Yaméogo, formally asked French authorities to declassify military documents to see whether France had played a role in the assassination of President Thomas Sankara in 1987. Sankara's widow and supporters had repeatedly accused France of masterminding his 1987 killing because he was a Marxist revolutionary. In March 2017, Pouria Amirshahi, a deputy in the French National Assembly for the Ninth constituency for French residents overseas, wrote a letter to President François Hollande, in which he asking to lift the secrecy status of the archives (blocking access until 2037) and their release in the name of a greater historical interest. In April 2015, Vincent Hiribarren, a lecturer in world history at King's College, London, tried to gain access to the archives but only a few documents of little relevance were released in August 2016.²⁶

²⁵ "[Bulgaria: Many Thousands of Communist-era Military Intelligence Staff Records Destroyed](#)," *The Sofia Globe* (18 August 2016).

²⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 98. "[Burkina Faso 'Wants France to Release Sankara Archives'](#)," *BBC News* (13 October 2016); "[Burkina Faso: un député français demande l'ouverture des archives sur Sankara](#)," *RFI Afrique* (18 March 2017); Vincent Hiribarren, "[Ouvrons les archives sur le meurtre de Thomas Sankara](#)," *Le Monde* (13 March 2017).

BURUNDI

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2015.

The operational phase of the Truth and Reconciliation Commission, which covers 1962 to 2008, was launched in March 2016 and began collecting testimonies in September 2016. It did not have judicial authority and the special tribunal that was initially envisaged was not established.²⁷

²⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 103.

CAMBODIA

Previous *Annual Report* entries: 1999–2016.

The United Nations-supported Khmer Rouge Tribunal had been crippled since its inception in 2006 by official non-cooperation with its investigations into international crimes committed by Pol Pot's Khmer Rouge (1975–1979). In 2016, the court did not complete a second trial of two prominent ex-Khmer Rouge leaders, Nuon Chea and Khieu Samphan, and did not conclude investigations into four other, mid-level, Khmer Rouge leaders.²⁸

CAMEROON

Previous *Annual Report* entries: 2010, 2012–2014, 2016.

CANADA

Previous *Annual Report* entries: 1998, 2000, 2002–2003, 2005–2006, 2008–2009, 2012–2016.

In 2016, historian Dennis Molinaro of Trent University, Peterborough, Ontario, found records in the Library and Archives Canada (LAC) demonstrating that in 1951 the Federal Cabinet of Prime Minister Louis St-Laurent passed a secret order to authorize a Royal Canadian Mounted Police (RCMP) surveillance program codenamed “Picnic” to wiretap suspected spies, communist sympathizers and others deemed “disloyal” or “subversive.” By 1950, Canada had passed an Emergency Powers Act and sent troops to fight in the Korean War (1950–1953), but after the war, when the act was set to expire, the government kept the program going during peacetime using the Official Secrets Act, possibly until as late as 1980–1984. The cabinet order was never revealed to parliament and never transferred to the archives. Molinaro said that the Privy Council Office refused to release the secret order—or even confirm it existed. It also said that even if the government had it, officials would be exempt from releasing it publicly for fear that the 65-year-old order could be “injurious” to Canada’s international relations and covert police techniques.²⁹

²⁸ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 168.

²⁹ Dave Seglins & Rachel Houlihan, “[Federal Cabinet Secretly Approved Cold War Wiretaps on Anyone Deemed ‘Subversive,’ Historian Finds](#),” *CBC News* (15 December 2016).

See also Iran, Norway, Poland, Rwanda.

CENTRAL AFRICAN REPUBLIC

Previous *Annual Report* entries: 2006–2009, 2011–2012, 2014–2016.

In August and September 2016, the criminal court in the capital Bangui tried 55 cases, some of them dealing with serious crimes such as rape and murder. However, the court did not address any abuses or alleged war crimes related to the internal conflict (2002–2003). Resource constraints and administrative hurdles impeded operationalizing the Special Criminal Court, a hybrid court with national and international judges and prosecutors set up in June 2015 that would focus on grave international crimes committed since 2003. The vast majority of suspected perpetrators of serious crimes and gross violations of human rights remained at large, free of any arrest or investigations. In August 2016, the United Nations and the government signed a document that outlined their tasks and responsibilities related to the court. On 15 February 2017, President Faustin-Archange Touadéra appointed Toussaint Muntazini Mukimapa, a military prosecutor from the Democratic Republic of Congo, as prosecutor. It would partner with the International Criminal Court (ICC), which had a mandate to prosecute crimes since August 2012 but would only be able to focus on high-level suspects.

The ICC investigations on the so-called CAR II situation, based on crimes under international law committed from 2012 onward, continued. Two separate teams worked respectively on crimes committed by ex-Seleka (largely Muslim rebel groups) and by Anti-balaka and its affiliates (largely Christian and animist militias). On 20 June 2016, ICC investigations on the CAR I situation, which focused on crimes against humanity and war crimes since 1 July 2002, resulted in the conviction of a Congolese national (and former Vice President of the Democratic Republic of Congo), Jean-Pierre Bemba Gombo, as a military commander. He was sentenced to eighteen years' imprisonment for war crimes and crimes against humanity, including murder, rape and pillaging committed by his militia. Forces from Bemba's Mouvement pour la libération du Congo (Movement for the Liberation of the Congo) had been active in the Central African Republic in 2002 and 2003, acting at the behest of then-President Ange-Félix Patasse to repress a coup attempt by then-General Francois Bozize. The ICC's sentence followed its first conviction for rape as a war crime and its first conviction based on command responsibility. In September 2016, Bemba's legal team filed an appeal. The ICC prosecutor, who had sought a 25-year sentence, indicated that her office would appeal the sentence to "reflect the totality of Bemba's culpability." On 19 October 2016, ICC judges found Bemba and four associates

guilty of witness tampering because they attempted to bribe witnesses.³⁰

See also Democratic Republic Congo.

CHAD

Previous *Annual Report* entries: 2000–2012, 2015–2016.

See Senegal.

CHILE

Previous *Annual Report* entries: 1998–2016.

According to data released by the Ministry of the Interior’s human rights program in December 2015, justice authorities were investigating a total of 1,048 cases involving human rights violations committed during military rule under Augusto Pinochet (1973–1990). As of December 2015, 344 individuals had been sentenced for human rights crimes, including killings and enforced disappearances; 117 of them were serving prison sentences. While courts continued to prosecute abuses committed during military rule, the Supreme Court used its discretionary powers in many cases to reduce the sentences imposed on perpetrators, sometimes even to a non-custodial sentence. Victims, their relatives and civil society organizations opposed several attempts to obtain the early release on parole of convicted perpetrators. At the end of 2016, a bill was before Congress to deny the possibility of parole for those convicted of crimes against humanity.

In July 2016, Juan Emilio Cheyre, former army commander-in-chief, was placed under judicial investigation for his alleged role as accomplice in the 1973 murders of fifteen opponents of the Pinochet dictatorship. At the time, he was a lieutenant in the La Serena regiment, and the homicides were part of what became known as the “Caravan of Death,” a military death squad that tortured, extrajudicially killed, and disappeared suspected dissidents throughout Northern Chile. General Sergio Víctor Arellano Stark, who led the Caravan of Death, died in March 2016 without serving prison time, although the Supreme Court convicted and sentenced him to six years’ imprisonment.

³⁰ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 21, 22, 113; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 178–179; Human Rights Watch (Lewis Mudge), “[A Step Toward Justice in the Central African Republic](#)” (21 February 2017).

In September 2016, the Supreme Court confirmed the four-year sentences of two former military officials for the torture of General Alberto Bachelet in 1973. In October 2016, the Supreme Court overturned the 1974–1975 convictions for sedition and treason of 12 ex-members of the Chilean air force who refused to join the 1973 military coup.³¹

See also Argentina, United States.

CHINA

Previous *Annual Report* entries: 1995–2016.

In 2013, historian Hong Zhenkuai, a former executive editor of the history journal *Yanhuang Chunqiu* (China Through the Ages), challenged in two articles the official narrative about the Five Heroes of Langya Mountain, whose reportedly heroic defense of the area against invading Japanese troops and ensuing suicide in 1941 became part of the revolutionary mythology of the Chinese Communist Party (CCP). In August 2015, the sons of two of the five men sued him. On 27 June 2016, the Beijing Xicheng District People’s Court ruled that Hong had defamed the heroes and that he should apologize publicly on websites and news outlets to the complainants. In its verdict, it wrote that Hong’s articles failed to portray the five men positively and, “based on insufficient evidence,” cast doubt on the CCP’s narrative of events. According to the verdict, “The national sentiments, historical memories and the national spirit reflected in the five heroes of Langya Mountain and their story are important sources and components of modern China’s socialist core values ... Thus, it also damages the Chinese nation’s spiritual values.” On 15 August 2016, the Beijing Second Intermediate People’s Court upheld the ruling. In a reaction, Hong declared that he would not apologize, saying that the plaintiffs had not provided any evidence that disproved his findings: “This is basic academic freedom, and I need to maintain my dignity as an intellectual.” The court would probably publish the verdict in the news media and order Hong to pay the publication costs. In July 2016, one of the plaintiffs, Ge Changsheng, had said in an interview that Hong’s articles negated CCP history and heroes and constituted “historical nihilism”.

Among the issues raised by Hong were whether the men jumped from the peak of Langya Mountain or a lower level, whether they leapt voluntarily or slipped off the mountain, and the number of casualties. He said that the district court verdict failed to mention where he falsified or vilified the

³¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 117; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 181–182.

heroes. He said he drew on published accounts by the two survivors, “who appeared in my articles as witnesses—I quoted what they said.” In one of the two articles, published on the news website Caijing.com, Hong wrote that while it was important for people to respect war heroes who resisted the Japanese invasion, historical truth should be respected too. Jiang Keshi, a Chinese historian at Okayama University in Japan who studied modern Japanese history, also said that the official Chinese version had major flaws. Based on the records that he had found in Japan, he said that no Japanese soldier died in the fighting with the five at the mountain. The Chinese version, which first appeared in 1941 in a CCP newspaper, asserted that many Japanese had died. And in 2005, an article in the CCP newspaper *People’s Daily* said that the five Langya heroes shot and killed or wounded at least ninety Japanese soldiers.³²

In [March] 2016, Yang Jisheng (1940–), deputy editor of the liberal historical journal *Yanhuang Chunqiu*, finished *The World Turned Upside Down*, a history of the Cultural Revolution and sequel to *Tombstone: The Great Chinese Famine, 1958–1962* (Chinese 2008; English abridged version 2012). But officials warned Yang against publishing it and barred him from traveling to the United States to receive a journalistic award. The book was published in Hong Kong in late December 2016. An abridged English translation was expected in 2019. Yang did not have extensive access to archives for his book but he drew on hundreds of memoirs, histories and studies [see also *NCH Annual Reports 2013, 2016*].³³

In late April 2016, a few weeks before the fiftieth anniversary of the start of the Cultural Revolution (1966–1976), the Cultural Revolution Museum in Shantou (established in 2005; the only one dedicated to the Cultural Revolution in mainland China) was covered up without the knowledge of Peng Qi’an, a former local Chinese Communist Party (CCP) official and the museum’s founder. Signs appeared, saying: “Because of the need to adjust the function of the park, repairs will be carried out.” Workers smoothed concrete over the names of victims, wrapped “Socialist Core Values” banners around the main exhibition hall, placed red-and-yellow propaganda posters over stone memorials to the terror, and raised scaffolding around statues of critics of Mao Zedong (like Liu Shaoqi and Marshal Ye). Peng Qi’an believed the order to cover up the museum was not local, but came from “higher up.”³⁴

³² Kiki Zhao, “[Chinese Court Orders Apology Over Challenge to Tale of Wartime Heroes](#),” *New York Times* (28 June 2016); Kiki Zhao, “[Chinese Court Upholds Ruling Against Historian Who Questioned Tale of Wartime Heroes](#),” *New York Times* (15 August 2016).

³³ Chris Buckley, “[Historian’s Latest Book on Mao Turns Acclaim in China to Censure](#),” *New York Times* (21 January 2017).

³⁴ Didi Kirsten Tatlow, “[Fate Catches Up to a Cultural Revolution Museum in China](#),” *New York Times* (2 October 2016).

As in previous years, authorities were on high alert ahead of the anniversary to preempt commemorations of the Tiananmen massacre of 4 June 1989. Measures included putting under house arrest or restricting the movement of activists, including Ding Zilin [See also *NCH Annual Reports 2000, 2004–2005, 2008–2009*], a founding member of the Tiananmen Mothers, and Sun Wenguang [See also *NCH Annual Report 2009*], a retired professor of Shandong University, Jinan, Shandong Province. Journalist Gao Yu and former top official Bao Tong [see also *NCH Annual Reports 1999, 2005, 2009*] were required to leave Beijing for enforced “vacations.” Yu Shiwen, who spent 18 months in prison for his 1989 work organizing pro-democracy efforts in Guangzhou, has been detained since 2014 for commemorating the massacre that year. Activists who commemorated the 1989 Tiananmen crackdown continued to be detained, including Sichuan activists Fu Hailu and Luo Fuyu. Despite systematic harassment and intimidation, activists found subversive ways to commemorate it online. Four human rights defenders were arrested for commemorating the anniversary. They posted an online advertisement for a popular alcohol with a label reading “Remember, Eight Liquor Six Four”—a play on words in Chinese echoing the date of the notorious event, accompanied by the “tank man’s” picture. The action was covered widely on social media before being censored. Miao Deshun, a labor activist arrested after participating in the 1989 protests was reportedly released in October 2016 after 27 years’ imprisonment.³⁵

In July 2016, the offices of the history magazine *Yanhuang Chunqiu* (see item above) were taken over by strangers, who changed the computer passwords, opened the mail and took over the running of the magazine. Among the staff purged were founder and director Du Daozheng ([1923–]), a Chinese Communist Party (CCP) member and former senior editor at the state-run news agency Xinhua, and Hu Dehua, the son of reform-minded former leader Hu Yaobang. The magazine, with a reported readership of some 200,000 a month, had long offered a mild critique of the official Communist version of China’s history, including by publishing critical articles in 2008 about former party leader Zhao Ziyang and in 2013 about the Five Heroes of Langya Mountain (see item above). The original staff issued a notice that any future editions of the magazine had nothing to do with them and in August 2016 they went to court to challenge the censorship.³⁶

In the summer of 2016, academic Wang Changjiang criticized former leader Mao Zedong in a lecture

³⁵ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 19, 34, 121; Human Rights Watch, “[China: Tell the Truth About Tiananmen on Anniversary](#)” (1 June 2016).

See also <http://www.tiananmenmother.org/> and <http://www.64memo.com/html/victims.htm>.

³⁶ John Sudworth, “[China Censorship: How a Moderate Magazine Was Targeted](#),” *BBC News* (17 August 2016); Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 191; “[What Was behind China Magazine Takeover?](#)” *BBC News* (interview with Du Daozheng; 17 August 2016).

at the Chinese Communist Party (CCP)'s elite training academy, saying that he had been unable to satisfy people's basic wants of food and clothing. The lecture was secretly videotaped. Shortly thereafter, Wang stepped down from his position as the director of a research department at the Central Party School, citing reasons of age.³⁷

In September 2016, Kwon Pyong (Chinese name: Quan Ping) ([1988]–), an ethnic-Korean citizen from Yanbian who had studied aerospace engineering at Iowa State University in the USA, used Twitter to mock and criticize the nation's rulers, including posting a selfie in which he wore a T-shirt that likened President Xi Jinping to Hitler. Kwon, who on Twitter described himself as a "perpetual student, citizen, dedicated to overturning communism," was arrested and put into police custody. On 15 February 2017, he faced trial on a charge of "inciting subversion." Kwon's two defense lawyers were abruptly dismissed from the case days before the trial. He risked eighteen months' imprisonment.³⁸

In [November 2016], new film censorship laws were decreed. Among other things, they stipulated that those Chinese films that "distorted national history or national historical figures, hurt national sentiments and undermined national unity" were to be banned. The laws were due to come into effect in March 2017.³⁹

On 5 January 2017, the University Party committee of Shandong Jianzhu University dismissed Deng Xiangchao ([1954–]), communications professor and deputy head of the university's School of Art, for his "erroneous remarks" about former leader Mao Zedong, posted on the Sina Weibo social-media service on the eve of Mao's 123rd birthday (26 December 2016). Deng had written: "If he'd died in 1945, China would have seen 6 million fewer killed in war. If he'd died in 1958, 30 million fewer would've starved to death." and: "It wasn't until 1976 when he finally died that we at last had food to eat. The only correct thing he did was to die." In the aftermath of the postings, Deng was also vilified by protesters and online, with some calling him "an enemy of the people." His Weibo account was deleted. He was also dismissed from his jobs as a member of the Standing Committee of the Shandong Provincial Committee of the Chinese People's Political Consultative Conference and as counselor to the provincial government.

When writer Lu Yong showed support for Deng, he was threatened. Video taken hours later showed Mao loyalists parading through the campus of Jinan University with large banners while

³⁷ Te-Ping Chen, "[History Lesson: Mao Remarks Get Chinese Professor Fired](#)," *Wall Street Journal* (10 January 2017).

³⁸ Chris Buckley, "[He Called China's President 'Xitler' on Twitter—Now He Faces Prison](#)," *New York Times* (16 February 2017).

³⁹ Stephen McDonnell, "[Will New Censorship Kill Chinese Filmmaking?](#)" *BBC News* (26 november 2016).

chanting “Down with Deng Xiangchao, down with traitors.” When Liu Yong, a television employee in the central city of Luohe, reposted Deng’s remarks, he was suspended from his advertising job. According to Luohe Television, Liu had made “erroneous comments and distorted the truth” on his personal Weibo account.⁴⁰

On 11 January 2017, the Education Ministry ordered that history textbooks move the start of China’s war against Japanese invaders six years back to 1931, calling it the “14-Year War of Resistance Against Japanese Aggression” (1931–1945), apparently to broaden the scope of the struggle from which the Chinese Communist Party (CCP) derived its legitimacy. In 1931, the Imperial Japanese Army invaded Manchuria.⁴¹

On 24 and 25 March 2017, historian Feng Chongyi ([1960]–), a Chinese-born associate professor of China studies at the University of Technology Sydney, Australia, who had often criticized Beijing’s crackdown on political dissent (particularly the so-called 709 crackdown on human rights lawyers which started on 9 July 2015) on overseas Chinese websites and in interviews with foreign journalists, was put on a no-fly list and barred from leaving China, first in Kunming, then twice in Guangzhou. Although he was not arrested or charged, state security officers questioned him, suspecting him of being a “threat to national security.” On 2 April 2017, Feng was allowed to return home. As a condition of his departure, Feng was required to sign a document promising not say anything about the police interrogations.

The confinement occurred while premier, Li Keqiang visited Australia to promote deeper ties. Feng had also criticized the Chinese government’s increasing efforts to exert influence over ethnic Chinese in Australia. In 2016, he had spoken out against plans for concerts to honor Mao Zedong in Sydney and Melbourne, writing that for many Australians Mao was a symbol of dictatorship, violence and political persecution. His research focused on intellectual and political developments in modern and contemporary China.⁴²

In March 2017, Shen Zhihua ([1950–]), reputedly China’s foremost historian of the Cold War and

⁴⁰ Te-Ping Chen, “[History Lesson: Mao Remarks Get Chinese Professor Fired](#),” *Wall Street Journal* (10 January 2017); “[University Party Committee Makes Professor Retire after Controversial Mao Comments](#),” *Global Times* (8 January 2017); Gerry Shih, “[Critics Attacked, History Revised as China Nationalism Rises](#),” *ABC News* (13 January 2017).

⁴¹ Gerry Shih, “[Critics Attacked, History Revised as China Nationalism Rises](#),” *ABC News* (13 January 2017); Javier Hernández, “[China, Fanning Patriotism, Adds 6 Years to War with Japan in History Books](#),” *New York Times* (11 January 2017).

⁴² Chris Buckley, “[China Bars Professor at Australian University From Leaving, Lawyer Says](#),” *New York Times* (26 March 2017); “[Australian Academic Chongyi Feng Prevented from Leaving China](#),” *Guardian* (26 March 2017); Yojana Sharma, “[Sydney Professor Barred from Leaving China](#),” *University World News* (30 March 2017); Yojana Sharma, “[Professor Allowed to Leave after Being Questioned](#),” *University World News* (6 April 2017).

specialist of the Korean War (1950–1953), criticized the official policy of China toward North Korea at a university lecture in Dalian. He declared: “Judging by the current situation, North Korea is China’s latent enemy and South Korea could be China’s friend.” His views and the debate about them were not reported in Chinese state news media. But his speech remained on the website of the Center for Cold War International History Studies at East China Normal University in Shanghai, where Shen worked. He restated his views in lectures in Shanghai and, in mid-April 2017, in Xian. The son of Chinese Communist Party (CCP) officials, Shen previously used his earnings from gold trafficking business to pay for dredging archives in Russia, after serving a prison term (1983–May 1984) on a charge (reportedly groundless) of leaking state secrets.⁴³

On 26 May 2017, Hong Kong activist Fung Ka Keung submitted a Tiananmen-themed frame (a layer of text across his Facebook page profile picture) for approval to Facebook, which rejected it the next day on the grounds that it “belittled, threatened or attacked a particular person, legal entity, nationality or group.” After it was accused of an act of censorship with political and economic motivations in Hong Kong media outlets, Facebook apologized for “incorrectly” rejecting the frame and approved it. The network had been blocked in China since 2009, and was thought to be keen to re-enter the market. Fung’s frame stated in a mixture of Chinese and English: “June 4 28th Anniversary,” “Vindicate June 4th” and “End Dictatorial Rule.” A second similar frame created by Fung was also approved.⁴⁴

On 4 June 2017, tens of thousands of people gathered in Hong Kong’s Victoria Park for a vigil organized by the Hong Kong Alliance in Support of Patriotic Democratic Movements in China to commemorate the 1989 Tiananmen massacre. Organizers estimated that 110,000 people had gathered, while police thought that just 18,000 took part. Hong Kong remained the only place under China’s jurisdiction that allowed open memorialization of the 1989 crackdown.⁴⁵

On 13 July 2017, dissident Liu Xiaobo (1955–2017) died. He was one of the original signatories of *Charter 08*, a human rights movement established on 10 December 2008, the sixtieth anniversary of the *Universal Declaration of Human Rights*. Liu was a leading participant in and hunger striker during the 1989 student demonstrations on Tiananmen Square, a lecturer in literature and chairman of the Independent Chinese PEN Center since 2003. He was originally detained in December 2008 and sentenced to eleven years’ imprisonment on charges of “inciting subversion of state power” on 25

⁴³ Chris Buckley, “[Criticism of Beijing’s North Korea Policy Comes From Unlikely Place: China](#),” *New York Times* (18 April 2017); “[Shen Zhihua](#),” *The China Story* (retrieved 19 April 2017).

⁴⁴ “[Facebook Sorry for Tiananmen Picture Frame Rejection](#),” *BBC News* (31 May 2017).

⁴⁵ Kevin Lui, “[Tens of Thousands in Hong Kong Commemorate the 1989 Tiananmen Massacre](#),” *Time* (4 June 2017).

December 2009 for his role in drafting and circulating the charter. His lawyers were given only twenty minutes to present their case, in a trial that lasted less than three hours. On 10 February 2010, a Beijing court rejected Liu's appeal. On 10 December 2010, he was awarded the Nobel Peace Prize. He had already been imprisoned in [1989–90], 1995, and [1996–98]. He was released a few weeks before he died.

Point 19 of *Charter 08* read: “*Transitional Justice*. Rehabilitate the reputation of and give state compensation to the victims who suffered political persecution during past political movements as well as their families; release all political prisoners, prisoners of conscience, and people who are convicted because of their beliefs; establish a truth commission to restore historical truth, to pursue accountability and to fulfill justice; seek a settlement of the society on this foundation.” The text of Charter 08 also included a direct reference to the 4 June events, as an example of the “long trail of human rights disasters” caused by the Chinese Communist Party power monopoly. The Charter was initially signed by over 300 scholars, journalists, freelance writers and activists (including Liu Xiaobo, Jiang Qisheng, Ding Zilin, Jiang Peikun, Dai Qing, Li Datong, Tsering Woeser, Wang Lixiong and Zhang Yaojie, and by December 2009 had over 10,000 signatories from throughout China. Chinese living outside China, including Yu Ying-shih, signed a letter of support for the charter [see also *NCH Annual Reports 2009–2010, 2013*].⁴⁶

See also Japan, Taiwan, Thailand.

COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2016.

In June 2016, the government and the guerrilla group Fuerzas Armadas Revolucionarias de Colombia (FARC; Colombian Revolutionary Armed Forces) signed a bilateral ceasefire and cessation of hostilities agreement. This came into force on 29 August 2016, although a de facto ceasefire had been in place since 2015. On 24 August 2016, the two sides reached agreement on a peace deal, which was signed on 26 September 2016 in Cartagena. However, on 2 October 2016, the deal was rejected in a referendum, in part because of concerns over the agreement's lax justice provisions. On 12 November 2016, the two sides announced a revised peace deal, which was signed on 24 November. It was ratified by Congress on 30 November, after which the FARC was due to begin a six-month process of

⁴⁶ Human Rights Watch, “China: Tiananmen's Unhealed Wounds” (13 May 2009); Human Rights Watch, “China: End June 1989 Massacre Denial, Free Dissidents” (1 June 2010); *Ifex Communiqué* (3 June 2009); *Index on Censorship* (2010, no. 4), 182–83, 221–22; *NRC Handelsblad* (9 December 2010), 3; PEN American Center, *Ifex Alert* (2 April 2009); *Wordt Vervolgd* (December 2010–January 2011) 38.

demobilization and disarmament, to be monitored and verified in part by a mission of unarmed United Nations observers. By the end of 2016, FARC combatants had yet to congregate in the concentration zones from where they were due to start the demobilization process, because of delays in making these areas habitable. On 28 December 2016, Congress approved a law to provide amnesties or pardons to FARC combatants and the waiving of criminal prosecutions for security force personnel not under investigation for or convicted of crimes under international law. Those who had served at least five years' imprisonment for crimes under international law would, under certain circumstances, be conditionally released. Ambiguities in the law could result in many human rights abusers evading justice. The modifications made to the peace agreement did not significantly strengthen victims' rights. However, a provision requiring the FARC to provide an inventory of the assets it had acquired in the conflict, which would be used to provide reparation to victims, would, if effectively implemented, be a positive development.

The peace agreement established a Special Jurisdiction for Peace—to come into force once approved by Congress—to investigate and punish those responsible for crimes under international law, a truth commission and a mechanism to locate and identify those missing as a result of the conflict. Despite some positive features, however, it fell short of international law and standards on victims' rights, including punishments that appeared to be inconsistent with the gravity of certain crimes and a definition of command responsibility that could make it difficult to hold to account FARC and security force commanders for crimes committed by their subordinates.

On 30 March 2016, the government and the second largest guerrilla group, the National Liberation Army (ELN) announced that they would begin peace talks. However, the process had not started by the end of 2016 because of the ELN's failure to release one of its high-profile hostages. President Juan Manuel Santos Calderón was awarded the Nobel Peace Prize on 7 October 2016 for his role in securing the peace deal.

Very few of those suspected of responsibility for conflict-related crimes under international law were brought to justice. However, as part of the peace process, the government and the FARC formally apologized for their role in several emblematic human rights cases. On 15 September 2016, Santos formally apologized for the state's role in the killing in the 1980s and 1990s of some 3,000 members of the Patriotic Union party, set up by the Colombian Communist Party and the FARC as part of the failed peace process with the government of Belisario Betancur (1982–1986).

In February 2016, the Constitutional Court ruled that a 2015 reform (Legislative Act No. 1) giving military courts jurisdiction over cases related to military service and over crimes committed on active service was constitutional. The reform also stipulated that international humanitarian law, rather than international human rights law, would apply when investigating armed forces personnel for conflict-related crimes, even though many such crimes were not committed during combat and the victims were overwhelmingly civilians. However, the Court ruled that international human rights law should

also apply during investigations. Nevertheless, there were concerns that the Court's ruling would do little to overcome impunity given the military justice system's woeful record in bringing to justice members of the armed forces implicated in human rights violations.⁴⁷

In 2013, then-Attorney General Alejandro Ordoñez ordered Miguel Ángel Beltrán Villegas (1965–), a historian, sociologist and associate professor (2005–) at the Universidad Nacional in Bogotá [see *NCH Annual Reports 2010, 2012.*], dismissed and stripped him of his right to teach at public universities for thirteen years. In 2014, he was found guilty of rebellion, arrested in August 2015 and sent to La Picota prison in Bogotá. While imprisoned, he participated in a hunger strike in February 2016 in solidarity with his fellow inmates protesting prison conditions. On 1 September 2016, he was released after a Supreme Court ruling reversed a lower court judgment because it based its finding that he was a member of the Fuerzas Armadas Revolucionarias de Colombia (FARC) on faulty evidence.⁴⁸

On 5 April 2017, President Juan Manuel Santos inaugurated a Truth Commission that would investigate the victimization of civilians during the 52-year civil war (1964–2016). The commission was part of the transitional justice system (including in addition, a Transitional Justice Tribunal and an amnesty court), agreed with guerrilla group Fuerzas Armadas Revolucionarias de Colombia (FARC) in a peace deal in November 2016. The justice system was approved by Congress earlier in 2016 in a series of votes. In one of these, almost one third of the senate claimed to have a conflict of interests related to war crimes. The commission's task was to find out what happened to the eight million victims of the conflict. It would not be able to impose penalties or transfer evidence or confessions to any court. Former President Álvaro Uribe dismissed the transitional justice system as a “terrorist tribunal” and condemned the peace process.⁴⁹

CONGO (Democratic Republic)

Previous *Annual Report* entries: 1998–2000, 2003–2016.

On 19 December 2015, two rebel leaders convicted by the International Criminal Court (ICC), Germain Katanga and Thomas Lubanga, returned to Congo to serve the remainder of their sentences in Kinshasa. While Katanga finished his sentence from the ICC ruling in January 2016, he remained

⁴⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 123–124, 126.

⁴⁸ “[Colombian Political Prisoner and Professor Freed From Prison](#),” *Telesur* (2 September 2016).

⁴⁹ Adriaan Alsema, “[Colombia Creates Historic Truth Commission](#),” *Colombia Reports* (5 April 2017).

in detention and faced national war crimes charges that were filed against him before he was transferred to the ICC. On 21 March 2016, the ICC found the Congolese politician and former rebel leader Jean-Pierre Bemba guilty of rape, murder, and pillage in neighboring Central African Republic. On 19 October 2016, the ICC found Bemba and his defense team guilty of bribing witnesses to lie in his favor at his trial. In October 2016, warlord Gedeon Kyungu Mutanga surrendered. Instead of arresting him, local officials in Lubumbashi gave Gedeon, as he was commonly known, a celebratory welcome. In late 2016, it remained unclear whether he would serve the remainder of his 2009 sentence.⁵⁰

See also Central African Republic, Rwanda.

CONGO (Republic)

Previous *Annual Report* entries: 2004–2006, 2008, 2010–2012.

COSTA RICA

Previous *Annual Report* entries: 2010.

CÔTE D’IVOIRE

See Ivory Coast.

CROATIA

Previous *Annual Report* entries: 1995–2001, 2003–2013, 2015–2016.

The International Criminal Tribunal for the Former Yugoslavia raised concerns about the pace and effectiveness of prosecutions by the national courts of crimes committed during the 1992–1995 war. The law regulating the status of civilian victims of war passed in 2015 helped ease access to reparations and made it easier for survivors to access crucial services, but challenges remained in

⁵⁰ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 224.

providing all victims, especially ethnic minorities, with equal and effective access to justice. For the second consecutive year, no progress was made in establishing the fate and whereabouts of 1,600 persons disappeared during the war.⁵¹

The period of political instability around the turn of the year 2015 was accompanied by a surge in nationalist rhetoric and hate speech targeting specific groups, in particular ethnic Serbs, refugees and migrants. Civil society groups recorded increased instances of the media and public officials “evoking fascist ideology” from the past [Ustasha ideology] by promoting the use of inflammatory iconography and generally fueling an anti-minority sentiment.⁵²

On 23 January 2017, far-right news site Maxportal and local television show Bujica broadcast two videos from 1992 in which former Croatian President (2000–2010) Stjepan Mesic called into question the death toll at the Jasenovac concentration camp during World War II: he spoke about 25,000 deaths while 83,145 people (47,627 Serbs, 16,173 Roma, 13,116 Jews and partisans) had been identified on a name-by-name basis. He also said it was a labor camp rather than a concentration camp. Historians refuted the claims. The Ustasa deliberately destroyed the camp and the village of Jasenovac while retreating before the advancing anti-fascist Partisan troops in April 1945 in order to cover the massive crimes committed there.⁵³

On 13 March 2017, American descendants of Serbs, Jews and Roma seeking compensation for property seized by the Independent State of Croatia (NDH), which was led by the Nazi-allied Ustasa movement (1941–1944) filed a 3.2 billion euro lawsuit against Croatia in the Illinois Northern District Court. Critics said that the suit was likely to fail because the constitution’s preamble stated that Croatia was not the legal successor to the NDH state. The confiscations under NDH rule were part of a process known as the “aryanization of property,” in which property of Serbs, Jews and Roma was given to ethnic Croats according to 1941 racial laws. In 1996, Croatia had passed a law which enabled the return of property seized for the state during the Communist era (1944–1991).⁵⁴

See also Slovenia.

⁵¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 132.

⁵² Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 132.

⁵³ Sven Milekic (BIRN), “[Croatia Ex-President Shown Downplaying WWII Crimes](#),” *Balkan Insight* (24 January 2017); Sven Milekic (BIRN), “[Jasenovac Concentration Camp Photos Show Post-War Reality](#),” *Balkan Insight* (7 June 2017).

