

**INTRODUCTION**

The nineteenth *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 2012 and 2013.

*Disclaimer.* The fact that NCH presents this news does not imply that it shares the views and beliefs of the historians and others mentioned in it.

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## AFGHANISTAN

Previous *Annual Report* entries: 2000–2012.

In December 2011, *Conflict Mapping in Afghanistan Since 1978*, a 800-page report on human rights abuses in Afghanistan from 1978 (before the Soviet invasion of Afghanistan) to 2001 (the fall of the Taliban), prepared by forty researchers of the Afghan Independent Human Rights Commission since 2005 (when it was commissioned as part of a reconciliation and justice effort ordered by President Hamid Karzai), was completed. It identified the locations and details of 180 mass graves of civilians or prisoners, many of them secret and none of them (save one) excavated properly. It also compiled testimony from survivors and witnesses to the mass interments, and detailed other war crimes as well. It named more than 500 Afghans as responsible for mass killings. It tallied more than a million people killed in the conflict and 1.3 million disabled, although not all of those were necessarily victims of war crimes. The report was not released, however, and the researchers accused senior Afghan officials—powerful former warlords, including the first vice president, Marshal Muhammad Qasim Fahim, a Tajik from the Jamiat Islami Party—of suppressing the work. Three Afghan and foreign human rights activists who worked as researchers and analysts on large sections of the report spoke about its contents on condition of anonymity, both out of fear of reprisal and because the commission had not authorized them to discuss it publicly. Karzai dismissed three commissioners, including the author of the report, Ahmad Nader Nadery. Nadery's dismissal was denied by a government spokesperson who said that he had finished two five-year terms as a commissioner and that the president was legally entitled to replace him. A fourth position had been vacant since January 2011 when the commissioner responsible for children's rights was killed in a Kabul bombing. Western governments (particularly the United States) backed Karzai's efforts to suppress the report. Meanwhile, evidence in the graves was being destroyed, sometimes as a function of poor care of the sites and sometimes intentionally.

[Sources: Human Rights Watch, *World Report 2013* (Washington 2013), 273–274; Rod Nordland, "Top Afghans Tied to '90s Carnage, Researchers Say," *New York Times* (22 July 2012).]

In 2012, Afghanistan remained under preliminary analysis by the prosecutor of the International Criminal Court (ICC). Since 2007, the ICC has been looking into allegations of crimes, including torture, recruitment of child soldiers, attacks on humanitarian targets and the United Nations, and attacks on objects or locations protected under international law that were not military targets.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 275.]

*See also* United States.

**ALBANIA**

Previous *Annual Report* entries: 1996, 2012.

*See* Serbia.

**ALGERIA**

Previous *Annual Report* entries: 1996, 2001–2012.

In October 2011, General Khaled Nezzar, ([1937–]), former army chief of staff (1988–1990) and defense minister (1990–1993), was arrested in Geneva, interrogated, and later released on bail. The Swiss Federal Criminal Court started investigations against him for war crimes and crimes against humanity for his role in commanding the repression of armed resistance and civil unrest in Algeria from 1992 to 2000. In July 2012, the court rejected his appeal to drop the case. He remained on bail pending the completion of the investigation and the commencement of the trial. [For background, see *NCH Annual Report 2003*.]

[Sources: *Chicago Tribune* (31 July 2012); Human Rights Watch, *World Report 2013* (Washington 2013), 518–519.]

Security forces and armed groups continued to enjoy broad impunity for atrocities committed during the “dirty war” (1992–2000). The ordinance on the implementation of the Charter for Peace and National Reconciliation (Law 06-01), adopted in February 2006, offered immunity from prosecution both for security force members and members of armed groups, with certain exceptions, for atrocities they perpetrated during the conflict. The charter also sought to muzzle continuing debate and scrutiny of the atrocities committed during that period: it provided for up to five years’ imprisonment for anyone who “exploit[ed] the wounds of the national tragedy, with a view to harming Algerian institutions, harming the honor of its agents who served it with dignity, or tarnishing the image of Algeria at the international level.” No one was known to have been imprisoned under this provision. Families of the disappeared were required to accept death certificates in order to receive compensation but were denied information about the fate of their disappeared relatives. Those who continued to call for truth and justice faced harassment.

[Sources: Amnesty International, *Report 2013* (London 2013), 22; Human Rights Watch, *World Report 2013* (Washington 2013), 517–518.]

In May 2012, Algeria's human rights record was assessed under the United Nations Universal Periodic Review. The government failed to address, inter alia, recommendations to abolish laws originating under the state of emergency (1992–2011), and to recognize the right to truth of families of victims of enforced disappearances during the 1990s.

[Source: Amnesty International, *Report 2013* (London 2013), 21.]

In June 2012, Mohamed Smain, former head of the Algerian League for the Defense of Human Rights (LADDH) in Relizane and an advocate of truth and justice for the families of the disappeared, was arrested when he failed to respond to a summons from the Relizane prosecutor. The summons was in connection with a two-month prison sentence and fines imposed on him after he criticized the authorities for moving corpses from a mass grave in Relizane in 2001. His sentence had been confirmed by the Supreme Court in 2011. He was released under a presidential pardon issued in July 2012 on health grounds. [Source: Amnesty International, *Report 2013* (London 2013), 22.]

When Algeria became independent in 1962, the French government exported many official documents to France, thus taking with them vital sources of Algerian history. The 1962 Evian treaty that resulted in Algeria's independence did not include a statement on the disposition of archives or the return of artifacts removed between 1830 (the start of French rule) and 1962. An agreement was reached in 1966 to return the historical archives, notably Ottoman-era documents, and technical documents from the 1830–1962 period, but it was never executed because Algeria reportedly claimed more. Around the fiftieth anniversary of independence, on 5 July 2012, Algeria refused a proposal that it would be given access to copies of the disputed archival items on the condition that it abandoned its claim to them. Abdelmadjid Chikhi, director of the national archives, declared that he was not going to sign away the national heritage. According to him, France still had about 50,000 manuscripts which originated on Algerian soil, as well as large numbers of other historical artifacts, some dating from before 1830. It included the library of Emir Abdelkader, the Islamic scholar who led a rebellion against French rule in the two decades after the French arrived. France argued that since the archives and artifacts were collected by French officials when Algeria was part of France, it now owned them. Algeria argued that French rule was imposed against its will and that documents or artifacts originated on Algerian soil were Algerian property.

[Sources: D. Cox, "Controversy between Algeria and France over Archives" ([http://www.docexblog.com/2012\\_07\\_01\\_archive.html](http://www.docexblog.com/2012_07_01_archive.html); 6 July 2012); David Gordon, *Self-determination and History in the Third World* (Princeton 1971) 159; Christian Lowe, "Algeria, France Tussle over Archives 50 Years after Split" (*Reuters*; 4 July 2012).]

*See also* France.

**ANGOLA**

Previous *Annual Report* entries: 2003, 2009.

**ARGENTINA**

Previous *Annual Report* entries: 1997–2012.

Several important human rights cases from Argentina's last military dictatorship (1976–1983) were reopened in 2003 after Congress annulled the 1986 "Full Stop" law, which had stopped prosecution of such cases, and the 1987 "Due Obedience" law, which had granted immunity to all members of the military, except those in positions of command. In 2005, the Supreme Court upheld the unconstitutionality of the amnesty laws, originally decided by a judge in 2001 in a case brought by the Center for Legal and Social Studies (CELS) and the Abuelas de Plaza de Mayo (Grandmothers of the Plaza de Mayo). From that moment, federal judges struck down pardons that then-President Carlos Menem had issued between 1989 and 1990 to former officials convicted of, or facing trial for, human rights violations.

As of August 2012, the number of persons accused of crimes against humanity had increased to 1,926, from 922 in 2007, according to CELS. 799 people faced charges for these crimes and 262 were convicted and sentenced. Trials were delayed at the appellate level, with appeals normally taking more than two years to be heard after the sentence of the trial court. As of August 2012, the Supreme Court had confirmed final sentences in only eight of the cases reactivated after the annulment of the amnesty laws.

On 5 July 2012, a federal court sentenced Jorge Videla (1925–2013), de facto president from 1976 to 1981, to 50 years in prison for implementing a plan to steal babies from women who gave birth while they were being held in torture centers before they were killed, and to hand them over to military families for adoption. The head of the last military junta, Reynaldo Bignone (1982–1983), received a fifteen-year prison sentence. The court concluded that the theft of babies was a "systematic and generalized practice." Videla had been convicted in 1985 for crimes against humanity and was already serving a life sentence. The trial, pursued by the Association of the Grandmothers of the Plaza de Mayo, was based on the cases of 35 children, now adults, who had been identified through DNA testing as sons and daughters of disappeared victims of the dirty war (1976–1983). The Grandmothers estimated that more than 500 children were captured along with their parents or born in captivity; after their parents were executed, many were raised by security officers' families who hid their true identities. More than 100 of the children have already been identified.

The “mega-trial” of state agents responsible for crimes committed at the Navy Mechanics School (ESMA) continued in 2012. In October 2011, a federal court sentenced twelve of the perpetrators to life imprisonment for the illegal arrest, torture and murder of detainees held at the center. A second trial commenced in November 2012, in which 67 state agents faced similar charges. Seven of them were being tried for their alleged participation in “flights of death,” in which prisoners held at ESMA were drugged and dropped from planes into the Atlantic.

[Sources: Amnesty International, *Report 2013* (London 2013), 26; Human Rights Watch, *World Report 2013* (Washington 2013), 192–193; National Security Archive, “Stolen Babies: Argentina Convicts Two Military Dictators” (5 July 2012).]

During 2012, investigations in Argentina based on universal jurisdiction continued into crimes committed in Spain between 1936 and 1977, including the period of the Spanish Civil War (1936–1939) and the Franco regime (1939–1975).

[Source: Amnesty International, *Report 2013* (London 2013), 25.]

*See also* Germany.

## **ARMENIA**

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

*See* Azerbaijan.

## **AUSTRALIA**

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

*See* Iraq.

## **AUSTRIA**

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

## AZERBAIJAN

Previous *Annual Report* entries: 1995, 1997–1998, 2008–2012.

On 29 January 2013, officials from the ruling political party Yeni Azerbaijan publicly called on Akram Aylisli (1937–; pen name of Akram Najaf oglu Naibov), a novelist and former Member of Parliament (2005–2010), to withdraw a recently published novel and ask for the nation’s forgiveness. The novel, *Daş Yuxular* (*Stone Dreams*; completed in 2007), was published in the Russian-language literary journal *Druzhiba Narodov* (Friendship of the Peoples) in Russia in December 2012. Set during the conflict on the disputed region of Nagorno-Karabakh, an Armenian-majority separatist enclave in Azerbaijan (1988–1994), the novel provided a sympathetic view of Armenians in the conflict. It only referred to Azeri violence against Armenians, including during the 1920s and during pogroms in Sumgait and Baku in January 1990, but not to Armenian violence against Azeris, such as during the Khojali massacre in February 1992.