⁵⁴ Sven Milekic (BIRN), “[WWII Compensation Lawsuit Against Croatia ‘Likely to Fail’](#),” *Balkan Insight* (13 March 2017).

CUBA

Previous *Annual Report* entries: 1997–2002, 2006, 2010–2012, 2015–2016.

See United States.

CYPRUS

Previous *Annual Report* entries: 2002, 2005, 2008–2011, 2013, 2015–2016.

In 2016, the Committee of Missing Persons in Cyprus (CMP) exhumed the remains of 96 people, bringing the total number of exhumations since 2006 to 1,192. Between 2007 and 2016, the remains of 740 missing individuals (556 Greek Cypriots and 184 Turkish Cypriots) were identified. With information from private individuals drying up and CMP access to Turkish military files continuing to be obstructed, the rate of exhumation and identification of remains was starting to slow down.⁵⁵

The 2017 calendar prepared by the Cyprus Turkish Teacher’s Union (KTOS) sparked controversy because it contained information which contradicted the “official history” taught in Turkish Cypriot schools: (1) Archbishop Makarios III (president of Greek Cyprus, 1960–1974) was presented as the “President of the Republic of Cyprus” while Turkey and the Turkish Republic of Northern Cyprus (TRNC) had not recognized the Republic; (2) Twelve June 1958 was marked as the date when Turkish Cypriots “brutally murdered” nine Greek Cypriots in Gonyeli after being provoked by the British; (3) An incident was mentioned where Turkish Cypriots were murdered by the Turkish Resistance Organisation (TMT) on 22 April 1962; and (4) Fifteen November—the date that northern Cyprus unilaterally declared independence in 1983—was referred to as: “The date when the common existence of the Turkish Cypriots was put in jeopardy and the date Turkish Cypriot international relations with the rest of the world came to an end after Rauf Denktaş struck a deal with the generals of the coup in Turkey to establish the TRNC.”

The People’s Party (HP) and numerous NGOs with nationalist views issued statements condemning KTOS. On 29 December 2016, the Party of Rebirth (YDP; the political movement of Turkish immigrants in the north) laid a “black wreath” in front of KTOS’s headquarters. Threats were sent to KTOS and its members. KTOS general secretary Sener Elcil declared that the calendar did not contain any false information. KTOS secretary Besim Baysal wrote that KTOS was trying to create an

⁵⁵ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 135.

alternative to calendars brought from Turkey which only presented the “official view.” Turkish Cypriot education officials had asked the authorities to launch an investigation against KTOS, hoping that it would lead to a court case. The Denktash Foundation said it also had called for a criminal investigation. It planned a protest against KTOS.⁵⁶

CZECH REPUBLIC

Previous *Annual Report* entries: 1997–1998, 2000, 2010, 2013–2016.

On 11 January 2017, the Constitutional Court ruled by a narrow majority that the accessibility of archives from Nazi and Communist regimes would remain unchanged, thereby overturning a Supreme Court proposal which doubted the constitutionality of that accessibility given its privacy implications.⁵⁷

See also Russia.

⁵⁶ Tahsin Eroglu, “[Teachers Union Calendar in the North Causes Outrage over ‘Unofficial’ Historical Content](#),” *CyprusMail* (29 December 2016).

⁵⁷ Ruth Fraňková, “[Researchers Welcome Ruling Protecting Access to Historical Archives](#),” *Radio Praha* (12 January 2017).

DENMARK

Previous *Annual Report* entries: 2006–2007, 2013, 2016.

In [May] 2016, researcher Martin Rasmussen, who investigated 1,000 of approximately 6,000 case files about members of the Frikorps Danmark (Danish Nazi volunteers who served in the Waffen SS and in concentration camps abroad), discovered that between half and two thirds of these (including payroll books and photographs) stored at the National Archives had been removed. They included documents central to the criminal case against Danish Nazi Helmuth Leif Rasmussen ([1925–])—accused of war crimes at the extermination camp near Bobruisk in Belarus—which were torn out of police reports, and materials about the paramilitary group Petergruppen (Peter group) which was responsible for the murder of the poet-priest Kaj Munch. The discovery of the removed files was immediately linked to a case of archival theft from 2012. In that year, it was discovered that Kim Dorph Vinther and Henrik Irdan had over many years stolen at least 1,062 pieces of Nazi memorabilia and documents (emblems, police reports, court files, and cases about deserters) from the National Archives and sold them to collectors. In 2013, they were sentenced to two years' and 21 months' imprisonment respectively. There were strong suspicions that more persons were involved in the archival theft.⁵⁸

DJIBOUTI

Previous *Annual Report* entries: 2008.

DOMINICAN REPUBLIC

Previous *Annual Report* entries: 2013.

⁵⁸ Anja Hansen, personal communication (4 May 2016), based on 7 Danish newspaper reports; AFP, "['Irreplaceable' Nazi-era Documents Stolen from Danish Archives](#)," *Telegraph* (25 October 2012).

ECUADOR

Previous *Annual Report* entries: 2005–2007, 2009–2016.

A truth commission set up by the administration of President Rafael Correa to investigate government abuses from 1984 to 2008 (from the beginning of the repressive presidency of León Febres Cordero [1984–1988] until Correa took office) documented 136 cases involving 456 victims, including 68 victims of extrajudicial execution and 17 of enforced disappearance. Progress by a special prosecutorial unit created in 2010 to investigate the cases was slow. According to government statistics from December 2015, judicial procedures had been initiated in only eight cases. In its periodic review of Ecuador in July 2016, the United Nations Human Rights Committee called on Ecuador to carry out timely investigations of cases documented by the truth commission, and bring those responsible to justice [see also *NCH Annual Reports 2007, 2009–2010, 2015*].⁵⁹

EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2016.

In April 2016, Khaled Fahmy, head of the history department at the American University in Cairo, [See also *NCH Annual Report 2013*] criticized the fact that foreign researchers had to obtain a security permit before they could work in the National Archives. For example, United States researchers were denied a permit for a project on the history of private presses in the nineteenth century. To obtain it, they had to follow a procedure which on average took three months after they had submitted a form, a recommendation letter from their university, a copy of their passports, a personal photograph and, often, a synopsis of their research project. Many permits for foreign researchers were denied. Fahmy denounced this state of affairs in which foreign researchers were seen or treated as spies.

Fahmy also related that when in about 1991 he did research in the Egyptian National Archives about the Levantine campaign led by Ibrahim Pasha, Mohamed Ali's son, from 1831 to 1840, he was barred from photocopying three maps: (1) a map of enemy Ottoman positions around Jaffa, on which Ibrahim's forces were preparing to march; (2) a proposed postal system to connect Ibrahim's command in the Levant and Cairo, with thirty points along a route that would deliver correspondence between Mohammed Ali and his son; and (3) a map illustrating a proposal of Ibrahim to his father in 1838 or 1839 to reinforce positions on Egypt's northern border by building naval fortifications across

⁵⁹ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 230.

the Delta coastline. The reason given was national security. According to Fahmy, after the Egyptian-Israeli border dispute over Taba (1988) following the 1979 peace treaty, the Egyptian team, which included historian Younan Labib Rizk, proved Egypt's claim to the town by using documents that showed Egypt exercised sovereignty over it. The evidence was supported by old maps, prompting the security apparatus to understand the significance of old maps for national security.

Examples of researchers denied a research permit included an Egyptian working on Mamluk history, a student working on the history of the Labour Corps during World War I, and a student working on the history of the British irrigation expertise in Egypt in the late 19th century (because of the dispute with Ethiopia over the Nile waters, it was feared to contain information that could harm Egypt's negotiating position—for example, information about Ethiopia's right to the Nile waters).⁶⁰

In January 2017, the NGO Cairo Institute for Human Rights Studies (CIHRS) published a report entitled [Toward the Emancipation of Egypt: A Study on Assembly Law 10/1914](#) (Cairo: CIHRS, 2017, 95 pages). Without properly consulting parliament, the British colonial authorities had issued the so-called Assembly Law during World War I (1914) in order to stifle dissent. Although the law was repealed by parliament in 1928, King Fuad I did not officially notify parliament of his objection to the repeal bill and the latter was not published in the *Official Gazette* and therefore never entered into force. Successive post-independence governments continued to apply it against meetings and demonstrations until the present day. The draconian law legalized the concept of collective liability, which allowed for mass sentences against participants in any assembly where a crime was alleged to have occurred, regardless of each participant's individual criminal liability.

The report was authored by a researcher specialized in modern Egyptian history who wished to remain anonymous together with legal researcher Salah al-Ansary. The authors' access to the National Archive was obstructed: an employee told the research team that the archives were not open to the public; access required affiliation with a university and the filing of an application. Since the topic was political, the application had to be approved by the General Intelligence, the National Security Council, and Homeland Security. The authors commented: "The requirement of security establishment approval to access historical documents dating back a century was odd indeed. The only explanation for such a procedure is that it reflects the state's attempt to control the historical record and narrative" (p. 16).

Several Egyptian lawyers and historians who were consulted for the report requested anonymity, fearing for their personal safety. The CIHRS Cairo office encountered several difficulties (registration duty, foreign funding prohibition), causing it to move some of its activities and staff to Tunisia. One of the lead researchers for the report left Egypt, amid fears that he could be convicted in connection

⁶⁰ Khaled Fahmy, "[Giulio, the Islands and National Security](#)," *Mada Masr* (23 April 2016); Lisa Anderson, "[Academic Freedom in a Globalized World](#)," *Science & Diplomacy* (17 August 2016).

with the foreign funding prohibition. The editor of the report was banned from travel.⁶¹

On 23 February 2017, the institution “Censorship of Artistic Works” banned the film “18 Days,” which covered events between the start of the Revolution on 25 January 2011 and the departure of President Hosni Mubarak on 11 February 2011 on the charge that it contained many obscene words. The same institution did not issue a permit to screen the film “The Last Days of the City” during the first quarter of 2017.⁶²

See also Israel, South Sudan.

EL SALVADOR

Previous *Annual Report* entries: 2001–2016.

In June 2016, a monitoring compliance hearing relating to two cases of enforced disappearance committed during the armed conflict (1980–1992) took place before the Inter-American Court of Human Rights. In September 2016, the Court rendered a judgment in one of the cases, *Contreras versus El Salvador*, and updated information about the criminal investigations and all the efforts made to identify and bring to justice those suspected of criminal responsibility for crimes under international law and human rights violations.

In July 2016, the Supreme Court declared the 1993 Amnesty Law unconstitutional, an important step forward for victims of past human rights violations seeking justice. Five days after the United Nations Truth Commission had published its recommendations in 1993, authorities had passed the Amnesty Law that had so far prevented investigations into the human rights violations committed during the conflict.

Four military officers who were the subject of a 2011 arrest warrant issued by a Spanish judge for their involvement in the 1989 killing of six Jesuit priests, their housekeeper and her daughter were reportedly arrested in February 2016. However, according to press reports, the Supreme Court denied the extradition request in August 2016. In September, a court ordered the reopening of the El Mozote case in which hundreds of civilians were executed by military officials in December 1981. During 2016, two former military officers who served as ministers of defense during the armed conflict were deported from the United States to El Salvador accused of human rights violations committed during

⁶¹ Cairo Institute for Human Rights Studies, [Toward the Emancipation of Egypt: A Study on Assembly Law 10/1914](#) (Cairo: CIHRS, 2017, 95 pages), 1–17.

⁶² Association for Freedom of Thought and Expression (AFTE), [The Quarterly Report on the State of Freedom of Expression in Egypt: First Quarter \(January–March 2017\)](#) ([Cairo]: AFTE, 2017), 14–15.

the 1980s.

In 2017, judge Ricardo Chicas reopened the case of the murder of Archbishop Oscar Romero, who was shot by a right-wing death squad in 1980 as he celebrated mass. The case against the prime suspect had been dismissed in 1993 as a result of the amnesty law. The ruling followed a 2016 decision by the constitutional court to repeal the amnesty law that prohibited criminal trials stemming from the civil war (1980–1992).⁶³

In late January 2017, United States (US) Congressman James McGovern met with President Salvador Sánchez Cerén and urged him to open the military archives relating to the more than 10,000 disappearances from the civil war (1980–1992) and to create a national commission to search for them. Official data report 75,000 dead and 8,000 missing. In August 2016, 27 Congressmen, including McGovern, called on President Barack Obama to declassify United States military and intelligence records and reports relating to unresolved cases of disappearances and human rights violations during the civil war. Some documents still remained classified, mainly those of United States intelligence agencies.⁶⁴

EQUATORIAL GUINEA

Previous *Annual Report* entries: —.

See Gambia.

ERITREA

Previous *Annual Report* entries: 2008, 2016.

⁶³ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 30, 151; "[El Salvador Judge Reopens Case of Slain Archbishop Romero](#)," *Telesur* (18 May 2017).

⁶⁴ EFE, "[Congresista de EE.UU. pedirá a El Salvador abrir archivos de la guerra civil](#)," *El Mundo* (27 January 2017); "[A Leader on Human Rights, McGovern to Receive Testimonies of Families Whose Loved Ones Disappeared During Civil War](#)" (press release: 27 January 2017).

ESTONIA

Previous *Annual Report* entries: 2007, 2010, 2015.

On 31 May 2017, nationalist politician Georg Kirsberg of the far-right Conservative People's Party vowed in his election campaign to decriminalize Holocaust denial and outlaw instead revisionism on the Soviet domination of Estonia.⁶⁵

ETHIOPIA

Previous *Annual Report* entries: 1998–2011, 2015–2016.

Large-scale and unprecedented protests swept through Ethiopia's largest region of Oromia beginning in November 2015, and in the Amhara region from July 2016. Ethiopian security forces cracked-down on these largely peaceful demonstrations, killing more than 500 people. Protesters from Oromia expressed concerns over decades of historical grievances and the wrongful use of lethal force by the security forces. Similar protests and a resultant crackdown had occurred in Oromia in April and May 2014 [see also *NCH Annual Reports 1998, 2000, 2003, 2015–2016*].⁶⁶

In October 2016, security services started killing people at the annual Irreecha festival—a thanksgiving celebration of the Oromos at which those attending wear traditional clothes and sing resistance songs—in Bishoftu. The numbers killed were disputed: official sources counted 52 deaths, Oromo Federalist Congress activists claimed that 678 people died. Many condemned the attack as a massacre and an “attack on Oromo identity.” After the crackdown, pictures of the festival goers who were killed were published internationally, but the state shut down all access to the outside world.⁶⁷

The right of people to leave the country was restricted. If people seeking to leave were caught by the military during national holidays to commemorate independence, they were subject to higher fines than on other days.⁶⁸

See also Egypt.

⁶⁵ [“Estonian Politician Vows to Legalize Holocaust Denial,”](#) *Arutz Sheva: Israel National News* (10 July 2017).

⁶⁶ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 251, 253.

⁶⁷ Ismail Einashe, “Ethiopia in Crisis, Closes Down News,” *Index on Censorship*, 45, no. 4 (Winter 2016), 32–35.

⁶⁸ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 154.

FIJI

Previous *Annual Report* entries: 2004, 2006, 2010.

FINLAND

Previous *Annual Report* entries: 2011–2012.

On 5 May 2017, the government and the Sámi parliament officially agreed to launch a truth and reconciliation process. The chairwoman of the Sami parliament, Tiina Sanila Aikio, said that negotiations were beginning on what the content, mandate and resources of the commission would be. The relationship between the government and the Sámi parliament had been difficult in the past few years, among other reasons, because of the rejection of Sámi bills during the previous government term.⁶⁹

FRANCE

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2014, 2016.

In December 2016, the Collective against Islamophobia in France and a French human rights organization that was founded by Jews in the 1920s sued Morocco-born French-Jewish scholar Georges Bensoussan ([1952–]), author of *Jews in Arab Lands* (2012) and editor of *The Shoah History Review*, before the 17th Criminal Tribunal of Paris on charges of incitement to racial hatred for remarks about the anti-Semitism of Muslim French made in 2015 during an interview aired on France Culture radio station. Bensoussan had said: “In French Arab families, babies suckle anti-Semitism with their mothers’ milk.” Bensoussan argued that he had paraphrased Algerian sociologist and filmmaker Smain Laacher. In reality, Laacher had said in an interview that for many Arab families, anti-Semitism is in “the air that one breathes.” Bensoussan told the court that he had apologized several times to those who were hurt by his comments and that he did not mean to generalize his remarks to all Muslims. In a statement of 16 December 2016, scholars called Bensoussan’s remarks legitimate criticism and dismissed the charge as an attempt at intimidation. On 7 March 2017, the tribunal acquitted Bensoussan, ruling that the plaintiffs had failed to substantiate the charges and

⁶⁹ Yle Sapmi, “[Truth and Reconciliation Commission May Be Launched in Finland Already after Summer.](#)” *The Independent Barents Observer* (11 May 2017).

concluding that Bensoussan merely “misspoke” in quoting Laacher without intention to incite hatred.⁷⁰

On 26–28 May 1967 at Pointe-à-Pitre, capital of Guadeloupe, a strike of construction workers (which began on 24 May 1967) for a wage increase of two percent developed into a major clash between the CRS (French mobile police forces or Képis rouges) and black workers, students, and other protesters. The prefect Pierre Bolotte ordered to shoot, leading the CRS and French army to kill 87 persons and wound several hundreds. One of the first people to be shot and killed was Jacques Nestor, believed to be a member of Groupe d’organisation nationale de la Guadeloupe (GONG), a clandestine movement for Guadeloupean independence. Although Guadeloupeans had demanded an inquiry into the killings since 2005, all relevant archives (of hospitals, barracks, offices of mayors) mysteriously disappeared; the archives in France were inaccessible. A French inquiry in 2014–2016 said that “due to lack of evidence, it was impossible to ascertain the number of people who died.” The official record held that seven were killed. France never officially acknowledged its role in the massacre. The intelligence police reports from 1967, initially classified for 50 years, were mandated—on the eve of the 50th anniversary of the massacre—to remain closed for another 25 years. On 24 April 2017, a collective of Guadeloupean associations and workers’ movements made plans to commemorate the massacre’s fiftieth anniversary in Paris.⁷¹

See also Algeria, Burkina Faso, Greece, Morocco, Rwanda, Senegal, Tunisia, United States.

⁷⁰ [“Leading Jewish Scholar Prosecuted in France for Alleged anti-Muslim Remarks,”](#) *Haaretz* (20 December 2016); Shirli Sitbon, [“French Historian Georges Bensoussan Sued over ‘Arab Hate’ Comment,”](#) *Jewish Chronicle* (7 February 2017); [“French Jewish Historian Cleared of Hate Speech Charges against Muslims,”](#) *Jewish Telegraphic Agency* (8 March 2017).

⁷¹ [“Guadeloupe: Appel pour la vérité, la justice, la réparation et la réhabilitation pour les victimes des massacres des 26 et 27 mai 1967 à Pointe à Pitre,”](#) *CaribCreoleNews* (24 April 2017); Susannah Savage, [“50 Years On: Guadeloupeans Remember French Brutality,”](#) *Al-Jazeera* ([May] 2017).

GABON

Previous *Annual Report* entries: 2016.

GAMBIA

Previous *Annual Report* entries: 2016.

On 23 March 2017, Justice Minister Abubacarr Tambadou said in a statement that a Truth and Reconciliation Commission would be set up and reparations would be offered to victims of former President Yahya Jammeh's government, which was accused of the torture and killing of perceived opponents. The government would also probe the finances of Jammeh, who fled into exile in January 2017 to Equatorial Guinea after a rule that began in 1994 when he seized power in a coup. Public hearings would be expected to commence by the end of 2017.⁷²

GEORGIA

Previous *Annual Report* entries: 1998, 2003, 2010–2012, 2014, 2016.

See Russia.

GERMANY

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2013, 2015–2016.

In early 2017, Jörg Baberowski, professor of Eastern European history at Humboldt University in Berlin, filed an interim injunction with the Cologne District Court against the General Student Committee Asta, a left-wing student union, at the University of Bremen with the aim of prohibiting as defamation the reproduction or circulation of Asta leaflets which criticized Baberowski's statements on Nazi crimes and refugees. After Baberowski had addressed a political meeting in Bremen, Asta had accused him of glorifying violence and playing down arson attacks on refugee hostels as a natural response by outraged citizens. The union also claimed that he advocated racism, confronted people

⁷² "[Gambia to Set Up Truth and Reconciliation Commission](#)," *Reuters* (23 March 2017).

with sheer hatred and represented right-wing radical positions. When the injunction was granted, Asta objected and proceedings were held. In March 2017, the court ruled that whereas the student union had the right to call Baberowski a “right-wing radical,” it must not take his controversial statements about refugees out of context because this violated his right to publicity.

In February 2014, Baberowski had told *Der Spiegel* that he shared historian Ernst Nolte’s views in the 1986 “Historikerstreit” on the singularity of the Holocaust. He compared Hitler with Stalin in *Der Spiegel*, claiming that Hitler was not “a psychopath, he wasn’t cruel, and he tolerated no mention of the extermination of the Jews in his presence.” Stalin, on the other hand, “had fun adding names to the death lists and signing them. He was evil-minded, a psychopath.” Further debate arose when Baberowski spoke at the German Museum of History in Berlin at the height of discussions over Germany possibly engaging in the Iraq and Syrian crises, stating: “If one is not prepared to take hostages, burn villages to the ground, hang people and spread fear and terror, which is what the terrorists are doing, one cannot win such a conflict.” Attempts by students to organize an event at Humboldt University to address these remarks were initially blocked by university officials, who spoke of a possible “defamation of staff members.” But the meeting was eventually held. In early December 2014, Peter Burschel, director of the Humboldt University history department, issued a statement calling on students and teaching staff to counter what he called a campaign against Baberowski.⁷³

On 2 June 2016, the German parliament approved overwhelmingly (one vote against, one abstention) a resolution describing the 1915 massacre of Armenians by Ottoman Turks as a genocide. The resolution used the word “genocide” in the headline and text. It also said that Germany, at the time an ally of the Ottomans, bore some guilt for doing nothing to stop the killings. The German government distanced itself from the resolution. In Istanbul, armed riot police were deployed outside the German consulate, near Taksim square, where a protest against the vote was taking place. Days later, eleven German members of parliament (MPs) of Turkish origin were put under police protection as they received death threats after supporting the motion. Turkish President Recep Tayyip Erdogan had questioned the Turkishness of the eleven. A tweet of Ankara’s mayor showing the eleven MPs and saying they had “stabbed us in the back,” was retweeted by many Turkish nationalists, some of whom made death threats. A group of Turkish lawyers reportedly filed a complaint accusing the MPs of “insulting Turkishness and the Turkish state.” The leader of Germany’s Green Party, Cem Özdemir—who initiated the debate on the genocide in the Bundestag—told a newspaper that he had been

⁷³ Michael Gardner, “[University Defends Controversial Scholar](#),” *University World News* (5 December 2014); “[Germany: Growing Support for Defense of Bremen University Students against Right-wing Professor Jörg Baberowski](#),” *World Socialist Web Site* (6 February 2017); Michael Gardner, “[Controversial German Professor ‘Hounded by Commissars’](#)” *University World News* (31 March 2017).

emailed threats.⁷⁴

On 22 October 2016, Manfred Grieger's contract as head of historical communication of Volkswagen (VW) was terminated. He was replaced by archivist Ulrike Gutzman. The apparent reason for Grieger's departure (which many called a dismissal) was his critical 2015 review of a 518-page 2014 study of the World War II labor practices of Auto Union (now Audi), a VW subsidiary. The review received scant attention until the German business weekly, *Wirtschaftswoche*, mentioned it in late August 2016. Grieger had written that the 2014 study was biased and played down the relationship between Auto Union officials and the Nazi elite during World War II. An open letter drafted by historian Hartmut Berghoff and signed by 75 German academics accused VW of a vindictive punishment.

With Hans Mommsen, Grieger co-authored an exhaustive study financed by VW and published in 1996, exposing how the company had made extensive use of forced labor during World War II, when its factory in Wolfsburg produced weapons and military equipment. The book also uncovered embarrassing information about Ferdinand Porsche and Anton Piëch; the sons of the latter owned a majority of VW's voting stock since 2012.⁷⁵

See also Hungary, Namibia, Poland, Russia, Rwanda, Tanzania, Ukraine, United States.

GHANA

Previous *Annual Report* entries: 2002, 2004–2008.

In October 2016, the authorities announced that they would remove a statue of the Indian leader and pacifist Mahatma Gandhi (unveiled by Indian President Pranab Mukherjee in June 2016) from the University of Ghana's Legon campus in Accra and relocate it. The statue had sparked protests over Gandhi's racism: when he lived in South Africa at the turn of the 19th and 20th centuries, he had advocated the superiority of Indians over black Africans and used the derogatory term *kaffir* to refer to native Africans.⁷⁶

⁷⁴ "[Armenia 'Genocide' Row: Turkey Recalls Envoy to Germany after Vote](#)," *BBC News* (2 June 2016); "[Eleven German MPs under Police Protection in 'Genocide' Row](#)," *BBC News* (12 June 2016).

⁷⁵ "[VW Fires Corporate Historian—Views on World War II Era to Blame?](#)" *Europe Online Magazine* (22 October 2016); Alison Smale & Jack Ewing, "[Volkswagen Parts Ways With the Historian Who Chronicled Its Nazi Past](#)," *New York Times* (2 November 2016).

⁷⁶ Abigail Abrams, "[Ghana Will Remove 'Racist' Gandhi Statue From Its Oldest University](#)," *Time* (6 October 2016); "[Petition: Gandhi's Statue at the University Of Ghana Must Come Down](#)" (12 September 2016).

GREECE

Previous *Annual Report* entries: 1995, 1999, 2004–2011, 2013–2016.

In [October] 2016, British historian Sheila Lecoer, lecturer in Italian at the Imperial College, London, and her Greek publisher Alexandria Publications were sued for defamation in Athens by the family of the late Vayias Vaitsis. In the original English edition and the 2013 Greek translation of her book *Mussolini's Greek Island: Fascism and the Italian Occupation of Syros in World War II* (2009), Lecoer had mentioned that in 1944 Vaitsis had accepted the post of acting prefect of Syros, capital of the Cyclades archipelago, under the quisling government of Prime Minister Ioannis Rallis (1878–1946) and the German occupation force (October 1943–November 1944). She also wrote that “a continuing controversy surround[ed] his name” (pages 182–183 of the 2009 edition). The family demanded 300,000 euros in damages as they claimed that Vaitsis’s reputation was tarnished and many inhabitants of the island now considered him to be a traitor and Nazi collaborator. The trial was planned for 27 October 2016.⁷⁷

In [November] 2016, deputy Education Minister Kostas Zouraris reportedly suggested openly that the neo-Nazi political party Golden Dawn should harass historian, history textbook author and member of parliament Maria Repoussi. He spoke about her in derogatory terms. He also reportedly accused some historians of being paid agents by “enemies of the nation” from abroad.⁷⁸

In [May] 2017, human rights activist Panayote Dimitras, head of the Greek Helsinki Monitor and of Racist Crimes Watch [See also *NCH Annual Report 2008*], filed a lawsuit against author, columnist and historian Soti Triantafyllou (1957–) under the anti-racism legislation over claims she had defamed Islam and incited violence via a quote in one of her articles. This quote, which she attributed to 13th-century Venetian traveler Marco Polo (1254–1324), said, “The militant Muslim is the person who beheads the infidel, while the moderate Muslim holds the feet of the victim.” Dimitras claimed that Triantafyllou could have verified the quote, which was never uttered by Marco Polo. The article, entitled “Rock and Roll will Never Die,” was published in the free magazine *Athens Voice* in November 2015, the day after jihadi gunmen burst into the Bataclan music hall in Paris and killed ninety people during a series of terrorist attacks. In several of her writings, Triantafyllou had criticized radical Islam and the underestimation of the threat of Islamic extremism. She was set to appear in court on 21 July 2017. Dimitras had to prove that the author acted with an intention to incite violence,

⁷⁷ [Network of Concerned Historians Campaign](#); “[Petition for Sheila Lecoer: Greek version](#)” (19 October 2016); “[Petition for Sheila Lecoer: English version](#)” (24 October 2016); Damian Mac Con Uladh, personal communications (19 and 25 October 2016).

⁷⁸ Antonis Liakos, personal communication (7 November 2016).

hate or discrimination against Islam in a way that endangered public order.⁷⁹

On 2 and 8 May 2017, historian Polymeris Voglis (1964–), the head of a committee appointed by the education minister to propose revisions to primary school history textbooks, was targeted by Proto Thema, one of the biggest-selling Sunday tabloids. In two successive issues, he was attacked as an enemy of the nation: someone who called FYROM “Macedonia” and who termed the Greek civil war (1946–1949) as a “revolution”. He was also called a “janissary” of the minister in the second article, which included comments from one academic and some other non-academic historians attacking him as “illiterate” and as someone who wanted to “denationalize” Greece. The Pan-Hellenic Association of Philologists also condemned the revisions.⁸⁰

See also Bangladesh.

GRENADA

Previous *Annual Report* entries: 2007.

GUATEMALA

Previous *Annual Report* entries: 1995–2016.

Civil society organizations continued to push for approval of Law 3590, which would create a National Commission for the Search for Victims of Enforced Disappearance and Other Forms of Disappearance. The law, which was first presented before Congress in 2006, had not been discussed by the end of 2016.

In February 2016, a court convicted two former military officers on charges of crimes against humanity in the form of sexual violence and domestic and sexual slavery. It was the first time that a Guatemalan court had prosecuted a case of sexual violence related to the country’s 36-year internal armed conflict (1960–1996). The victims were 15 Maya Q’eqchi’ women.

José Efraín Ríos Montt, former President and commander-in-chief, was found guilty in May 2013

⁷⁹ Damian Mac Con Uladh, personal communication (18 May 2017); Harry van Versendaal, “[Lawsuit over Islam Comments Tests Boundaries between Controversial Language and Free Speech](#),” *Ekathimerini.com* (23 May 2017); “[Soti Triantafyllou](#),” *Wikipedia* (retrieved 23 May 2017).

⁸⁰ Damian Mac Con Uladh, personal communication (18 May 2017); Philip Chrysopoulos, “[Greek Philologists Criticize Education Ministry for Biased History Books](#),” *Greek Reporter* (18 May 2017).

of genocide and crimes against humanity. He was sentenced to 80 years' imprisonment, but several days later the Constitutional Court overturned the verdict on procedural grounds. Ríos Montt had led a military government from 1982 to 1983, when the military carried out hundreds of massacres of unarmed civilians. In August 2015, a trial court declared Ríos Montt mentally unfit for retrial, ruling instead that he should be represented by his lawyers in a special closed-door proceeding. In October 2015, an appellate court rejected a two-year-old petition by Ríos Montt's attorneys to apply a 1986 amnesty decree that would put an end to his prosecution, ruling that the decree, applicable to "all political and related common crimes" committed between March 1982 and January 1986, did not apply to genocide and crimes against humanity. The trial remained stalled at the end of 2016.

In recent years, the Attorney General's Office had obtained convictions in several other cases involving human rights crimes committed during the internal conflict. In 2011, four army Special Forces soldiers received lengthy sentences for their role in the 1982 Dos Erres massacre of more than 250 people. In 2013, former National Police Chief Héctor Bol de la Cruz received a 40-year sentence for ordering the disappearance of a student activist in 1984. In January 2015, former Police Chief Pedro García Arredondo was sentenced to 90 years' imprisonment for a raid on the Spanish embassy in 1980, in which 37 people burned to death. In July 2014, Fermín Felipe Solano Barillas became the first ex-guerrilla to be convicted in connection with atrocities. Found guilty of ordering the massacre of 22 residents of the town of El Aguacate in 1988, he was sentenced to 90 years' imprisonment.⁸¹

GUINEA

Previous *Annual Report* entries: 2007, 2009–2016.

More than seven years on, Guinea had yet to deliver justice for the grave crimes committed in September 2009, when security forces massacred some 150 opposition supporters and raped over 100 women. The crimes were committed during the military rule of then-Captain Moussa Dadis Camara. The panel of judges appointed in 2010 to investigate the massacre made important strides despite political, financial, and logistical obstacles. They had interviewed more than 400 victims and charged some fifteen suspects, including several high-level members of the security forces and the former junta leader, Camara. While the investigation appeared to enjoy increased political and financial support from the government, the failure to suspend high-level suspects from their government posts, the March 2016 appointment of accused General Mathurin Bangoura to the position of governor of

⁸¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 173; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 294–295.

the capital Conakry, and the failure to close the investigation, raised concern. In late 2016, several investigative aspects remained outstanding, including the questioning of key witnesses and locating mass graves believed to contain the bodies of some one hundred victims who remained unaccounted for.⁸²

In August 2016, the Provisional Commission on National Reconciliation (CPRN) submitted its final report to President Alpha Condé. The CPRN was established by presidential decree in 2011 to explore the roots of decades of political and communal violence and present a roadmap for addressing them. The report made 22 recommendations, including the creation of an independent truth commission, justice for key perpetrators, and reparations for victims of political and communal violence. The National Human Rights Commission (INIDH), established in 2015 and mandated by the 2010 constitution, largely failed to fulfil its mandate and suffered from a lack of credibility as a few commissioners quit amid concerns over lack of fiscal transparency.⁸³

GUINEA-BISSAU

Previous *Annual Report* entries: 1999, 2012, 2015.

GUYANA

Previous *Annual Report* entries: 1997.

⁸² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 176; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 299–300.

⁸³ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 300–301.

HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2013–2016.

The United Nations Human Rights Committee and the United Nations independent expert on Haiti both called on Haiti to continue investigations into financial and human rights crimes allegedly committed during former President Jean-Claude Duvalier's tenure as president (1971–1986). They called on Haiti to bring to justice all those responsible for serious human rights violations committed during Duvalier's tenure. Allegations of violations included arbitrary detentions, torture, disappearances, summary executions, and forced exile. Duvalier died in 2014, six months after the Port-of-Prince Court of Appeal ruled that the statute of limitations could not be applied to crimes against humanity and ordered that investigations against him should continue. A reopened investigation into crimes committed by Duvalier's collaborators remained pending in late 2016.⁸⁴

HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2015.

HONG KONG

Previous *Annual Report* entries: 1996. *See* China.

HUNGARY

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2016.

On 31 August 2016, Ágnes Heller and János Weis founded the Lukács Archive International Foundation (LAIF) to support the survival of the Lukács Archives. György Lukács (1885–1971) was a renowned Jewish philosopher and literary historian known for his original views of the Marxist

⁸⁴ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 30, 179; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 306.

doctrine [see *NCH Annual Report 2016*].⁸⁵

In March 2017, the city council of Budapest, which was dominated by the ruling Fidesz party, announced plans to remove the statue of György Lukács from Szent István Park. The statue was to be replaced by that of King (and Saint) Stephen (975–1038), considered the founder of the Hungarian State and the person who converted the Hungarian tribes to Christianity.⁸⁶

On 15 May 2017, German Holocaust denier Horst Mahler (1936–) was arrested in Hungary after illegally leaving Germany. Mahler had announced that he was seeking asylum in Hungary. He was a former Marxist urban guerrilla who became a far-right extremist; he had been sentenced to ten years' imprisonment for Holocaust denial in 2009 but released in 2015 due to ill health and placed on probation. Mahler's parents had been Nazi Party members, even though Mahler had Jewish ancestors.⁸⁷

⁸⁵ [Network of Concerned Historians Campaign](#); "[Protest Against Closing Down the Lukács Archiv](#)" (Petition; 8 March 2016); Alex Doherty, "['History Has a Habit of Intruding': Save the Lukács Archive](#)" (14 March 2016); "[György Lukács](#)," *Wikipedia* (31 March 2016); "[Statement on the Formation of the Lukács Archive International Foundation \(LAIF\) \(Hungarian: LANA\)](#)" (31 August 2016).

⁸⁶ Vladislav Davidzon, "[Statue of György Lukács in Budapest to Be Removed](#)," *Tablet* (30 March 2017).

⁸⁷ Sewell Chan, "[Horst Mahler, German Holocaust Denier, Is Arrested in Hungary](#)," *New York Times* (15 May 2017).

INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2016.

In early 2016, officials, including Muhammad Shafi Zahid, director of the Department of Archives and Archaeology of the government of Jammu and Kashmir, and Abdul Ahad, its former director, reported that after independence, and especially after 1985, the government of Jammu and Kashmir, and particularly its judiciary and police departments, had broken the archives law by not regularly transferring documents to the archives. This endangered the writing of history, including about the 1953 events (when Prime Minister of Jammu and Kashmir Sheikh Abdullah was dismissed and later arrested). The police department was said to have an own archive. There were no significant records of the Jammu and Kashmir Assembly available: two volumes of Jammu and Kashmir Constituent Assembly debates and a copy of the debates of the Autonomy resolution, which was passed by the Assembly in 2000 for restoration of the pre-1953 status to Jammu and Kashmir, were available at the Assembly while the rest was untraceable or available in bits and pieces. On 22 April 2016, minister for finance and culture Haseeb Drabu issued a six months' deadline to the department of archives to archive all cabinet decisions.⁸⁸

On 12 February 2016, Kanhaiya Kumar—a doctoral student in African studies, elected president of the Jawaharlal Nehru University Student Union (JNUSU) and a member of the student wing of the Communist Party of India—was arrested after a campus event on 9 February 2016 for allegedly shouting anti-India slogans at a protest against the hanging in February 2013 of Afzal Guru, a Kashmiri activist convicted of playing a role in the 2001 attack on the Indian parliament. On 24 February 2016, Umar Khalid and Anirban Bhattacharya, two PhD students in history, were arrested in connection with their participation in the same demonstration. The three were interrogated on charges of sedition. After their release on bail, Kumar gave a speech on campus about poverty, caste and freedom. Subsequently, JNU took disciplinary action against the three. Also in 2016, violent clashes had broken out in Ramjas College over an invitation to Umar Khalid⁸⁹

In February 2016, scholars in India, led by a professor at the Indian Institute of Technology Bombay,

⁸⁸ Naseer Ganai, "[Jammu and Kashmir Archives Denied Record for Past 6 Decades](#)," *Mail Today* (12 January 2016); "[Official Documents, Cabinet Decisions not Archived since 1985](#)," *Kashmir Reader* (23 April 2016).

⁸⁹ Saikat Majumdar & Prakash Shah, "[The Battle for the Indian Mind](#)," *Times Higher Education* (5 May 2016); PEN & International Human Rights Program, *Fearful Silence: The Chill on India's Public Sphere* (Toronto / London 2016), 8, 18; PTI, "[JNU Row: Umar Khalid, Anirban Bhattacharya's Police Custody Extended by 2 More Days](#)," *Indian Express* (27 February 2016); Scholars at Risk, *Free to Think 2016: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: Scholars at Risk, 2016), 6–7; Vasudha Venugopal, "[Universities to Dedicate a Wall to War Heroes](#)," *The Economic Times* (2 May 2017).

initiated a petition calling for the removal of Sheldon Pollock, a Sanskrit scholar working at Columbia University, as chief editor of a Harvard University Press series of Indian classical texts on the grounds that his writings “misrepresented our cultural heritage” and that he had “shown disrespect for the unity and integrity of India” In the past, Pollock had received the Indian president’s award for Sanskrit and the Padma Shri Award. The scholars also criticized his support for recent statements condemning the arrest of student leader Kanhaiya Kumar at New Delhi’s Jawaharlal Nehru University on the charge of sedition (see item above). Radical Hindu activist Rajiv Malhotra accused Pollock of engaging in a “tendentious reading of the Indian past and of its present problems that is fixated on caste, class, race and gender oppression and regards our cultural achievements as tainted by this legacy.”⁹⁰

In [late April] 2016, Anurag Thakur, member of the Lok Sabha belonging to the ruling Bharatiya Janata Party (BJP), named Bipan Chandra (1928–2014), Aditya Mukherjee (1950–), K. N. Panikkar (1936–), Sucheta Mahajan (1958–), and Mridula Mukherjee (1950–) (all current or former historians of Jawaharlal Nehru University) in parliament and attacked their book *India’s Struggle for Independence*. He alleged that the authors used the term “terrorist” for Bhagat Singh (1907–1931), a revolutionary socialist who was influential in the Indian independence movement, and that this amounted to willful defamation of a national hero. He asked for an inquiry. Chandra c.s., however, never used the term “terrorist” to describe Singh although the latter used the term to describe himself. Chandra c.s. sometimes spoke of a “revolutionary terrorist.” Gradually, when the connotation of the term “terrorist” became negative, Chandra stopped using it. In 2007, he issued a public statement urging that it should be dropped; he used the phrase “revolutionary socialist” instead. The book under attack, however, still carried the earlier terminology as it was a 1988 edition which was never revised, although reprinted fifty times. The co-authors issued a statement on the day of the attack saying that they wanted to change the term with immediate effect and wrote to the publishers of the English and Hindi versions to do so. Nevertheless, the sale of the book remained prohibited by Delhi University, RSS ideologue Dinanath Batra demanded destruction of the English copies, and criminal cases were filed in Kanpur court (Uttar Pradesh) against the authors.⁹¹

In June 2016, a special court in Gujarat convicted 24 people for their involvement in the mass killing of 69 people by a Hindu mob in Gulbarg Society, a Muslim neighborhood in Ahmedabad, during the

⁹⁰ Elizabeth Redden, “[Scholars Who Study Hinduism and India Face Hostile Climate](#),” *Inside HigherEd* (12 April 2016); Saikat Majumdar & Prakash Shah, “[The Battle for the Indian Mind](#),” *Times Higher Education* (5 May 2016).

⁹¹ Mridula Mukherjee, “[A History of Their Own: Behind the Bhagat Singh Controversy Lies an Attempt to Impose One Notion of Nationalism](#),” *Indian Express* (4 May 2016); Romila Thapar and others, *Bipan Chandra and Bhagat Singh* (booklet; 2016); Kashmir Dhankhar, personal communications (3 May 2016; 10 & 13 & 16 July 2016).

2002 Gujarat riots. While pronouncing the verdict, the court called the killings the “darkest day in the history of civil society.” But some victims’ families, lawyers, and rights activists criticized the acquittals of senior Bharatiya Janata Party leaders and a police official.⁹²

In July 2016, the High Court in Chennai (Madras) rejected a series of petitions demanding the prosecution of Tamil novelist Perumal Murugan ([1966–]). In December 2013, Murugan had published a novel, *Madhorubhagan* (English: *One Part Woman*, published by Penguin). Set in the early twentieth century in the village Namakkal, Tiruchengode, Tamil Nadu, it told the story of a poor, childless couple, of which the wife participated in a sex ritual during an ancient chariot festival in order to conceive. In 2015, Hindu and caste-based groups protested against the book, saying that the “fictitious” extramarital sex ritual at the center of the plot insulted the town, its temple and its women. Copies of the novel were burned and a petition sought the arrest of Murugan, although the latter asserted that the scenario was based on historical fact. He was forced to a “settlement” with a “peace council” in Tamil Nadu state, according to which Murugan agreed to apologize for his novel and withdraw all unsold copies of the book. Murugan also announced that he gave up writing. The court declared the settlement not binding.⁹³

On 19 July 2016, the Supreme Court criticized Congress vice-president Rahul Gandhi for his remark that the Hindu nationalist Rashtriya Swayamsevak Sangh (RSS) was behind the 1948 assassination of Mahatma Gandhi and indicated that he would have to face trial for criminal defamation and prove that he made the statement in the public interest. Gandhi made the comment in March 2014 during a parliamentary election rally at Bhiwandi, Maharashtra; it led to a criminal complaint filed by RSS activist Rajesh Kunte. On 13 May 2016, the Supreme Court had ruled that India's criminal defamation law did not have a chilling effect on free speech, and told three petitioners who challenged the constitutional validity of Indian Penal Code Sections 499 and 500 (making defamation a criminal offense punishable with up to two years’ imprisonment), including Rahul Gandhi, that they would have to stand trial in the cases against them.⁹⁴

On 5 November 2016, the police of Bastar district, Chhattisgarh state, lodged a First Information

⁹² Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 316–317.

⁹³ [“Perumal Murugan: Indian Court Drops Charges against Author,”](#) *BBC News* (5 July 2016); Soutik Biswas, [“How an Indian Writer ‘Returned from the Dead,’”](#) *BBC News* (25 August 2016); PEN & International Human Rights Program, *Imposing Silence: The Use of India’s Laws to Suppress Free Speech* (Toronto / London 2015), 43.

⁹⁴ Krishnadas Rajagopal, [“SC Slams Rahul Gandhi in Defamation Case,”](#) *The Hindu* (19 July 2016); Dhananjay Mahapatra, [“RSS killed Gandhi: Express Regret or Face Trial, Supreme Court Tells Rahul Gandhi,”](#) *Times of India* (19 July 2016); Betwa Sharma, [“Criminal Defamation: The Urgent Cause that Has United Rahul Gandhi, Arvind Kejriwal and Subramanian Swamy,”](#) *Huffington Post* (15 July 2015).

Report (FIR) against Nandini Sundar (professor of sociology at Delhi University), Archana Prasad, a history professor at Jawaharlal Nehru University and a member of the All India Democratic Women's Association, Vineet Tiwari (Joshi-Adhikari Institute in Delhi and member of the Communist Party of India), Sanjay Parate (Chhattisgarh State Secretary of the Communist Party of India [Marxist]) and others along with Maoists for the murder of anti-Maoist activist Shamnath Baghel based on a complaint of the latter's wife. They were charged with criminal conspiracy, murder, and punishment for rioting. Naxals (members of a Maoist guerrilla group) allegedly killed Baghel on 4 November in Nama village. Sundar and the other accused said that the charges were fabricated as part of pressure tactics against scholars and activists documenting human rights abuses committed by the police in the state.

Sundar, who had studied tribal-dominated Bastar since 1990, had initiated a public-interest litigation (PIL) against human right violations in Chhattisgarh in 2007. This led the Supreme Court in 2011 to ban the violent, government-sponsored Salwa Judum vigilante movement. More recently, in May 2016, Sundar, Prasad, Tiwari and Parate belonged to a fact-finding team that looked into the impact of Maoist violence and state excesses on ordinary villagers in Bastar, finding that they were not only victims of fake encounters, gang rapes and arrests (by the police and security forces), beatings (by both police and Maoists), killing of informers (by Maoists), but were also increasingly falling prey to a new form of Salwa Judum. The scholars and activists were allegedly intimidated and harassed by the police. One month earlier, in April 2016, Baghel and other villagers had formed a security group and spearheaded the protest against Naxal activities in their village. Since May 2016, they had reportedly received threats from Maoists after they had filed a complaint against Sundar, Prasad, Tiwari, Parate and others for allegedly inciting tribals against the government and seeking their support for the Maoists during the fact-finding mission. They alleged that Sundar and the others had "threatened" the villagers not to oppose the Maoists—an accusation the scholars called a fake charge. On 8 October 2016, Sundar's book on the conflict in the region, *The Burning Forest: India's War in Bastar*, was released. On 24 October 2016, the police and security forces in Chhattisgarh burnt effigies of critics of human rights violations, including Sundar, at an official protest. Prasad was an expert in the contemporary history of adivasi (ethnic and tribal groups considered the aboriginal population of India); she focused on the ideologies of resistance and forms of protest amongst adivasi workers through the collection of their oral histories.⁹⁵

In 2013, some Tamil Nadu politicians claimed that the Nadar community was depicted in a poor light in a National Council for Educational Research and Training (NCERT) social science textbook for

⁹⁵ "[After Burning their Effigies, Chhattisgarh Police Now Charge Critics With 'Murder'](#)," *The Wire* (8 November 2016); "[DU Professor Nandini Sundar Booked for Tribal Man's Murder](#)," *The Hindu* (8 November 2016); Anjali Puri, "[Burning the Constitution Among the Tribals](#)," *The Wire* (book review of *The Burning Forest*; 8 October 2016).

Class IX, *India and the Contemporary World-1* (used by the Central Board of Secondary Education [CBSE] and 15 state boards). A chapter entitled “Clothing: A Social History” mentioned that the Nadars were toddy-tappers and had migrated to the southern Travancore state in the nineteenth century to work under Nair landlords. The recommendation of the NCERT’s textbook development committee (that had prepared the book) to delete these references was carried out. On 19 December 2016, the CBSE decided to remove the section entitled “Caste, Conflict and Dress Change” from the textbook, following an order by the Madras High Court to remove “objectionable content.” The section discussed how the Nadars were forced to keep their upper bodies uncovered by the caste council of the Nairs of Travancore state in the early 1800s. This was perceived as a sign of respect towards the “upper” castes, and they had to pay a so-called “breast tax” if they chose to cover themselves. In 1822, the practice sparked the Channar Revolt, in which women from the Nadar and Ezhava communities demanded the right to wear the same clothing as “upper” caste women. Hostility continued until 1858. While some groups approved the removal of the section, saying that its content was “degrading” and “inaccurate,” historians condemned it as “sanitizing history” and “erasing the anti-caste struggle.”⁹⁶

On 19 April 2017, the Supreme Court ruled that Bharatiya Janata Party (BJP) leaders Lal Krishna Advani (a former deputy prime minister), Murli Manohar Joshi (a former government minister) and Uma Bharti (a current government minister) had to be tried for criminal conspiracy over the 1992 destruction of the mosque at Ayodhya. The three leaders, who denied any wrongdoing, had made inflammatory speeches that encouraged Hindu mobs to tear down the Babri mosque at Ayodhya on December 1992. The riots that followed killed nearly 2,000 people. The Court added that the trial had to be concluded in two years. It had been hearing the case since 2011 after setting aside the 2010 Allahabad High Court ruling [See also *NCH Annual Reports 2002–2004, 2006–2007, 2010–2011, 2015*].⁹⁷

See also Ghana, United Kingdom, United States.

⁹⁶ Basant Kumar Mohanty, “[Assam Boy Forces Textbook Revision](#),” *Telegraph* (5 February 2014); Maya Palit, “[The CBSE Just Removed an Entire History of Women’s Caste Struggle](#),” *The Wire* (24 December 2016).

⁹⁷ “[Ayodhya Dispute: India Top Court Orders Trial for BJP Leaders](#),” *BBC News* (19 April 2017).

INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2013, 2015–2016.

On 23 February 2016, after numerous complaints of “nudity” and “explicit content,” Facebook user Dea Basuri ([1993]–) had her account suspended after she posted a series of historical mostly black-and-white photos of local women. The posts showed Indonesian women in traditional attire with their breasts exposed and were a reaction to what Basuri called unreasonable censorship by television stations in Indonesia. The album had gone viral within 24 hours with almost 3000 shares on Facebook. Social media users threw their support behind Basuri by sharing her Twitter posts as well as signing her online petition appealing to the Facebook CEO entitled “Dear Mark Zuckerberg: Please stand up for gender equality and the preservation of history”.⁹⁸

In March 2016, the Indonesian Commission for Human Rights (Komnas HAM) sent a letter to United States President Barack Obama, requesting the White House to disclose confidential documents on the 1965–1966 massacres.

On 18–19 April 2016, a two-day symposium on the 1965–1966 killings was held in Jakarta. It was the first time that a public discussion of the massacres was endorsed by the government. It brought together survivors, scholars, activists and artists, as well as military and other government officials. Retired General Luhut Pandjaitan, the Coordinating Minister for Political, Legal and Security Affairs, delivered the opening speech, saying that no official apologies were to be expected. He also ruled out a criminal investigation of the killings.

On 25 April 2016, President Joko Widodo instructed Luhut “to begin gathering information about mass graves scattered across the archipelago. The coordinator of NGO Commission for Missing Persons and Victims of Violence (KONTRAS), Haris Azhar, said it had evidence of at least sixteen mass graves containing as many as forty bodies each, mostly on Java, but also on Bali and Sulawesi, but it expressed concerns about guarantees of legal protection of the sites and people who knew about them.

On 9 May 2016, Bedo Untung, coordinator of the Foundation for the Research of 1965/66 Massacre (YPKP 65) handed the government a list of 122 mass graves, believed to contain 1,999 bodies, asking that the sites and witnesses to those deaths be protected. It included sites in Java and Sumatra but no other regions where killings occurred, such as Bali, Kalimantan, Sulawesi, East Nusa Tenggara and West Nusa Tenggara.

In October 2016, the government announced that it would redress the violations using non-judicial

⁹⁸ Marguerite Afra Sapiie, “[Facebook Suspends Indonesian User for Posting Historical Photos Featuring Topless Women](#),” *Jakarta Post* (26 February 2016).

measures to ensure “national harmony and unity.” Victims and NGOs raised concerns that this process might prioritize reconciliation while abandoning the quest for truth and justice.⁹⁹

On 3 May 2016, a World Press Freedom Day celebration in Yogyakarta was disbanded. The police urged journalists and press activists to cancel the event, which planned to screen *Pulau Buru Tanah Air Beta* (Buru Island: My Homeland), a documentary by Rahung Nasution on the 1965–1966 massacres.¹⁰⁰

On 2 June 2016, *Rappler.com* reporter Febriana Firdaus attempted to cover a meeting in Jakarta of over 300 Islamic hardliners and retired army generals opposed to government-backed efforts to officially acknowledge the 1965–1966 massacres. The crowd began to target Firdaus as she was interviewing members of the Indonesian Catholic Students Association (PMKRI). The PMKRI members had come to the venue to protest their logo removal from the symposium. Organizers of the meeting and supporters of the Islam Defenders Front (FPI) and State Defense Movement (GBN) surrounded her and began to yell at and threaten her. She was banned from the venue. Following the meeting, FPI supporters and other Islamic hardliners took to the Internet, sending violent threats to Firdaus on social media as part of a campaign of intimidation against her that lasted for more than 24 hours. Users labeled her a “fake Islamist” and a communist supporter. The Alliance of Independent Journalists (AJI) transferred Firdaus to a secure location. She feared for her life and the lives of her family members.¹⁰¹

On 20 July 2016, an international panel of judges—established in 2014, presided over by judge Zak Yacoob, a former South African Constitutional Court Justice, and operating under the name People’s Tribunal on the 1965 Crimes against Humanity in Indonesia—concluded that the 1965 mass killings were crimes against humanity, and that the United States, United Kingdom and Australia were complicit in them. Its report estimated that 400,000 to 500,000 people—believed associated with the Partai Komunis Indonesia (PKI; Indonesian Communist Party)—were killed by military death squads. In November 2015, the tribunal had held a four-day hearing in The Hague, hearing over twenty witnesses, some of whom gave evidence behind a screen to protect their identity. In an official

⁹⁹ “[US Must Open Its Archives on 1965-66 Massacre: Human Rights Watch in Jakarta](#),” *Jakarta Globe* (n.d. [2016]); Jeffrey Hutton, “[Indonesia Moves to Investigate Anti-Communist Atrocities](#),” *New York Times* (26 April 2016); Joe Cochrane, “[After Long Silence, Indonesia Allows Talk of Anti-Communist Atrocities](#),” *New York Times* (17 April 2016); Melle Garschagen, “Voor altijd het stigma van een communist,” *NRC Handelsblad* (22 April 2016), 14–15; Lintang Sulastri, “[Activists Hand Indonesian Government List of Mass Grave Sites](#),” *Benar News* (9 May 2016); Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 189.

¹⁰⁰ Bambang Muryanto & Jon Afrizal, “[Scholars, Government Differ on Marxism](#),” *Jakarta Post* (23 May 2016).

¹⁰¹ IPI, “[Indonesian Reporter in Hiding after Harassment Campaign](#)” (8 June 2016); “[AJI Condemns Intimidation against Journalist](#),” *Tempo.co* (3 June 2016).

reaction, coordinating Political, Legal and Security Affairs Minister Luhut Pandjaitan told the press that Indonesia had its own legal system, that no external party could dictate the way it solved its problems and that the government would not bow to the panel's recommendations.¹⁰²

In July 2016, the local Aceh provincial parliament selected seven commissioners to the Aceh Truth and Reconciliation Commission, which was expected to operate between 2016 and 2020. The Commission was established to examine the circumstances which led to past abuses during the Aceh conflict between the Indonesian security forces and the Free Aceh Movement, in particular between 1989 and 2004.¹⁰³

See also Japan.

IRAN

Previous *Annual Report* entries: 1996–2016.

In February 2016, Homa Hoodfar ([1950–]), a triple citizen of Canada, Ireland and Iran and professor of social anthropology at Concordia University in Canada, traveled to Iran to visit relatives and conduct historical and ethnographic research on the participation of Muslim women in public life. In March, the counter-intelligence unit of the Revolutionary Guards raided her apartment, confiscated her computer, her passports and her cell phone, and arrested her. Released on bail shortly thereafter, she was not permitted to leave Iran. Over the subsequent two months, she was summoned repeatedly to report to authorities to be interrogated. On 6 June 2016, she was arrested and taken into custody in Evin prison. On 11 June 2016, she was indicted on unknown charges, although they reportedly included “dabbling in feminism and security matters” and “co-operating with a foreign state against Iran.” It was not yet clear whether she had been charged with espionage, sedition or propaganda against the state. She was denied medical care. Homa was a world expert on sexuality and gender in Islam and had written books and papers. Iran did not recognize dual nationality and treated detainees only as Iranian, depriving them of consular access. On 26 September 2016, Hoodfar was released on “humanitarian grounds.” She went to Oman, where she would receive urgent medical attention.¹⁰⁴

¹⁰² Juliet Perry, [“Tribunal: Indonesia Guilty of 1965 Genocide,”](#) *WDSU News* (21 July 2016).

¹⁰³ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 189.

¹⁰⁴ Scholars at Risk, [“Canadian-Iranian Professor Arrested in Iran”](#) (9 June 2016); Susan Ormiston, [“Concordia University Prof Jailed in Iran's Evin Prison, Family Says,”](#) *CBC* (9 June 2016); Saeed Kamali Dehghan & Ashifa Kassam, [“Canadian-Iranian Professor Arrested in Tehran by Revolutionary Guards,”](#) *Guardian* (8 June 2016); Sidhartha Banerjee, [“Canadian Academic Homa Hoodfar Indicted on Unknown Charges in](#)

On 9 August 2016, the website of late Grand Ayatollah Hussein Ali Montazeri (1922–2009) posted an audio recording of a meeting in which he objected to the state-sanctioned execution of 4,000–5,000 political prisoners, mostly members of the Mujahedeen-e-Khalq (MEK), over the course of two months in 1988. One of those responsible for ordering the executions was conservative cleric Ebrahim Raisi ([1962–]), a candidate for the presidential elections in 2017 and, in 1988, a deputy prosecutor-general and member of a committee that decided on the executions in Tehran. Montazeri's son Ahmad, the cleric behind making the recording public, was twice interrogated by the Special Court for the Clergy about the release of the tape and pressed to remove it. According to him, the interrogators accused him of “divulging state secrets” and helping the “alliance of Saudi Arabia and the MEK.” Very few government officials defended the release of the tape or criticized the MEK executions. Ali Motahari, a member of parliament representing Tehran, published an open letter to Interior Minister Mostafa Pourmohammadi on 27 August 2016, saying that while the MEK's crimes were known to everyone, Pourmohammadi should respond to doubts and questions about the executions. In response, 35 members of parliament signed a letter of complaint against him.

By the time Ahmad Montazeri was arrested, the audio file was disseminated widely in the social media and in media outlets outside of the Iran. In November 2016, a Special Clerical Court sentenced Montazeri to 21 years' imprisonment, reduced to six years because his brother was a martyr. He was also defrocked for three years. Montazeri refuted the charge of divulgence of state secrets with the argument that his father had already written about this meeting in one of his books. His father had been put under house arrest from 1997 until his death in 2009.¹⁰⁵

On 30 October 2016, the authorities arrested several organizers of a demonstration with thousands of participants at the tomb of pre-Islamic King Cyrus the Great (c. 590–530 BC) in Pasargadae, 630km (390 miles) south of Tehran, on charges of violating “the values” of the Islamic Republic of Iran and chanting nationalistic slogans. The activists said that 30 October marked the day that Cyrus conquered Babylon in modern-day Iraq and declared all peoples equal in his Achaemenid Empire. Cyrus was also said to have freed slaves, including thousands of Jews. Iranian nationalists had marked the “Day of Cyrus” for the past several years.¹⁰⁶

[Iran](#),” *Globe and Mail* (11 July 2016); Charles Taylor, “[We Can't Delay: Homa Hoodfar Must Be Freed](#),” *Boston Globe and Mail* (2 September 2016); Alan Shepard, “[Message from the President: Professor Emerita Homa Hoodfar Is Jailed in Iran](#)” (Press release Concordia University; 9 June 2016); Melissa Etehad, “[Iran Has Detained an Iranian Canadian Professor, and Her Family Doesn't Know Why](#),” *Washington Post* (9 June 2016); Alex Neve, “[The World Must Step Up for Homa Hoodfar](#),” *The Globe and Mail* (14 September 2016).

¹⁰⁵ “[Iran Officials behind 1980s Executions Defend Decision](#),” *Al Monitor* (30 August 2016); Radio Zamaneh, “[Iran: 21 Year Sentence for Disclosing File on State Execution of 4000 Political Prisoners](#),” *Eurasia Review* (30 November 2016); Ehsan Abdoh-Tabrizi, “[Iran's Presidential Election: The Cynical Moderate Versus the Representative of the Deep State](#),” *Open Democracy* (17 May 2017).

¹⁰⁶ “['Activists Held' at King Cyrus Tomb in Iran](#),” *BBC News* (31 October 2016).

On 7 June 2017, terror attacks in Tehran at the parliament and Ayatollah Khomeini's shrine (mausoleum) claimed seventeen lives and left 42 people injured. Questions remained about the number and nationality of the terrorists involved; some thought that the assailants were Iranians who had joined Islamic State. The attacks took place just as President Hassan Rouhani settled into his second term.¹⁰⁷

See also Argentina, Bahrain, United States.

IRAQ

Previous *Annual Report* entries: 1998, 2000–2016.

An anonymous history professor at the university identifying himself as an “independent historian” started the blog Mosul Eye (<http://mosuleye.wordpress.com>) in English and Arabic in order to chronicle events in Mosul under Islamic State (IS) domination [See also *NCH Annual Report 2016*]. In October 2015, the blog had 11,500 followers. The chronicler reportedly received many threats from IS. The historian had been keeping journals and collecting an archive of materials on Iraqi militias and insurgent groups since the 2003 invasion. He declared that there was heavy damage to the archives of the Sunni Muslim library of the 265-year-old Latin Church and Monastery of the Dominican Fathers and the Mosul Museum Library (which contained works dating back to 5000 BCE). In February 2017, when IS was chased from the university, the anonymous historian started a campaign to restore the university library under the slogan “Let it be a book, rising from the ashes.” The aim was to collect at least 200,000 books.¹⁰⁸

Between mid-March and early April 2016, Islamic State (IS) militants destroyed the Northwest Palace of Assyrian King Ashurnasipal II, built in the 9th century BCE, and blew up the Temple of Nabu in the ancient Assyrian royal capital Nimrud (near Mosul). Nabu was the ancient Mesopotamian god of writing and scholarship.¹⁰⁹

¹⁰⁷ Ramin Jahanbegloo, “[Islam and Sectarianism](#),” *New Age Islam* (13 June 2017); “[Iraanse Revolutionaire Garde: dat IS aanslagen Teheran opeist, bewijst dat Saoedi-Arabië erachter zit](#),” *Volkskrant* (7 June 2017).

¹⁰⁸ Ursula Lindsey, “[An Independent Historian Documents Life Under the Islamic State](#),” *Al-Fanar* (9 October 2015); Gilgamesh Nabeel, “[Q & A with the ‘Mosul Eye’ Historian](#)” *Al-Fanar* (9 October 2015); Neveen Youssef, “[Rebuilding Mosul’s Libraries Book by Book](#),” *BBC News* (12 April 2017).

¹⁰⁹ Zainab Bahrani, “[It’s Time To End The Boycott Of Iraqi And Syrian Academics](#),” *Huffington Post* (1 July 2016); Kristin Romey, “[Iconic Ancient Sites Ravaged in ISIS’s Last Stand in Iraq](#),” *National Geographic* (10 November 2016); Kristin Romey, “[Why ISIS Hates Archaeology and Blew Up Ancient Iraqi Palace](#),” *National Geographic* (14 April 2015).

In 2016, it was reported that Iraqi and Syrian scholars were unable to attend international conferences on heritage preservation that concerned their own countries because of visa restrictions. A (female) Iraqi archaeologist who won a post-doctoral fellowship at Columbia University, New York, was denied a visa.¹¹⁰

Around 8 July 2016, suicide bombers and gunmen killed at least 35 people in an attack by Islamic State (IS) militants at a Shia shrine, the mausoleum of Sayid Mohammed bin Ali al-Hadi, in Balad.¹¹¹

Between the end of August and the beginning of October 2016, the ziggurat at the ancient Neo-Assyrian capital of Nimrud, a stepped tower built in 879 BCE, was leveled by the Islamic State (IS). Kurdish Peshmerga forces severely damaged archaeological remains at the site of Dur-Sharrukin, Sargon II's capital of the Neo-Assyrian Empire, while digging defensive berms and trenches at the site between mid-October and early November 2016. Dur-Sharrukin had been looted by IS in the spring of 2015. When Nimrud was recaptured by Iraqi government forces on 13 November 2016, the full extent of the destructions by IS became visible, prompting UNESCO to describe the act as a war crime. The custodian of the Nimrud site, Sheikh Abdullah Saleh, was chased away from it for the duration of its occupation by IS. Iraq's deputy antiquities minister, Qais Rasheed, estimated that as much as 70% of Nimrud has been destroyed by IS.¹¹²

On 17 December 2016, the Iraqi Defense Ministry pledged high rewards to those who provided credible information about the whereabouts of remnants of Kuwaiti missing persons, and Kuwait's national archive.¹¹³

On 9 January 2017, Meriwan al-Naqshabandi, representative of Sunni Endowment Diwan in Kurdistan, said in a statement that Islamic State (IS) destroyed nearly one hundred religious places, including churches and Yazidi shrines in Nineveh Plain, during their occupation of villages and cities of Iraqi Kurdistan.

Meanwhile, more than 400 historic texts (13th–20th centuries) were stored in cans and hidden behind a wall constructed before IS occupied (June 2014–November 2016) and partly destroyed the Christian monastery of Mar Behnam, near Mosul. The texts were recovered; texts that had not been

¹¹⁰ Zainab Bahrani, "[It's Time To End The Boycott Of Iraqi And Syrian Academics](#)," *Huffington Post* (1 July 2016).

¹¹¹ Jeremy Bowen, "[Iraq Shrine Attack: IS Kills Dozens in Balad](#)," *BBC News* (8 July 2016).

¹¹² Kristin Romey, "[Iconic Ancient Sites Ravaged in ISIS's Last Stand in Iraq](#)," *National Geographic* (10 November 2016); "[Nimrud: Iraqi Forces 'Retake Ancient City from IS](#)," *BBC News* (13 November 2016); Martin Chulov and Salem Rizk, "[Piecing Back Together an Iraqi Archaeological Gem Blown Sky-high by Isis](#)," *Guardian* (24 November 2016).

¹¹³ "[Iraqi Offers Rewards for Information about Kuwaiti POWs, Archive](#)," *Kuwait News Agency* (17 December 2016).

secreted were burned.¹¹⁴

On or around 24 January 2017, Islamic State (IS) evacuated its headquarters and reportedly burned tons of its archives “amid strict procedures” in Tal Afar District, west of Mosul. On 29 May 2017, IS began to burn tons of its archives at its main offices near residential areas in Baaj, west of Mosul, in order to cover crimes committed by the group and to conceal the identity of its sympathizers.¹¹⁵

On 21 June 2017, as Iraqi security forces were approaching, Islamic State (IS) militants blew up the Great Mosque of al-Nuri and the Hadba Minaret (built in 1172) in Mosul. In July 2014, IS leader Abu Bakr al-Baghdadi gave a Friday sermon from the pulpit inside the mosque during which he demanded allegiance in what was his first and only public appearance following the declaration days earlier of a “caliphate” (a state governed in accordance with Islamic law, or Sharia, by God’s deputy on Earth, or caliph). The Sunni mosque was named after the Muslim General Nur al-Din Mahmoud Zanki, famous for waging jihad against Christian crusaders.¹¹⁶

See also Germany, Iran, Israel, United Kingdom, United States.