The call was the start of a hostile campaign of intimidation against Aylisli. On 31 January 2013, a crowd of about 70 people gathered outside Aylisli’s home in Baku, shouting “shame” and burning his portrait and books. On 1 February 2013, Azerbaijani lawmakers meeting in parliament began to question Aylisli’s ethnicity, suggesting that he take a DNA test and be forced to emigrate to Armenia. One of them commented that the novel “insulted not only Azerbaijanis, but the whole Turkish nation,” because it referred to the Ottoman Empire’s historical persecution of Armenians. Ali Hasanov, a high-level official from the presidential administration, denounced Aylisli for disrespecting the memory of thousands of martyrs. Aylisli’s wife and son were dismissed from their jobs. Aylisli was also expelled from the Union of Azerbaijani Writers.

On 7 February 2012, President Ilham Aliyev stripped Aylisli of his honorary title of “people’s writer” and cut off his presidential monthly pension, which he had drawn since 2002. Aliyev reportedly argued that the measures were a just punishment “for distorting facts in Azerbaijani history and insulting the feelings of the Azerbaijani people.” *Stone Dreams* had also made negative references to former President Heydar Aliiev (father of the current president). NGOs and support groups for veterans and refugees suggested that they could take legal action against Aylisli. On 10 February 2013, the chairman of the pro-government Müasir Müsavat Partiyası political party (Modern Equality Party), Hafiz Hajiyev (Haciyev), announced that he would pay a ransom to anyone who cut off the writer’s ear. The Interior Minister subsequently announced that such calls for violence were unacceptable and would be investigated.

[Sources: Network of Concerned Historians (<http://www.concernedhistorians.org/ca/70.pdf>; <http://www.concernedhistorians.org/ca/70f1.pdf>]; “Azerbaijani Party Leader Offers Reward for Writer’s Ear,” *RFE/RL News* (11 February 2013); Human Rights Watch, “Azeri Writer Harassed over

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Novel about Azeri-Armenian conflict” ([http://www.ifex.org/azerbaijan/2013/02/12/azerbaijan\\_stop\\_harassing](http://www.ifex.org/azerbaijan/2013/02/12/azerbaijan_stop_harassing); 12 February 2013); *Keesings Historisch Archief* (2013), 152; PEN International Rapid Action Network, “RAN 08/13: Azerbaijan—Writer Akram Aylisli under Threat” (12 February 2013); Daisy Sindelar, “Azeri Author Sends Unpopular Message To Armenians: ‘We Can Live Together,’” *RFE/RL News* (1 February 2013); Daisy Sindelar, “In Azerbaijan, Anger at an Author, but not Necessarily at His Argument,” *RFE/RL News* (8 February 2013); *Wikipedia* (16 February 2013).]

**BAHRAIN**

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

*See* United Arab Emirates.

**BANGLADESH**

Previous *Annual Report* entries: 1999, 2001, 2004–2006, 2008–2012.

In 2010 the Bangladeshi government established the International Crimes Tribunal (ICT) to investigate those accused of collaborating with Pakistani forces who attempted to stop East Pakistan (later: Bangladesh) from becoming independent during the 1971 war (during which between half a million and three million people were killed). Twelve people in total stood trial, including several leaders of the main Islamist party, Jamaat-e-Islami, and a former minister from the opposition Bangladesh Nationalist Party (BNP). The trial chamber allowed several prosecution witnesses statements as evidence, without any live testimony being heard. While the prosecution claimed the witnesses were unavailable, the defense produced safehouse logbooks that showed they were available at the time when they were meant to appear in court. However, the ICT rejected the defense's claims. United States war crimes ambassador, Stephen Rapp, and several international groups asked to amend the ICT Act to ensure that it complied with international fair trial standards.

In December 2012, Mohammed Nizamul Huq, the presiding judge resigned after allegations that at least 230 of his emails and over seventeen hours of his recorded telephone calls (published on YouTube) contained proof of undue governmental pressure (to speed up the court proceedings) and by Ahmed Ziauddin, the director of the Bangladesh Center for Genocide Studies in Brussels who secretly advised the judge and the prosecutor and prepared drafts for the charges and indictments. On 11 April 2013, the police arrested Mahmudur Rahman, the editor of the opposition newspaper, *Amar Desh*; he was charged with sedition and unlawful publication of the hacked conversation between the ICT judges and Ziauddin.

Meanwhile, on 21 January 2013, in the first conviction, former leader of the Jamaat-e-Islami party Abul Kalam Azad was found guilty in absentia of eight charges of genocide and crimes against humanity and sentenced to death. On 5 February 2013, the ICT found another Jamaat-e-Islami party leader, Abdul Kader Mullah (Abdul Qader Mollah), guilty on five out of six counts, including of murder and rape as crimes against humanity and war crimes, and sentenced him to life imprisonment. He denied all the charges. Later that month, amendments to the ICT Act were offered to enable an

appeals court to overturn the life sentence and impose the death penalty.

The trials sparked protests from those who accused the government of pursuing a political vendetta on the one hand and Shahbagh protesters who called on Jamaat-e-Islami leaders to face their crimes on the other hand. Both groups clashed violently. Hundreds of thousands throughout Bangladesh took to the streets in peaceful protests to demand that Mullah be hanged. The violence increased after the ICT, on 28 February 2013, sentenced Delwar Hossain Sayedee, vice-president of the Jamaat-e-Islami party, to death by hanging after finding him guilty of war crimes. Following this verdict, Jamaat party supporters, Shahbagh protesters and security forces attempting to control the protests clashed with each other. More than a hundred people died, most of them in police firing according to media and human rights groups.

On 15 July 2013, the ICT found Ghulam Azam, leader of the Jamaat-e-Islami party from 1969 to 2000, guilty of five charges, sentencing him to 90 years' imprisonment for his involvement in mass killings and rape during the war. He denied all the charges.

[Sources: Article 19, "Journalists and Protesters Injured in Bangladesh Demonstrations" (22 February 2013); "Bangladesh: Abdul Kader Mullah Gets Life Sentence for War Crimes," *BBC News* (5 February 2013); "Bangladesh Islamist Ghulam Azam Found Guilty of War Crimes," *BBC News* (15 July 2013); Human Rights Watch, *World Report 2013* (Washington 2013), 280; Human Rights Watch, "Bangladesh: Post-Trial Amendments Taint War Crimes Process: Protesters, Security Forces Should Exercise Restraint" (14 February 2013); Human Rights Watch, "Crackdown on Bloggers, Editors in Bangladesh" (17 April 2013); *Keesings Historisch Archief* (2013), 286–287; *NRC Handelsblad* (8 March 2013), 15; "Trying War Crimes in Bangladesh," *The Economist* (15 December 2012).]

## **BELARUS**

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

In the summer of 2012, David Marples, a historian from the Department of History and Classics at the University of Alberta, Canada, president of the North American Association for Belarusian Studies, did not receive a visa to study the uses of history in Belarus. No reason was given.

[Source: *Index on Censorship* (2012 no. 3), 138.]

In 2012, *Hrodnaznaustva*, a book about the history of Hrodna (Grodno), a town in Western Belarus, was published in Poland. The KGB interrogated the authors and asked them why the narrative stopped in 1991, leaving out treatment of President Alexander Lukashenka's rule from 1994. As a result

several were dismissed from Janka-Kupala State University in Hrodna, including Andrej Czarniakiewicz (Czarniakevich, Charniakevich), a historian specialized in the early-twentieth-century history of Hrodna and a campaigner for the historical heritage of its old town. As official reasons for his dismissal in late September 2012, two versions circulated; one was that he had been late five minutes for two of his lectures, which was a “harsh violation of work discipline;” another that the work was published abroad with an “unclear” funding source. In October 2012, the European Humanities University called the dismissal a violation of academic freedom. In late March 2013, Viachaslau Shved, another contributor, was dismissed as the dean of the Department of Belarusian Culture and Regional Tourism and as a professor. Another historian, Igor Kuzmin, resigned from the university in protest against the dismissals.

[Sources: “Aufruf: Belarusian Historian A. Czarniakiewicz Driven Out of His Hrodna Based University” (<http://www.dbg-online.org/2012/10/10/aufruf-belarusian-historian-czarniakiewicz-driven-out-his-hrodna-based-university>; 10 October 2012); Paula Borowska, “Belarusian Historians Struggle to Find Their Place” (<http://belarusdigest.com/story/cultural-politics-13646>; 11 April 2013); “EHU Senate Condemns Dismissal of Belarusian Historian,” <http://www.ehu.lt/en/news/show/ehu-senate-condemns-dismissal-of-belarusian-historian> (12 October 2012).

## **BELGIUM**

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

*See* Bangladesh, Senegal.

## **BOLIVIA**

Previous *Annual Report* entries: 2007, 2009–2012.

Delays in bringing to justice those responsible for human rights violations under military governments (1964–1982) persisted. In April and May 2012, legislation was passed reducing compensation payments for the victims of the time and providing for the publication of the names of people entitled to compensation. There were concerns about the lack of transparency and unfairness of the reparation process. Of 6,200 applicants, only around 1,700 qualified as beneficiaries. Victims of human rights violations and their relatives maintained months-long protests in front of the Ministry of Justice to demand greater transparency. Many alleged that they were denied access to compensation because

they had to produce documentary evidence to support their claims, such as medical proof of torture, death certificates, and other documents.

The only notable advance in recent years was the sentencing in August 2011 of five generals to 10 to 15 years' imprisonment each for killing 67 people during anti-government protests in September and October 2003, when the army used lethal force to quell violent demonstrations in the highland city of El Alto. Two members of former President Gonzalo Sánchez de Lozada's cabinet received three-year suspended sentences for their part in the events, often referred to as "Black October." In September 2012, the United States government rejected a Bolivian request to extradite Sánchez de Lozada and two ministers of his administration to face trial on charges including genocide, homicide and torture, for their alleged responsibility for the deaths and injuries during "Black October."

[Sources: Amnesty International, *Report 2013* (London 2013), 40; Human Rights Watch, *World Report 2013* (Washington 2013), 198–199, 201.]

The armed forces failed to turn over files that might clarify the fate or whereabouts of people who were killed or "disappeared" before democracy was restored in 1982. In July 2012, in response to protestors who were demanding that files from the government of Luis García Meza (1980–1981) be declassified, Vice President Alvaro García stated that only one filing cabinet had been found and the rest had been stolen "years ago."