IRELAND

Previous *Annual Report* entries: 2000, 2002, 2004, 2006, 2013, 2015–2016.

See Iran, United Kingdom.

¹¹⁴ Loaa Adel, “[Islamic State Destroys 100 Religious Shrines in Nineveh Plain](#),” *Iraqi News* (9 January 2017); Owen Jarus, “[Hundreds of Historic Texts Hidden in ISIS-Occupied Monastery](#),” *Life Science* (16 December 2016).

¹¹⁵ Loaa Adel, “[Islamic State Evacuates Headquarters in Tal Afar, Burns Its Archives](#),” *Iraqi News* (24 January 2017); Mohamed Mostafa, “[Paramilitary Leader Says IS Burn Archives in Baaj, West of Mosul](#),” *IraqiNews.com* (29 May 2017).

¹¹⁶ “[Battle for Mosul: Destruction of al-Nuri Mosque ‘Shows IS Defeated’](#),” *BBC News* (22 June 2017); Kishwar Rizvi, “[Destruction of Mosul Mosque Desecrates History](#),” *CNN* (24 June 2017).

ISRAEL

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2014, 2016.

In April 2016, a report by the Akevot Institute for Israeli-Palestinian Conflict Research, *Point of Access*, found that public access to 99% of 14 million archival records kept in Israel's State Archive and in the archives of the Israeli Defense Forces and the Defense Establishment was blocked due to decisions made without legal authority, disregard for the regulations on accessing archival material and other failures. The archives also failed to provide reasons for decisions to deny applications to access archival material. Israeli government archives concealed certain documentation related to state-sanctioned human rights violations, without legal authority to do so and years after the so-called Restricted Access Period (usually between fifteen and seventy years, depending on the sensitivity of the material) expired. Neither the General Security Service nor the Mossad were preparing for the nearing end of the 70-year Restricted Access Period on their archival material. Akevot tried in vain to access files from 1948–1949 relating to Israeli Arabs, files labeled "Occupied territories" from 1967–1968, police files from the 1970s, and files compiled by a committee examining the 1990 riots on the Temple Mount. Akevot also discovered a forgotten clause ("The state is prohibited from divulging information that could harm relations with other minorities, and which could serve as a basis for filing charges against the state.") in a recommendation made by a ministerial committee that dealt with viewing classified archival material. The Association of Israeli Archivists and the family of Paul Alsberg awarded the 2016 Alsberg Prize for Research on Archives to Akevot Institute researchers Noam Hofstadter and Lior Yavne for their report, *Point of Access*.¹¹⁷

On 14 October 2016, Israel froze its ties with UNESCO after it approved at committee stage a draft decision submitted by seven Arab countries that criticized Israel's excavation activities at holy places in Jerusalem and the occupied West Bank. The draft aimed at "the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem" and repeatedly used only the Arab name Haram al-Sharif (Noble Sanctuary) for one of the holiest sites in both Islam and Judaism and never the Jewish name, Temple Mount. It denounced Israeli actions, including the use of force and the imposition of restrictions on Muslim worshippers and archaeological work. Israel accused UNESCO of denying Judaism's connections to the religion's holiest sites; Education Minister Naftali Bennett said that the draft decision "denied history and encouraged terror." On 18 October 2016,

¹¹⁷ Lior Yavne, "Akevot's Report on Access to Israeli Gov't Archives Released" (press release; 30 May 2016); Akevot, [Point of Access: Barriers for Public Access to Israeli Government Archives](#) (Tel Aviv: Akevot, 2016); Ofer Aderet, "[Activists: Israel State Archives Buries History To Save Government from Shame.](#)" *Haaretz* (22 May 2016).

UNESCO passed the resolution.¹¹⁸

More than two years after the end of the 2014 Gaza-Israel conflict, in which some 1,460 Palestinian civilians were killed, many in evidently unlawful attacks including war crimes, the Israeli authorities had indicted only three soldiers for looting and obstructing an investigation. In August 2016, the Military Advocate General announced the closure of investigations into twelve incidents, despite evidence that some should be investigated as war crimes. Israel's military investigations were not independent or impartial, and failed to deliver justice.

The prosecutor of the International Criminal Court (ICC) continued her preliminary examination of allegations of crimes under international law carried out by Israeli forces and Palestinian armed groups since 13 June 2014. The Israeli government allowed an ICC delegation to visit Israel and the West Bank in October 2016.

In December 2016, the United Nations (UN) Security Council demonstrated rare unity when it reaffirmed that Israel's establishment of settlements in Palestinian territory it had occupied since 1967 had no legal validity and constituted a flagrant violation of international law and an obstacle to peace and security. Rather than exercise its veto, the United States abstained while the Council's fourteen other member states supported the resolution.¹¹⁹

In June 2017, on the fiftieth anniversary of the Six-Day War (5–10 June 1967), Israel released 150,000 confidential documents (officially inaccessible until 2037). The Egyptian archives remained classified, with many doubting that they still existed, while many of those in Iraq and Syria had been destroyed by years of neglect, corruption, and ongoing wars. One observer wrote that Arab leaders had been “glad to keep that dark part of their history under lock and key, fearing that if too much were revealed, it would be shown just how weak—and complicit—they were in one of the worst collective military disasters of modern times.”¹²⁰

See also Poland, Ukraine, United States.

¹¹⁸ [“Israel Freezes Ties with Unesco for ‘Denying Jewish Holy Sites’,”](#) *BBC News* (14 October 2016); [“Unesco Passes Contentious Jerusalem Resolution,”](#) *BBC News* (18 October 2016); “Israël overdrijft conflict Tempelberg [Interview with Ofer Zalzburg],” *NRC Handelsblad* (17 October 2016), 12.

¹¹⁹ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 204–205.

¹²⁰ Sami Moubayed, [“Opening of 1967 Israeli Archives Disturbs Old Arab Wounds,”](#) *Asia Times* (5 June 2017).

ITALY

Previous *Annual Report* entries: 1998, 2001, 2003, 2008, 2010, 2012, 2016.

On or around 1 January 2017, Facebook removed the picture of a sixteenth-century Renaissance statue of the sea god Neptune (dominating the Piazza del Nettuno in Bologna) from the Facebook page of art historian and writer Elisa Barbari in compliance with its policy on nudity. The Facebook page was called “Stories, curiosities and views of Bologna.” The intervention was much criticized.¹²¹

See also United States.

IVORY COAST (Côte d’Ivoire)

Previous *Annual Report* entries: 2004, 2006–2016.

The trial of former President (and historian) Laurent Gbagbo and his Youth Minister and militia leader Charles Blé Goudé for crimes against humanity committed during the 2010–2011 post-election crisis before the International Criminal Court (ICC) began in January 2016 and was ongoing at the end of 2016. The ICC and national judges were also investigating high-level perpetrators from pro-Ouattara forces but had yet to bring them to trial in late 2016. In February 2016, however, President Alassane Ouattara announced that no more Ivorian nationals would be sent to the ICC for prosecution because the national justice system was operational. The domestic Special Investigative and Examination Cell, established in 2011, continued its investigations into human rights crimes committed during the crisis. The cell charged high-level perpetrators from both sides, including several pro-Ouattara commanders now in senior positions in the Ivorian army. In May 2016, the highest criminal court (cour d’assises) began trying the former President’s wife (and historian), Simone Gbagbo, for crimes against humanity, despite an outstanding ICC warrant for her arrest. Prior to this, in May 2015, the ICC rejected Ivory Coast’s appeal against the admissibility of her case before the Court.

At least 146 Gbagbo supporters who were arrested between 2011 and 2015 were still awaiting trial for crimes allegedly committed during the post-electoral violence of 2010. Approximately 87 of them had been in detention since 2011 or 2012. Despite Ouattara’s commitment to ensure that justice would be applied equally under his presidency, only those suspected of being Gbagbo supporters were tried

¹²¹ Nick Squires, “[Facebook ‘Censors’ Nude Statue of Sea God Neptune, the Well-known Renaissance Symbol of Northern Italian City](#),” *Telegraph* (2 January 2017).

for serious human rights violations committed during and after the 2010 election. Forces loyal to Ouattara who committed serious violations were not prosecuted. Some of them had been identified by victims' families; although the killings were investigated no one was prosecuted by the end of 2016.

In February 2016, 24 military officers charged with the assassinations of former coup leader and Ivorian President, General Robert Guéi, and his family in 2002, were tried before the Military Tribunal. Three defendants, including General Bruno Dogbo Blé, former head of Gbagbo's Presidential Guard, and Commander Anselme Séka Yapo, former security chief, were sentenced to life imprisonment. Ten defendants were sentenced to ten years' imprisonment each and the others were acquitted. Neither the special cell nor the ICC were investigating crimes committed during election-related violence in 2000 or the 2002–2003 armed conflict.

Ivory Coast's reparations body had, when it submitted its report in April 2016, compiled a list of more than 316,000 victims potentially eligible for reparations, although the vast majority of victims had yet to receive assistance. On October 25 2016, the government published the report of the Dialogue, Truth and Reconciliation Commission, which completed its work December 2014, although the report did little to identify those responsible for crimes committed during the 2002–2003 conflict or 2010–2011 crisis.¹²²

¹²² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 22, 130; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 209, 211.

JAMAICA

Previous *Annual Report* entries: —.

Impunity prevailed for the decades-long pattern of alleged unlawful killings and extrajudicial executions by law enforcement officials. While more than 3,000 people had been killed by law enforcement officials since 2000, only a handful of officials had been held accountable to date.¹²³

JAPAN

Previous *Annual Report* entries: 1995–2016.

In March 2016, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) published concluding observations on the combined 7th and 8th periodic reports of Japan. Among other things, it expressed concerns related to the issue of comfort women, including the lack of a full victim-centered approach, and the need for “full and effective redress and reparation” for all victims, including those from countries not covered by the agreement with South Korea. Comfort women came also from such countries as the Philippines, China, Taiwan, the Netherlands, Indonesia, and East Timor.¹²⁴

The Japanese APA hotels chain was criticized by the Chinese government because a book written by its owner Toshio Motoya was widely distributed in its outlets. Entitled “The Real History of Japan: Theoretical Modern History II,” the book was a compilation of Motoya’s columns for the hotel’s newsletter. It denied that the 1937 Nanjing massacre had happened and cast doubt on historical evidence for the sexual slavery system during the Pacific War (1931–1945). Popular Chinese hotel booking portals pulled APA’s listings from their sites. Existence of the book was highlighted in a widely shared video posted on Chinese microblog site Weibo on 15 January 2017.¹²⁵

See also China, Korea, North, Korea South, United States.

¹²³ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 29.

¹²⁴ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 210; “Japan / S. Korea: [“The Long Awaited Apology to ‘Comfort Women’ Victims Is yet to Come—UN Rights Experts”](#) (United Nations press release; 11 March 2016); Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Combined Seventh and Eighth Periodic Reports of Japan* (CEDAW/C/JPN/CO/7-8; 7 March 2017), paras. 28–29; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 359.

¹²⁵ [“Japan Hotelier’s Nanjing Massacre Denial Angers China,”](#) *BBC News* (19 January 2017).

JORDAN

Previous *Annual Report* entries: 2003–2004, 2015.

KAZAKHSTAN

Previous *Annual Report* entries: 1997, 1999–2001, 2007, 2012.

KENYA

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2016.

The collapse of the last International Criminal Court (ICC) case directly related to the 2007–2008 post-election violence devastated victims' hopes for justice. National authorities made no progress to address these crimes. The ICC vacated charges against Deputy President William Ruto and Joshua arap Sang, a former radio journalist, for lack of evidence in April 2016. For one judge, the combination of witness interference and political obstruction warranted a mistrial. The case's collapse followed that of cases against four others, including President Uhuru Kenyatta. In September 2016, an ICC trial chamber referred Kenya's lack of cooperation in the Kenyatta case to the ICC's Assembly of States Parties.

The government continued its campaign to press the African Union to consider calling on its member countries who also belong to the ICC to leave the court, but several countries blocked consensus at a July 2016 summit. A bill related to Kenya's withdrawal from the ICC remained pending in parliament. The government continued to ignore the plight of thousands of women and men who were raped during the post-election violence in 2007–2008. It had failed to provide livelihood support, as well as medical and psychosocial care to them, including for children who were born from rape and faced violence and discrimination. The government had not established a restorative justice fund that was promised to survivors of historical injustices, including post-election violence. Hearings continued over the course of 2016 in the Kenyan high court on a petition brought by survivors of election-related sexual violence seeking to compel the government to investigate. A second case, related to shootings by police during the violence, was also pending.¹²⁶

¹²⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 21; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 380–381.

KOREA, NORTH

Previous *Annual Report* entries: 2001, 2006–2007, 2009–2011, 2013–2015.

In February 2016, the authorities stopped all investigations into abductions of Japanese citizens, reversing the 2014 bilateral agreement to investigate cases. Media reports said that the decision followed Japan's reinstating previously eased sanctions after North Korea's nuclear weapons tests in January. North Korea had previously admitted that its security agents abducted twelve Japanese nationals during the 1970s and 1980s [see also *NCH Annual Report 2015*].¹²⁷

See also China.

KOREA, SOUTH

Previous *Annual Report* entries: 1995, 1998–2001, 2003, 2006, 2008–2010, 2012–2013, 2016.

On 28 November 2016, amidst a political crisis involving President Park Geun-hye, the Education Minister Lee Joon-sik unveiled the drafts of three new textbooks (written by a secretly selected panel of scholars) during a nationally televised news conference but at the same time indicated that it was rolling back its plan to require schools to use only state-issued history textbooks [See also *NCH Annual Report 2016*]. Opposition parties and many local education offices criticized the drafts, saying that they highlighted former President Park Chung Hee's achievements while giving only cursory descriptions of his brutal dictatorship (1961–1979) and that they did not or only scarcely mention mass executions of civilians during the Korean War (1950–1953).

On 12 May 2017, President Moon Jae-in ordered his government to abolish the state-issued history textbooks for middle and high school students which had been developed under the auspices of his impeached and ousted predecessor, former President Park. The history textbooks prepared by Park's government had been so unpopular that only one of the 5,500 middle and high schools adopted one of them; but even that school was temporarily barred from using it after parents filed a lawsuit.¹²⁸

On 28 December 2016, activists put up a statue representing wartime sex slaves outside the Japanese

¹²⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 221.

¹²⁸ Choe Sang-Hun, "[Amid Scandal, South Korean Officials Retreat on Controversial Textbook Plan](#)," *New York Times* (28 November 2016); Choe Sang-Hun, "[Professor Who Wrote of Korean 'Comfort Women' Wins Defamation Case](#)," *New York Times* (25 January 2017); Choe Sang-Hun, "[South Korea's New Leader Abolishes State-Issued History Textbooks](#)," *New York Times* (12 May 2017).

consulate in Busan as a protest against a deal struck exactly one year before, in which Japan apologized and promised to give 1 billion yen (8.6 million US dollars) to a fund for Korean women. Critics said the deal was reached without consultation with victims, did not contain Japan's acknowledgement of legal responsibility, and did not provide direct compensation to the victims. Busan police initially removed the statue but there was fierce pressure for it to remain. Days later, local authorities allowed it to be reinstalled. Japan said that the statue violated the 2015 deal, which agreed that Japan's reparations would "finally and irreversibly" resolve the issue and in January 2017 temporarily withdrew its ambassador to South Korea. Around 37 similar statues were thought to exist in South Korea.¹²⁹

On 25 January 2017, historian Park Yu-ha, author of a book on the comfort women, was found not guilty of defamation [see *NCH Annual Report 2016*]. Justice Lee Sang-yoon said: "The opinions the defendant expressed in her book can invite criticism and objections and can even be abused by those who deny that the comfort women were forcibly mobilized ... But academic expressions must be protected not only when they are right but also when they are wrong."¹³⁰

On 12 May 2017, President Moon Jae-in ordered that a protest song be sung again during a government ceremony marking the anniversary of the May 1980 pro-democracy uprising in the southern city of Gwangju, when local citizens rose up against the military dictator Chun Doo-hwan. During the uprising, hundreds of protesters were killed by Chun's police, paratroopers and tanks. In subsequent decades, "March Song for My Dear," which commemorated those killed in Gwangju, became a rallying cry in anti-government or labor protests. Like the Gwangju 1980 protest itself, the song became a symbol of South Koreans' struggle for democracy. During annual government-sponsored ceremonies for the uprising, all those participating used to be required to sing the song in unison as part of the official program. But after the conservatives took power in 2008, that requirement was abolished. Instead, a choir sang the song.¹³¹

See also China, Japan.

¹²⁹ ["Japan Recalls Korean Envoy over 'Comfort Women' Statue,"](#) *BBC News* (6 January 2017); Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 359.

¹³⁰ ["Statement against the Indictment of Professor Park Yu-ha"](#) (26 November 2015); Choe Sang-Hun, ["Professor Who Wrote of Korean 'Comfort Women' Wins Defamation Case,"](#) *New York Times* (25 January 2017).

¹³¹ Choe Sang-Hun, ["Amid Scandal, South Korean Officials Retreat on Controversial Textbook Plan,"](#) *New York Times* (28 November 2016); Choe Sang-Hun, ["South Korea's New Leader Abolishes State-Issued History Textbooks,"](#) *New York Times* (12 May 2017).

KOSOVO

See Serbia / Kosovo.

KUWAIT

Previous *Annual Report* entries: 1999–2000, 2004–2005.

See Iraq.

KYRGYZSTAN

Previous *Annual Report* entries: 2010–2013, 2016.

The authorities failed to make a genuine effort to effectively investigate the June 2010 inter-ethnic violence in southern Kyrgyzstan. While violence was used by members of both ethnic Kyrgyz and Uzbek communities, and while the latter sustained most deaths, injuries and damage, prosecutions were disproportionately aimed at members of the ethnic Uzbek community.¹³²

See also Turkey.

¹³² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 227.

LATVIA

Previous *Annual Report* entries: 1998, 2006, 2008, 2015–2016.

LEBANON

Previous *Annual Report* entries: 2000–2003, 2006–2016.

In October 2012, Justice Minister Shakib Qortbawi put forward a draft decree to the cabinet to establish a national commission to investigate the fate of thousands of people who were forcibly disappeared or went missing during the civil war (1975–1990) and its aftermath and who may have been unlawfully killed, but no further action was taken. In September 2014, the government finally provided the families of the disappeared with the files of the Official Commission of Inquiry appointed in 2000 to investigate the fate of the kidnapped. These showed that the government had not conducted any serious investigation. The failure perpetuated the suffering of the families, who continued to face administrative, legal, social and economic hurdles resulting from the enforced disappearance of their relatives.

On 13 April 2017, the 42nd anniversary of the start of the civil war, the International Committee of the Red Cross urged the government to help families of the thousands of missing by approving a law and a project to collect DNA samples to try to trace their whereabouts. There was currently no public database or exact numbers of people who went missing during the civil war in which an estimated 150,000 people were killed.¹³³

The Netherlands-based Special Tribunal for Lebanon (STL) continued to try in their absence four men accused of complicity in the killing of former Lebanese Prime Minister Rafic Hariri and others in a 2005 car bombing in Beirut. The four continued to evade arrest. A fifth accused died in Syria. On 15 July 2016, the STL charged al-Akhbar newspaper and its editor-in-chief, Ibrahim al-Amine, with contempt of court for failing to comply with a court order requiring them to remove information concerning confidential witnesses and obstruction of justice. On 29 August, the court sentenced al-Amine to a fine of € 20,000 and the newspaper to a fine of € 6,000.¹³⁴

¹³³ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 231; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 401; Heba Kanso, "[Lebanon Urged to Do More to Trace Thousands Missing from Civil War](#)," *Thomson Reuters Foundation News* (13 April 2017).

¹³⁴ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 231.

LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2015.

LIBYA

Previous *Annual Report* entries: 2003, 2005–2016.

The International Criminal Court (ICC) had the mandate to investigate war crimes and crimes against humanity in Libya pursuant to United Nations (UN) Security Council Resolution 1970 passed on 27 February 2011. Impunity continued to prevail, although in January 2016 the Public Prosecutor informed the ICC that arrest warrants had been issued against three officials accused of torturing As-Saadi al-Gaddafi (son of former leader Muammar Gaddafi) in detention. It remained unclear whether those accused were arrested and prosecuted. The head of al-Hadba Prison, who was suspended after the torture of al-Gaddafi, was reportedly restored to his position. In November 2016, the ICC committed to prioritize its investigations in 2017 into ongoing crimes in Libya, including those committed by Islamic State (IS) and other armed groups, and issue new arrest warrants. However, the ICC initiated no new investigations in 2016, citing security concerns and insufficient resources. Saif al-Islam al-Gaddafi (another son of Muammar Gaddafi), against whom the ICC issued an arrest warrant in relation to alleged crimes against humanity committed during the 2011 conflict, continued to be detained by a militia in Zintan. He was last seen by United Nations monitors in June 2014.¹³⁵

On 7 February 2017, during combing operations in the Ghanfouda area of Benghazi after its liberation from terrorist groups affiliated to Islamic State, hundreds of antique books and rare Islamic manuscripts from Benghazi University were discovered by a battalion of the Libyan army. The groups had stolen and transferred the manuscripts to the positions they controlled during the period of their seizure of the university.¹³⁶

See also United States.

¹³⁵ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 235; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 407.

¹³⁶ ["Rare Islamic Manuscripts Stolen by ISIS Restored in Libya,"](#) *ABNA News Agency* (9 February 2017).

LITHUANIA

Previous *Annual Report* entries: 2005, 2009, 2015.

MACEDONIA

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2015.

In its second ruling against Macedonia's controversial lustration process, the European Court of Human Rights (ECHR) has ruled that Macedonian institutions deprived a communist-era official, Petar Karajanov (1936–), of a fair trial and violated his privacy by publishing his name before a final ruling was passed. A former member of the Central Committee of the League of Communists of Macedonia (SKM), and former head of the SKM branch in Skopje, Karajanov had contested the verdict against him in 2013, shortly after the Lustration Commission pronounced him a spy and after the Administrative Court, to which he had submitted a complaint, confirmed the ruling. He declared that he felt targeted for having taken an open stand against the lustration process: in 2008, he had been among those who submitted a case to the Constitutional Court, calling on it to scrap the lustration law passed. Karajanov also claimed that his case was based on another person's documents who had allegedly collaborated with the former communist secret services and who had the same name. He pointed out several inconsistencies to back this claim.

In 2016, the former head of the Constitutional Court, Trendafil Ivanovski, won his case against the state before the ECHR, which ruled that Macedonia had broken Ivanovski's human rights by not giving him the right to defend himself before the commission, and by denying him access to the evidence against him. At least ten other people were suing Macedonia in Strasbourg on similar grounds.

Ever since the Lustration Commission started work in 2009, many critics complained that the process was abused to attack critics of the VMRO DPMNE party-led government. In August 2015, after criticism from Brussels, the Commission said it was terminating the lustration process, starting from the beginning of 2016. Since 2016, the Administrative Court had begun annulling dozens of lustration decisions made by the commission and it had yet to decide on many others.¹³⁷

See also Greece.

¹³⁷ Sinisa Jakov Marusic, "[Strasbourg Rules Against Macedonia in Lustration Case](#)," *Balkan Insight* (7 April 2017).

MALAYSIA

Previous *Annual Report* entries: 1996, 2002, 2007–2008, 2010–2011, 2016.

In March 2016, a magistrate acquitted Lena Hendry, a staff member of the human rights group Pusat KOMAS, of the charge that she had illegally organized a private screening of the documentary, “No Fire Zone: The Killing Fields of Sri Lanka,” finding that the government had failed to show her guilt [See also *NCH Annual Report 2016*]. On 21 September 2016, the High Court reversed the acquittal and ordered a resumption of the case after the government appealed. Section 6 of the Film Censorship Act prohibited the circulation, distribution, display, production, sale, hire or possession of any film, whether imported or domestically produced, without first obtaining approval from the government-appointed Board of Censors. The Sri Lankan embassy had publicly demanded that the film not be shown. The documentary concerned war crimes committed in the last months of Sri Lanka’s civil war (2009), including Sri Lankan army artillery attacks that killed thousands of civilians and the extrajudicial executions of captured fighters and supporters of the secessionist Liberation Tigers of Tamil Eelam. On 21 February 2017, the Kuala Lumpur Magistrate’s Court convicted Hendry for screening the documentary. On 22 March 2017, Hendry was sentenced to pay a fine of RM 10,000 (about €2,100) or spend a year in prison. She was the first human rights defender to be charged and convicted under the Film Censorship Act.¹³⁸

See also Thailand.

MALAWI

Previous *Annual Report* entries: 2011–2012.

MALDIVES

Previous *Annual Report* entries: 2002–2004, 2006, 2009–2010, 2013.

¹³⁸ Centre for Independent Journalism, “[Malaysian Convicted for Screening Doc on Sri Lanka](#),” *Iflex* (23 February 2017); Human Rights Watch, “[Malaysia: Convicted for Showing a Film](#)” (21 February 2017); Article 19, “[Statement Malaysia: Article 19 Condemns Conviction of Human Rights Activist for Screening Banned Film](#)” (22 February 2017).

MALI

Previous *Annual Report* entries: 2011, 2013–2016.

On 22 August 2016, at the opening of the International Criminal Court (ICC) trial against Ahmad Al Faqi Al Mahdi, the accused admitted having destroyed cultural sites in Timbuktu and apologized [See also *NCH Annual Report 2016*]. On 27 September 2016, he was sentenced to nine years' imprisonment. The court found that Al Mahdi had written a sermon dedicated to the destruction and given instruction and tools to complete the operation. He had not only offered "logistical and moral support" for the attacks, but also taken part in the physical destruction of at least five out of the ten buildings. The trial was the ICC's first prosecution for this war crime (destruction of cultural and religious sites, as well as historical monuments) and the first time an ICC defendant pleaded guilty.¹³⁹

Progress in addressing impunity was evident in the trial of former coup leader General Amadou Haya Sanogo and 17 co-defendants, many members of the security services, for the 2012 abduction and killing of 21 elite "Red Beret" soldiers (accused of supporting the ousted President, Amadou Toumani Touré), which began on 30 November 2016. However, the Malian government made scant progress in holding to account those responsible for many other violations committed during the 2012–2013 armed conflict. The United Nations (UN) Independent Expert on Mali highlighted the lack of progress, particularly regarding meaningful access to justice for women who had experienced violence. Insecurity and lack of logistical support for magistrates were cited as among the major impediments. Serious crimes include the summary execution by armed Islamists of approximately 150 Malian soldiers in Aguelhok, sexual violence, and widespread pillage by various armed groups in the north, as well as the extrajudicial execution, enforced disappearance, and torture of suspected Islamist rebels by the security forces. With a few exceptions, judicial authorities failed to investigate over one hundred complaints filed by victims and their family members.

The Truth, Justice and Reconciliation Commission, established by executive order of the president in 2014 with a three-year mandate to investigate serious human rights violations between 1960 and 2013, was still not operational at the end of 2016. In December 2015, the Council of Ministers approved the appointment of fourteen commission members, and in May 2016, an additional ten commissioners were appointed. During 2016, the 25-member commission developed a work plan and commenced research into past violations. The credibility of the body was undermined by the

¹³⁹ "[Islamist Rebel Apologises for Destroying Timbuktu Shrines at ICC Trial](#)," *BBC News* (22 August 2016); "[Mali Islamist Jailed for Nine Years for Timbuktu Shrine Attacks](#)," *BBC News* (27 September 2016); "[Ahmad al-Faqi al-Mahdi: The Vandal of Timbuktu](#)," *BBC News* (27 September 2016); Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 22, 246; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 421–422.

government's failure to consult sufficiently with a wide variety of stakeholders on the commission's membership, mandated powers, and degree of independence. The commission's inclusion of nine members of armed groups and lack of inclusion of those representing victims' groups drew sharp criticism from Malian civil society. In July 2016, the CEDAW (United Nations Convention on the Elimination of All Forms of Discrimination against Women) Committee voiced concern about the low level of representation of women on the commission and at decision-making levels following the 2015 Algiers peace agreement.¹⁴⁰

MALTA

Previous *Annual Report* entries: 2012.

MARSHALL ISLANDS

Previous *Annual Report* entries: 2013, 2015.

MAURITANIA

Previous *Annual Report* entries: 2001–2002, 2009, 2011, 2016.

Although slavery was abolished officially in 1981 and was recognized as a crime in domestic law, human rights organizations including SOS Esclaves and the Initiative for the Resurgence of the Abolitionist Movement (IRA), regularly criticized the continuation of this practice. In May 2016, the Special Tribunal against Slavery opened in Nema, and in the same month two former slave owners were handed a one-year prison sentence and a four-year suspended sentence and ordered to pay compensation to two women victims. Yet in the same month, in the same town, President Mohamed Ould Abdel Aziz denied that slavery existed and called on the Haratines, the former slave population, to have fewer children in order to address the legacy of slavery and poverty.¹⁴¹

¹⁴⁰ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 245–246; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 421–422.

¹⁴¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 249.

In 2010, Biram Dah Abeid (1965–), a historian and lawyer by training, a politician and advocate for the abolition of slavery inflicted upon the Haratin ethnic group, to which he belonged, was discharged as a senior adviser to the President of the National Commission for Human Rights in Mauritania because he had continuously voiced slavery issues. He was also threatened with prosecution and imprisonment for “illegal activities” if he would not suspend his active role in the fight against slavery. In December 2010, Abeid was arrested, detained and tortured during a dispute between the police and his group (the Initiative for the Resurgence of the Abolitionist Movement [IRA-Mauritania], founded in 2008), when about eighty activists descended on the house of an owner of two slave girls, demanding that the owner be imprisoned. On 6 January 2011, along with two other activists, Abeid was sentenced to one year’s imprisonment. He was imprisoned a month later but pardoned by President Mohamed Ould Abdel Aziz. In August 2011, police suppressed a sit-in in front of the police brigade over their “employment of minors against the law.” Abeid and ten other IRA activists were injured and hospitalized in the capital Nouakchott. In April 2012, during a demonstration in Nouakchott, the group was accused of burning early Islamic legal texts of the Maliki school of Islamic law that permitted slavery. The president publicly promised to administer the death penalty against him. Abeid’s telephone and internet service were cut off and he was imprisoned with other IRA activists. Later IRA apologized for the incident. On 3 September 2012, after several months of detention and cancelation of their trial, the activists were released on bail following pressure from the European Union. On 11 November 2014, Abeid and 16 other IRA activists were arrested for protesting against the repeal of charges against a slave master who raped a fifteen-year-old girl that worked as his slave. On 15 January 2015, hearings of the case took place and Abeid was sentenced to two years’ imprisonment. In August 2015, an appeal was rejected. On 17 May 2016, the Supreme Court of Mauritania decided to release Abeid.¹⁴²

The authorities continued to bar the legal registration of several NGOs and human rights organizations. For example, the Association des Veuves de la Mauritanie, an organization calling for the truth about summary executions and disappearances in the 1990s, had been waiting for recognition since 1993; it renewed its request in 2010.¹⁴³

MAURITIUS

Previous *Annual Report* entries: 2012.

¹⁴² “Biram Dah Abeid,” *Wikipedia* (10 July 2017).

¹⁴³ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 249.

MEXICO

Previous *Annual Report* entries: 1997, 1999, 2001–2016.

After 2003, a request was filed under the access to information law (2003) in order to obtain the names of those disappeared by the government during the “Dirty War” (1968–1982). The Procuraduría General de la República (PGR; federal prosecutor’s office) refused to release the relevant 135 files, a decision supported by the National Institute of Access to Information and Personal Data overseeing the law. The Open Society Justice Initiative and Litiga OLE then filed a constitutional challenge to this decision with the Supreme Court (an “*amparo*”) on the grounds that the access to information law included a “human rights override,” stipulating that government agencies could not withhold information related to investigations of human rights violations. The *amparo* also cited the collective aspect of the right to the truth, the right to the recognition of legal personality, and the right to a name for the victims, which must be proportionally weighed in cases on forced disappearances. At the time of the crimes, systematic attempts to erase records that the disappeared persons ever existed (for example, by destroying birth or school certificates), had reportedly taken place. Some local prosecutors had launched investigations into disappearances, but all ended without any charges being filed, and with the investigative files and the names of the victims being kept secret by the PGR. On 1 February 2017, the Supreme Court of Justice ruled in the case that the families of the more than 1,200 people who had the right to access government records with the names “of all those listed as disappeared by the government,” on the grounds that the information requested could not be kept classified when it referred to human rights violations, including disappearances. The court ordered the National Institute of Access to Information and Personal Data to issue a new resolution, ordering the PGR to disclose the requested information to the claimants, and allowing claimants to make those names public.¹⁴⁴

MOLDOVA

Previous *Annual Report* entries: 1999, 2003, 2010.

¹⁴⁴ Mariana Mas, “[A Victory for the Truth about Mexico’s ‘Dirty War’](#),” *Open Society Foundations* (8 February 2017).

MONGOLIA

Previous *Annual Report* entries: 2007, 2013.

MONTENEGRO

Previous *Annual Report* entries: 2008–2009, 2011–2013, 2015–2016.

Opposition parties, which entered the cabinet in May 2016 as part of a pre-election agreement, would propose a retired intelligence officer, Gojko Pejovic, for the post of Inspector General in the National Security Agency, who is allowed access to secret service operations and surveillance files, including sealed Communist-era files from the UDBA [Yugoslav communist secret police] and files from the 1990s.¹⁴⁵

By the end of 2016, the authorities had not acted on the recommendations of the United Nations Committee on Enforced Disappearances to include disappearance as a separate criminal offense in the Criminal Code. The authorities also failed to enable access to justice and reparation for victims. Additionally, they failed to ensure that the continuous nature of enforced disappearance was recognized in its system of criminal law. The fate and whereabouts of the 61 individuals still reported missing following the 1991–1999 armed conflicts in the former Yugoslavia were not investigated.¹⁴⁶

MOROCCO / WESTERN SAHARA

Previous *Annual Report* entries: 2000–2013, 2015–2016.

The authorities failed to implement key recommendations from the Equity and Reconciliation Commission, ten years after the Commission published its report examining human rights violations between 1956 and 1999.¹⁴⁷

In the 2014 documentary *Briser le silence / Break the silence* by filmmaker Tarik El-Idrissi, former

¹⁴⁵ Dusica Tomovic, "[Montenegro under Pressure to Open Secret Files](#)," *Balkan Insight* (31 May 2016).

¹⁴⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 257.

¹⁴⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 54, 260.

victims of the violent suppression of a separatist rebellion in the Rif region (north of Morocco) in 1958–1959 by the army under then Crown Prince Hassan (soon to be King Hassan II) were interviewed. It revealed that the victimization of the Rifis in the 1950s was never properly documented or publicly acknowledged and that the survivors refused to speak of it, guarding their secret within the family.¹⁴⁸

In March 2017, the French Commission du Secret de la Défense national (CSDN), an independent administrative body in charge of advising on documents declassification, approved declassification of 89 documents of the Service de Documentation Extérieure et de Contre-Espionnage (SDECE; the former external and counter-espionage services) between 1965 and 1966 were to be declassified. The documents related to leftist politician Mehdi Ben Barka's 1965 disappearance [See also *NCH Annual Reports 2000, 2002–2003, 2016.*]

In 1967, Morocco's former head of intelligence and Minister of Interior, General Mohammed Oufkir, had been sentenced in absentia by a French court to life imprisonment for his alleged role in the kidnapping of Ben Barka. In 1975, an investigation into the case was opened in France in 1975, and since then it had not made significant advancements. In 2000, 2004 and 2008, tens of documents had been declassified without any result. Some thought that crucial information was destroyed before 1982.¹⁴⁹

See also France.

MYANMAR (BURMA)

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2016.

The institutional and legislative framework maintained obstacles to holding perpetrators of human rights violations to account, and delivering justice, truth and reparations to victims and their families. Most perpetrators of past and current human rights violations continued to evade justice. In January 2016, just days before it was dissolved, parliament adopted the Former Presidents' Security Law, which could grant immunity to former presidents for crimes committed while they were in office,

¹⁴⁸ Susan Gilson Miller, "[Why History Matters in Post-2011 Morocco](#)," *Jadaliyya* (30 November 2016).

¹⁴⁹ Amnesty International, "[Time for Truth 50 Years after Enforced Disappearance of Opposition Leader Mehdi Ben Barka](#)" (MDE 29/2747/2015; London: AI, 28 October 2015); "[Will Declassified French Documents Uncover Truth about Ben Barka's Mysterious Disappearance?](#)" *Morocco World News* (11 May 2017); "[France: vers une déclassification des documents dans l'affaire Ben Barka](#)," *RFI* (10 May 2017).

including for crimes against humanity, war crimes and other crimes under international law.¹⁵⁰

In [March 2017], some—including Soe Win, the great-grandson of Burma’s last King Thibaw [reigned 1878–1885])—called for cancelation of a Thai soap opera and historical drama, entitled *Plerng Phra Nang* (A Lady’s Flames), because they found it defaming in its depiction of Burmese palace intrigue. In the drama, Ananthip, a character who schemes to seize control of the kingdom, reportedly closely resembled Hsinbyumashin, a real-life Burmese palace consort who orchestrated the massacre of scores of royals so that Thibaw could ascend the throne. In 1885, Thibaw abdicated and the monarchy was abolished when British forces defeated and invaded Burma.¹⁵¹

¹⁵⁰ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 266.

¹⁵¹ [“‘Insulting’ Thai Palace Soap Opera Angers Myanmar,”](#) *BBC News* (13 March 2017).

NAMIBIA

Previous *Annual Report* entries: 1995, 2006–2009, 2011, 2016.

Forty-two released Caprivi detainees—accused of treason after their arrests in 1999 and acquitted between 2013 and 2015—continued to live in fear after facing threats and intimidation. On 17 May 2016, they were notified that the Prosecutor General would appeal against their acquittals. The Vice Chairperson of the Caprivi Concerned Group (CCG), Retief Kangongo, went missing on 30 April 2016 following alleged threats by the Inspector General of the Namibian police. The CCG supported the acquitted detainees. Kangongo reportedly sought asylum in Botswana. In August 2016, the Supreme Court ruled in favour of Boster Mubuyaeta Samuele, one of the Caprivi detainees. He had fled to Botswana, and, in December 2002, he was abducted by Namibian security forces in Botswana and brought to Namibia to face trial. He then spent 13 years in prison. Samuele successfully argued that the Namibian courts had no jurisdiction to prosecute him since Namibian officials had violated international law when he was abducted and arbitrarily detained.¹⁵²

In their section of the municipal cemetery of Swakopmund, the Herero, traditional cattle herders, exhibited the horns of a cow belonging to their late paramount chief—drawing complaints, presumably from people tending to the cemetery's German section. In 2016, the city council eventually ordered the horns to be removed, angering many Hereros.¹⁵³

In 2016, protesters splashed paint on the statue known as the Marine Denkmal (erected 1908) in Swakopmund, that commemorates German soldiers who in 1904–1908 helped crush a rebellion against German colonial rule by the Herero and Nama ethnic groups, a crime recognized as genocide. The statue was the site where the German-speaking minority held annual commemorations. Uahimisa Kaapehi, an ethnic Herero city councilor, introduced a motion for the monument's removal. The city council referred the matter to the National Heritage Council.

In [2009], the most prominent statue of the German colonial era—an equestrian monument known as the Reiterdenkmal—had been toppled from a hill overlooking Windhoek, the capital. The monument was moved to courtyard of a nearby German fortress.¹⁵⁴

In the summer of 2016, the German government announced that it would recognize the killings of 1904–1908 as genocide for the first time. To that end, it engaged in talks with the Namibian

¹⁵² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 267.

¹⁵³ Norimitsu Onishi, "[A Colonial-Era Wound Opens in Namibia](#)," *New York Times* (21 January 2017).

¹⁵⁴ Norimitsu Onishi, "[A Colonial-Era Wound Opens in Namibia](#)," *New York Times* (21 January 2017).

government. As the victims of the crime, Herero and Nama representatives demanded a place at these talks and argued that no settlement could be agreed without their approval.¹⁵⁵

In [January 2017], representatives of the Herero and Nama peoples filed a class action lawsuit in New York under the Alien Tort Statute (a 1789 law frequently invoked in human rights cases) to demand reparations for the systematic massacre of some 100,000 of their forebears between 1904 and 1908 (widely regarded as the first genocide of the twentieth century). It was not clear whether the American courts would rule that they had jurisdiction to hear the case. The 1789 law was controversial and the United States Supreme Court had acted to restrict the scope of claims under it in 2013.¹⁵⁶

NEPAL

Previous *Annual Report* entries: 2007–2016.

Nepal made little concrete progress on justice for serious abuses committed by both sides during its civil war (1996–2006). At least 13,000 people were killed and over 1,300 were forcibly disappeared during the conflict. Efforts to ensure prosecutions in civilian courts for serious human rights and humanitarian law violations during the conflict remain stalled. While Nepal had delivered interim monetary and in-kind compensation to the families of those who were “disappeared” or killed during the conflict, others, such as survivors of sexual violence or torture, had received no compensation from the state.

In May 2016, the ruling Communist Party of Nepal (Unified Marxist-Leninist) and the Communist Party of Nepal (Maoist Center) agreed an amnesty for perpetrators of human rights abuses during the conflict. In July 2016, the Communist Party of Nepal (Maoist Center) and the Nepali Congress agreed to form a coalition government with the understanding that the Commission on Truth and Reconciliation (TRC) and the Commission on Investigation of Enforced Disappeared Persons (CIEDP) would focus on reconciliation and compensation, and not prioritize criminal prosecutions for past human rights violations. The 2014 Truth and Reconciliation Commission Act retained language which allowed amnesties for serious crimes under international law, despite the Supreme Court’s ruling against these provisions in 2015. The government did not amend the law and had yet to come up with a concrete roadmap in late 2016. The TRC and the CIEDP began registering complaints in mid-April 2016, fourteen months after their establishment and started public hearings; as of August

¹⁵⁵ Justin Huggler, [“Germany Sued for Reparations over Colonial-era Genocide in Namibia,”](#) *Telegraph* (6 January 2017).

¹⁵⁶ Justin Huggler, [“Germany Sued for Reparations over Colonial-era Genocide in Namibia,”](#) *Telegraph* (6 January 2017).

2016, they had received nearly 59,000 complaints. Officials of both commissions raised concerns about government delays and non-co-operation, lack of resources and unrealistically short deadlines for filing cases. Victims groups and civil society protested against the lack of transparency and consultation in the appointment of commissioners to both commissions.¹⁵⁷

NETHERLANDS

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2016.

Jules Schelvis (1921–2016), a Jewish typesetter and graphic designer passed through seven concentration camps from May 1943 until May 1945 and became a historian after his retirement. He wrote books about the camps, including Sobibór, and was a complainant (Nebenkläger) in the case of John Demjanjuk. In 2008, he received an honorary doctorate from the University of Amsterdam.¹⁵⁸

In August 2016, the Carmel Secondary School in Oldenzaal dismissed a recently appointed history teacher who posted neo-Nazi texts and pictures on the internet and liked similar messages on social media. On 1 September 2016, a judge in Enschede endorsed the school's decision in summary proceedings.¹⁵⁹

See also Azerbaijan, Japan, Lebanon, Rwanda, Serbia/Kosovo.

NEW ZEALAND

Previous *Annual Report* entries: 1997, 2003, 2005, 2007.

In [early April] 2017, Paul Moon, a historian at Auckland University of Technology, wrote an open letter rejecting the “forceful silencing of dissenting or unpopular views” on university campuses. It was signed by 27 high-profile New Zealanders, including former Prime Minister Sir Geoffrey Palmer (in office 1984–1990), Dame Tariana Turia and Don Brash. The letter came in response to Human

¹⁵⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 270; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 447.

¹⁵⁸ *NRC Handelsblad* (13 April 2011), 16; *Wikipedia* (29 April 2011); Bas Blokker, “Hij móést over Sobibor vertellen,” *NRC Handelsblad* (5 april 2016), 6.

¹⁵⁹ “[Oldenzaalse school ontslaat docent met extreemrechtse ideeën](#),” *NOS* (6 September 2016); Thomas de Veen, “Middelbare school ontslaat extreem-rechtse leraar,” *NRC Handelsblad* (7 September 2016), 8–9.

Rights Commissioner Dame Susan Devoy's call for a review of the hate speech law. Police had suggested that hate speech be looked at as a specific crime. Moon pointed at the risk that unpopular or offensive speech would be dismissed too easily as hate speech, creating a culture of fear. Moon planned to send a copy of the letter to all party leaders in parliament.¹⁶⁰

NICARAGUA

Previous *Annual Report* entries: 1998.

NIGER

Previous *Annual Report* entries: 2009, 2013.

NIGERIA

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2013, 2016.

There was continued lack of accountability for serious human rights violations committed by security officers. No independent and impartial investigations into crimes committed by the military had taken place despite President Muhammadu Buhari's repeated promises in May 2016. Moreover, senior military officials alleged to have committed crimes under international law remained uninvestigated; Major General Ahmadu Mohammed was reinstated into the army in January 2016. He had been in command of operations when the military executed more than 640 detainees following a Boko Haram attack on the detention center in Giwa barracks on 14 March 2014.

In its November 2016 preliminary report, the Office of the Prosecutor of the International Criminal Court (ICC) announced that it would continue its analysis of any new allegations of crimes committed in Nigeria and its assessment of admissibility of the eight potential cases identified in 2015, in order to reach a decision on whether the criteria for opening an investigation were met.¹⁶¹

¹⁶⁰ "[High-profile Kiwis: Free Speech under Threat in NZ Universities](#)," *NZHerald.co.nz* (4 April 2017).

¹⁶¹ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 278.

NORWAY

Previous *Annual Report* entries: 2009, 2012, 2016.

On 24 June 2016, the Ministry of Justice ruled that a 43-year-old Rwandan national accused of complicity in the 1994 genocide in Rwanda, whose appeal rights were exhausted, could be extradited to Rwanda. The extradition had not been carried out by the end of 2016.¹⁶²

In September 2016, Facebook deleted a post by writer Tom Egeland that featured “The Terror of War,” a Pulitzer prize-winning photograph by Nick Ut that showed children, including the naked nine-year-old girl Kim Phúc, fleeing from an aerial napalm attack in 1972 during the Vietnam War. Egeland’s post discussed “seven photographs that changed the history of warfare.” When Egeland complained about the censorship, the company suspended his Facebook account. Widespread protest erupted with Facebook users sharing the photo. Some 180,000 people used Facebook to view the *Guardian*’s account of the row—illustrated with the same uncensored photo. Another 4,000 shared it on Facebook. Phúc, living in Canada, declared: “I’m saddened by those who would focus on the nudity in the historic picture rather than the powerful message it conveys. I fully support the documentary image taken by Nick Ut as a moment of truth that captures the horror of war and its effects on innocent victims.” The leading evening newspaper *Aftenposten* wrote an open letter of protest to Facebook’s CEO Marc Zuckerberg and Prime Minister Erna Solberg reposted the image. After it was removed from Solberg’s page, she denounced it as an attempt to “edit our common history” and added: “I want my children and other children to grow up in a society where history is taught as it was. Where they can learn from historical events and mistakes.” Facebook justified its censorship with reference to its “Community Standards” against pornography but on 9 September 2016 reversed its decision and allowed users to share the iconic photo, stating that “In this case, we recognize the history and global importance of this image in documenting a particular moment in time.”¹⁶³

¹⁶² Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 282.

¹⁶³ Reporters without Borders, “[Facebook’s Iconic Blunder](#),” *Ifex* (9 September 2016); Sam Levin with Julia Carrie Wong and Luke Harding, “[Facebook Backs Down from ‘Napalm Girl’ Censorship and Reinstates Photo](#),” *Guardian* (9 September 2016).

OMAN

Previous *Annual Report* entries: 2010.

On 15 April 2016, writer, film-maker and intellectual Abdullah Habib ([1964–]) was summoned by the internal security service for questioning before the Special Division of the Omani Police General Command in Muscat. Detained upon arrival, he remained in incommunicado detention for over a week. No official reason was given for his arrest, although it may be in connection with a Facebook post (14 April 2016) he wrote calling on the government to reveal the burial sites of rebels executed during the Dhofar rebellion, an insurgency which took place in the south of Oman between 1962–1976. In the post, Habib related the story of the execution of two groups of rebels he called “Group 72” and “Group 74,” highlighting the cruel treatment meted out to the victims. He also pointed to the British involvement in suppressing the rebellion and mentioned Tim Landon, a Brigadier in the British army at the time who was influential in engineering the coup which placed the current Sultan Qaboos on the throne. He was released on 5 May 2016.¹⁶⁴

See also Iran.

¹⁶⁴ Network of Concerned Historians Campaigns [1] and [2]; Abdullah Habib’s [post](#) (in Arab); [Release Abdullah Habib Now Community](#); Pen International Rapid Action Network, Oman: Prominent Artist Arrested and Detained (RAN 09/16; 29 April 2016 & update 5 May 2016).

PAKISTAN

Previous *Annual Report* entries: 1998, 2001, 2004, 2006, 2009–2012, 2014, 2016.

PALESTINIAN AUTHORITY

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2013–2015.

See Israel, United States.

PANAMA

Previous *Annual Report* entries: 2003, 2008, 2013, 2015–2016.

In July 2016, a Comisión 20 de Diciembre (Commission 20 December), chaired by Juan Planells, was created to look into the events surrounding the United States invasion of Panama (labeled Operation Just Cause) and the overthrow of the government of Manuel Noriega (20 December 1989–31 January 1990). In March 2017, the Supreme Court agreed to give the commission access to its archives. An estimated 3,000 people died during the invasion. On 29 May 2017, Noriega died in a hospital in Panama City.¹⁶⁵

PAPUA NEW GUINEA

Previous *Annual Report* entries: 2014.

PARAGUAY

Previous *Annual Report* entries: 2002–2005, 2007, 2009–2010, 2012, 2015.

See Argentina.

¹⁶⁵ [“Justicia panameña abre archivos sobre invasión de EE.UU.”](#) *Prensa Latina* (8 March 2017).

PERU

Previous *Annual Report* entries: 2001–2016.

The Truth and Reconciliation Commission estimated that almost 70,000 people died or were subject to enforced disappearance during the armed conflict (1980–2000). Many had become victims of atrocities by the Shining Path and other insurgent groups; others were victims of human rights violations by state agents.

In a landmark trial, former President Alberto Fujimori was sentenced in 2009 to 25 years' imprisonment for killings and "disappearances" committed in 1991 and 1992. In July 2016, he requested a pardon on humanitarian grounds, but withdrew it in September after newly elected President Pedro Pablo Kuczynski said he would likely reject it. Fujimori's intelligence advisor, Vladimiro Montesinos, three former army generals, and members of the Colina group, a government death squad, were also serving sentences ranging from 15 to 25 years for the 1991 assassination of 15 people in the Lima district of Barrios Altos, and for six "disappearances." Courts have made much less progress in addressing violations, including extrajudicial killings, disappearances, and torture, committed during the earlier administrations of Fernando Belaúnde (1980–1985) and Alan García (1985–1990).

Only a tiny percentage of the human rights violations committed during the armed conflict had been brought to trial, according to Human Rights Trials in Peru, a project based at George Mason University, Fairfax, Virginia, that monitored human rights prosecutions. In 2016, court hearings continued into their sixth year in the case of torture and disappearances at the Los Cabitos military base in Ayacucho in 1983. Abuses committed in that military base in 1984 and 1985 had been under criminal investigation for over ten years, but had not been brought to trial in late 2016.

In July 2016, a prosecutor decided to close the investigation against former President Alberto Fujimori for forced sterilizations of mostly poor and indigenous women committed during his administration (1990–2000). A month later, a higher-ranking prosecutor requested that the closure be reconsidered, but a ruling on his request remained pending in late 2016. More than 2,000 forced sterilizations have been reported to authorities, but human rights groups contend that these represent only a small portion of such cases. In November 2015, then-President Ollanta Humala had signed a decree creating a national registry of victims of forced sterilizations. In June 2016, he signed the "Law on the Search of Disappeared Persons," a bill to search for victims of disappearances committed during the armed conflict. The law created a national registry of the disappeared and ordered that the Justice Ministry approve and implement a national search plan.

In May 2016, a court ordered that the government pay reparations to victims of abuses committed by both sides of the conflict and their relatives for each of the abuses they suffered, overturning the

limits on reparations established by the legislature.¹⁶⁶

PHILIPPINES

Previous *Annual Report* entries: 2011–2015.

See also Japan, United States.

POLAND

Previous *Annual Report* entries: 1995–1998, 2000–2001, 2004–2005, 2007–2011, 2014–2016.

On 15 February 2016, the government announced a new memory law enabling “the defense of the good name of the Polish Republic and the Polish Nation” that would impose a sentence of up to three years’ imprisonment for those who “attribute to the Polish Nation or to the Polish State, the participation, organization, responsibility or complicity, in crimes committed by the III German Reich, or other crimes against peace and war crimes” [See also *NCH Annual Report 2016*.] In particular the phrase “Polish death camps” in reference to wartime Nazi concentration camps on Polish soil, would be targeted, justice minister Zbigniew Ziobro declared. Poland had long sought to eliminate the misleading phrase from historical and newspaper accounts since it suggested that Poland, itself occupied by Nazi Germany during World War II, was responsible for concentration camps on its territory. The new law was sent to the Sejm on 16 August 2016. Critics like the Polish Center of Holocaust Research of the Institute of Philosophy and Sociology of the Polish Academy of Sciences (including Jan Grabowski) and Yad Vashem’s International Institute for Holocaust Research said that the law lacked precision and threatened to criminalize historical research which focused on the actions of Poles during World War II. Yehuda Bauer called the assertion that there were no Poles who took part in the murder of Jews Holocaust denial. On 14 November 2016, the American Historical Association expressed its concern in relation to the draft memory law which would “allow police and judicial authorities to overrule the judgments of trained historians,” and would “threaten the ability of historians to conduct impartial research that might reveal facts that these authorities find

¹⁶⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 294; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 481–482.

uncomfortable.”¹⁶⁷

On 12 April 2016, a prosecutor in Katowice questioned historian Jan Gross for five hours to determine if he had broken laws prohibiting the defamation of the nation [see *NCH Annual Report 2016*]. If found guilty, Gross could be sentenced to up to three years' imprisonment. On 14 November 2016, the American Historical Association expressed its concern in relation to the potential legal proceedings against Gross. Gross had been investigated before for defaming Poland for his book *Fear*. The investigation had not led to charges.¹⁶⁸

In June 2016, the Institute of National Remembrance (IPN) proposed plans to move 229 monuments marking the Soviet army's liberation of Poland at the end of World War II to an open-air museum north-west of Warsaw. The monuments were erected to glorify the Red Army's role in ousting the Nazis, but Poland rejected the associated claim that the Red Army gave Poland its independence, instead seeing the Soviet domination as a period of oppression. Russia protested the plan, saying that it exposed a lack of gratitude. Cemeteries were not affected by the plan.¹⁶⁹

In [January] 2017, the Minister of Culture Piotr Glinski declared that the new Museum of the Second World War in Gdansk was “not patriotic and heroic enough” and did not present a full picture of Polish heroism during the war. He cut the budget requested by the museum director, historian Pawel Machcewicz, by nearly half. Glinski accused Machcewicz of distorting Polish history and not focusing enough in the exhibits on Poland's military campaigns against the Nazis and Soviet forces. The government also announced plans to change the entire concept of the museum. The city of Gdansk (where World War II began when Germany invaded it in September 1939) filed complaint with the Supreme Administrative Court in Warsaw, which twice suspended the governmental plans. On 23 March 2017, the new museum opened; it approached the history of the Second World War from a European and worldwide perspective. On 5 April 2017, however, the court gave the

¹⁶⁷ Reuters, “[Poland Plans to Punish Use of the Phrase ‘Polish Death Camps’](#),” *Guardian* (13 February 2016); Jan Grabowski, “[‘Patriotic’ Move Threatens Academic Freedom](#),” *University World News* (17 February 2016); Roeland Termote, “Noem je Auschwitz een ‘Pools kamp’? 5 jaar celstraf,” *NRC Handelsblad* (17 February 2016), 14; Polish Center for Holocaust Research, “[Center’s Statement regarding the Planned Changes to the Law about the Institute of National Remembrance](#),” (12 September 2016); Don Snyder, “[Poland Is Poised to Put ‘Bad’ Historians of the Holocaust in Prison](#),” *Forward* (2 September 2016); American Historical Association, “[Letter of Concern to Polish Government regarding Treatment of Historian Jan Gross](#)” (14 November 2016).

¹⁶⁸ Alex Duval Smith, “[Polish Move to Strip Holocaust Expert of Award Sparks Protests](#),” *Guardian* (14 February 2016); Selma Leydesdorff, “Polen dupeert zijn schrijver Jan Gross – om de Joden,” *NRC Handelsblad* (16 February 2016), 16; AP, “[Holocaust Scholar Questioned on Claim Poles Killed More Jews than Germans in War](#),” *Guardian* (14 April 2016); Catherine Porter, “[Poland Wrestles with Its Past—and Present](#),” *The Toronto Star* (24 September 2016); American Historical Association, “[Letter of Concern to Polish Government regarding Treatment of Historian Jan Gross](#)” (14 November 2016).

¹⁶⁹ “[Soviet Troop Monuments in Poland To Be Moved to New Museum](#),” *BBC News* (28 June 2016).

government permission to merge it with another museum that still had to be established on Gdansk's peninsula Westerplatte. The Gdansk museum had been commissioned by the predecessor government of Donald Tusk, a historian, Gdansk native, president of the European Council and political rival of the incumbent nationalist Law and Justice (PiS)-led government. In the summer of 2016, Education Minister Anna Zalewska had drawn protests from the Anti-Defamation League after saying in an interview that Polish citizens were not responsible for the pogroms in Jedwabne and another Polish town.¹⁷⁰

In May 2017, Holocaust historian Jan Grabowski was accused of slandering Poland's reputation with research that focused on the participation of some Poles in the killing of Jews during World War II. The Polish League against Defamation said that Grabowski's scholarship "falsified the history of Poland, proclaiming the thesis that Poles were complicit in the extermination of Jews." On 19 June 2017, more than 180 historians of modern European history came to his defense, calling the statement against him a "distorted and whitewashed version of the history of Poland during the Holocaust era." Based at the University of Ottawa in Canada, Grabowski, the son of a Holocaust survivor, received several death threats, leading to security patrols in his department.¹⁷¹

See also Russia, Ukraine.

PORTUGAL

Previous *Annual Report* entries: —.

On 7 January 2017, Mário Soares (1924–2017) died. In March 1968, lawyer Soares, who had a degree in history and philosophy from Lisbon University (1951), was deported to São Tomé but was able to return in 1969 during a brief liberalization period. As he attacked the dictatorship and its colonial policies in Africa, he was harassed by the political police. (During the 1960s he had already been arrested at least twelve times.) The 1969 elections in which he participated as an opposition candidate were rigged. He went into exile in France (1969–1974), where he taught at the Sorbonne. In 1973 he

¹⁷⁰ Adam Easton, "Poland in Row with Historians over Landmark War Museum," *BBC News* (5 May 2016); Pawel Adamowicz, "[Is Museum of the Second World War not Patriotic enough?](#)" *Huffington Post* (s.d. [February] 2017); Jenne Jan Holtland, "[Rechter geeft groen licht voor 'fusie' Pools Tweede Wereldoorlogmuseum.](#)" *Volkskrant* (5 April 2017); Soraya Sarhaddi Nelson, "[Poland's New World War II Museum Just Opened, But Maybe Not For Long.](#)" *NPR* (4 April 2017); Marcin Król, "The Past Is Not a Foreign Country," *Index on Censorship*, 46, no. 1 (spring 2017), 74–76.

¹⁷¹ Vanessa Gera, "[Historians Defend Scholar who Studies Poland and Holocaust.](#)" *Washington Post* (20 June 2017).

helped re-establish the Socialist Party. After 1974, he was prime minister on several occasions, and from 1985 to 1996 he was elected president twice.¹⁷²

¹⁷² Amnesty International, *Report 1967–68* (London: Amnesty International, 1968), 11; M. Azevedo, *Historical Dictionary of Mozambique* (Metuchen 1991), 122; *Index on Censorship* (1972, no. 2), 55; Derek Jones, ed., *Censorship: A World Encyclopedia* (London / Chicago: Fitzroy Dearborn, 2001), 1916; D. L. Wheeler, *Historical Dictionary of Portugal* (Metuchen 1993), 49–52, 165–166.

QATAR

Previous *Annual Report* entries: 2010.

ROMANIA

Previous *Annual Report* entries: 1996, 1998, 2000, 2003, 2005, 2007–2008, 2010.

RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2016.

After a complaint by member of the Just Russia party Dmitry Zakharov that the state-run Library of Ukrainian Literature in Moscow was storing newspapers that “distorted historical facts” and exhibited a “Russophobic nature,” armed and masked law enforcement officers raided the library on 28 October 2015, seized files and about 200 books and pamphlets, and detained director [since 2006] Natalya Sharina ([1957–]) [See also *NCH Annual Report 2016*]. The next day a criminal case was opened against her on suspicion of inciting ethnic hatred and breaking the law on extremism. The Investigative Committee stated that it wanted her arrest after the investigators found books in the library that allegedly disseminated “anti-Russian propaganda,” including works by radical nationalist activist Dmytro Korchynsky [Dmitry Korchinsky], which were declared extremist by a court and banned in Russia. A spokesman for the library said the most controversial items were stored in a separate room and could only be given to political analysts and historians who need it for professional purposes. Sharina herself denied that the books belonged to the library and claimed they had been secretly planted there by some law enforcement officials. On 5 April 2016, weeks before her house arrest was due to expire, she was charged with embezzlement for allegedly misappropriating library funds to pay for a lawyer to defend her during a previous unfounded attempt to prosecute in 2011–2013. Her house arrest was extended several times. On 15 August 2016, the Moscow Prosecutor General’s office refused to sign the indictment against Sharina and the case was sent back for further investigation. On 2 November 2016, her trial began. She was charged with “inciting hatred and enmity through misuse of office” under Article 282 of the Criminal Code and of fraudulent use of library funds, offenses for which she could face up to ten years’ imprisonment. On 5 June 2017, the Meshchanskiy District Court in Moscow found her guilty of “incitement of hatred” toward Russian people and “embezzlement” and handed-down a four-year suspended sentence for holding “extremist literature.” She appealed the conviction.¹⁷³

¹⁷³ [“Urgent Action: Librarian’s Case Sent Back for Investigation”](#) (UA: 261/15; Index: EUR 46/4710/2016; 25 August 2016); Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 307; PEN International, [“Russia: Conviction of Librarian Must Be Quashed”](#) (7 July 2017); Nataliya Vasalyeva, [“Chief of Moscow’s Ukrainian Library Gets Suspended Sentence,”](#) *AP News Archive* (5 June 2017).

On 4 April 2016, President Vladimir Putin announced at a meeting with head of Federal Archive Agency Andrei Artizov that he had signed an executive order bringing the agency under direct subordination to the President because “the materials in [the] agency’s possession are of particular value for the country.”¹⁷⁴

In June 2016, a court in Perm convicted Vladimir Luzgin ([1979]–) and gave him a fine of 200,000 rubles for reposting on his social network page a text, entitled “[15 Facts about Banderites, or What the Kremlin Is Silent About](#),” which stated (correctly) that the Soviet Union, in collaboration with the Nazis, invaded Poland in 1939. Luzgin had written: “The communists and Germany jointly invaded Poland, sparking off the Second World War. That is, communism and Nazism closely collaborated, yet for some reason they blame Bandera who was in a German concentration camp for declaring Ukrainian independence.” Luzgin was found guilty of posting “knowingly false information.” The dean of Perm University’s History Faculty Alexander Vertinsky appeared as a witness for the prosecution and claimed that the material contained “statements that do not correspond with the position accepted at international level.” Luzgin was probably the first person in Russia to face criminal prosecution under a controversial 2014 law envisaging anything from fines to five years’ imprisonment for so-called “rehabilitation of Nazism.” The Sova Center had criticized the law, saying its aim was to prohibit historical discussion. Luzgin refused to pay the fine and sought political asylum in Prague.

At a press conference with German Chancellor Angela Merkel on 10 May 2015, President Vladimir Putin had defended the Molotov-Ribbentrop Pact, claiming that the USSR was left to face Hitler’s Germany by itself. Culture minister Vladimir Medinsky called the pact a “colossal achievement of Stalin’s diplomacy.” On 20 September 2015, Russia’s ambassador to Venezuela, Vladimir Zayemsky, claimed that the USSR did not invade Poland on 17 September 1939 and that it was in fact Poland, not the USSR, that collaborated with Nazi Germany. He wrote that “the alleged invasion by Soviet forces of Poland in 1939 is a lie” and went on to claim that although Poland was the first victim of World War II, it tried to be “Hitler’s faithful ally” in the period before the war.¹⁷⁵

On 13 July 2016, the official list of active “foreign agents” comprised 104 groups. In 2012, the parliament had adopted a law that required NGO’s to register as “foreign agents” (a term interpreted as “spy” or “traitor”) with the Ministry of Justice if they engaged in “political activity” (overbroadly defined) and received foreign funding. The law aimed to marginalize independent advocacy groups. In early March 2013, the government launched a nationwide campaign of inspections of hundreds of

¹⁷⁴ “[Meeting with Head of Federal Archive Agency Andrei Artizov](#)” (press release, Kremlin, 4 April 2016).

¹⁷⁵ Halya Coynash, “[Russian Fined for Reposting that the USSR & Nazi Germany Invaded Poland](#),” *Human Rights in Ukraine* (1 July 2016); “[How Russia Is Engaged in a Battle for its Own History](#),” *Sky News* (11 December 2016).