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 198.]

## **BOSNIA and HERZEGOVINA**

Previous *Annual Report* entries: 2001–2012.

A March 2012 report on postwar justice in the Western Balkans from outgoing Council of Europe Human Rights Commissioner Thomas Hammarberg recommended that Bosnian authorities strengthen local courts' capacity to try war crimes and protect witnesses, and expressed support for a regional truth and reconciliation commission.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 416.]

By the end of 2012, five cases concerning Bosnia and Herzegovina (BiH) were pending before the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY). Three other cases were on appeal. Proceedings against former Bosnian Serb leader Radovan Karadžić continued. In June 2012, the ICTY Trial Chamber issued an oral decision dismissing the motion for acquittal on 10 counts of the indictment. However, it granted it in relation to count one, in which the accused was

charged with genocide for crimes committed in several municipalities in BiH between March and December 1992. The ICTY reported that the evidence “even if taken at its highest, did not reach the level from which a reasonable trier of fact could infer that genocide occurred in the municipalities.” On 16 May 2012, the trial against Bosnian Serb wartime General Ratko Mladić commenced at the International Criminal Tribunal for the former Yugoslavia (ICTY). It was periodically delayed by his ill-health. Mladić was charged with genocide (including the murder of 8,000 men and boys from Srebrenica in 1995), war crimes, and crimes against humanity.

The War Crimes Chamber of the BiH State Court of Bosnia and Herzegovina reached verdicts on 13 cases between September 2011 and 2012. Inadequate capacity and funding for war crimes prosecutions continued to hamper implementation of the National Strategy for Prosecution of War Crimes (Strategy) in local courts. In May 2012, the Office of the International High Representative and ICTY chief prosecutor discussed ways to strengthen local prosecutors and courts on war crimes cases. The mandate of the international judges and prosecutors was scheduled to expire by the end of 2012, having been extended once in 2009.

The justice system continued to work on the large backlog of war crimes cases. In early 2012, the BiH Prosecutor’s Office obtained an overview of cases investigated in all jurisdictions within BiH. It handed them over to the State Court of BiH to decide, in accordance with the criteria set in the Strategy, which cases should be prosecuted at the state or entity levels. There were 1,271 cases reviewed in the process, 592 (47%) of which were transferred to the entity Prosecutors’ Offices, and 679 (53%) were pending before the State Prosecutor’s Office. This represented a positive development as the significant delay in establishing the exact number of criminal case files was holding up the implementation of the Strategy. The possibility of parallel investigations and prosecutions at state and entity levels was also greatly reduced. However, around half of these case files had already been pending in entity Prosecutors’ Offices for many years prior to the review and transfer process. The fact that an additional 120 case files were transferred to the entity Prosecutors’ Offices did not automatically accelerate the investigations.

Verbal attacks on the War Crimes Chamber of the BiH State Court and other judicial institutions dedicated to investigating and prosecuting those crimes, along with the denial of crimes under international law—such as the genocide in Srebrenica in July 1995—by high-ranking politicians, undermined the state’s efforts to prosecute them. In February 2012, a coalition party from Republika Srpska (RS) filed a motion to abolish the BiH State Court and the BiH Prosecutor’s Office. The draft proposals were rejected by the BiH Parliament, but politicians continued to make public declarations undermining the work of the state judicial institutions. The entity courts continued to apply the Criminal Code of the former Socialist Federal Republic of Yugoslavia in prosecuting crimes committed during the conflict. As noted in the concluding observations of the United Nations Human Rights Committee in November, this Code had serious gaps, including the absence of a definition of

crimes against humanity and command responsibility.

Around 10,000 people who disappeared during the 1992–1995 war were still unaccounted for. The state’s failure to implement the 2004 Law on Missing Persons led to problems for the families of the disappeared, including the denial of their rights to justice and reparation. The Fund for Providing Assistance to the Families of Missing Persons envisaged by the 2004 Law had still not been established. Many judgments of the BiH Constitutional Court in cases involving enforced disappearances remained unimplemented.

The state failed to adopt the draft Law on the Rights of Victims of Torture and Civilian War Victims, the Strategy on Transitional Justice, and the Program for Victims of Sexual Violence in Conflict.

[Sources: Amnesty International, *Report 2013* (London 2013), 42–43; Human Rights Watch, *World Report 2013* (Washington 2013), 414–415.]

In a German article about history textbook reform in Bosnia-Herzegovina, two of the three history teachers interviewed were given pseudonyms.

[Source: Natalija Bašić, “Angst und Gedächtnis” *Eckert: Das Bulletin* (Summer 2012), 21–23.]

In [January 2013], the Sarajevo-based NGO Research and Identification Center published the “Bosnian Book of the Dead.” [For background, see *NCH Annual Report 2009*.]

[Source: Denis Dzidic, “‘Bosnian Book of the Dead’ Published,” *Balkan Insight* (22 January 2013).]

*See also* The Netherlands, Serbia.

## **BRAZIL**

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2012.

In May 2012, President Dilma Rousseff established the National Truth Commission (NTC). The NTC was mandated to investigate human rights violations from 1946 to 1988, including during the country’s military dictatorship (1964–1985). In September, the NTC announced that it would only investigate grave human rights violations committed by or on behalf of state agents and began hearing testimonies and investigating records, although some concern was expressed at the use of some in camera hearings. The establishment of the TC led to the creation of several truth commissions at state level, for example in the states of Pernambuco, Rio Grande do Sul and São Paulo.

However, concerns remained about the ability to address impunity for crimes against humanity as

long as the 1979 amnesty law remained in place. This law has thus far been interpreted to bar most prosecutions of state agents, an interpretation that the Supreme Court reaffirmed in April 2010. However, this law had been declared “null and void” by the Inter-American Court of Human Rights in December 2010. Federal prosecutors initiated criminal prosecutions of members of the security services accused of kidnappings during the dictatorship, arguing that it was a “continuous crime” and thus not covered by the amnesty law.

Brazil had granted more than United States \$1 billion in financial compensation to more than 12,000 victims of abuses committed by state agents during the dictatorship.

[Sources: Amnesty International, *Report 2013* (London 2013), 44; Human Rights Watch, *World Report 2013* (Washington 2013), 202, 205–206.]

In July 2012, the office of Tortura Nunca Mais (Torture Never Again), a civil society group seeking to raise awareness of the abuses during the military dictatorship (1964–1985), was burglarized and archives with torture victim reports were stolen.

[Source: *New York Times* (4 August 2012).]

## **BULGARIA**

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

## **BURKINA FASO**

Previous *Annual Report* entries: 2001, 2004, 2005.

In June 2012, Parliament passed an amnesty law for heads of state enshrining impunity.

[Source: Amnesty International, *Report 2013* (London 2013), 49.]

## **BURUNDI**

Previous *Annual Report* entries: 1999, 2001–2003, 2005–2012.

In 2012, no progress was made to investigate and establish the truth behind grave violations of human rights committed between 1962 and 2008. A revised draft law establishing a Truth and Reconciliation

Commission (TRC) was submitted to parliament but not discussed; it left open the possibility of amnesties, including for those accused of genocide, crimes against humanity, war crimes, torture, enforced disappearances and extrajudicial executions. It did not specify that the Special Tribunal, the judicial mechanism that would follow the TRC, should have an independent prosecutor who can investigate and prosecute cases referred by the TRC as well as new cases.

[Sources: Amnesty International, *Report 2013* (London 2013), 50; Human Rights Watch, *World Report 2013* (Washington 2013), 86.]

## CAMBODIA

Previous *Annual Report* entries: 1999–2012.

In the trial of leaders of the Khmer Rouge period (1975–1979), political interference from Prime Minister Hun Sen’s ruling Cambodian People’s Party (CPP) effected via government-appointed judges, prosecutors and other personnel at the Extraordinary Chambers of the Courts of Cambodia (ECCC; the Khmer Rouge Tribunal), precipitated the resignation in May 2012 of Laurent Kasper-Ansermet, an investigating judge nominated by the United Nations secretary-general. Kasper-Ansermet claimed that governmental interference and lack of cooperation made it impossible for him to do his work. His court submissions detailed how that interference had blocked his efforts to investigate five suspects whom Hun Sen had not approved. United States Judge Mark Harmon replaced him in October 2012, but no further progress in the cases was reported. The CPP’s longstanding strategy of attempting to control the court via delaying tactics and passive non-cooperation contributed to reducing the prosecution of Nuon Chea, Ieng Sary, and Khieu Samphan—three Hun Sen-authorized indictees among former Khmer Rouge leaders—to a “mini-trial” in which only a few of the crime against humanity counts against them would be adjudicated. It appeared unlikely that they would ever go on trial for the additional charges of genocide and war crimes laid against them in December 2009, even though the ECCC was the most expensive international or hybrid criminal tribunal ever, calculated in terms of cost per accused put on trial. Ieng Thirith, one of four alleged senior Khmer Rouge leaders on trial in Case 002, was declared unfit to stand trial and released into the care of her family in September. She was believed to have Alzheimer’s disease.

In February 2012 the ECCC upheld the conviction of prison chief Kaing Guek Euv, known as Duch, for war crimes and crimes against humanity, and increased his sentence from 35 years to life in prison.

[Sources: Amnesty International, *Report 2013* (London 2013), 52; Human Rights Watch, *World Report 2013* (Washington 2013), 293, 295–296.]

*See also* Thailand.

## CAMEROON

Previous *Annual Report* entries: 2010, 2012.

On 29 November 2011, writer, historian and politician Dieudonné Enoh Meyomesse ([1954]–) was

arrested upon returning from a business trip to Singapore, and charged with armed robbery of gold and organizing a coup. In December 2012, he was found guilty of armed robbery and illegal sale of gold and sentenced to seven years' imprisonment. It was believed that his trial was related to his critical writings, his political activities and his role as a dissident within the Bulu ethnic group (to which also President Paul Biya belongs). Meyomesse wanted to run for president on 9 October 2011 under the banner of the United National Front (UNF) but the Supreme Court did not validate his candidacy. Among his works written in prison that were confiscated was a manuscript, *The Elite against the People from 1884 to the Present Day*.

[Source: International Pen, "Letter to President Paul Biya" (17 April 2013).]

Sometime between 23 and 24 March 2013, unidentified men abducted filmmaker Richard Fouofie Djimeli from his home. On 3 April 2013, he was found alive, though one of his fingers was amputated. The director and actors from his film *139...Les dernières prédateurs* (139...The Last Predators) received death threats weeks before the film's launch. The film, about a 139-year-old totalitarian regime in an imaginary country named Chimpanz, satirized Paul Biya's regime, which has held power in Cameroon since 1982.