NGOs to identify groups seen as “foreign agents” and force them to register as such. Numerous groups challenged the prosecutor’s office and the Ministry of Justice in courts; most lost their cases. As a result, by February 2015, at least 13 groups chose to shut down rather than wear the “foreign agent” label. In August 2013, the then-federal ombudsman Vladimir Lukin, acting on behalf of four NGO’s, challenged the law in the Constitutional Court. On 8 April 2014, the Court upheld the law, ruling that there were no legal or constitutional grounds for contending that the term “foreign agent” had negative connotations from the Soviet era and that, therefore, its use was “not intended to persecute or discredit” NGO’s. It also found that the “foreign agent” designation was in line with the public interest and the interest of state sovereignty. On 23 May 2014, parliament amended the law, this time authorizing the Ministry of Justice to register independent groups as “foreign agents” without their consent, if the ministry regarded the organizations as engaged in “political activity” and if the organization was receiving foreign funding. On 4 June 2014, the amendments were signed into law. On 5 June 2014, the Ministry of Justice promptly registered five groups as “foreign agents,” and since then has registered a total of 130. By 2 June 2016 the registry included the following groups among others: Human Rights Center “Memorial” (Moscow), Educational Center “Memorial” (Sverdlovsk region), Commemorative Centre of History of Political Repressions “Perm-36,” Komi Human Rights Commission “Memorial” (Syktyvkar), Research and Information Center “Memorial” (St. Petersburg), Yekaterinburg Memorial Society (Yekaterinburg), Ryazan Historical, Educational and Human Rights Center “Memorial” (Ryazan). Groups that a court found responsible for failing to register as a “foreign agent” and fined included, among others: Anti-Discrimination Center “Memorial” (St. Petersburg) [the NGO won two administrative cases, but later lost a similar civil suit to the prosecutor’s office and chose to shut down], Educational Center “Memorial” (Sverdlovsk region) [the NGO lost the suit, the appeals court decreased the amount of the fine], and the Human Rights Center “Memorial” [the NGO lost the suit]. The leaders of at least eight NGO’s faced administrative charges personally, including the Anti-Discrimination Center “Memorial” (St. Petersburg) [the NGO won the suit but the organization chose to shut down when it lost a “foreign agent” civil suit to the prosecutor’s office]. On 1 February 2016, around 90 members of the Russian PEN Center, together with 21 historians belonging to the Free Historical Society and Russian academics, called on the Ministry of Justice to halt its abuse of power against NGOs deemed to be “foreign agents.” They feared that any public criticism or appeal to the state authorities or their representatives to amend the provisions of a particular law or overturn an unlawful decision would be deemed a “political activity” and grounds for inclusion on the list of “foreign agents”. The amendments to the law published by the Justice Ministry on 22 January 2016 contained a proviso that scientific, cultural and charitable activities would not be deemed political. PEN and the historians rejected this since an exception would only be made if the organization had not conducted the activity “with the aim of exerting influence on public opinion and decisions by the state authorities” [See also

NCH Annual Report 2016].¹⁷⁶

In early August 2016, Vadim Potomsky, the governor of Oryol (a city south of Moscow), planned to unveil a monument for the first Tsar, Ivan the Terrible (1530–1584; ruling 1547–1584), during the 450th anniversary of Ivan’s decree that a fortress be built there. But the inauguration was delayed after a protest in July by local people holding signs such as: “We don’t need a monument to a tyrant.” They initiated three lawsuits to remove the statue. The founder of tsardom was known for his long campaign of terror against the nobility and populace, as well as for killing his son during an argument. On 15 October 2016, the statue was unveiled, not on the intended location—the theater—but at the Oka river. In his speech, Potomsky compared Ivan to President Vladimir Putin.¹⁷⁷

In September 2016, during events commemorating victims of the September 2004 school hostage-taking in Beslan, North Ossetia, police roughed up and detained several activists wearing T-shirts and holding a sign saying: “Putin is the Slaughterer of Beslan.” Thugs apparently acting as proxies of local law enforcement attacked two journalists.¹⁷⁸

On 31 October 2016, the scientific council of the National Security Council (NSC) reportedly opposed what it called efforts that distorted the meaning of the 1917 Russian Revolution and other historical events (such as the nationality policies of the tsarist Empire and the USSR, the role of the USSR in World War II, the 1939 Molotov-Ribbentrop Pact, and the political crises in Warsaw Pact countries) in view of the coming centennial of the Revolution. It advocated the establishment of a new government center that would take up the role of the commission for preventing attempts at the falsification of history that was disbanded in 2012. This fitted into a broader pattern. Point 21 of the National Security Strategy (2015) stated that other countries were increasingly using information technology to manipulate public consciousness and falsify history, while the Draft Information Security Doctrine (2016, point 12) noted that they were trying to “undermine the historical foundations” of the Russian people. The Presidential Administration and the Institute of History of the Russian Academy of Sciences, however, were opposed to that step.¹⁷⁹

¹⁷⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 306; Human Rights Watch, “[Russia: Government against Rights Groups](#)” (14 July 2016); Russian PEN, “[Writers and Academics Speak Out against Law on ‘Foreign Agents’](#)” (1 February 2016).

¹⁷⁷ Alec Luhn, “[Russian Orthodox Church Head Backs Ivan the Terrible Sculpture](#),” *Guardian* (2 August 2016); “[Omstreden standbeeld van Ivan de Verschrikkelijke onthuld](#),” *NOS* (15 October 2016); Steven Derix, “[Waarom Ivan de Verschrikkelijke in Rusland een standbeeld krijgt](#),” *NRC Handelsblad* (1 December 2016), 14–15.

¹⁷⁸ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 498.

¹⁷⁹ Paul Goble, “[History Of Russia’s 1917 Revolution Now In Danger?](#)” *Eurasia Review* (1 November 2016); Cameron Johnston, “[Russia: History as Myth?](#)” *European Union Institute for Security Studies Alert Issue no. 40* (November 2016), 1–2.

On 14 November 2016, the Prosecutor of the International Criminal Court (ICC) said that the situation within the territory of Crimea and Sevastopol amounted to an international armed conflict between Russia and Ukraine. The ICC Prosecutor was conducting an assessment as to whether the same was true for eastern Ukraine. On 16 November 2016, President Vladimir Putin announced that Russia no longer intended to become a party to the Rome Statute of the ICC, which it had signed in 2000 but did not ratify.¹⁸⁰

On 13 December 2016, the FSB arrested Karelian historian Yuri Dmitriyev ([1955–]) and held him in remand prison on charges of “preparing and circulating child pornography.” His trial before a local court in the regional capital of Petrozavodsk was scheduled to begin in May 2017, and, if convicted, he faced between eight and fifteen years’ imprisonment. He also faced an illegal-weapons charge stemming from a piece of a vintage hunting rifle that investigators found in his flat—a relic his lawyer said Dmitriyev recovered during a research dig. Dmitriyev denied all allegations, saying that he had been framed because of his activities as a historian, and colleagues both in Russia and abroad argued that the charges were trumped-up to punish him for his past research and to silence him in the future.

As the head of the Karelian chapter of the rights-advocacy group Memorial, Dmitriyev had assembled a Book of Remembrance that included the names of 13,000 Great Terror victims. In 1997, he and his colleagues Irina Fliege and Veniamin Iofe, discovered the Sandarmokh mass grave, where more than 9,500 prisoners representing over 60 ethnic groups from the Solovki GULAG camp were executed and buried by Stalin’s secret police in 1937–1938. In addition, over strong resistance from Karelian security agents, Dmitriyev lobbied to have the spot memorialized (today there is a large stone memorial at the site). Recently, he had participated in a Memorial project to create an online database giving details about some 40,000 agents of Stalin’s secret police, who were directly responsible for the murders of some one million Soviet citizens during the Great Terror period, as well as the persecution of millions more (the “executioners’ database”). Shortly after the publication, Memorial started receiving threats and unambiguous “recommendations” to end the project. More than 7,000 people signed an online petition denouncing the charges against Dmitriyev as “a provocation.” Historians and activists from Ukraine and Poland have published open letters of support. During the investigation and while Dmitriyev was in custody, the latter’s latest research—450 pages of meticulous investigation—and his entire research archive disappeared without a trace.

In August [2016], for the first time in 20 years, the Karelian government and the Russian Orthodox Church declined from taking part in commemorations in Sandarmokh.¹⁸¹

¹⁸⁰ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 309.

¹⁸¹ Yelizaveta Mayetnaya, “[Supporters Rally Around Accused Russian Historian of Stalin’s Crimes](#),” *Radio Free Europe/Radio Liberty* (27 April 2017); “[Ukrainians Ask for International Protection for Russian Historian Who Is Persecuted by FSB](#),” *Human Rights Information Centre* (28 December 2016); [Petition:](#)

On 13 June 2017, a court in Podolsk tried Vladimir Melikhov ([1957–]), a descendant of Cossacks and founder of two private history museums. The museums focused on the persecution of the anti-Bolshevik resistance following the 1917 Revolution and on the reasons why many Cossacks and other persecuted Soviet citizens welcomed, at least initially, Hitler’s invasion of the Soviet Union in June 1941. Melikhov was denounced on state television as a traitor and border guards defaced his passport to prevent him from leaving Russia. The court in Podolsk found him guilty of trumped-up criminal charges such as illegal possession of weapons and sentenced him to one year of “restricted freedom” (house arrest). The evidence against him consisted of a 19th-century gun and a stash of bullets. Melikhov claimed that investigators had planted them.¹⁸²

See also China, Poland.

RWANDA

Previous *Annual Report* entries: 1998, 2000–2016.

Individuals suspected of involvement in the 1994 genocide faced trial in Rwanda and Sweden. In March 2016, the Congolese authorities transferred Ladislav Ntaganzwa to Rwanda to stand trial on charges of genocide and crimes against humanity, in line with an arrest warrant issued by the United Nations Mechanism for International Criminal Tribunals—the body responsible for following up the work of the International Criminal Tribunal for Rwanda (ICTR), which closed in December 2015 after delivering its final judgement against former minister Pauline Nyiramasuhuko and five co-accused.

In April 2016, Rwanda’s High Court sentenced to life imprisonment an academic and former government official, Léon Mugesera, extradited from Canada in 2012. He was convicted of incitement to commit genocide, inciting ethnic hatred and persecution as a crime against humanity. He was acquitted of preparing and planning the genocide and conspiracy to commit genocide.

In July 2016, a French court found Octavien Ngenzi and Tito Barahira, two former mayors, guilty of genocide and crimes against humanity, and sentenced them to life imprisonment. It was only the second time that Rwandan genocide suspects were convicted in France, a close ally of the Rwandan government before and during the 1994 genocide. In December 2016 a French court confirmed the 25-year prison sentence of Rwandan former intelligence chief Pascal Simbikangwa for genocide and

[Освободить историка Юрия Дмитриева](#) (in Russian); “[Stalin’s Shadow: How a Gulag Historian Fell Victim to Russia’s Dark Past](#),” *Moscow Times* (9 June 2017).

¹⁸² Andrew Higgins, “[Putin-Era Taboo: Telling Why Some Soviets Aided Nazis](#),” *New York Times* (21 June 2017).

complicity in crimes against humanity. A German court convicted another former mayor, Onesphore Rwabukombe, to life imprisonment for his role in the genocide in December 2015. In July 2016, Enoch Ruhigira, who in 1994 was chief of staff of the then President, Juvénal Habyarimana, was arrested in Germany at the request of the Rwandan authorities, who were seeking his extradition on genocide charges. In May 2016, a court in Sweden convicted Claver Berinkindi of genocide and sentenced him to life in prison. A court in London in December 2015 denied an extradition request for five genocide suspects. On 12 November 2016, genocide suspects Jean-Claude Iyamuremye and Jean-Baptiste Mugimba were extradited from the Netherlands and transferred to Kigali Central Prison. On 17 November 2016, Henri Jean-Claude Seyoboka, a former military official, was deported from Canada, accused of involvement in the genocide. He had not disclosed his military background in his asylum application. On 28 September 2016, university professor Léopold Munyakazi was deported from the USA to Rwanda. He was charged with committing genocide, complicity in genocide, conspiracy to commit genocide, extermination and genocide negation. He had been arrested after the genocide, but was released in 1999 due to a lack of evidence. Rwanda issued an international warrant for his arrest in 2006 a month after he gave a speech in which he described the massacres of 1994 as fratricide rather than genocide. In a hearing in October 2016, Munyakazi pleaded not guilty.¹⁸³

See also Norway.

¹⁸³ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 310–311; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 507–508.

SAINT VINCENT

Previous *Annual Report* entries: 2014.

SÃO TOMÉ

Previous *Annual Report* entries: —.

See Portugal.

SAUDI ARABIA

Previous *Annual Report* entries: 1996, 2001, 2006, 2010–2011, 2013.

On 5 April 2017, United Nations experts on cultural rights, housing and extreme poverty called on the government to halt the planned forced evictions and demolition of the 400-year-old walled Al-Masora quarter in the village of Awamia. Al-Masora was considered a historical model of a walled village, including mosques, farms and farmers' markets, places of worship for Shia "Hussainiyat" and businesses; it was home to about 2,000 to 3,000 people.¹⁸⁴

See also Iran.

SENEGAL

Previous *Annual Report* entries: 2002–2004, 2006, 2009, 2013.

In 2016, France promised to give Senegal 2.5 million digital images of documents relating to Senegal's colonial history, particularly archives relating to the Thiaroye massacre. The Thiaroye massacre was a mutiny against poor work conditions and revocation of pay by 1,300 volunteers and conscripts of the Tirailleurs Sénégalais (infantry) units of the French army, and the subsequent killing of at least 35 to 70 (and perhaps as many as 300 to 400) of them by French forces at Thiaroy camp,

¹⁸⁴ ["UN Experts Urge Saudi Arabia to Halt Forced Evictions and Demolitions of the Al-Masora Neighborhood in Awamia"](#) (press release; 5 April 2017).

near Dakar, on the night of 30 November to 1 December 1944. In March 1945 a military tribunal sentenced 34 survivors to ten years' imprisonment. The families of the massacre victims demanded that France turn over all the Ministry of Defense archives on the massacre, including a list of victims, that the texts on the memorial at Thiaroy cemetery be rewritten and that the 1945 trials be reviewed. In 2012, French President François Hollande had promised to restitute the archives to Senegal; at that occasion he had called the event a "bloody suppression." *Camp de Thiaroye*, a 1988 film by Ousmane Sembène about the massacre, was called "inaccurate" at the time and banned in France for a decade and censored in Senegal.¹⁸⁵

On 30 May 2016, Chad's former President Hissène Habré was sentenced to life imprisonment by the Extraordinary African Chambers (EAC) in Senegal, a court established under an agreement between the African Union and Senegal. He was found guilty of crimes against humanity, war crimes and torture committed in Chad between 1982 and 1990. His lawyers lodged an appeal. The sentence set a new benchmark for efforts to end impunity in Africa. The case was the continent's first universal jurisdiction case and Habré the first former African leader to be prosecuted before a court in another country for crimes under international law. On 29 July 2016, the EAC awarded the victims of rape and sexual violence in the case 20 million CFA (US\$33,880) each; the victims of arbitrary detention and torture, as well as prisoners of war and survivors, 15 million CFA (US\$25,410) each; and the indirect victims, 10 million CFA (US\$16,935) each.¹⁸⁶

SERBIA / KOSOVO

Previous *Annual Report* entries: 2008–2016.

Journalists and researchers reported that the Serbian interior and defense ministries, and the army and police systematically obstructed the Freedom of Information Law by denying access to information which could prove who was responsible for crimes or their cover-up and help locate missing persons during the wars of the 1990s with Croatia (1991–1995), Bosnia and Herzegovina (1992–1995) and Kosovo (1998–1999). In most cases, even when ordered to disclose the documents, the ministries did not obey decisions made by the Commissioner for Information and Public Importance and Personal Data Protection. The four most common answers to requests were "state secret," "strictly

¹⁸⁵ "[Thiaroye Massacre](#)," *Wikipedia* (1 February 2017); "[Thiaroye 44: les familles des victimes demandent 'la fin de l'obstruction à la manifestation de la vérité'](#)" *Dakaractu* (1 December 2016); Mamadou Seck, "[Le président Sall: 'La France va rendre au Sénégal ses archives'](#)," *Sanslimitesn.com* (20 December 2016); Jeremy Black, *Using History* (London 2005), 31.

¹⁸⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 21–22, 116.

confidential,” “we don’t have that information,” and “you need to provide more details.” International organizations warned that many suspected war criminals were still active as army and police officers, including some who worked in the police witness protection unit, and were preventing further investigation of war crimes.¹⁸⁷

In March 2016, the Prosecutor’s Office confirmed the indictment of eight former members of the Special Brigade of the Ministry of the Interior of Republika Srpska, the ethnic Serb party to the war in Bosnia, for war crimes committed against civilians in Srebrenica in 1995. Since its establishment in 2003, 110 judgments were issued: 75 convictions and 35 acquittals.

Also in March 2016, the International Criminal Tribunal for the former Yugoslavia (ICTY) acquitted Vojislav Šešelj, President of the Serbian Radical Party. He had been indicted on three counts of crimes against humanity (persecution, deportation and inhumane acts of forcible transfer) and six counts of war crimes (murder, torture and cruel treatment, wanton destruction, destruction or willful damage done to institutions dedicated to religion or education and plunder of public or private property). The prosecution lodged an appeal which was pending at the end of 2016. Following the April 2016 elections, Šešelj returned to the National Assembly.

In February 2016, the Serbian government adopted a war crimes strategy which sets out criteria for prioritizing cases and commitment to prosecute high ranking officials suspected of war crimes, while failing to specify how. The strategy was part of the European Union (EU) requirements that focused on rule of law, and part of EU’s enlargement process with Serbia. The War Crimes Prosecutor’s Office separately was drafting another strategy concerning war crimes prosecutions. The chief prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY), Serge Brammertz, expressed concern in June 2016 that Serbia had failed to appoint a new chief war crimes prosecutor after almost a year. In late 2016, Serbia had still yet to do so.¹⁸⁸

Kosovo

EU Rule of Law Mission (EULEX) has been involved in a total of 38 verdicts on war crimes since it was established in 2008. The Human Rights Review Panel, an independent body set up in 2009 to review allegations of human rights violations by EULEX, did not rule on any cases between January and September 2016. Forty-nine cases were pending before the panel in late 2016. The EULEX mandate was extended until June 2018. However, EULEX announced it would not launch new investigations into cases of crimes under international law. At the end of 2016, hundreds of pending

¹⁸⁷ Marija Ristic, “[Serbian Ministries Block Public Access to War Files](#),” *Balkan Insight* (8 April 2016).

¹⁸⁸ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 318; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 520–521.

cases were due to be transferred to the Kosovo authorities despite the European Commission declaring the Kosovo judiciary “slow” and “vulnerable to undue political influence.” The Kosovo Special Prosecution Office remained understaffed and struggled to recruit adequately trained and experienced prosecutors to investigate and prosecute crimes under international law and to launch new investigations.

The Human Rights Advisory Panel (HRAP), an independent body set up in 2006 to examine complaints of abuses committed by or attributable to the United Nations Interim Administration Mission in Kosovo (UNMIK), ceased its operations on 1 July 2016. In a critical July report, HRAP found that UNMIK had violated human rights; had not properly investigated serious allegations of wrongdoings, and had failed to comply with the panel’s recommendations. Abuses by UNMIK included lack of adequate criminal investigations in relation to disappearances, abductions, killings, and excessive use of force by UNMIK police during a crowd control operation in 2007, resulting in deaths and serious injuries of four protesters. The panel found violations in all nine cases that it addressed between January and July 2016.

The Kosovo Specialist Chambers, a relocated special court to prosecute former members of the Kosovo Liberation Army (KLA) for crimes committed during and after the war (1998–1999), was set up in The Hague. At the end of 2016, the first indictments by the Specialist Prosecutor had yet to be issued. The Council of the European Union allocated €29 million to support the setting up and functioning of the relocated judicial proceedings between April 2016 and June 2017. In January 2016, Oliver Ivanović, leader of a Kosovo Serb political party, was sentenced by a panel of international judges at the Basic Court of Mitrovicë/Mitrovica to nine years’ imprisonment for ordering the murder of ethnic Albanians in the town in April 1999. He remained under house arrest at the end of 2016 while his appeal against his conviction was pending before the Court of Appeals in Pristinë/Pristina. Over 1,600 people remained missing in the aftermath of the armed conflict (1998–1999). No further grave sites were identified in Serbia or Kosovo despite exhumations at potential mass graves. Co-operation agreements between the two parties remained unimplemented.¹⁸⁹

On 13 February 2017, Kosovo President Hashim Thaci launched consultations to establish a new Truth and Reconciliation Commission to deal with the human rights violations (including dozens of massacres) during the 1998–1999 war. Thaci, who was the political leader of the Kosovo Liberation Army during the war, said that the commission would support the judiciary in prosecuting war crimes. A similar commission, launched by former Yugoslav President Vojislav Kostunica in 2001, failed to

¹⁸⁹ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 319–320; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 525–527.

yield results [See also *NCH Annual Report 2003*].¹⁹⁰

See also Croatia, Slovenia.

SERBIA / MONTENEGRO

Previous *Annual Report* entries: 1999, 2001–2007. *See* Montenegro and Serbia / Kosovo.

SIERRA LEONE

Previous *Annual Report* entries: 2000–2012, 2016.

SINGAPORE

Previous *Annual Report* entries: 1998, 2009–2011, 2015–2016.

SLOVAKIA

Previous *Annual Report* entries: 1997, 2002, 2007, 2009, 2011, 2013–2015.

On 2 August 2016, the 72nd anniversary of the Roma Holocaust ('Porrajmos' or 'Pharrajimos'), Rita Izsák-Ndiaye, the United Nations special rapporteur on minority issues, and Adama Dieng, the Special Adviser of the United Nations Secretary-General on the Prevention of Genocide, issued a statement calling on all states to recognize and ensure the right to remembrance for the Roma, to make 2 August an official day of remembrance for the victims of the Pharrajimos and to identify and preserve Roma graves and mass graves, including those that had not yet been marked, to enable survivors to remember and mourn in dignity.¹⁹¹

¹⁹⁰ Die Morina & Doruntina Baliu (BIRN), "[Kosovo's Thaci Announces Post-War Reconciliation Commission](#)," *Balkan Insight* (13 February 2017).

¹⁹¹ "[UN Experts Call on All Governments To Recognise the Right to Remembrance for the Roma People](#)" (press release, Geneva; 2 August 2016).

SLOVENIA

Previous *Annual Report* entries: 2007–2009, 2011–2013, 2015–2016.

On 13 May 2016, the Platform of European Memory and Conscience expressed concerns about the official unveiling on 26 April 2016 (on the so-called Day of Uprising against Occupation) of a monument to former chief of the secret political police OZNA/UDBA and high Communist party official Ivan Maček-Matija in the area of Kočevski Rog (Southern Slovenia), where tens of thousands of unarmed people—mostly Slovenes, Croats and Serbs—were murdered in 1945 after World War II by Yugoslav Communists.¹⁹²

Long-standing human rights violations against the “erased”—former permanent residents of Slovenia originating from other former Yugoslav republics—persisted. No new options were offered to the remaining “erased” to restore their legal status and related rights since the expiry of the Legal Status Act in 2013. In November 2016, the European Court of Human Rights (ECHR) dismissed the complaint against Slovenia of some of the “erased” whose legal status had already been regulated. However, additional human rights issues of the “erased” remained pending before the ECHR at the end of 2016.¹⁹³

SOMALIA

Previous *Annual Report* entries: 2001–2003, 2006, 2012–2014.

See United States.

SOUTH AFRICA

Previous *Annual Report* entries: 1996–2004, 2006–2010, 2012–2016.

In October 2016, the government submitted an instrument of withdrawal from the Rome Statute of the International Criminal Court (ICC) without consulting parliament. The withdrawal would take effect

¹⁹² Platform of European Memory and Conscience, [“The EU Must Stop Glorifying Communist Perpetrators!”](#) (13 May 2016).

¹⁹³ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 325.

after one year. The move followed non-cooperation procedures by the ICC against South Africa after the authorities failed to execute warrants of arrest for genocide, crimes against humanity and war crimes against Sudanese President Omar al-Bashir when he visited South Africa in June 2015 to attend the African Union (AU) summit. The move also followed the dismissal by the Supreme Court of Appeal on 15 March 2016 of an appeal against the 2015 North Gauteng High Court judgment that the failure to arrest al-Bashir violated the constitution. State authorities had allowed al-Bashir to leave South Africa in contravention of an interim order by North Gauteng High Court that he must remain.¹⁹⁴

On 15 March 2017, Helen Zille, former opposition leader of the Democratic Alliance (DA) political party, tweeted: “For those claiming legacy of colonialism was ONLY negative, think of our independent judiciary, transport infrastructure, piped water etc.” Many reacted angrily to the tweet. On 16 March 2017, she tweeted: “I never justified colonialism. I apologise if my tweet read that way.” DA leader Mmusi Maimane responded: “Let’s make this clear: Colonialism, like Apartheid, was a system of oppression and subjugation. It can never be justified.” He said that apologies were not enough and that Zille had to face a disciplinary hearing. On 2 April 2017, the DA announced that Zille stood accused of bringing the party into disrepute and of undermining DA’s reconciliation project. On 3 June 2017, Zille was suspended pending the outcome of the hearing.¹⁹⁵

See also Ghana, Indonesia, Sudan.

SOUTH SUDAN

Previous *Annual Report* entries: 2013, 2015–2016.

Despite a deficient legal framework, the scattered and often damaged archives of South Sudan, spanning the period from 1903 until the present, were slowly collected by archivists, curators and folklorists in shipping containers, storage tents and rented houses in the capital Juba—although funding for cultural projects such as archive construction and artifact collection was regularly suspended. A process of emergency conservation, organization and digitization of the documents was initiated.

¹⁹⁴ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 330.

¹⁹⁵ “[SA Politician To Be Investigated over Colonialism Tweets](#),” *BBC News* (AFP; 16 March 2017); “[Zuid-Afrikaanse politicus berispt nadat ze kolonisatie ophemelt](#),” *Algemeen Dagblad* (17 March 2017); “[Helen Zille Faces Disciplinary Action after Colonialism Tweets](#),” *BBC News* (2 April 2017); “[South Africa Opposition Party Suspends Helen Zille over Colonialism Tweets](#),” *BBC News* (3 June 2017).

Records in South Sudan had suffered serious damage during the 1955–1972 and 1983–2005 civil wars in Sudan. The half-century struggle for autonomy by the African-Christian south against the Arab-Muslim north left two million southerners dead and millions exiled. South Sudan became independent on 9 July 2011. Many archives still remained abroad. Filing cabinets in Durham, United Kingdom, held thousands of pages of colonial-era records. Much else was located in Khartoum, Sudan, despite a 2012 agreement that stipulated the return of cultural and archival materials to South Sudan. When civil war erupted again in 2013, artifacts collected for a national museum were either sent to the Nile River Museum in Egypt for safekeeping or piled into a shipping container behind the Ministry of Culture, Youth and Sports.¹⁹⁶

Although the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) between government and opposition forces provided for the establishment of a Hybrid Court for South Sudan by the African Union Commission, little progress was made towards its establishment. Such a court would represent the most viable option for ensuring accountability for crimes such as war crimes and crimes against humanity committed during the armed conflict (2013–2015), and for deterring further abuses. There was also little progress toward the establishment of a Commission on Truth Reconciliation and Healing or a Compensation and Reparations Authority. These two bodies were also provided for in the ARCSS.¹⁹⁷

SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2016.

The authorities continued to refuse to cooperate with the Argentine judiciary to investigate crimes under international law committed during the Spanish Civil War (1936–1939) and by the Franco regime (1939–1975). They obstructed Argentine prosecuting authorities in the class action known as “querrela argentina” (Argentinian lawsuit) from taking statements from some of the victims and the nineteen defendants. By means of a circular dated 30 September 2016, the Spanish Prosecutor’s Office instructed territorial prosecutor offices to refuse to conduct any of the judicial inquiries requested by the Argentine prosecuting authorities, arguing that it would not be possible to investigate the crimes reported, such as enforced disappearances and torture, under the 1977 Amnesty Act

¹⁹⁶ Nina Stochlic, “[Can Archivists Save the World’s Newest Nation?](#)” *National Geographic* (3 November 2016); Rift Valley Institute, “[National Archive of South Sudan](#)” (2008–).

¹⁹⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 21, 335.

(among others) and because of the statute of limitations.¹⁹⁸

On 26 May 2016, the municipality of Tortosa unanimously withdrew General Francisco Franco's perpetual title of honorary mayor which was given to him in 1964. There was also a controversy about the possible removal of a Francoist monument in the river Ebro. In March 2016, the Catalanian parliament had condemned "all forms of fascism, including the Franquist dictatorship," asking Tortosa to remove the monument.¹⁹⁹

In October 2016, protesters in Barcelona defiled and destroyed a statue of General Francisco Franco. The statue, representing a headless Franco on a horse, was part of the exhibition "Franco, Victòria i República" (Franco, Victory and Republic). The statue was eventually removed.²⁰⁰

In January 2017, after having received a complaint of the Guardia Civil (military police) in April 2016, the High Court (Audiencia Nacional) charged history student Casandra Vera ([1996]–), from Murcia, with "humiliating victims of terrorism" because she had tweeted thirteen satirical remarks about Admiral and former Prime Minister Luis Carrero Blanco (1904–1973) between late 2013 and early 2016. On 20 December 1973, Carrero Blanco had been assassinated in Madrid by four members of Basque pro-independence group ETA with a car bomb that had catapulted him twenty meters in the air ("Operation Ogre"). If convicted, Vera could be imprisoned for thirty months followed by a three-year parole term and a term of "total disqualification" for another eight years, which would block her teacher aspirations. On demand of the public prosecutor, Vera deleted the tweets. In a letter to the newspaper *El País*, Carrero Blanco's granddaughter called the potential sentence disproportional. The affair enchained a wave of jokes about Carrero Blanco on Twitter. During her trial, Vera declared that she had mocked a historical figure and would never do this with other victims of terrorism. In April 2017, she was sentenced to one year's imprisonment.

In 2015, Beñat Lasa Fernández had been sentenced to 18 months' imprisonment for glorifying terrorism and humiliating its victims because he had tweeted his support for ETA and mocked Carrero Blanco. The sentence was later reduced after Lasa Fernández pleaded guilty.²⁰¹

In April 2017, the government admitted to member of parliament Alberto Garzón of the political party

¹⁹⁸ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 338.

¹⁹⁹ Marc Rovira, "[Tortosa Retira la Alcaldía Perpetua a Franco](#)," *El País* (26 May 2016).

²⁰⁰ "[Beeld van Franco drie dagen belaagd, Barcelona is er klaar mee](#)," *NOS* (21 October 2016).

²⁰¹ Maartje Bakker, "[Spaanse aangeklaagd voor satirische tweets over ETA-aanslag](#)," *Volkscrant* (19 January 2017); "[Relative of Franco-era Leader Slams Suggested Prison Term for Student who Tweeted Jokes about Murder](#)," *El País* (19 January 2017); Gloria Rodríguez-Pina, "[Una estudiante se enfrenta a dos años y medio de cárcel por hacer chistes en Twitter sobre Carrero Blanco](#)," *El País* (11 January 2017); Silvia Nortes, "No Laughing Matter," *Index on Censorship* (2017, no. 2), 86.

Izquierda Unida (United Left) that it had withdrawn some archives (from the franquist presidency and government until June 1973) from public consultation and relocated them under a classified status in the private Francisco Franco National Foundation. This operation was possibly carried out in 2007, after the adoption of the Ley de Memoria Histórica.²⁰²

On 7 May 2017, British historian and prolific author Hugh Thomas (1931–2017) died. His book *The Spanish Civil War* (1961) was banned during the Franco era. In 1962, it won the Somerset Maugham Prize. It remained in print, with several revisions. After graduation in the early 1950s, Thomas had worked at the British Foreign Office and had been secretary to the British delegation at major disarmament talks. In 1979, Thomas became chairman of the Centre for Policy Studies, a right-wing policy institute whose supporters included Margaret Thatcher before and after she was elected prime minister (1979–1990). In 1982, according to newspaper reports, Thomas acted as Thatcher’s adviser during the Falklands war against Argentina.²⁰³

In May 2017, Spanish comedian Dani Mateo was summoned to testify before a judge after in May 2016 he had referred to the Valle de los Caídos (Valley of the Fallen), a monument built by Franco’s regime, as “shit” during a satirical television show. The Asociación para la defensa del Valle de los Caídos (Association for the Defense of the Valley of the Fallen) accused him of insulting religious feelings.²⁰⁴

In May 2017, the Catholic Church and Ministry of Health agreed to open up their archives to parents who believed their children may have been stolen at birth. The practice of an estimated 300,000 niños robados (stolen children) began in the late 1930s and aimed at removing babies from families deemed “undesirable.” By the 1950s organized criminal gangs had reportedly become involved selling infants for adoption to make profits. Nuns, priests, nurses and doctors were implicated in the mass theft and trafficking of infants. Several organizations in Spain dedicated to reuniting stolen babies with their birth parents were formed in recent years.²⁰⁵

See also El Salvador.

²⁰² “[Archivos reabren debate sobre el franquismo](#),” *El Telégrafo* (11 April 2017).

²⁰³ Alan Cowellmay, “[Hugh Thomas, Prodigious Author of Spanish History, Dies at 85](#),” *New York Times* (10 May 2017).

²⁰⁴ Silvia Nortes, “No Laughing Matter,” *Index on Censorship* (2017, no. 2), 85.

²⁰⁵ “[Spanish Authorities Agree to Open ‘Stolen’ Baby Archives](#),” *BBC News* (24 May 2017).

SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2016.

In October 2015, the UN Human Rights Council adopted a consensus resolution in which Sri Lanka pledged to undertake many human rights reforms, including resolving the many transitional justice demands arising out of the civil war (1983–2009). Under the resolution, Sri Lanka promised to establish four transitional justice mechanisms, including a special court “integrating international judges, prosecutors, lawyers and investigators” with an independent investigative and prosecuting body. The resolution also called for an office on missing and disappeared persons, a truth-telling mechanism, and a mechanism designed to guarantee non-recurrence and reparations. A government task force designed to hold public consultations nationally on the four transitional justice mechanisms was slow to get off the ground. Shortly after, the government announced a framework to create an office to discover the fate of those missing and forcibly disappeared, leading to an outcry over inadequate public consultations. This lack of trust marred the ongoing public consultations on the other three mechanisms. Senior members of government continued issuing contradictory statements on the need to have international participation in the four transitional justice mechanisms, with the president and prime minister both claiming these would be wholly domestic processes, contrary to the Human Rights Council resolution.²⁰⁶

In May 2016, Sri Lanka ratified the International Convention against Enforced Disappearance, but by the end of 2016 had not passed legislation criminalizing enforced disappearance in domestic law. The Presidential Commission to Investigate into Complaints Regarding Missing Persons concluded in July 2016, having received over 19,000 civilian complaints. However, little progress was made in clarifying the fate of the missing or bringing perpetrators of enforced disappearance to justice. In August 2016, parliament bypassed public consultation when it adopted an Act establishing the Office on Missing Persons to assist families to trace missing relatives and take on the case load left by the Commission.²⁰⁷

On 20 May 2017, President Maithripala Sirisena announced new investigations into alleged secret detention centers as part of a drive to find tens of thousands of people still missing after the decades-long war (1983–2009). In 2016, the International Red Cross had urged the government to disclose the fate of the more than 16,000 people still officially missing. On 12 June 2017, Sirisena met with

²⁰⁶ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 554–556.

²⁰⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 340.

families of disappeared persons in Jaffna and promised that he would issue directives to the National Security Council to release lists of persons who surrendered to the Armed forces in final phase of the war (2009), detainees, and political prisoners. Families of the disappeared in the north had been holding a demonstration for more than hundred days seeking to find the whereabouts of their disappeared family members.²⁰⁸

See also Malaysia.

SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2016.

The authorities continued to refuse to execute five arrest warrants issued by the International Criminal Court (ICC) for Sudanese nationals, including two warrants for President Omar al-Bashir on charges of genocide, crimes against humanity and war crimes allegedly committed in Darfur since 2003. The African Union continued to call on states to disregard their international obligations to arrest Al-Bashir. In May 2016, Uganda failed to arrest visiting Al-Bashir and hand him over to the ICC, failing hundreds of thousands of people killed or displaced in the Darfur conflict. Elsewhere, South Africa's Supreme Court rebuked the government for its failure to abide by its domestic and international obligations when it failed to arrest Al-Bashir during a visit to the country in 2015. This affirmed the international norm of rejection of immunity of perpetrators for international crimes, irrespective of official capacity.²⁰⁹

See also South Africa, South Sudan, United States.

SURINAME

Previous *Annual Report* entries: 2001–2004, 2009–2010, 2012–2013, 2015–2016.

²⁰⁸ AFP, "[Sri Lanka Offers Fresh Probes into Civil War's Missing Thousands](#)," *New Indian Express* (20 May 2017); "[Sri Lanka President Meets Families of Disappeared in the North, Promises Immediate Measures](#)," *ColomboPage* (13 June 2017).

²⁰⁹ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 21, 22, 343.

SWAZILAND

Previous *Annual Report* entries: 2011, 2013, 2016.

Swaziland's dual legal system where both common law and Swazi customary law operate side by side, resulted in conflicts leading to numerous violations of women's rights, despite constitutionally guaranteed equality. In practice, women, especially those living in rural areas under traditional leaders and governed by highly patriarchal Swazi law and custom, were often subjected to discrimination and harmful practices. Violence against women was endemic. Civil society activists criticized the widely held view among traditional authorities that human rights and equal rights for women were foreign values that should be subordinated to Swazi culture and tradition.²¹⁰

SWEDEN

Previous *Annual Report* entries: 1998.

On 24 April 2016, the 101th anniversary of the 1915 Armenian genocide, the Turkish embassy in Stockholm wrote an email to TV4 television station, asking not to broadcast a documentary about the Armenian genocide. Program director Viveka Hansson declined the request.²¹¹

See also Rwanda.

SWITZERLAND

Previous *Annual Report* entries: 1997, 1999–2000, 2004, 2007–2009, 2014, 2016.

On 13 June 2017, an appeals court found Donatello Poggi, a local politician in the canton of Ticino, guilty of racial discrimination because of two articles on the *Corriere del Ticino* and *TicinoLibero* websites in 2012. Poggi had written that the 1995 genocide of Bosniaks from Srebrenica were “propaganda lies” and that Serbs, not Bosniaks, were the greatest victims of the Bosnian war (1992–1995). He was fined and given a two-year suspended prison sentence. In so doing, the court confirmed

²¹⁰ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 569.

²¹¹ [“Turkse druk om Zweedse docu over Armeense genocide te weren,”](#) *Volkskrant* (25 April 2016).

an earlier conviction of May 2016.²¹²

SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2016.

On 7 July 2016, Islamic State (IS) released a 57-second video showing its destruction of the Palmyrene funerary portraiture as well as desecration of the mummies of the Palmyra Museum after it overtook the city in May 2015. IS considered worshipping or mourning at grave sites to be equal to idolatry; it often destroyed burial sites throughout areas under their control²¹³

Government forces held thousands of detainees without trial, often in conditions that amounted to enforced disappearance, adding to the tens of thousands whose fate and whereabouts remained undisclosed following their enforced disappearance by government forces since 2011. They included peaceful critics and opponents of the government as well as family members detained in place of relatives whom the authorities sought. Thousands of people, mostly Islamists, also remained disappeared since they were detained by Syrian government forces in the late 1970s and early 1980s. In December 2016, the United Nations (UN) General Assembly established an independent international mechanism to ensure accountability for war crimes and crimes against humanity committed in Syria since March 2011.²¹⁴

See also Germany, Iraq, Israel, Lebanon, United States.

²¹² Danijel Kovacevic (BIRN), "[Swiss Politician Convicted of Srebrenica Genocide Denial](#)," *Balkan Insight* (20 June 2017).

²¹³ "[ISIS Releases Video Showing Its Destruction of the Palmyra Museum's Artifacts](#)," *Association for Research into Crimes against Art (ARCA)* (7 July 2016).

²¹⁴ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 55, 353.

TAIWAN

Previous *Annual Report* entries: 1998, 2001, 2008–2010, 2012, 2016.

On 21 May 2016, the new Education Minister, Pan Wen-chung announced that he would scrap by executive order the controversial adjustment of guidelines for high school history textbooks [See also *NCH Annual Report 2016*]. The ministry had voted at a screening meeting in January 2014 that it would make several adjustments to history textbooks, such as changing “the period of Japan’s occupation” to “the period of Japan’s colonial occupation,” or adding anti-Communist policy to the background in sections on the “White Terror” period (1947–1987). The adjustments sparked student protests, and civic groups blasted the revisions as China-centric.²¹⁵

As of 1 August 2016, the Academia Historica—Taiwan’s highest-level national archive administered directly by the Presidential Office—restricted access to its files for scholars from mainland China, (including Hong Kong and Macau). The archive said that the step was in accordance with the Freedom of Government Information Law and equivalent to mainland China’s restriction of archive access to Taiwanese scholars. The opposition Kuomintang (KMT) condemned the move. The confidential files (including documents related to the Northern Expedition—a KMT campaign led by Chiang Kai-Shek against local warlords in China [1926–1928]; the Second Sino-Japanese War (1937–1945); Taiwan-China unification plans and government suppression of civil strife) were reviewed between August and December 2016, however, and posted online between January and April 2017. The files represented 98.8 percent of all existing documents related to Chiang²¹⁶

In March 2017, it was announced that a committee would be established to investigate cases from 5 October 1945, when the Chinese Nationalist Party (Kuomintang; KMT) arrived in Taiwan, to 16 November 1992, when the then-KMT government ended martial law. One of its seven members would be nominated by Academia Historica. It was yet unclear whether the committee would also address the issue of political archives and the restoration of justice for those who were convicted by a flawed judicial process during the era of martial law (1949–1987) [See also *NCH Annual Report 2016*].²¹⁷

See also Japan.

²¹⁵ Chen Chih-chung, Yu Hsiao-han & Lilian Wu, “[New Education Head to Scrap Adjustment of Textbook Guidelines](#),” *Focus Taiwan* (21 May 2016).

²¹⁶ “[Top Archive To Bar Mainland China Scholars](#),” *The China Post* (30 July 2016); Lee Hsin-fang, “[Tsai Recommits to Transitional Justice](#),” *Tapei Times* (25 June 2017).

²¹⁷ Lo Tien-ping, “[Committee to Ease Transitional Justice Expected](#),” *Taipei Times* (19 March 2017).

TAJIKISTAN

Previous *Annual Report* entries: —.

The government took steps to extend its control over the legal profession, significantly curtailing its independence. In November 2015, authorities approved a new law requiring all lawyers to renew their licenses with the justice ministry, instead of the independent bar association or licensing body, and to retake the bar examination every five years. Lawyers declared that the exam included questions on a broad range of subjects unrelated to law, such as history, culture, and politics, and that they were concerned it was being used to exclude those who took on politically sensitive cases.²¹⁸

TANZANIA

Previous *Annual Report* entries: 2010, 2016.

On 8 February 2017, the government announced that it considered legal action against Germany to pay reparations for atrocities committed from 1890 to 1919, when the country, then named Tanganyika, was a German colony. Tens of thousands of people were allegedly starved, tortured and killed by German forces while trying to put down rebellious tribes (including forced starvations following the tribal revolt known as Maji Maji in 1905–1907), defense minister Hussein Mwinyi told lawmakers.²¹⁹

THAILAND

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2016.

In October 2013, Patiwat Saraiyaem ([1990–]), a student at Khon Kaen University's Fine and Applied Arts Faculty and Secretary General of the Student Federation of the North East, and Pornthip Munkong [Mankong] (f) ([1987–]), a graduate of the Faculty of Political Science at Ramkhamhaeng University and political activist, performed the play *Jao Sao Ma Pa (The Wolf's Bride)* to commemorate the fortieth anniversary of the October 1973 pro-democracy student protest at Thammasat University [See also *NCH Annual Report 2015*]. The play, which was organized by a

²¹⁸ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 582.

²¹⁹ Sylvester Domasa, "[Tanzania Seeks German Reparations Over Colonial Acts](#)," *AP* (8 February 2017).

now-defunct theater group, dramatized the story of a fictional king and his advisor in a fantasy kingdom. While the show was performed only once at Thammasat University, it was recorded and shared on social media. In mid-August 2014, Saraiyaem and Munkong were arrested, imprisoned and in October 2014 charged with *lèse majesté*. Denied bail, they pleaded guilty on 29 December 2014 in order to reduce their sentence. On 23 February 2015, they were each sentenced to two and a half years' imprisonment. In August 2016, they were released: Saraiyaem on 12 August in a royal pardon to mark the Queen's 84th birthday, Munkong on 27 August. Popularly known as the "14 October Event," the 14 October 1973 uprising was led by student activists. While it was initially crushed by the army, it ultimately resulted in the end of 26-year military dictatorship.²²⁰

On 11 April 2016, the Administrative Court ruled against Thammasat University that self-imposed exile historian Somsak Jeamteerasakul [See also *NCH Annual Reports 2011, 2014–2015*] was not guilty of leaving the university after the 2014 coup and had to be reinstated. The university order had been finalized despite the fact that Somsak had requested leave of absence from 1 August 2014 to 31 July 2015 to pursue academic activities overseas. In March 2016, the Thai police announced that they were considering further *lèse majesté* charges against Somsak together with the Thai PBS channel (the only public television channel in Thailand), over a talk program called Tob Jod (The Answers). On 11, 14 and 18 March 2013, Tob Jod had broadcast a series of discussions on the *lèse majesté* law. Apart from Somsak, the program featured social critic Sulak Sivaraksa [See also *NCH Annual Reports 1995, 2008, 2015*] and others.²²¹

On 24 June 2016, seven student activists were arrested while holding an activity to mark the 24 June revolution (the Siam Revolution) in 1932 at Laksi intersection in Bangkok. As they had distributed copies of the New Democracy Movement's *Kao Kham* newspaper, police asked them stop their activity. When they refused and marched to Laksi monument, they were arrested and charged with "illegal assembly" in forming a public gathering of more than five people. The June 24 revolution was a bloodless coup led by a small group of Bangkok intellectuals that put an end to 700 years of absolute monarchy in Thailand and replaced it with the current system of a constitutional monarchy.²²²

On 5 October 2016, Joshua Wong ([1997–]), pro-democracy student activist from Hong Kong, one of the leaders of the 2014 Umbrella Movement there, and founder of the political party Demosisto,

²²⁰ Charlie Campbell, "[The Draconian Legal Weapon Being Used to Silence Thai Dissent](#)," *Time Magazine* (31 December 2014); PEN International Rapid Action Network, "Thailand: Student Activists Sentenced for Insulting the Monarchy in a Play" (24 February 2015); "[Thammasat University](#)" (27 October 2014).

²²¹ "[Exiled Academic Somsak Wins Lawsuit against Thammasat University](#)," *Prachatai English* (11 April 2016).

²²² Online Reporters, "[Arrests, Campaign Mark Revolution Day](#)," *Bangkok Post* (24 June 2016).

arrived at Bangkok airport. He was due to speak about “the politics of the new generation” to Thai students commemorating the fortieth anniversary commemoration of the 6 October 1976 Thammasat University massacre. Thai authorities prevented him from entering the country, reportedly at the request of the Chinese government, and held him for twelve hours. On 6 October, he was allowed to address students at Chulalongkorn University, Bangkok, via a Skype link. According to several students, Thai police banned umbrellas—the symbol of the Hong Kong pro-democracy movement—from the auditorium during the 6 October events. In May 2016, Wong had been denied entry to Malaysia where he was to take part in talks about democracy in China.²²³

On 12 April 2017, the Ministry of Digital Economy and Society told Thai internet users in a letter to stop following and sharing posts from the social media accounts of three overseas critics of the military-backed government, including Somsak Jeamteerasakul (see item above), Pavin Chachavalpongpun and Andrew MacGregor Marshall, lest they be accused of violating the 2007 Computer Crimes Act. Pavin was a lecturer based in Japan, Marshall a Reuter’s correspondent formerly based in Bangkok, whose book about the Thai monarchy was banned in Thailand in 2011. Aside from being critics of the Thai government, they were all accused of violating the *lèse majesté* law. Instead of reducing the online followers of the three critics, the unintended effect of the letter and the subsequent media hype it generated was increasing the popularity of the banned social media accounts.²²⁴

See also Myanmar.

TIMOR-LESTE

Previous *Annual Report* entries: 2003–2013, 2015–2016.

A working group was established by Prime Minister Rui Maria de Araújo in May 2016 to advise the government on implementation of the recommendations of the Commission for Reception, Truth and Reconciliation (CAVR), issued in 2005. Many recommendations related to impunity had not been implemented by the end of 2016.²²⁵

²²³ Yojana Sharma & Mimi Leung, “[Deported Activist Talks to Student Massacre Memorial](#),” *University World News* (7 October 2016); “[Hong Kong Activist Joshua Wong Barred from Entering Thailand](#),” *BBC News* (5 October 2016); Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 360.

²²⁴ “[Thailand Tells Internet Users to Unfollow Junta Critics on Social Media—or Face Consequences](#),” *Advoc Global Voices* (19 April 2017).

²²⁵ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights*

See also Japan.

TOGO

Previous *Annual Report* entries: 2002, 2008–2013.

More than eleven years after the deaths of nearly 500 people during the violence surrounding the presidential election of 24 April 2005, the authorities had taken no steps to identify those responsible for the deaths. Of the 72 complaints filed by the victims' families with the Atakpamé, Amlamé and Lomé courts, none are known to have been fully investigated.²²⁶

TUNISIA

Previous *Annual Report* entries: 2001, 2011–2016.

Although the security forces under former President Zine El Abidine Ben Ali's regime (1987–2011) used torture extensively, authorities failed to investigate or hold anyone accountable for the vast majority of torture cases. They also have held no one accountable for the politically motivated long-term imprisonment of thousands of persons after unfair trials during his tenure.

On 24 December 2013, the National Constituent Assembly (NCA) adopted the Law on Establishing and Organizing Transitional Justice. The law set out a comprehensive approach to addressing past human rights abuses. It provided criminal accountability via specialized chambers within the civil court system for human rights violations that occurred between July 1955 and December 2013. The law also established a Truth and Dignity Commission tasked with uncovering the truth about abuses committed between 1 July 1955, shortly before Tunisia's 1956 independence from France, and the law's adoption in December 2013. The NCA elected fifteen of the commission's members on 15 May 2014. In June 2016, the commission reported that it had received 62,065 complaints from people concerning a wide range of human rights violations, including arbitrary detentions, torture, unfair trials, sexual violence and religious and ethnic discrimination, and had begun processing them. On 17–18 November 2016, it held the first public hearings of victims of

(London: AI, 2017), 361.

²²⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 363.

human rights violations. The hearings were aired live on national television and radio stations.

The family and friends of ex-President Zine El ‘Abidine Ben Ali diverted public funds and lands for their benefit, instrumentalizing state institutions such as public banks, the judiciary, and the police to benefit themselves and to punish those who resisted their business initiatives, according to the 2012 report of the National Commission to Investigate Corruption and Embezzlement. In June 2016, however, parliament started debating the Law on Economic and Financial Reconciliation, which the government approved in 2015 with strong support from President Beji Caid Essebsi. Discussion of the proposed law had been suspended in 2015 following protests led by the popular movement Manich Msameh (“I will not forgive”). If adopted, the proposed law would offer officials and business executives accused of corruption and embezzlement under the Ben ‘Ali administration an amnesty and immunity from further prosecution if they returned the proceeds of their crimes. Its immunity provisions would also undermine investigations under the transitional justice process. The draft law had not been enacted at the end of 2016.²²⁷

During or after the January 2011 uprising, many state security and political police archives disappeared: they were either stolen or destroyed because they contained evidence of crimes. The rest was located in the Interior Ministry where they remained inaccessible. In November 2016, Khaled Krichi, the chairman of the arbitration and reconciliation committee of the Instance Vérité et Dignité (IVD), the Tunisian truth commission (see item above), accused the Interior Ministry of refusing to hand over its archives containing information about human rights violations, which caused the commission to slow down the handling of cases of victims.²²⁸

See also Egypt.

TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2016.

On 11 January 2016, the Initiative of Academics for Peace issued a petition “We will not be party to this crime” signed by 1128 scholars from 89 Turkish universities and by more than 300 scholars from abroad. It called on the government to end its military operations in southeastern Turkey, including in

²²⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 55, 364; Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 596–597.

²²⁸ “[IVD : Le ministère de l’Intérieur refuse de nous communiquer les archives](#),” *Business News* (14 November 2016); Sadri Khiari, “[Qu’en est-il des archives de la police politique?](#)” *Nawaat* (6 February 2017).

civilian areas, and to stop violence against civilian Kurds. Shortly after the publication of the appeal, a criminal investigation was opened into the initial signatories, including the following historians: Ramazan Kurt (see *NCH Annual Report 2016*); Muzaffer Kaya: see item below; Turan Keskin: see item below; Candan Badem: see item below. Academics for Peace were at first accused of making propaganda for the PKK (Kurdistan Workers' Party) although many of the signatories were neither Kurdish nor pro-PKK. After the coup attempt of 15 July 2016, they were called "Gülenist coupists" (after Fethullah Gülen, a Muslim cleric living in the United States and accused by Turkish authorities of organizing the July 15 coup attempt)²²⁹

On 10 March 2016, the academics Muzaffer Kaya (historian), Esra Mungan (psychologist), Kıvanç Ersoy (mathematician) and Meral Camcı (linguist) organized a press conference at which they renewed their call for peace and condemned the harassment of academics who had signed the January 2016 petition. The Chief Prosecutor in Istanbul initiated a new investigation accusing them of "making propaganda for a terrorist organization" (Article 7.2 Anti-Terrorism Law). The first three were detained on 15 March and Camcı followed on 31 March. On 22 April 2016, they were released but not acquitted. The Minister of Justice decided that investigation on charges of "denigrating the Turkish nation" (Article 301 Penal Code) should proceed, but the trial was delayed and scheduled for 30 March 2017. Kaya had been dismissed by his university after signing the January 2016 petition.²³⁰

On 21 July 2016, 56 associations, including the American Historical Association, the American Society for Environmental History, the Economic History Association, the Organization of American Historians, the Society of Architectural Historians and the World History Association, expressed concern about the acceleration of purges in the educational sector and the assault on academic freedom and institutional autonomy after the failed coup attempt of 15 July 2016.²³¹

On 27 July 2016, twelve days after the failed coup attempt of 15 July 2016 unleashed a massive purge of academics, Turan Keskin ([1984–]), PhD student in history and economics, was suspended from the Yüzüncü Yıl University in Van with 20 other staff members, in his case probably because as one of the signatories of the petition of January 2016, he was openly critical of official policies. With reduced salary, he took a temporary job as a research assistant and student tutor in Van while

²²⁹ Candan Badem, "[The Quest to Quell Opposition Leads to 'Academocide'](#)," *University World News* (10 February 2017).

²³⁰ Amnesty International, "[Turkey: Academics Detained for Signing Peace Appeal](#) (UA 78/16; EUR 44/3792/2016; 7 April 2016); Amnesty International, "[Turkey: Academics Targeted for Peace Appeal Released](#)" (UA 78/16; EUR 44/3902/2016; 25 April 2016); Note du conseil du Corps scientifique de l'UCL à soumettre au Conseil Académique, "Le musèlement des universités turques: Pour un soutien académique à une communauté scientifique menacée" ([20 November] 2016); Amandine Thiry, personal communication (20 November 2016, 22 December 2016).

²³¹ "[Threats to Academic Freedom and Higher Education in Turkey](#)" (Statement; 21 July 2016).

continuing his research at Boğaziçi University [Bosphorus University] in Istanbul.²³²

On 1 August 2016, two weeks after the failed coup attempt of 15 July 2016, Candan Badem ([1970–]), an associate history professor at Munzur University in Tunceli, was suspended for three months because he had signed the January 2016 petition and on allegations of connections to the Islamist Gülenist movement, which according to President Erdogan had been behind the coup. On 3 August 2016, Badem was arrested on charges of “coup attempt.” His office and house were searched. A book by Fethullah Gülen found in his office was used as evidence to link him to the Gülenist movement. Although Badem was released the next day, he stayed under judicial control. His passport was canceled and a block was placed on his credit cards, bank accounts and car. On 1 September 2016, he was dismissed by decree. Badem, who had denounced one of Gülen’s books in a tweet in May 2014, declared that he had read Gülen’s book in order to criticize it.²³³

On 2 August 2016, Clyde Forsberg, an American historian of religions and American culture at the Department of Western Languages and Literatures at Karabük University, and a musician and playwright, was suspended after his university accused him of aiding and abetting the FETÖ/PDY armed terror organization (the Fethullah Terrorist Organization, an official label for the Gülen movement) because on 26 July he had posted a poem about the aftermath of the coup. On 14 August 2016, he was arrested on charges of “aiding and abetting terrorism and treason following the failed coup attempt,” detained for four days, interrogated several times, and, upon his release, dismissed from the university in a notice signed by the vice rector and labeled “top secret.” Forsberg accepted a position at the American University of Central Asia in Bishkek, Kyrgyzstan.²³⁴

In 2016, a statue of Atatürk was removed from the main square in Rize. It would be replaced by a monument to those killed in the 15 July 2016 coup attempt.²³⁵

In June 2017, Alpaslan Durmuş, chairman of the Turkish Board of Education, announced that evolution as a subject would not be taught anymore because it was “debatable, controversial and too complicated for students.” A chapter on evolution was being removed from ninth grade biology

²³² Marloes de Koning, “Ze zijn bang om met me gezien te worden,” *NRC Handelsblad* (28 July 2016), 14–15.

²³³ Cem Oyvatt, “[‘Witch-Hunt’ against Academics Continues Following Attempted Turkey Coup](#),” *Times Higher Education* (11 August 2016); Can Uğur, “[Marxist Historian Candan Badem Is Free](#),” *BirGün* (4 August 2016); Joe Parkinson & Emre Peker, “[In University Purge, Turkey’s Erdogan Hits Secularists and Boosts Conservatives](#),” *Wall Street Journal* (24 August 2016); Scholars at Risk, “[Candan Badem](#)” (November 2016); Tim Whewell, “[The Human Impact of Turkey’s Purges](#),” *BBC News* (25 November 2016); Candan Badem, “[The Quest to Quell Opposition Leads to ‘Academocide’](#),” *University World News* (10 February 2017).

²³⁴ Elizabeth Redden, “[A Foreign Academic Briefly Detained in Turkey Tells His Story](#),” *Inside HigherEd* (31 August 2016); Verle John, “[Release Professor Clyde Forsberg from Turkish Prison NOW](#)” (petition).

²³⁵ Kaya Genç, “Talking a Tightrope,” *Index on Censorship*, 46, no. 1 (spring 2017), 14.

course books, and the subject was postponed to the undergraduate period. Final changes to the curriculum were likely to be announced at the end of June 2017. The draft changes had been put forth for public consultation at the beginning of 2017. Reports in Turkish media, based on apparent leaks of school board meetings, also predicted a diminished role in the curriculum for the study of the nation's founder Atatürk, and an increase in the hours devoted to studying religion. Durmuş said that a greater emphasis would be placed on the contributions of Muslim and Turkish scientists; history classes would move away from a "Eurocentric" approach. Secular critics worried that the government was clung to neo-Ottoman ideals that saw Turkey as the vanguard of a greater Islamic nation.²³⁶

See also Germany, Sweden, United States.

TURKMENISTAN

Previous *Annual Report* entries: 2001–2004, 2009, 2011–2012, 2015–2016.

The whereabouts of prisoners who were subjected to enforced disappearance after an alleged assassination attempt on then President Saparmurat Niyazov in 2002 remained unknown.²³⁷

²³⁶ ["Turkish Schools to Stop Teaching Evolution, Official Says,"](#) *Guardian* (23 June 2017); Toon Beemsterboer, "Darwin raakt in ongenade in Turkije," *NRC Handelsblad* (30 June 2017).

²³⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 372.

UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2013, 2015–2016.

On 15 August 2016, the pre-trial hearing of former Lord's Resistance Army (LRA) commander Colonel Thomas Kwoyelo, charged with war crimes and crimes against humanity in northern Uganda, began in the International Crime Division of Uganda's High Court. The hearing was adjourned because Kwoyelo's lawyers were not notified in time. The prosecution also introduced new charges relating to sexual and gender-based violence. In September, a court in Gulu, northern Uganda, ruled that victims could participate in the proceedings in line with their right to participate before the International Criminal Court (ICC). Kwoyelo, who had been captured by the Ugandan army in 2008, remained in detention.

On 23 March 2016, the ICC Pre-Trial Chamber confirmed seventy charges against Dominic Ongwen, a former LRA commander who had been abducted as a child and forcibly recruited into the LRA. The charges included crimes against humanity and war crimes, sexual and gender-based crimes, and conscription and use of child soldiers in northern Uganda. The trial was due to begin in December 2016.²³⁸

See also Sudan.

UKRAINE

Previous *Annual Report* entries: 1996, 2009–2011, 2014–2016.

On 10 January 2017, a monument honoring some 900, mostly ethnic Polish, victims of a 1944 massacre by a Nazi unit composed mostly of Ukrainian volunteers was severely damaged by unknown vandals in Huta Peniatska, near Lviv. A stone cross was smashed to pieces and two slabs bearing the names of the victims were painted with a Ukrainian flag, Ukrainian nationalist symbols, and a Nazi SS emblem. The local police started an investigation. Poland's Foreign Ministry asked Ukraine to ensure that the perpetrators were punished.²³⁹

In late February or early March 2017, Eduard Dolinsky, director of the Ukrainian Jewish Committee,

²³⁸ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 375.

²³⁹ "[World War II Monument Damaged In Ukraine's Lviv Region](#)," *Radio Free Europe / Radio Liberty* (11 January 2017).

protested the attendance of historian Volodymyr Viatrovyh, director of the Ukrainian National Memory Institute since 2014, at an international symposium on the Holocaust in Paris. Dolinsky maintained that Viatrovyh had praised Roman Shukhevych, a former leader of the wartime the nationalist Ukrainian Insurgent Army (UPA) and Nazi collaborator whose troops killed thousands of ethnic Poles and Jews. Twenty-eight historians signed a petition objecting to Viatrovyh's inclusion in the symposium.²⁴⁰

See also Russia.

UNITED ARAB EMIRATES

Previous *Annual Report* entries: 2013, 2016.

UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2016.

The Iraq Historic Allegations Team, a body set up to investigate possible war crimes by United Kingdom forces, continued work in 2016, despite unwarranted political criticism of its existence and the principle of legal scrutiny of military operations.²⁴¹

In 2016, declassified MI5 records revealed that social historian and political activist Edward Palmer [E. P.] Thompson (1924–1993) had been spied upon from 1943 (when he served in the army) to at least 1963. Among others, it intercepted a letter written by Thompson and addressed to a regional party official in Yorkshire in which he attacked the Communist Party of Great Britain (CPGB) leadership in 1956 [See also *NCH Annual Report 2015*].²⁴²

In October 2016, the Foreign Office (“Whitehall”) reportedly pulled dozens of files from the National Archive amid fears that they contain details of British military assistance when in June 1984 the Indian army assaulted Sikh militants at the Golden Temple in Amritsar where thousands of people

²⁴⁰ Cnaan Liphshiz, [“Ukrainian Historian Who Praised Nazi Collaborator Invited To Holocaust Conference,”](#) *Forward* (6 March 2017); [“Historians Sign Petition Objecting to the Inclusion of a Nationalist Who Praised a Nazi Collaborator,”](#) *History News Network* (8 March 2017).

²⁴¹ Human Rights Watch, *World Report 2017: Events of 2016* (New York: Human Rights Watch, 2017), 280.

²⁴² Ian Cobain, [“Historian EP Thompson Denounced Communist Party Chiefs, Files Show,”](#) *Guardian* (28 September 2016).

were killed and the temple destroyed. Papers released to the archive in the summer of 2016 were recalled abruptly days after the Sikh Federation wrote to Foreign Secretary Boris Johnson, saying that they had uncovered “delicate information” concerning “UK military assistance to India” (a note dated July 1984 referring to the possibility of an involvement by SAS [Special Air Service, a unit of the British Army]) after “an Indian request for military assistance in the setting up of a National Guard for internal security duties.” A 2014 Whitehall review of 23,000 documents from December 1983 to June 1984 by Sir Jeremy Heywood, the cabinet secretary, had said that British assistance to India at the time had been limited to a visit by a military adviser in February 1984. It also had found that a Ministry of Defence file on military assistance to India over the Golden Temple operation had been destroyed in November 2009. Files reportedly removed in October 2016 included papers about a meeting between Prime Ministers Indira Gandhi and Margaret Thatcher, British defense sales to India and Sikh demonstrations in the United Kingdom. The period of sectarian conflict in India saw the assassination of Prime Minister Indira Gandhi by two Sikh bodyguards on 31 October 1984.²⁴³

The University of Cambridge’s Museum of Archaeology and Anthropology refused a request done in November 2016 by the Australian Rodney Kelly on behalf of the Gweagal people in Sydney to return four spears taken by British explorer Captain James Cook in 1770. Kelly claimed to be a direct descendant of the Gweagal warrior Cooman, from whom the spears and also a shield (currently held by the British Museum) were allegedly taken. In 2016, both the Australian senate and state parliament of New South Wales had voted to support the repatriation of the artifacts from the two museums.²⁴⁴

Northern Ireland

In order to mark the centenary of the Easter Rising in April 1916, the International Mural Wall on Divis Street, Belfast, was temporarily repainted to tell its story from a Belfast perspective. However, an image of unionist leader Edward Carson (1854–1935) and the Ulster Volunteers, the first loyalist paramilitary group, was paintbombed, and a poster for the “People’s Parade”—organized for 24 April to mark the calendar date of the rising—covered Carson’s face. In addition, former republican prisoner and leading mural artist Danny Devenny was subjected to threats via social media.²⁴⁵

In April 2016, the British government lodged a subpoena with Boston College seeking access to taped interviews given by Anthony McIntyre (an interviewer in the Boston College Belfast Project with a PhD in history and a former Irish Republican Army [IRA]) volunteer who was imprisoned in the

²⁴³ Sean O’Neill, “[Files on Sikh Massacre Are Withdrawn ‘to Hide SAS Role’](#),” *The Times* (4 November 2016).

²⁴⁴ Harry Pearl, “[Cambridge University Refuses to Return Aboriginal Artifacts to Australia](#),” *Reuters* (17 June 2017).

²⁴⁵ Allison Morris, “[Row over International Wall Escalates with Threats to Artist](#),” *Irish News* (12 April 2016).

North) [See also *NCH Annual Reports 2012–2016*]. The subpoena was issued in sealed proceedings; Boston College was requested to treat them as confidential. Former Belfast Project director Ed Moloney and interviewer Wilson McArthur declared that the action by the Public Prosecution Service (PPS) and Police Service of Northern Ireland (PSNI) was a fishing expedition, which was prohibited by international law.

On 7 June 2016, at the High Court, lawyers for McIntyre said they wanted to see the full legal document, which listed the reasons why the PSNI and PPS wanted to seize some of the Boston tapes, after they were given a heavily redacted copy of it. The court allowed the PSNI to apply for a Public Interest Immunity Certificate in order to keep secret the reasons why they wanted access to some of the tapes.

In May 2017, the High Court ruled that McIntyre's legal team would be given access to the correspondence between the PPS and U. S. authorities when PPS sought access to McIntyre's interviews deposited at Boston College. The British authorities wanted access to McIntyre's recorded recollection of his own IRA activities and for that reason they had served a subpoena on Boston College seeking copies of his recorded interviews. To that end, PPS and PSNI issued an International Letter of Request (ILOR). McIntyre wanted to know if an American court dealing with the case received his affidavit denying involvement in alleged terrorist offenses under investigation.²⁴⁶

See also Burkina Faso, Egypt, Greece, Indonesia, Myanmar, Oman, Rwanda, South Sudan, Spain, United States.

UNITED STATES

Previous *Annual Report* entries: 1995–2016.