[Source: Article 19, *Artistic Censorship Report: Filmmaker Abducted, Street Artists Fined* ([http://www.ifex.org/international/2013/05/14/artistic\\_censorship](http://www.ifex.org/international/2013/05/14/artistic_censorship); 14 May 2013).]

## CANADA

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

The mandate of the Canadian Truth and Reconciliation Commission included "the history, purpose, operation and supervision of the Indian Residential School (IRS) system, the effect and consequences of IRS (including systemic harms, intergenerational consequences and the impact on human dignity) and the ongoing legacy of the residential schools." An estimated 100,000 First Nations children were taken from their families and forced to attend 130 residential schools over more than a century (1880s–1996). The majority of the schools were operated by Roman Catholic entities, about a quarter of the schools run by the Anglican Church, and the remainder by Presbyterians and the United Church.

[Source: Human Rights Working Group of the International Council on Archives, *News of September 2012*, 2.]

*See also* Belarus, India, Iran, Rwanda.

**CENTRAL AFRICAN REPUBLIC**

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

**CHAD**

Previous *Annual Report* entries: 2000–2012.

*See* Senegal.

**CHILE**

Previous *Annual Report* entries: 1998–2012.

More than three-quarters of the 3,186 documented extrajudicial executions and enforced disappearances during General Augusto Pinochet's military regime (1973–1990) were heard by courts or are now under court jurisdiction, according to Diego Portales University's Human Rights Observatory, a nongovernmental organization that monitored progress in human rights trials. Between 2000 and September 2011, more than 800 former state security agents had been indicted or convicted, and as of August 2012, 64 agents were serving prison sentences. In many cases, the Supreme Court had used its discretionary powers to reduce sentences against human rights violators in recognition of the time elapsed since the criminal act. Others had their sentences commuted. These practices raise concerns about Chile's fulfillment of its obligation to hold accountable perpetrators of crimes against humanity by imposing appropriate punishments or sanctions.

Following a visit to Chile in August 2012, the United Nations Working Group on Enforced or Involuntary Disappearances welcomed progress in investigations of human rights violations during Pinochet's regime. However, it expressed concern that few of the convicted perpetrators were in fact serving a sentence because of the short penalties imposed. The Working Group also called for the 1978 amnesty law to be repealed; for a national plan to search for the disappeared; and for the allocation of additional resources in order to expedite judicial proceedings.

[Sources: Amnesty International, *Report 2013* (London 2013), 60; Human Rights Watch, *World Report 2013* (Washington 2013), 209, 211–212.]

## CHINA

Previous *Annual Report* entries: 1995–2012.

From 2005 on, the businessman and former government official Fan Jianchuan ([1957–]) opened six museums commemorating the Cultural Revolution in Chengdu and elsewhere. He avoided scenes of violence and did not use the term “Cultural Revolution.” According to a museum assistant, who requested anonymity, the period was instead referred to as the more neutral “Red Era.” Fan had a collection of 100 tons of documents, including 20,000 diaries, about the period. Most government-funded museums in China avoid mentioning the Cultural Revolution altogether (The National Museum, renovated in 2011, commemorated the era with one photograph and three lines of written text).

[Source: AFP, “China’s Painful Past Displayed under Political Shadow in Businessman Fan Jianchuan’s Six Museums,” *Artdaily.org* ([http://artdaily.com/index.asp?int\\_sec=2&int\\_new=58732#.UJe1PyaVySp](http://artdaily.com/index.asp?int_sec=2&int_new=58732#.UJe1PyaVySp); 5 November 2012).]

*Tombstone: The Great Chinese Famine, 1958–1962* (Chinese 2008; English 2012), by Yang Jisheng (1940–), deputy editor of the historical journal *Yanhuang Chunqiu* and a former editor at the Xinhua News Agency, was banned in mainland China. Yang said that a full exposure of the famine in which a reported 36 million starved to death (making it the worst famine in history) could undermine the legitimacy of the Chinese Communist Party. From the early 1990s, Yang visited more than a dozen provinces, interviewed over a hundred witnesses, and collected thousands of documents. He could get access to archives containing confidential reports of the famine only under the pretext of “researching agricultural policies” or “studying the food issue.” When the book was published in Hong Kong in 2008, pirated texts and internet summaries found their way into the mainland.

[Sources: *International Herald Tribune* (8–9 December 2012); *New York Times* (13 November 2012).]

On 15 September 2010, Li Tie (1962–), human rights activist, dissident writer and signatory of *Charter 08* [For background, see *NCH Annual Reports 2009, 2010*], was arrested by the Wuhan City Public Security Bureau. On 22 October 2010, the initial charge against him (“inciting subversion of state power”) was changed into the more serious “subversion of state power.” On 18 January 2012, the Wuhan Intermediate People’s Court sentenced him to ten years’ imprisonment. The evidence against him included membership of the banned China Social Democracy Party and critical online writings, in particular an article entitled “Human Beings’ Heaven Is Human Dignity.” Li did not receive a fair trial. During the past decade, Li organized activities to honor the memory of Lin Zhao,

the Beijing University student imprisoned in the 1950s and executed by the government in 1968 for her views and writings.

[Source: International PEN, *Caselist—January to June 2012* (London 2012), 29.]

On 19 September 2010, Lu Jiaping [Lü Jiaping] (1944–), a member of the Chinese Research Society on the History of World War II and a retired soldier from Beijing, was arrested. In early May 2011, he was charged with “inciting subversion of state power” (defined as “spreading rumors or slanders or any other means to subvert state political power or overthrow the socialist system”) and secretly sentenced to ten years’ imprisonment by the Beijing First Intermediate Court. His close associate, Jin Andi ([1954–]), probably also a historian, received a sentence of eight years. The sentences were linked to articles published by Lu between 2000 and 2010, which discussed the family background and private life (including some scandals) of former Chinese Communist Party chairman Jiang Zemin. Lu’s wife, Yu Junyi, was released from house arrest in February 2012, after which the cases of Lu and Jin became known. On 1 December 2012, they were still in prison.

[Sources: Committee to Protect Journalists, “Challenged in China: The Shifting Dynamics of Censorship and Control (New York 2013), 13–14, 17; *Epoch Times* Editorial Board, “Anything for Power: The Real Story of China’s Jiang Zemin” (<http://www.theepochtimes.com/news/5-9-20/32517.html>; 20 September 2005); International PEN, *Caselist—January to June 2012* (London 2012), 32; International PEN Writers in Prison Committee, *Half-Yearly Caselist to December 2012* (London 2013), 31–32; *Sydney Morning Herald* (17 November 2012).]

In 2011 Liao Yiwu (?1960–), writer, poet and musician, fled to Germany via Vietnam. [For background, see *NCH Annual Report 2003*.]

[Source: IFEX, “IFEX Marks World Refugee Day, 20 June 2013” (6 June 2013).]

A policy to raze traditional Uighur neighborhoods and relocate or forcibly evict inhabitants, accompanied by a campaign to settle the majority of the nomadic and pastoralist population of Xinjiang, were the most visible aspects of a comprehensive development policy launched in 2010 that was supposed to reduce socioeconomic disparities and lift the livelihood of ethnic groups and help “smash separatist sentiment.”

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 312.]

On 7 January 2013, hundreds of demonstrators staged a protest in support of the progressive weekly newspaper *Nanfang zhoumo* (*Southern Weekly*) in Guangzhou, Guangdong, which had been forced to transform an editorial calling on the new leadership for political reform into a tribute praising the Chinese Communist Party. Eighteen academics signed an open letter calling for the dismissal of Tuo

Zhen, a provincial propaganda minister blamed for the censorship. They included legal professors, liberal economists, historians and writers. The original text—entitled “China’s Dream, the Dream of Constitutionalism” and written by senior editor Dai Zhiyong in a reformist tone as a New Year editorial—was cut down from 2,000 to 1,000 words and changed into a propaganda piece entitled “We Are Closer to Our Dream than Ever Before.” The original contained a sweeping view of history since the 1840s and displayed a willingness to learn lessons from the rest of the world.

[Sources: *Guardian* (7 January 2013); Liu Jin, “Pressing for Freedom: The Protest over China’s ‘Southern Weekly,’” *Free Speech Debate* (27 February 2013); “The Southern Weekly Affair: No Closer to the Chinese Dream?” *Free Speech Debate* (27 February 2013).]

On 13 May 2013, the Chinese Communist Party Central Committee General Office issued a memorandum, “Concerning the Situation in the Ideological Sphere,” which presented a “Seven Speak-Nots” policy: it banned teaching or discussing seven topics at universities, including “historical mistakes by the Communist Party” (such as the Cultural Revolution). Other topics were universal values, freedom of the press, citizen rights, civil society, the privileged capitalist class, and judicial independence.

[Sources: Oiwan Lam, “Chinese Government Bans Seven ‘Speak-Not’ Subjects,” *Global Voices* (<http://globalvoicesonline.org/2013/05/16/chinese-government-bans-seven-speak-not-school-subjects>; 16 May 2013); Hayashi Nozomu, “Chinese Authorities Ban Human Rights, Political Discussions at Universities,” *Asahi Shimbun* (<http://ajw.asahi.com/article/asia/china/AJ201305120046>; 12 May 2013).

In July 2013, economics professor Xia Yeliang, one of the first signatories of *Charter 08* [For background, see *NCH Annual Reports 2009, 2010*], was threatened with expulsion from Beijing University. Since 2009, he had made a series of remarks in favor of free speech and constitutional governance. A visiting scholar at Stanford University in California, where he taught classes in American economic history and institutional economics, Xia said that he wanted to return to Beijing to fight the expulsion.

[Source: Patrick Boehler, “Liberal Peking University Professor Threatened with Expulsion,” *South China Morning Post* (8 July 2013).]

*See also* Japan, Mongolia, Sri Lanka.

## COLOMBIA

Previous *Annual Report* entries: 1997–1998, 2000, 2004, 2006–2012.

In 2012, Colombia began to implement the Victims and Land Restitution Law, which aimed to return millions of acres of abandoned and stolen land to internally displaced persons (IDPs) who fled their homes over the past two decades. Implementation advanced slowly, and there were threats and attacks against individuals seeking land restitution, in some cases by paramilitary successor groups or others interested in maintaining control over the stolen land.

The Colombian government and Revolutionary Armed Forces of Colombia (FARC) guerrillas formally initiated peace talks in October 2012. The negotiations represented Colombia's first opportunity in over a decade to reach a settlement to end the nearly 50-year conflict.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 214.]

Over the past decade, the Colombian army committed a large number of extrajudicial killings of civilians. In many cases—commonly referred to as “false positives”—army personnel murdered civilians and reported them as combatants killed in action, apparently in response to pressure to boost body counts. The government did not keep statistics for cases of “false positives” as a separate category of crimes. However, as of August 2012, the Human Rights Unit of the attorney general's office was investigating 1,727 cases of alleged extrajudicial executions committed by state agents throughout the country involving nearly 3,000 victims. Most cases were attributed to the army and occurred between 2004 and 2008. There was a dramatic reduction in cases of alleged extrajudicial killings attributed to the security forces since 2009; nevertheless, some cases were reported in 2011 and 2012.

As of August 2012, the Human Rights Unit had obtained convictions for less than 10 percent of the 1,727 cases under investigation. The successful prosecutions led to the convictions of 539 army members, of whom 77 were officers, including two lieutenant colonels and two colonels. The office of the prosecutor of the International Criminal Court (ICC) reported in November 2012 that the existing judicial proceedings in false positive cases “ha[d] largely failed to focus on the persons who might bear the greatest responsibility for the commission of these crimes.” Accountability achieved to date was due to the fact that civilian prosecutors were investigating most cases. However, the administration of President Juan Manuel Santos was promoting a constitutional amendment that would result in military atrocities—including extrajudicial killings, torture, and rape—being investigated and tried by the military justice system. The amendment would likely also lead to the transfer of past cases of “false positives” from civilian prosecutors to the military justice system,

which would virtually guarantee impunity for such crimes.

[Sources: Amnesty International, *Report 2013* (London 2013), 67; Human Rights Watch, *World Report 2013* (Washington 2013), 217–218.]

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

Previous *Annual Report* entries: 1998–2000, 2003–2012.

In July 2012, the International Criminal Court (ICC) issued its first-ever conviction and sentenced Congolese armed group leader Thomas Lubanga Dyilo—the alleged founder and president of the Union of the Congolese Patriots and chief commander of its armed wing, the Forces patriotiques pour la libération du Congo (FPLC; Patriotic Forces for the Liberation of Congo)—to 14 years' imprisonment. On 14 March, he had been convicted of the war crimes of conscripting and enlisting children under the age of 15 and using them to participate actively in hostilities in Ituri district in eastern Congo in 2002 and 2003.

In May 2012, the evidence phase of the trial of Mathieu Ngudjolo and Germain Katanga, leaders of an armed group that opposed Lubanga's group in Ituri, was completed. Ntaganda, Lubanga's co-accused at the ICC, remained at large by the end of 2012; he has been wanted by the ICC since 2006 for recruiting and using child soldiers, crimes which he continued to commit in 2012. In July, the ICC issued a warrant against him for war crimes and crimes against humanity, also in connection with his activities in Ituri. Congolese authorities refused to arrest and surrender Ntaganda prior to his defection from the Congolese army in April.

There was little progress on the government's proposal to establish a specialized mixed court with jurisdiction over war crimes and crimes against humanity committed since 1990 and on the adoption of legislation implementing the ICC statute. In September 2012, the justice minister pledged to adopt the ICC implementing legislation promptly. In October, she took initial steps to revive draft legislation on the specialized mixed court.

[Sources: Amnesty International, *Report 2013* (London 2013), 80–81; Human Rights Watch, *World Report 2013* (Washington 2013), 100–101.]

### **CONGO (Republic)**

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

**COSTA RICA**

Previous *Annual Report* entry: 2010.

**CÔTE D'IVOIRE**

*See* Ivory Coast.

**CROATIA**

Previous *Annual Report* entries: 1995–2001, 2003–2012.

Despite some progress in prosecuting crimes under international law committed during the 1991–1995 war, the measures taken to address impunity remained inadequate. Many crimes allegedly committed by members of the Croatian Army and police forces against Croatian Serbs and other minorities remained uninvestigated.

In January 2012, the Organization for Security and Co-operation in Europe (OSCE) ended its Croatia presence after more than 15 years, following several years of winding down operations, leaving a significant monitoring gap related to domestic war crimes accountability. Croatia continued to proceed in negotiations to join the European Union (EU), scheduled for July 2013. The October 2012 EU monitoring report noted that Croatia needed to intensify efforts to tackle impunity for war crimes.

The trial at the International Criminal Tribunal for the Former Yugoslavia (ICTY) of Croatian Serb wartime leader Goran Hadžić, president of the self-proclaimed Republic of Serbian Krajina, charged with the killing and deportation of Croats and other non-Serbs began on 17 October 2012. Hadžić was the last of 161 indictees to be brought before the ICTY as it wound down its operations.

In November 2012, the Appeals Chamber of the ICTY acquitted two generals, Ante Gotovina and Mladen Markač. The Appeals Chamber reversed their convictions for crimes against humanity and war crimes, for which they had received sentences of 24 and 18 years. The verdict resonated strongly in region, prompting a surge in nationalistic rhetoric in both Croatia and Serbia. While the two generals were welcomed back to Croatia by government officials, human rights defenders in the region reiterated the importance of holding perpetrators accountable for the crimes committed against Serb civilians between 1991 and 1995.

Fifteen domestic war crimes prosecutions were transferred in late 2011 and early 2012 from local county courts to four courts designated for war crimes cases (in Osijek, Rijeka, Split and Zagreb), with only two remaining in local courts as of August 2012. Following the transfer, the designated courts suspended several cases, particularly those affecting Serbs, because the trials had been conducted in absentia, a long-standing concern about war crimes cases heard in local courts.

Impunity for war crimes was exacerbated by the use of the 1993 Basic Criminal Code in the prosecution of crimes committed during the 1991–1995 war, although it failed to meet international standards. It did not include crimes against humanity and most crimes of sexual violence, while superior and command responsibility for crimes under international law was also not recognized. Those gaps led to impunity.

Some progress was made in providing witness support, but witness protection measures continued to be inadequate. Those responsible for intimidation of witnesses were not brought to justice. The authorities failed to provide victims and their families access to reparation.

[Sources: Amnesty International, *Report 2013* (London 2013), 72–73; Human Rights Watch, *World Report 2013* (Washington 2013), 418, 422.]

*See also* Serbia.

## **CUBA**

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

*See* United States.

## **CYPRUS**

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

During 2012, the Committee of Missing Persons in Cyprus exhumed the remains of 43 people, bringing the total number of exhumations since 2006 to 857. By the end of 2012, the remains of 336 missing individuals (269 Greek Cypriots and 67 Turkish Cypriots) had been identified and restored to their families. However, no perpetrator was identified or prosecuted in either Cyprus or Turkey by the end of 2012.

[Source: Amnesty International, *Report 2013* (London 2013), 76.]

## CZECH REPUBLIC

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

On 10 April 2013, the supervisory board of the Czech Institute for the Study of Totalitarian Regimes (ÚSTR) in the capital Prague, dismissed ÚSTR director Daniel Herman (1963–), a former priest, dissident and Czech Bishops' Conference spokesman, citing dissatisfaction with his management of ÚSTR and chaotic digitization of documents. In protest against the decision, the fifteen-member academic council—including its chairman Michael Kraus, Cardinal Miloslav Vlk, Igor Lukeš (a professor of history and international relations at Boston University), Alena Šimánková (National Archive) and Mark Kramer (Harvard University)—resigned. Herman and the government Civic Democratic Party (ODS) declared that the board (itself appointed by the Senate) was controlled by the left and that the dismissal was the result of cooperation between the opposition social-democrats (ČSSD) and communists (KSCM) who allegedly wanted to prevent liberal access to the files. Petruška Šustrová (1947–), philosopher, former dissident and ÚSTR board chairwoman, dismissed the charge of politicization expressed by Prime Minister Petr Nečas (ODS). Left-wing parties accused the right of using the ÚSTR to discredit the left; in their turn, right-wing parties accused the left of using the ÚSTR to cover traces of politicians with a Communist past.

The ÚSTR board elected translator Pavla Foglová, head of the Czech Center in Warsaw, as interim director. When military historian Eduard Stehlík, first deputy to Herman, failed to reach agreement with Foglová, he resigned from his post. Herman considered taking legal steps against his dismissal. On 11 April 2013, Lubomír Augustin, head of the Security Services Archive (ABS; the part of ÚSTR managing the records), filed a criminal complaint against the five ÚSTR board members who voted for Herman's dismissal.

In 2008, Parliament had established the ÚSTR to do research into the periods of Nazi occupation (1939–1945) and communist rule (1948–1989). It contained records of the former Communist state security police StB. In its five years of existence, the ÚSTR had had four directors. Herman served from 2010 until 2013.

[Sources: B. C., "Czech Politics: A Row about the Institute for the Study of Totalitarian Regimes," *The Economist* (<http://www.economist.com/blogs/easternapproaches/2013/04/czech-politics-1>; 22 April 2013); Rob Cameron, "More Turmoil for Body Overseeing Secret Police Archives as Director Sacked," *Radio Praha* (11 April 2013); "Members of Academic Council Resign in Protest of Herman Sacking," *Prague Daily Monitor* (12 April 2013); *NRC Handelsblad* (19 April 2013), 13; "Remaining Members of Academic Council Resign Following Herman Sacking," *Radio Praha* (<http://www.radio.cz/en/section/news/news-2013-04-15>; 15 April 2013); Nick DeSantis, "Yielding to Critics, Czech President Won't

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Block Professor's Appointment," *Chronicle of Higher Education* (<http://chronicle.com/blogs/ticker/jp/yielding-to-critics-czech-president-wont-block-professors-appointment>; 22 May 2013).]

In mid-May 2013, President Miloš Zeman refused to confer the title of professor upon Martin Putna ([1967–]), a literary historian and scholar of the Catholic church at Charles University, Prague, because he disliked the latter's social activism for gay rights. After a wave of criticism from students and academics, Zeman abandoned his opposition. Putna had openly criticized Zeman before his election as president in January 2013.

[Sources: "Czech President in University Row over Gay Rights Activist," *France 24* (<http://www.france24.com/en/20130521-czech-president-university-row-over-gay-rights-activist>; 21 May 2013); S. Carney, "Czech President Yields to Pressure, Faces Ire of Cardinal," *Wall Street Journal* (22 May 2013); N. DeSantis, "Yielding to Critics, Czech President Won't Block Professor's Appointment," *Chronicle of Higher Education* (<http://chronicle.com/blogs/ticker/jp/yielding-to-critics-czech-president-wont-block-professors-appointment>; 22 May 2013).]

## DENMARK

Previous *Annual Report* entries: 2006–2007.

On 24 October 2012, two men were arrested for stealing records from the state archives relating to the Nazi occupation of Denmark during World War II. The materials reportedly included police reports, court files, and cases about deserters related to the war.