The volume *Iran 1952–1954*—published in 1989 as part of the series *Foreign Relations of the United States (FRUS)*, the official history of United States foreign policy published by the State Department since 1861—left out any reference to the coup that overthrew Prime Minister Muhammad (Mohammad) Musaddiq (Mosaddegh, Mosaddeq) in 1953. The coup had been backed by the Central Intelligence Agency (CIA). The chairman of the State Department Advisory Committee on Historical Diplomatic Documentation (a committee established to review records, advise, and make recommendations to the State Department's Historian's Office concerning the *FRUS*), Warren Cohen,

²⁴⁶ Gerry Moriarty, "[Boston College Subpoenaed for Anthony McIntyre Interviews](#)," *Irish Times* (25 April 2016); Will Leitch, "[Boston Tapes: Police May Seek Immunity over Interviews](#)," *BBC News* (6 June 2016); Alan Erwin, "[Ex-Provo in Boston Tapes Row Can Examine PPS Files](#)," *Belfast Telegraph* (25 May 2017).

historian at the University of Michigan, resigned in protest. At its April 1990 convention, the Organization of American Historians (OAH) adopted a resolution condemning excessive secrecy and gaps in *FRUS*. The OAH claimed that recent *FRUS* volumes showed “significant increases in deletions and omissions.” In 1991 Congress passed a law requiring the *FRUS* volumes to include covert operations as well as overt diplomacy in order to present a “thorough, accurate, and reliable documentary record” of American policy. In 1997, CIA officials admitted that various files concerning the operations in the 1950s had been destroyed in the early 1960s, among them nearly all files concerning the Iranian coup. In 2000, a 200-page internal CIA history of the coup (the so-called Wilber report) was leaked to the *New York Times*. In 2011, the CIA declassified part of an internal document confirming its coup activities. Meanwhile, the State Department Historian’s Office promised a make-up volume, which was ready in 2013. In 2016, however, the State Department decided not to release the volume, saying it was concerned about the fragility of United States relations with Iran. On 15 June 2017, the State Department finally released the long-awaited “retrospective” 970-page volume of declassified United States government documents on the 1953 coup in Iran, including details on Iranian, American and British planning and implementation of the covert operation, as well as information about American contacts with key figures such as Ayatollah Abol-Ghasem Kashani (the main cleric involved in national politics), and insights into American concerns about the influence of the communist Tudeh Party. Justifications given in the past not to publish the volume included protecting intelligence sources and methods, bowing to British government requests and avoiding stirring up Iranian hardline elements who might seek to undercut the nuclear deal Iran signed with the United States in 2015.²⁴⁷

In January 2016, the owner and employees of a company contracted by the city of New Orleans, Louisiana, to remove three Confederate monuments (of Confederate Generals Robert E. Lee and P.G.T. Beauregard and Confederate States of America President Jefferson Davis) standing on public land, received death threats. Less than a week later, the owner’s car was found aflame. In February 2016, the city removed a list of possible replacement contractors from its website after some reported receiving threatening phone calls or emails. Meanwhile, the Louisiana Landmarks Society and a chapter of the Sons of Confederate Veterans were two of four plaintiffs in a federal suit to block the city’s plan. On 26 January 2016, a federal judge dismissed their attempt. In addition, a bill introduced in the state legislature sought to block the removal.

²⁴⁷ “Snowed by the CIA,” *Harper’s Magazine* (September 1997), 17–21 (taken from the May 1997 *Organization of American Historians Newsletter*); National Security Archive, “CIA Stalling State Department Histories: Archive Posts One of Two Disputed Volumes on Web” (27 July 2001); Malcolm Byrne, “[It’s Time to Release the Real History of the 1953 Iran Coup](#),” *Politico* (12 October 2016); “[Iran 1953: State Department Finally Releases Updated Official History of Mosaddeq Coup](#),” *National Security Archive* (15 June 2017); Ervand Abrahamian, “[Now We Know What the State Department Was Hiding](#),” *History News Network* (9 July 2017).

In April 2017, workers dismantled an obelisk that was erected in 1891 to honor members of the Crescent City White League who in 1874 fought in the Reconstruction-era Battle of Liberty Place against the racially integrated New Orleans police and state militia.

On 11 May 2017, the statue of Jefferson Davis (erected in 1911) was removed around 3 a.m. under a heavy police presence. Mayor Mitch Landrieu said in a statement: “These monuments have stood not as historic or educational markers of our legacy of slavery and segregation, but in celebration of it. I believe we must remember all of our history, but we need not revere it. To literally put the Confederacy on a pedestal in some of our most prominent public places is not only an inaccurate reflection of our past, it is an affront to our present, and a bad prescription for our future.” On 20 May 2017, the statue of Robert Lee (erected in 1884) was also removed. Before police cleared the area on 18 May 2017, nearly 200 protesters gathered to voice support and opposition to the monument. The statues would be placed in a museum and properly contextualized there.

The debate over Confederate symbols took center stage after a white supremacist shot dead nine black worshippers at a church in South Carolina in June 2015. South Carolina removed the Confederate battle flag, which had flown at its State House for more than 50 years, and other Southern cities also considered taking down monuments.²⁴⁸

In February 2016, the University of California at Irvine (UCI) accepted a faculty committee’s recommendation to refuse gifts for endowed professorships in Indian religions from donors with specific ideas about how Hinduism should be studied. The committee had concluded that any association with the Dharma Civilization Foundation, which publicly stated its views about specific scholars whose work it found problematic and sought to promote scholarship by Hindus about Hindus, was “inconsistent with UCI’s core values as a public university that fosters diversity, inclusion, toleration and respect.”²⁴⁹

In April 2016, an online petition that received more than 23,000 signatures accused a 15-member multidisciplinary group of South Asian studies faculty (who proposed changes to middle schools social studies curriculum documents) of seeking “to erase India and Hinduism from California’s schools.” The Hindu American Foundation launched a #DontEraseIndia campaign. At issue were questions of whether it was historically accurate to use the word “Hinduism” to describe the religion of ancient India, whether certain references to “India” had to be replaced with “South Asia” or “Indian subcontinent,” and whether caste was not only a religious belief but also a social and cultural

²⁴⁸ Natalie Pompilio, “[Whitewashing History? Tug-of-war over Confederate Monuments Rages On](#),” *Washington Post* (15 April 2016); Christopher Mele, “[Jefferson Davis Statue in New Orleans Is Removed](#),” *New York Times* (11 May 2017); “[New Orleans Purges Final Confederate statue](#),” *BBC News* (20 May 2017).

²⁴⁹ Elizabeth Redden, “[Scholars Who Study Hinduism and India Face Hostile Climate](#),” *Inside HigherEd* (12 April 2016).

structure. Most of the group's proposed edits addressed the sixth- and seventh-grade world history and geography curriculum, which together spanned from ancient civilizations to the early modern era.

In May 2016, a group of academics (including Thomas Hansen, a professor of anthropology and South Asian studies at Stanford University, and Michael Witzel, Harvard University professor of Sanskrit) and a coalition of secular South Asian organizations (South Asian Histories for All) urged the California State Board of Education to change the term "India" to "South Asia" in its history and social studies textbooks for 11- to 13-year-olds (grades 6 and 7) as a more accurate descriptive term for the region, one that did not equate India as it existed before 1947 with the modern Indian nation-state. They also urged not to remove references to caste in Indian society and its link to Hinduism. Many other academics (like Nathan Glazer, professor emeritus of sociology at Harvard University) and a number of conservative Hindu-American organizations (like the Hindu American Foundation, HAF) accused the first group of "Hinduphobia" and signed a petition to stop the change accusing the first group of wanting to "erase" India itself by recommending the name change. They also asked not to teach the caste system as part of Hindu religion and culture, but rather as part of the region's history. Nearly half of the 2.5 million Hindus in the United States lived in California. Textbooks based on California's Instructional Quality Commission framework were often used in other states as well.²⁵⁰

Around 20 April 2016, Joseph Ventre, a history teacher at the Monmouth County high school, was asked to resign after at least one parent complained that he showed a video from television channel HBO's program "John Oliver's Last Week Tonight" that lampooned Republican presidential front-runner Donald Trump. However, the superintendent of the Middletown Township School District said that Ventre withdrew his resignation on 22 April 2016 and that "there [was] no action regarding this employee before the board at this time."²⁵¹

In May 2016, the United States Court of Appeals for the District of Columbia (DC) Circuit ruled that the 2014 Senate Select Committee on Intelligence (SSCI) report into the secret detention program operated by the Central Intelligence Agency (CIA) after the attacks of 11 September 2001 ("9/11") remained a "congressional record" and was not subject to disclosure under the Freedom of Information Act. A petition seeking United States Supreme Court review of the ruling was filed in November 2016. Separately, in late December 2016, a DC District Court judge ordered the administration to preserve the SSCI report, and to deposit an electronic or paper copy of it with the

²⁵⁰ Elizabeth Redden, "[Scholars Who Study Hinduism and India Face Hostile Climate](#)," *Inside HigherEd* (12 April 2016); Jennifer Medinamay, "[Debate Erupts in California Over Curriculum on India's History](#)," *New York Times* (4 May 2016); Rohit Chopra, "[Viewpoint: Why Hindu Groups Are against California Textbook Change Pakistan respectively](#)," *BBC News* (27 May 2016).

²⁵¹ Rob Spahr, "[N.J. Teacher Reportedly Forced to Resign over Anti-Trump Video](#)," *NJ.Com* (22 April 2016).

Court for secure storage. At the end of 2016, it was not known whether the government would appeal the order.

In August 2016, the United Nations Human Rights Committee expressed concern that the United States had provided no further information on the SSCI report. The full 6,963-page report remained classified top secret and the SSCI had not released it by the end of 2016. The Committee also noted that the United States had provided no further information on reports that Guantánamo Bay detainees had been denied access to judicial remedy for torture and other human rights violations incurred while in American custody. No action was taken to end impunity for the systematic human rights violations, including torture and enforced disappearance, committed in the secret CIA detention program after 9/11.²⁵²

In early May 2016, Daniel Browning, a professor of religion and history at William Carey University, was dismissed despite his tenured status, reportedly because his views were too liberal and not in line with Baptism. William Carey University was a private Christian liberal arts college in Hattiesburg, Mississippi, affiliated with the Southern Baptist Convention and the Mississippi Baptist Convention. More than 500 people signed a petition in support of Browning.²⁵³

On 12 May 2016, students at Stanford University held a demonstration at the History Corner to protest the history department's decision to deny tenure to Aishwary Kumar, an assistant professor of non-Western intellectual history, saying that the history department undervalued traditions of thought from the global south. Paula Findlen, the head of the history department, stated that she respected students' desire to support Kumar.²⁵⁴

On 24 June 2016, an invitation to Shimon Dotan, award-winning filmmaker and member of New York University's graduate school of journalism, to screen and discuss his documentary *The Settlers* at an international conference entitled "The Place of Religion in Film" at Syracuse University (SU) in March 2017, was suddenly withdrawn. The documentary chronicled the history and present state of the religious settler movement in the West Bank, where more than 400,000 Israeli Jews lived on occupied land. The SU Religion Department wrote to Dotan that it was warned that "the BDS [Boycott, Divestment and Sanctions] faction on campus will make matters very unpleasant for you ... if you come." The film portrayed the settlements in a negative light and was skeptical toward many

²⁵² Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 29, 385–386.

²⁵³ Ellen Ciurczak, "[Hundreds Support Fired William Carey University Professor](#)," *The Clarion-Ledger* (6 May 2016).

²⁵⁴ Caleb Smith, "[Students Protest History Professor Aishwary Kumar's Tenure Denial](#)," *Stanford Daily* (13 May 2016).

settlers.²⁵⁵

When in September 2016 the CIA declassified documents about the United States-supported military coup in Chile in September 1973, it continued to withhold information on what it knew about planning for the coup and what intelligence it shared with then President Richard Nixon. The section on Chile of the Presidential Daily Brief dated 11 September 1973 (the day of the coup) was completely censored, as was an entire page on Chile provided to Nixon on 8 September 1973, even though thousands of once-sensitive intelligence records from the coup period have already been declassified since at least 1999.²⁵⁶

In mid-September 2016, the University of Berkeley, California, canceled a so-called DeCal history course, *Palestine: A Settler Colonial Analysis*, taught by undergraduate student of peace and conflict studies Paul Hadweh ([1994–]). According to the syllabus, the course would “explore the connection between Zionism and settler colonialism,” as well as “the possibilities of a decolonized Palestine.” The course was initially approved by Hatem Bazian, an Islamic scholar at Berkeley, by the Ethnic Studies department’s head and by Berkeley’s Academic Senate. After an article in the Jewish-American newspaper *The Algemeiner*, entitled “UC Berkeley Offers Class in Erasing Jews From Israel, Destroying Jewish State” on 8 September 2016 and after the Amcha Initiative (an organization to protect Jewish students) sent a letter to the chancellor signed by 43 organizations saying that Hadweh “intended to indoctrinate students to hate the Jewish state and take action to eliminate it,” the class was canceled. This, in turn, caused an uproar and after the course’s name was changed into “Palestine: A Settler Colonial Inquiry,” it was reinstated. Hadweh reportedly received death threats for trying to teach his class.²⁵⁷

On 10 November 2016, Frank Navarro (1951–), a history teacher at Mountain View High School, Bay Area, California, and expert in Holocaust history, was suspended and put on paid leave after a parent complained in an email over a lesson in which he examined parallels between the rise of President-elect Donald Trump and German Nazi dictator Adolf Hitler. Navarro was not allowed to see the email nor go over the lesson plan to determine what the parent found problematic. The suspension lasted five days (originally seven). In class, Navarro had told his students that Hitler’s persecution of Jewish people bore “remarkable parallels” to Trump’s campaign rhetoric about Muslims, Latino

²⁵⁵ Conor Friedersdorf, “[How Political Correctness Chills Speech on Campus](#),” *The Atlantic* (1 September 2016).

²⁵⁶ National Security Archive, “[CIA Cover-Up on Chile: Agency Tries to Hide Knowledge of 9/11/73 Coup Plotting](#)” (Press release; 9 September 2016); National Security Archive, “[Did Nixon Even Read the CIA’s Daily Briefs?](#)” (Press release; 14 September 2016).

²⁵⁷ Alexander Nazaryan, “[Why a Controversial Palestinian History Class at Berkeley Was Canceled, Then Reinstated](#),” *Newsweek* (5 October 2016).

immigrants and black Americans.²⁵⁸

On 10 November 2016, twenty students of the Armenian Students Association at California State University, Northridge, boycotted a lecture about Turkish leader Atatürk by George Gawrych, the Baylor University Charles Boal Ewing chair in military history. They turned their backs on Gawrych and repeatedly chanted “Turkey guilty of genocide” and “genocide denialist.” Many Armenians felt that Gawrych’s award-winning 2013 book *The Young Atatürk: From Ottoman Soldier to Statesman of Turkey* praised a leader who had denied the Armenian genocide. The lecture, organized by the Association of Turkish Americans of Southern California (ATASC), was stopped.²⁵⁹

On 21 November 2016, Turning Point USA (an organization that supported conservative youth activism) launched a “Professor Watchlist” to expose academics with a “radical agenda in lecture halls.” An archived version of the webpage described its mission as “to expose and document college professors who discriminate against conservative students, promote anti-American values, and advance leftist propaganda in the classroom.” Among the historians on the list of about two hundred academics were Frank Barajas, Juan Cole, Bruce Cumings, Gerald Horne, Carol Lasser, Norman Markowitz, Joan Neuberger, Gabriel Piterberg and Heather Cox Richardson. Others, such as Peter Dreier and Jennifer Adair, were on the list for being inspired by the work of “radical” historian Howard Zinn or for putting it on a reading list. The list was condemned for its many errors and for its chilling and intimidating effect on free expression. Since the website launch, professors have posted on social media to stand in solidarity with those on the list and to report their own politically motivated work to the site. In a much shared Facebook post, Richardson complained about her being mentioned on the list and her name was removed on 23 November 2016. In an open letter of solidarity of 8 December 2016, more than a hundred faculty members at the University of Notre Dame, including four historians and four art historians, wrote that they wanted their names added to Professor Watchlist, saying that those listed were “the sort of company we wish to keep.”

On 5 January 2017, the Council of the American Historical Association (AHA) approved the following statement: “The AHA upholds the rights of students, faculty, and other historians to speak freely and to engage in nonviolent political action expressing diverse perspectives on historical or contemporary issues. We condemn all efforts to intimidate those expressing their views. Specifically, we condemn in the strongest terms the creation, maintenance, and dissemination of blacklists and watchlists—through media (social and otherwise)—which identify specific individuals in ways that could lead to harassment and intimidation.”

²⁵⁸ David Ferguson, “[History Teacher Suspended for Lesson Showing ‘Remarkable Parallels’ between Rise of Trump and Hitler](#),” *Raw Story* (12 November 2016).

²⁵⁹ Robert Spallone, “[Armenian Students Protest Atatürk Scholar to Leave Campus](#),” *The Sundial* (10 November 2016).

The Professor Watchlist had antecedents. In 1950, three former FBI agents created a list of alleged Communists called *Red Channels: The Report of Communist Influence in Radio and Television*. In 1990, Roger Kimball published a book entitled *Tenured Radicals: How Politics Has Corrupted Our Higher Education*, which reflected the “culture wars” of that era. The 2006 book *The Professors: The 101 Most Dangerous Academics in America* by conservative author David Horowitz [See also *NCH Annual Report 2001*], was a similar project, “denouncing,” among others, Joel Beinin [See also *NCH Annual Report 2007*], Juan Cole, Norman Finkelstein [See also *NCH Annual Reports 2007–2009*], Eric Foner [See also *NCH Annual Report 2016*], Vinay Lal, Ali Mazrui [See also *NCH Annual Report 2004*] and Howard Zinn [See also *NCH Annual Report 2014*].²⁶⁰

On 15 September 2016, the Appeals Court for the Seventh Circuit rejected an attempt by the Justice Department to keep secret the Grand Jury testimony from the prosecution in 1942 of *The Chicago Tribune* for revealing that the United States had cracked Japanese codes. The case to release the records stored at the National Archives facility in College Park, Maryland, was initiated on 18 November 2014 by historian Elliot Carlson, the American Historical Association, the National Security Archive, the Naval Historical Foundation, the Naval Institute Press, the Organization of American Historians, the Society for Military History, and the Reporters Committee for Freedom of the Press. The Appeals Court rejected the government’s arguments that the district court lacked any authority to order that the transcripts be made public and that Carlson and the other petitioners lacked standing to seek access to the grand jury transcripts, holding that the fact that Carlson “is a member of the public is sufficient for him to assert his ‘general right to inspect and copy ... judicial records’” which included grand jury records.

The June 1942 report by *Chicago Tribune* correspondent Stanley Johnston about the Battle of Midway that month noted that the United States Navy knew that the Japanese would attack by sea—thus revealing the highly classified information that the United States had cracked the Japanese code. A grand jury investigation for publishing leaked classified information (and thus violating the Espionage Act) followed. The grand jury ultimately refused to issue an indictment.²⁶¹

²⁶⁰ Katherine Knott, “[Watch List of ‘Anti-American’ Professors Stirs Fears](#),” *University World News / Chronicle of Higher Education* (25 November 2016); [Professor Watchlist](#); [Professor Watchlist \(archived version\)](#); Heather Cox Richardson, “[I Will Not Shut Up. America Is Still Worth Fighting For.](#)” *BillMoyers.com* (29 November 2016); Max Larkin, “[A Campus ‘Watchlist’ Reminds Professors of Old Political Panics](#),” *Wbur* (6 December 2016); Peter Dreier, “[The Professor Watchlist Gets an F for Accuracy](#),” *The American Prospect* (9 December 2016); Valerie Strauss, “[A Twist on Controversial ‘Professor Watchlist’: Notre Dame Academics Want Their Names Added](#),” *Washington Post* (8 December 2016); Jennifer Freilach, “[Professor Watchlist Is Keeping an Eye on You!](#)” (1 January 2017); Frank Barajas, “[Professor, You’re Being Watched!](#)” *History News Network* (24 January 2017); [AHA Statement on Right to Nonviolent Political Action](#) (Denver, CO, 7 January 2017).

²⁶¹ James Warren, “[Trying to Keep 74-year-old Testimony Sealed](#)” (20 September 2016); “[Reporters Committee and Historians Win Bid to Unseal Grand Jury Transcripts from Historic 1942 Leak Investigation of The Chicago Tribune](#),” *Reporters Committee for Freedom of the Press* (Press Release, 15 December 2016).

On 31 October 2016, the Central Intelligence Agency (CIA) released volume 5 of the Top Secret *Official History of the Bay of Pigs Invasion* [see *NCH Annual Reports 2011–2014*.]²⁶²

From December 2016 and up to the inauguration of President Donald Trump on 20 January 2017, groups of archivists, researchers and librarians rescued sensitive data sets by archiving many websites with thousands of documents on sensitive topics (for example, climate). Within hours of the inauguration ceremony, official statements on such topics as man-made climate change vanished from governmental websites, including [whitehouse.gov](#) and that of the Environmental Protection Agency.²⁶³

In December 2016, an Afro-American teacher [unnamed] gave an assignment to her 12- to 14-year-old students at the Business and Economics Academy of Milwaukee (BEAM; a charter school in Wisconsin), to write an essay defending the actions of the Ku Klux Klan. Some of the parents protested, leading to the teacher's suspension on 19 December 2016 while an investigation was underway. The original letter explaining the assignment said: "When we return in January, students will watch the movie *To Kill a Mockingbird* and do a research paper on the history of the Ku Klux Klan. This paper will be a persuasive paper defending Klan members on trial. The research is being done leading into Black History Month 2017. The goal of this paper is not to teach the students the Klan was correct in their behavior, but rather to teach the students to write persuasively." Of the 748 students enrolled in the school, 97% were black.²⁶⁴

On 13 December 2016, 1200 scholars of United States history and related fields issued a collective statement on "Civil Rights and Liberties in Dangerous Times." They urged Americans to be vigilant against a mass violation of civil rights and liberties after Donald Trump's inauguration as president. Looking back on episodes during World War II and the Cold War, they also called to recognize and act upon the links between historical knowledge, informed citizenship, and the protection of civil and human rights.²⁶⁵

2016).

²⁶² International Council on Archives Human Rights Working Group, *News of May 2014*, 10; "[National Coalition for History Asks Federal Court to Review FOIA Decision](#)" (30 August 2012); National Security Archive, *Update* (14 April & 1 August & 15 August 2011, 17 April & 10 May & 7 December 2012 & 13 December 2013 & 21 May 2014).

²⁶³ Morgan Currie & Britt Paris, "[How the 'Guerrilla Archivists' Saved History—and Are Doing It again under Trump](#)," *The Conversation* (22 February 2017).

²⁶⁴ Amy X. Wang, "[A Black Teacher Asked Her Students to Defend the Ku Klux Klan—and Was Promptly Suspended](#)," *Quartz* (<http://qz.com/868275>; 20 December 2016); Casey Gerardo, "[Teacher Removed from Local Charter School Classroom after Assignment to Defend Ku Klux Klan](#)," *Today's TMJ4* (19 December 2016).

²⁶⁵ "[1200 Historians and Other Scholars Say They Are Alarmed by Threats to Civil Liberties](#)," *History News Network* (13 December 2016).

On 14 December 2016, Republican representative Kim Hendren proposed to add to the Arkansas code the following section: “Prohibited course materials. A public school district ... shall not include in its curriculum ... any book or other material authored by Howard Zinn from the years 1959 through 2010.” Historian Howard Zinn (1922–2010) was the author of the best-selling *A People’s History of the United States* (first edition 1980) [See also item above and *NCH Annual Report 2014*]. The bill would ban Zinn’s books from all public schools of Arkansas; it was introduced on 2 March 2017 and referred to the House Committee on Education. In reaction, the Zinn Education Project website started sending one of Zinn’s books and [A People’s History for the Classroom](#) to any Arkansas teacher who requested them. By 10 March 2017, 700 middle and high school teachers and school librarians had sent requests. In 2010, former Governor of Indiana Mitch Daniels had sought to ban Zinn’s works from Indiana’s classrooms, and the Tucson school district in Arizona banned *A People’s History* from all classrooms in 2012.²⁶⁶

In early January 2017, the United Nations Working Group of Experts on People of African Descent backed the Norwalk School District in Connecticut when it removed an “offensive” textbook on slavery from classrooms. The textbook, “The Connecticut Adventure” (2001; written by historian John Ifkovic) was being studied by pupils aged nine and ten until district officials removed it on the grounds that its depiction of slavery was inaccurate, simplistic and offensive. The book said slaves in Connecticut were often treated like family members, and were “taught to be Christian” and sometimes how to read and write. “Enslaved people in Connecticut, like those in the American South before the civil war, were trafficked against their will, had their fundamental right to life, liberty and property taken away from them, faced similar levels of exploitation, and were subjected to the most dehumanizing treatment imaginable,” the working group’s chair Ricardo Sunga (Philippines) said.²⁶⁷

On 17 January 2017, a bill against “divisive” courses or events at public colleges and universities in Arizona, proposed by proposed by Republican State Representatives Bob Thorpe and Mark Finchem, was not approved. Republican Representative Paul Boyer, chairman of the Arizona House’s Education Committee, said he would not hear the bill because it did not have sufficient committee support. The bill was prompted by a course on white studies at Arizona State University and would have prohibited state institutions from offering any class or activity that promoted “division, resentment or social justice toward a race, gender, religion, political affiliation, social class or other class of people,” or otherwise encouraged “solidarity or isolation” based on those categories. The state

²⁶⁶ Andrea Germanos, “[Arkansas Lawmaker Introduces Bill to Ban Howard Zinn From Classrooms](#),” *Common Dreams* (3 March 2017); Zinn Education Project, “[Hundreds of Arkansas Teachers Request Howard Zinn’s A People’s History](#),” *Common Dreams* (13 March 2017).

²⁶⁷ United Nations Working Group of Experts on People of African Descent, “[UN Human Rights Expert Panel Backs US Schools over Ban on ‘Offensive’ Slavery Textbook](#)” (press release, 5 January 2017); J. Blaauw, personal communication (18 January 2017).

attorney general could have directed Arizona to withhold up to 10 percent of designated funding from any college district or university accused of violating the law. Typical criticism of white studies alleged that it promoted division or aimed to make whites feel guilty—a claim rejected by scholars. Critics of the bill said that its aims were contradictory and that it represented an attack on academic freedom, since it proposed to police not only what professors teach, but how they teach. The proposed legislation built on an earlier state law banning ethnic studies in K-12 education and being challenged in court.

In December 2016, two Wisconsin Republican legislators threatened to withhold state funds from the University of Wisconsin at Madison in relation to a planned course on racism.²⁶⁸

On 27 January 2017, the White House issued an official statement in recognition of International Holocaust Remembrance Day, in which it referred generically to “innocent people” as victims of “Nazi terror,” while failing to mention that it was a genocide with the Jews as its primary victims as well as other groups such as the Roma. The statement was widely criticized for its de-Judaization and for depriving the Holocaust of its historic specificity.²⁶⁹

On 31 January 2017, the Society of American Archivists issued a statement in which it strongly opposed President Donald Trump’s Executive Order “Protecting the Nation from Foreign Terrorist Entry into the United States” (27 January 2017), that restricted entry into the United States by individuals from seven Muslim-majority countries (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen). The statement said that “this executive order may prevent international archival researchers, students, and staff from traveling to and from the United States; subject international archival researchers to intrusive screenings of their private information; intimidate marginalized communities from preserving and sharing their archival records; or disrupt the lives and work of archivists and archival students and faculty who are green card holders.”²⁷⁰

In February 2017, online bookshop Amazon removed books that denied the Holocaust from its online stores in countries where Holocaust denial is illegal (Germany, France, Italy). Such books remained available in the United States and the United Kingdom. The United States-based Anne Frank Center for Mutual Respect argued that by offering such books on sale, Amazon was an accomplice to

²⁶⁸ Colleen Flaherty, “[White Is the Word: Arizona Lawmakers’ Failed Ban on ‘Divisive’ College Courses Highlights New Criticism of White Studies](#),” *Inside HigherEd* (18 January 2017).

²⁶⁹ Benjamin Thorne & Michelle Kelso, “[Feasting on Fear with Arguments as Faulty as Hitler’s](#),” *University World News* (10 February 2017); Nicole Duran, “[Democrats Try to Shame GOP over White House Holocaust Statement](#),” *Washington Examiner* (7 February 2017); MEE Staff, “[White House Accused of Anti-Semitism by Holocaust Historian](#),” *Middle East Eye* (31 January 2017).

²⁷⁰ Society of American Archivists, “[Statement on Executive Order Restricting Entry into the United States by Individuals from Seven Muslim-Majority Countries](#)” (31 January 2017).

Holocaust denial and anti-Semitism. Yad Vashem appealed to Amazon to remove the books; a secondary solution, it added, would be to clearly mark the nature of the books.²⁷¹

On 11 February 2017, Yale University decided to rename Calhoun college into Hopper college. John C. Calhoun was a former vice president of the United States (1825–1832) and an advocate of slavery, Grace Murray Hopper a female computer scientist. The decision followed years of debate and was based, first, on the works of a Committee to Establish Principles on Renaming chaired by law and history professor John Witt, then, on the deliberation of three advisers charged with applying the principles to the case. It reversed a decision made in April 2016. The university said it would not remove symbols of Calhoun from its campus. The Witt report stated: “A university ought not erase the historical record. But a great university will rightly decide what to commemorate and what to honor, subject always to the obligation not to efface the history that informs the world in which we live.”²⁷²

On 22 February 2017, French historian Henry Rousso ([1954]–) was detained for more than ten hours by Customs and Border Protection officers at Houston airport, who told him that he violated immigration law by using a tourist visa to enter the country to attend an academic conference. Lawyers intervened to stop his deportation and Rousso could give his keynote address (“Writing on the Dark Side of the Recent Past”) as scheduled on 24 February 2017 at a conference organized by the Hagler Institute for Advanced Study at Texas A&M University, College Station²⁷³

On 1 March 2017, the Japanese foreign ministry presented an amicus curiae brief to the Supreme Court in a case revolving around a planned comfort women memorial in Glendale, California. In 2013, two Japanese-Americans and a nonprofit educational group had filed a lawsuit against the memorial, arguing that it infringed the constitutional power of the federal government to set foreign policy. After lower and higher courts dismissed the plaintiffs’ claims on freedom of expression grounds, the plaintiffs had lodged an appeal with the Supreme Court in January 2017.²⁷⁴

When in July 2017 dozens of the white supremacist Ku Klux Klan (KKK) group in Virginia took part in an authorized march to protest at the planned removal of a statue of General Robert E Lee (who

²⁷¹ [“Amazon Selling Books in US, UK Online Stores that Deny the Holocaust,”](#) *Jewish Telegraphic Agency* (13 February 2017); Tamara Zieve, [“Amazon Should Stop Selling Holocaust Denial Books,”](#) *Jerusalem Post* (24 February 2017).

²⁷² [“Yale Renames Calhoun College amid Controversy over Slavery,”](#) *BBC News* (12 February 2017); [“Yale To Change Calhoun College’s Name”](#) (Yale press release; 11 February 2017).

²⁷³ Erin McCann, [“French Historian Says He Was Threatened With Deportation at Houston Airport,”](#) *The New York Times* (26 February 2017).

²⁷⁴ [“Japan Gives Rare Opinion to U.S. Supreme Court over ‘Comfort Women’ Row,”](#) *Japan Today* (1 March 2017).

oversaw the pro-slavery Confederate forces in the United States civil war, 1860–1865; see also item above) from Charlottesville, they were met by hundreds of rival demonstrators. Police declared the counter-protests “unlawful” and used tear gas to disperse the crowds.

A rally in February 2016 had ended with the arrests of 13 people after a violent clash between members of the KKK and rival demonstrators resulted in a number of stabbings in Anaheim, California. In May [2017], a torch-lit rally against the removal of Confederate monuments in Virginia had been condemned by a local mayor. More than 100 people attended a counter-protest the following night.²⁷⁵

See also China, Croatia, Egypt, El Salvador, India, Indonesia, Iraq, Israel, Namibia, Panama, Peru, Rwanda, Turkey, United Kingdom.

URUGUAY

Previous *Annual Report* entries: 2001–2013, 2015–2016.

The Truth and Justice Working Group, established in May 2015 to investigate crimes against humanity committed between 1968 and 1985 (including the military dictatorship, 1973–1985), continued to collect testimonies, conduct exhumations, and locate the remains of missing persons. It also gained access to important documentation, including archives at the headquarters of Naval Fusiliers and was due to make its findings public in 2017.²⁷⁶

See also Argentina.

UZBEKISTAN

Previous *Annual Report* entries: 2005–2014, 2016.

See Kyrgyzstan.

²⁷⁵ “[KKK Rally in Virginia Leads to Rival Protests and Clashes](#),” *BBC News* (9 July 2017).

²⁷⁶ Amnesty International, *Amnesty International Report 2016/17: The State of the World’s Human Rights* (London: AI, 2017), 390–391.

VATICAN

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011, 2015.

VENEZUELA

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012, 2014.

Venezuela's withdrawal from the jurisdiction of the Inter-American Court of Human Rights (in effect since 2013) continued to deny victims of human rights violations and their relatives access to justice, truth and reparation. According to a report presented to parliament by the Public Prosecutor's Office in January 2016, over 11,000 reports of crimes under international law and human rights violations were received in 2015, while only 77 trials were initiated during that year.²⁷⁷

See also Russia.

VIETNAM

Previous *Annual Report* entries: 1996–2006, 2009–2013, 2016.

In March 2016, bloggers Nguyen Huu Vinh and Nguyen Thi Minh Thuy were sentenced to prison terms (duration unknown but between seven months and five years) [see *NCH Annual Report 2016*].²⁷⁸

See also Norway.

²⁷⁷ Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London: AI, 2017), 394.

²⁷⁸ Amnesty International, "[Demand Release of Blogger and Assistant](#)" (ASA 41/2801/2015; 4 November 2015); Amnesty International, *Report 2015/16* (London: Amnesty International, 2016), 399; PEN International, "PEN Joins 18 NGOs in Calling on President Obama to Press Vietnam to Release Imprisoned Activists" (26 April 2016).

WESTERN SAHARA

See Morocco / Western Sahara.

YEMEN

Previous *Annual Report* entries: 2001, 2003, 2010, 2013–2016.

See United States.

ZAMBIA

Previous *Annual Report* entries: 2009, 2015.

ZIMBABWE

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2015.