[Sources: Human Rights Working Group of the International Council on Archives, *Newsletter* (October 2012), 5; *Telegraph* (25 October 2012).]

On 5 February 2013, Lars Hedegaard (1942–), a controversial Marxist historian, journalist and radical critic of Islam, was shot by an unknown man in front of his house in Frederiksberg. The perpetrator missed his target and Hedegaard survived. Hedegaard was the head of the International Free Press Society, a group claiming that Islam threatens press freedom. In 2011, he had been convicted of hate speech against Muslims but in April 2012, the Supreme Court acquitted him because his words were uttered in private without the intent to disseminate them in public.

[Sources: *NRC Handelsblad* (6 February 2012), 9; Ann Snyder, “Danish Supreme Court Acquits Hedegaard,” *The Legal Project* (21 April 2012); *Wikipedia* (6 February 2013); <http://blog.indexonensorship.org/2013/02/05/index-index-international-free-speech-round-up-050213/>.]

## DJIBOUTI

Previous *Annual Report* entry: 2008.

## DOMINICAN REPUBLIC

Previous *Annual Report* entries: —.

In February 2012, the Inter-American Court of Human Rights established state responsibility for the enforced disappearance of journalist Narciso González Medina in 1994. In October, the Court found the state responsible for the killing of seven Haitian migrants by members of the armed forces in 2000.

[Source: Amnesty International, *Report 2013* (London 2013), 83.]

## ECUADOR

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

A truth commission created by the administration of President Rafael Correa published a report in June 2010 documenting 118 cases of human rights violations committed between 1984 and 2008 involving 456 victims (including 68 victims of extrajudicial execution and 17 of enforced disappearance). As of November 2012, more than two years after the creation of a special prosecutorial unit charged with investigating the 118 cases, prosecutors had charged one perpetrator, a police captain, with the fatal shooting of Damián Peña Bonilla, a high school student, during a 2002 demonstration.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 228–229.]

## EGYPT

Previous *Annual Report* entries: 1996–2001, 2003, 2006–2007, 2010–2012.

In 2012, the Office of Censoring Publications banned the previously allowed textbook *A History of the Modern Middle East*, by William Cleveland and Martin Bunton, because it contained a number of maps that put Halayeb and Sahlateen on the Sudanese side of the Egyptian-Sudanese border. Copies of the book to be used at the American University in Cairo were unbanned only after the office corrected the maps by hand.

[Source: Khaled Fahmy, “Egypt’s One-Way Traffic in Books,” *Free Speech Debate* (21 September 2012).]

There has been no process of transitional justice to account for the crimes of the Mubarak era (1981–2011) nor has there been real accountability for the violence during the January 2011 uprising, which left 846 dead. On 2 June 2012, a judge sentenced former President Hosni Mubarak (19981–2011) and his former Minister of Interior Habib al-Adly to life imprisonment for failing to protect the protesters during the 2011 uprising from attacks by “criminal foreign elements.” The judge acquitted the four other assistant ministers of interior because he was not convinced that “the police was connected with the protester deaths.” The prosecution argued that the lack of evidence against them was due to a lack of co-operation from General Intelligence and the Ministry of Interior. Truth and justice remained elusive for hundreds of victims of the uprising and their families.

No Supreme Council of the Armed Forces (SCAF) members faced justice for the killings of

protesters during their 17-month rule. In July 2012, President Mohammed Morsi set up a fact-finding committee of officials, civil society activists and victims' families to identify the perpetrators of the killing and injury of protesters during the 2011 uprising and the SCAF's rule. In November 2012, Morsi passed a law creating a court to try cases of violence against protesters.

[Sources: Amnesty International, *Report 2013* (London 2013), 87; Human Rights Watch, *World Report 2013* (Washington 2013), 531.]

In [2013], Abdel-Wahed, Sabry El-Daly and Nevine, employees of the Egyptian National Archives (ENA), were dismissed on accusations of corruption. The new director Khaled Fahmy, who announced himself publicly as a Muslim Brotherhood member (and not to be confused with Khaled Fahmy, head of the history department at the American University in Cairo), defended the controversial dismissal. Employees had claimed that El-Daly had been involved in the theft of documents and Abdel-Wahed (former ENA head) never promoted or fairly rewarded hard-working employees. [Source: Mary Mourad, "Historian Fahmy Argues for Easing Access to Egyptian National Archives," *Ahram Online* (<http://english.ahram.org.eg/NewsContentP/18/74745/Books/Historian-Fahmy-argues-for-easing-access-to-Egypti.aspx>; 24 June 2013).]

Egyptian authorities confiscated some 1.7 million documents on the brink of being exported to Israel via Jordan. The documents (some dating back to 1863) contained details of Jewish ownership of land and assets in Cairo and were reportedly stolen during riots on 16 December 2011 from the Egyptian Scientific Institute in Cairo. The documents were supposed to be used in an Israeli lawsuit involving Jewish property lost in Egypt during the 1952 revolution.

[Sources: Human Rights Working Group of the International Council on Archives, *Newsletter* (October 2012), 4; *Times of Israel* (28 October 2012); *PressTV* (29 October 2012).]

On 13 March 2013, state security officials blocked the release of an (Egyptian) documentary entitled *Jews of Egypt*, directed by Amir Ramses (a Copt) and produced by Haytham el-Khamissy. The film had already been approved by censorship officials in 2010. It treated the exodus of an estimated 65,000 to 70,000 Jews in the nationalist climate between 1948 and 1973, and its aftermath. According to Khamissy, the authorities feared that the film's title could cause a public uproar after calls by politician Essam Mohamed Hussein el-Erian in 2012 for Jews to return to Egypt. A week later, on 20 March 2013, the documentary was approved for release. According to Ramses, the publicity surrounding the ban increased the number of viewers in Cairo.

[Sources: *NRC Handelsblad* (13 & 21 March & 19 April 2013); *Washington Post* (13 March 2013).]

*See also* Saudi Arabia, United Arab Emirates.

**EL SALVADOR**

Previous *Annual Report* entries: 2001–2012.

In January 2012—in accordance with a 2010 ruling by the Inter-American Commission on Human Rights—President Carlos Mauricio Funes Cartagena apologized on behalf of the state for the massacre of over 700 men, women and children in El Mozote and surrounding hamlets in Morazán province. The victims had been tortured and killed by the armed forces over a three-day period in 1981. In December 2012, the Inter-American Court of Human Rights set down its final decision on the massacre, ordering the state to conduct investigations and to hold those responsible to account. The ruling also called on the state to ensure that the 1993 amnesty law was not an obstacle to the prosecution of war criminals; to continue compiling a list of victims; to conduct exhumations; and to ensure reparations for the relatives.

Impunity for many other human rights violations committed during the armed conflict (1980–1992) persisted. In August 2012, survivors and relatives of victims marked 30 years of impunity for the 1982 El Calabozo massacre in which more than 200 women, men and children were killed by the armed forces. In a public event in November 2012, representatives of the relatives and survivors handed in over 5,000 signatures urging the government to take action and respond to the demands of victims and their relatives for truth, justice and reparation.

[Source: Amnesty International, *Report 2013* (London 2013), 89–90.]

**ERITREA**

Previous *Annual Report* entry: 2008.

**ESTONIA**

Previous *Annual Report* entries: 2007, 2010.

**ETHIOPIA**

Previous *Annual Report* entries: 1998–2011.

**FIJI**

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

**FINLAND**

Previous *Annual Report* entries: 2011–2012.

**FRANCE**

Previous *Annual Report* entries: 1996–1999, 2001–2009, 2011–2012.

In 2010, far-right leader Marine Le Pen said at a rally of her political party Front National in Lyons that Muslims using the streets to pray because mosques were overflowing was an “occupation” of French territory, thereby alluding to the Nazi occupation of France (1940–1944). In late May 2013, she lost her immunity as a European Parliament member, as a result of which she could face criminal charges for inciting racism.

[Source: *BBC News* (1 June 2013).]

In October 2012, President François Hollande attended a commemoration of the massacre following a demonstration on 17 October 1961 in favor of Algerian independence by Algerians in Paris, thereby officially recognizing it. [For background, see *NCH Annual Reports 2001, 2002*.]

[Sources: *BBC News* (20 December 2012); *NRC-Handelsblad* (18 December 2012), 11.]

On 21 May 2013, far-right historian Dominique Venner (1935–2013) committed suicide by gunshot in the Notre-Dame Cathedral, Paris, after condemning both same-sex marriage and Islamist influence in France in writings before his death. Venner was a former Algerian War veteran and far-right militant. From 1961 until the autumn of 1962, he was imprisoned for 18 months for his activities with the terrorist Secret Army Organization (OAS) (an organization opposing Algerian independence). He was a prolific writer of historical works.

[Sources: *BBC News* (22 May 2013); *NRC Handelsblad* (22 May 2013); *Wikipedia* (22 May 2013).]

*See also* Algeria, Panama, Senegal, Turkey.

**GEORGIA**

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

**GERMANY**

Previous *Annual Report* entries: 1995, 1997–2000, 2003, 2006–2012.

On 27 June 2013, the federal administrative court ruled that the Bundesnachrichtendienst (BND; the German foreign intelligence agency overseen by Chancellor Angela Merkel's office) could black out passages from the Adolf Eichmann files sought by Gabriele Weber. [For background, see *NCH Annual Reports 2010, 2011*.]

[Source: "Germany Can Keep Eichmann Records Secret, Court Rules," (Associated Press; 28 June 2013).]

*See also* Bosnia and Herzegovina, China, Congo (Democratic Republic), France.

**GHANA**

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

**GREECE**

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

On 28 October 2012, Ochi Day (No Day)—a national holiday to commemorate Greek resistance during World War II after the Italian army's invasion in 1940—a citizen journalist took pictures of anti-fascist groups confronting a gathering of the Golden Dawn (the neo-Nazi party) next to the official parade on the island of Corfu and posted them on Facebook. He was arrested.

[Source: *Index on Censorship* (2013 no. 1), 28.]

## GRENADA

Previous *Annual Report* entry: 2007.

## GUATEMALA

Previous *Annual Report* entries: 1995–2012.

In March 2012, a former member of army special forces, Pedro Pimentel, was sentenced to 6,060 years in prison for his role in the Dos Erres massacre (a 1982 massacre in the town of Dos Erres, in the Petén region, in which soldiers murdered more than 250 people, including children). His conviction followed the sentencing in 2011 of four other retired officers who participated in the massacre and received similar sentences. In October 2012, the Inter-American Court of Human Rights held the state responsible for a series of massacres in Río Negro, Baja Verapaz department, between March 1980 and May 1982. [For background, see *NCH Annual Report 2012*.]

In June 2012, Secretary of Peace Antonio Arenales Forno announced that the government was closing the Office of the Peace Archives, created in December 2008 to systematize and analyze official documents from the internal conflict, such as secret police records. While the government said that over two million documents had been digitalized and would remain accessible, the office's closure ended the staff's efforts to document evidence of past abuses, which had played a key role in the prosecution of former officials.

[Sources: Amnesty International, *Report 2013* (London 2013), 110; Human Rights Watch, *World Report 2013* (Washington 2013), 232, 233–234.]

On 31 January 2013, the landmark criminal trial of Efraín Ríos Montt—a retired general who led the military regime from 1982 to 1983 that carried out hundreds of massacres of unarmed civilians—opened. He had been immune from prosecution between 2000 and 2012 while serving in Congress. Guatemalan courts had denied appeals by his lawyers for amnesty under the National Reconciliation Law. Ríos Montt, along with his chief of army intelligence José Mauricio Rodríguez Sánchez, was charged with genocide and crimes against humanity for ordering and overseeing a counterinsurgency campaign that sought to wipe out guerrilla forces and their supporters. Ríos Montt was accused of bearing command responsibility for hundreds of massacres and a “scorched earth” policy targeting Indigenous Peoples while he was the de facto head of state (March 1982–August 1983). The indictment specifically accused the two retired generals of responsibility for fifteen massacres in the Ixil region, Quiché department, resulting in the deaths of 1,771 unarmed men, women and children.

The prosecution wanted to hear 142 witnesses and 64 experts. The evidence included military records, counterinsurgency campaign plans, field reports, and the findings of the 1999 United Nations-sponsored Historical Clarification Commission (which in 1999 concluded that 200,000 civilians died or disappeared in the 36-year conflict). Commenting on Ríos Montt's prosecution, President Otto Pérez Molina, a former military officer who was elected in 2011, asserted that while state actors may have carried out serious abuses, the crimes committed during the civil war (1960–1996) did not constitute genocide. He denied that genocide had ever occurred during the conflict

[Sources: Amnesty International, *Report 2013* (London 2013), 109, 110; Human Rights Watch, *World Report 2013* (Washington 2013), 232; National Security Archive (Kate Doyle), “Guatemalan Genocide on Trial: Court Case Begins Today against Former Dictator Rios Montt (31 January 2013).]

On 17 January 2013, the premises of the Asociación para el Avance de las Ciencias Sociales (AVANCSO; Association for the Advance of Social Sciences) were broken into and some documents, archives and equipment were stolen. AVANCSO (established 1986) supported a proposed Integrated Rural Development Law #4084, which was the subject of strong criticism by the Chamber of Agriculture and the business sector. AVANCSO was also on the brink of publishing a report carried out in the Historical Archive of the National Police on the history of the police, and a number of archives and photographs relating to this investigation were also taken during the break-in.

[Source: “Guatemala: Break-in and robbery at the offices of Association for the Advance of Social Sciences (AVANCSO),” <http://www.frontlinedefenders.org/node/21359>.]

Sofía Menchú, journalist for *El Periódico*, was reportedly intimidated by a former cabinet member after publishing an article in early March 2013 in which she suggested that retired army captain Byron Lima Oliva, who served twenty years in prison for the assassination of Juan Gerardi [For background, see *NCH Annual Reports 1998–2001, 2003–2004, 2008*.], enjoyed privileged relations with the prison director, with President Otto Pérez Molina and with Vice President Roxana Baldetti.

[Sources: PEN International Rapid Action Network, “Guatemala: One Journalist Shot Dead, Another Threatened” (RAN 13/13; 26 March 2013); *El Periódico* (29 March 2013).]

## **GUINEA**

Previous *Annual Report* entries: 2007, 2009–2012.

The government made some progress in holding accountable members of the security forces implicated in the September 2009 massacre of some 150 people and the rape of over 100 women

during the military regime of Moussa Dadis Camara. A 2009 report by the United Nations-led International Commission of Inquiry concluded that the abuses committed by security forces very likely constituted crimes against humanity. In 2010, the then-government committed to bringing the perpetrators to justice, and a Guinean prosecutor appointed three investigating judges to the case. As of late 2012, the judges had interviewed over 200 victims and charged at least seven suspects in connection with the crimes, including Colonel Moussa Tiegboro Camara, Guinea's current minister in charge of fighting drug trafficking and organized crimes, and Colonel Abdoulaye Chérif Diaby, Guinea's former health minister. However, as of late 2012, the investigation had yet to be completed and some suspects had been detained longer than the two year limit under Guinean law. Meanwhile some 100 victims continued to wait to provide statements to the judges. Also, potential mass graves with bodies of those allegedly disposed of secretly by the security services had yet to be investigated, and the judges had yet to question members of the security forces who might have knowledge of the crimes. The government's refusal for much of 2012 to provide adequate financial support to the investigating judges, coupled with President Alpha Condé's failure to suspend men in his administration who were suspected of involvement in the massacre, brought into question the government's commitment to ensure justice for the crimes.

The International Criminal Court (ICC), which in October 2009 confirmed that the situation in Guinea was under preliminary examination, visited the country in April 2012 to assess progress made in national investigations, bringing the number of visits since 2010 to six.

[Sources: Amnesty International, *Report 2013* (London 2013), 112; Human Rights Watch, *World Report 2013* (Washington 2013), 121–122.]

The "Reflection Commission," created by presidential decree in June 2011 to promote reconciliation, made no visible progress in defining, much less fulfilling, its mandate. Progress was undermined by inadequate consultation with victims and civil society about the goals, composition, or powers of the commission, and inadequate financial support. The interim co-presidents appeared to limit its mandate to promoting reconciliation largely through prayer, while local human rights groups pushed for a commission that could meaningfully address impunity. Rising ethnic tensions, as well as concerns about corruption, demonstrated the urgent need for a truth-telling mechanism with the capacity to make recommendations to address Guinea's human rights challenges.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 122, 124.]

## **GUINEA-BISSAU**

Previous *Annual Report* entries: 1999, 2012.

**GUYANA**

Previous *Annual Report* entry: 1997.

*See* United Kingdom.

## HAITI

Previous *Annual Report* entries: 1997, 2000–2003, 2006, 2008–2009, 2012.

Those responsible for serious human rights violations, including enforced disappearance, torture, rape and extrajudicial executions, over the past four decades continued to evade justice. In January 2012, an investigating judge dismissed complaints of crimes against humanity filed by 22 victims against former President Jean-Claude Duvalier (who had returned to Haiti in January 2011 after nearly 25 years in exile [1986–2011]). During his rule in 1971–1986, Duvalier had commanded a network of security forces that committed serious human rights violations, including arbitrary detentions, torture, disappearances, summary executions and forced exile. The judge concluded that Duvalier should be tried only for corruption and misappropriation of public funds and found, contrary to international standards, that the statute of limitations prevented prosecuting Duvalier for his human rights crimes. An appeal by victims and their relatives was pending at the end of 2012.

[Sources: Amnesty International, *Report 2013* (London 2013), 116; Human Rights Watch, *World Report 2013* (Washington 2013), 239–240.]

## HONDURAS

Previous *Annual Report* entries: 1995, 1998, 2001–2002, 2009–2012.

Following the June 2009 military coup, the de facto government suspended key civil liberties, including freedom of the press and assembly. In the ensuing days, the military occupied opposition media outlets, temporarily shutting their transmissions. Police and military personnel responded to generally peaceful demonstrations with excessive force. This pattern of the disproportionate use of force led to several deaths, scores of injuries, and thousands of arbitrary detentions. In July 2011, a Truth and Reconciliation Commission, established by President Porfirio Lobo's administration to investigate events before and after the coup, issued a report documenting 20 cases of excessive use of force and killings by state security forces. The commission also reported that police and army officials were responsible for "systematic obstruction" of investigations into these abuses. As of October 2012, only one police officer had been held accountable for any of the serious abuses that occurred in the context of protests in support of the ousted president, Manuel Zelaya. Human rights prosecutors faced obstacles conducting investigations, including limited collaboration by security forces, lack of sufficient resources, and an ineffective witness protection program.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 241.]

## **HONG KONG**

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

## **HUNGARY**

Previous *Annual Report* entries: 1995, 1997, 2004, 2007–2012.

In 2012, there were several anti-Semitic attacks against Jewish leaders and memorials.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 434.]

*See also* Slovakia.

## INDIA

Previous *Annual Report* entries: 1996–1997, 2000–2012.

A film based on Salman Rushdie's novel *Midnight Children* (London 1981) was shot secretly in Sri Lanka by India-born Canadian-based director Deepa Mehta (1949–) between 2008 and 2011. Mehta said that she chose the location over India or Pakistan to avoid protests from religious groups. After Iran complained to Sri Lanka when the location leaked out, the production was suspended, but President Mahinda Rajapaksa overturned the ban. The film was eventually released in 2013, but reportedly did not find a distributor in India, which was governed by the Congress Party, headed by Indira Gandhi's daughter-in-law Sonia Gandhi.

[Sources: *BBC News* (10 September 2012); *Index on Censorship* (2012 no. 4), 77–78.]

On 20 February 2013, David Cameron became the first serving British prime minister to pay his respects at the scene of a massacre in Amritsar, Punjab, on 13 April 1919, when hundreds of people at a public meeting were shot dead by British troops. Past prime ministers expressed their regret, but Cameron was the first to pay his respects at the site in person. The prime minister laid a wreath at the Jallianwala Bagh memorial, bowing his head and standing in silence.

[Source: "David Cameron Marks British 1919 Amritsar Massacre," *BBC News* (20 February 2013).]

Suspected perpetrators of enforced disappearances and extrajudicial executions in Assam (in 1998 and 2001), Manipur, Nagaland and other states, remained at large.

Widespread impunity prevailed for violations of international law in Kashmir, including unlawful killings, extrajudicial executions, torture and the enforced disappearance of thousands of people since 1989.

In April 2012, the National Human Rights Commission (NHRC) closed its inquiry into alleged unlawful killings and mass cremations by police during the Punjab conflict (1984–1994), without recommending criminal investigations. It awarded 279.4 million Indian rupees (US\$5.78 million) in compensation to the families of 1,513 of the 2,097 dead. The findings of a Central Bureau of Investigation probe into the killings remained unpublished.

During 2007–2012, the NHRC distributed cash compensation to the families of 191 out of 1,671 people killed in India, after determining they had been extrajudicially executed. Criminal investigations into the majority of such killings failed to make serious progress.

[Source: Amnesty International, *Report 2013* (London 2013), 119–121.]

In March 2012, Hindu fundamentalists exerted pressure not to extend the visa of American historian

Peter Heehs, who had lived in India for 41 years. They objected to his book about spiritual leader Sri Aurobindo (1872–1950), *The Lives of Sri Aurobindo* (Columbia University Press, 2008) saying that it misrepresented the latter's relationship with his female collaborator Mirra Richards (1878–1973). On 30 March 2012, several leading historians wrote a letter to Prime Minister Manmohan Singh and home minister P[alaniappan] Chidambaram protesting the impending withdrawal. On 13 February 2009, a report of the Orissa government's IG Police Intelligence had stated that the book appeared "blasphemous." Two months later, Orissa banned the book on that basis. Court filings prevented the book's distribution in India.

[Sources: Gautam Chikermane, "Don't Expel Us Historian, Govt Told," *Hindustan Times* (31 March 2012); "Indian Academics Object to Treatment of American Historian" (<http://chronicle.com/blogs/global/indian-academics-object-to-treatment-of-american-historian/32734>; 3 April 2012).]

A government-appointed six-member committee ("the Thorat committee") set up to look into the use of cartoons in textbooks for classes IX to XII submitted its report on 27 June 2012. On 6 August 2012, the National Council for Educational Research and Training (NCERT) Textbook Development Committee (TDC) agreed to drop 3 of the 21 cartoons termed "educationally inappropriate" by the Thorat committee and to accept wholly or partially some of its suggested deletions and modifications in four textbooks. The cartoons were the Ambedkar cartoon [For background, see *NCH Annual Report 2012*], which would be replaced by a photograph showing Rajendra Prasad, president of the Constituent Assembly, greeting Bhimrao Ramji Ambedkar, chair of the constitution drafting committee; a cartoon in which Sheikh Mohammed Abdullah (1905–1982), chief minister of Jammu and Kashmir, was kneeling in front of Indira Gandhi and a cartoon on anti-Hindi agitation in Tamil Nadu. [For background, see *NCH Annual Report 2012*.]

[Sources: Antoon De Baets, "India's Textbook Cartoon Affair," *Free Speech Debate* (<http://freespeechdebate.com/en/discuss/indias-textbook-cartoon-affair>; 20 August 2012); *The Hindu* (14 July & 9 August 2012); *Hindustan Times* (19 May 2012); *India Today* (15 July 2012); *Index on Censorship* (2012 no. 3), 111; "NCERT Stands Up to Political Bosses, Will Drop just 3 of 21 Controversial Cartoons," *Daily News and Analysis* (<http://www.dnaindia.com>; 17 August 2012); *Times of India* (5 July 2012).]

See also Sri Lanka, United Kingdom.

## INDONESIA

Previous *Annual Report* entries: 1996, 1998, 2001–2002, 2004–2012.

*The Act of Killing* (Indonesian: *Jagal*), a 2012 Indonesian-language documentary by American director Joshua Oppenheimer (1974–), shot mostly in Medan, Sumatra, between 2005 and 2011, was not officially released in Indonesia because its theme were the death squads and paramilitary organizations who in 1965–1966 helped the army torture and kill hundreds of thousands of alleged communists. It consisted of interviews with the former perpetrators (who were never tried) and the reenactment of massacre scenes by the latter. Many of Oppenheimer's Indonesian collaborators were listed as anonymous in the closing credits. Oppenheimer himself was declared persona non grata in Indonesia. In March 2013, the *Jakarta Globe* estimated that film had been shown privately more than 260 times in the country.

[Sources: *Guardian* (14 September 2012); *NRC Handelsblad* (13 February & 22 March 2013), *Wikipedia* (16 February 2013); *Wordt Vervolgd* (March 2013), 6–11.]

In July 2012, Komnas HAM (the National Human Rights Commission) submitted its report to the Attorney General on possible crimes against humanity committed against members of the Indonesian Communist Party (PKI) and suspected communist sympathizers in the context of the 1965 failed coup. The commission called on the Attorney General to initiate an official investigation, to bring the perpetrators to justice in a Human Rights Court and to establish a truth and reconciliation commission. No progress was reported.

[Source: Amnesty International, *Report 2013* (London 2013), 125.]

On 23 July 2012, after more than three years of investigation during which testimony from 349 witnesses was gathered, the Komnas HAM (National Commission on Human Rights) issued a 800-page report which stated that the systematic prosecution of alleged members of the Indonesian Communist Party after the failed 1965 coup, in which at least 500,000 were killed, was a crime against humanity. The report, coordinated by Johny Simanjuntak, also urged that military officials involved in the purge be brought to trial. On 25 July 2012, the government said that it supported the conclusion and the recommendation of Komnas HAM but would further study the commission's findings. Earlier attempts under the presidency of Abdurrahman Wahid (1999–2001) to install a truth and reconciliation commission were frustrated after Wahid's term had ended.

[Sources: *Jakarta Post* (25 July 2012); *NRC Handelsblad* (27–28 October 2012), 4–5; *Wordt Vervolgd* (March 2013), 10.]

There was little progress in delivering justice, truth and reparation for past human rights violations, including in Aceh, Papua and Timor-Leste (formerly East Timor). Survivors of sexual violence had yet to receive adequate medical, psychological, sexual and reproductive, and mental health services or treatment. In September 2012, the Indonesian government announced at the United Nations Human Rights Council that they were finalizing a new law on a Truth and Reconciliation Commission; however, no progress was reported. A multi-agency team set up by President Susilo Bambang Yudhoyono in 2011 to devise a plan to resolve past human rights violations had yet to announce any concrete plans.

In September 2012, the Acehnese provincial parliament announced a delay to setting up an Aceh truth and reconciliation commission. This left victims and their families without an official mechanism to establish the truth about the violations they suffered during the conflict or to establish the fate or whereabouts of their loved ones who were killed or had disappeared.

The government failed to implement recommendations made by the bilateral Indonesia-Timor-Leste Commission of Truth and Friendship, in particular to establish a commission for disappeared persons tasked with identifying the whereabouts of all Timor-Leste children who were separated from their parents and notifying their families.

[Source: Amnesty International, *Report 2013* (London 2013), 124–125.]

The President failed to act on Parliament's recommendations in 2009 to bring to justice those involved in the enforced disappearance of 13 prodemocracy activists in 1997 and 1998, to conduct an immediate search for activists who had disappeared, and provide rehabilitation and compensation to their families.

[Source: Amnesty International, *Report 2013* (London 2013), 125.]

*See also* Timor-Leste.

## **IRAN**

Previous *Annual Report* entries: 1996–2012.

As from September 2012, in the context of what was called an islamicization policy of higher education started in 2009 by the Science and Technology Ministry, some universities began offering majors for only one gender. At Esfahan University, men were no longer allowed to major in, among other subjects, history, sociology and philosophy. Universities were also reported as having reduced or limited social science curricula, which were often viewed by authorities as causing critical and “un-

Islamic” thought. The regulations violated the right to education without discrimination, guaranteed under several international agreements to which Iran is signatory.

[Sources: *Endangered scholars worldwide* (3 December 2012), xiii–xiv; Human Rights Watch, “Iran: Ensure Equal Access to Higher Education: Scrap Policies that Ban Students from Studies on Basis of Gender” (22 September 2012).]

*Argo*, an American Oscar-winning film on the 1979 hostage crisis directed by Ben Affleck (2012), was banned for being “anti-Iranian.” Mohammad Hosseini, the minister of culture and Islamic guidance, described it as “an offensive act” motivated by “evil intentions.” The film portrayed the rescue (“exfiltration”) of six stranded American diplomats hidden in the Canadian ambassador’s home after the American embassy was occupied in November 1979; other embassy personnel was held hostage for 444 days. The state-affiliated Arts Bureau announced that film maker Ataollah Salmanian would produce *Setad Moshtarak* (The General Staff), a film about twenty American hostages who were delivered to the United States by the revolutionaries, intended as a response to “the ahistorical film *Argo*.”

[Source: *Guardian* (11 January 2013).]

*See also* India.

## IRAQ

Previous *Annual Report* entries: 1998, 2000–2012.

Accountability for abuses committed by coalition forces in Iraq (2003–2012) remained almost non-existent. On 24 January 2012, a military court sentenced Staff Sergeant Frank Wuterich to a reduction in rank and forfeited two-thirds of his pay for three months for leading the “Haditha Massacre”—in which United States forces killed 24 unarmed Iraqi civilians, including women and children, in the town of Haditha in 2005. Wuterich, who pled guilty for negligent dereliction of duty for telling his men to “shoot first, ask questions later,” was originally charged with murder.

In April 2012, *The Guardian* reported that Australian military personnel working in Iraq in 2003 transferred 64 detainees to a secret prison where the American and British intelligence services CIA and MI6 carried out interrogations that year. Two of the detainees died during the transfer and may have been beaten to death by British soldiers, the paper said.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 549–550.]

In 2012, Saad Eskander (Saad Iskander) ([1964–]), the director of the Iraqi National Library and Archives (INLA) in Baghdad (2003–), reportedly pushed controversial legislation that would criminalize the publication of Saddam-era records without the consent of the victims and perpetrators mentioned in them in order to prevent abuse of the records.

[Sources: *Bangkok Post* (26 September 2012); Leonard Kniffel, “Terror Has Not Withdrawn: Daily Life for Librarians in Iraq,” *American Libraries Magazine* (28 November 2012); *NRC Handelsblad* (10–11 May 2008), 5.]

In July 2012, 169 Iraqi citizens were granted permission to seek a judicial review in order to argue that the Iraq Historical Allegations Team—established to investigate allegations of torture and other ill-treatment of Iraqi citizens by United Kingdom armed forces—was still not sufficiently independent despite structural changes made by the government. Lawyers for the claimants argued that a public inquiry was necessary in order to properly investigate allegations of human rights violations by United Kingdom armed forces in Iraq.

[Source: Amnesty International, *Report 2013* (London 2013), 285.]

*See also* Turkey.

## **IRELAND**

Previous *Annual Report* entries: 2000, 2002, 2004, 2006.

On 11 February 2013, David Fitzpatrick, a professor of modern history at Trinity College, Dublin, and member of the Royal Irish Academy, delivered the annual Charles Stewart Parnell lecture at Magdalene College, Cambridge University, entitled “The Spectre of Ethnic Cleansing in Revolutionary Ireland.” While delivering it, he sang a self-penned ballad to the tune of the rebel song “Galtee Mountain Boy.” Gillian Coughlan, the mayor of Bandon (Cork County), called it “insulting” and “an attempt to create artificial divisions” because it referred to killings by the Irish Republican Army of two Protestant men in April 1922.

[Source: Justine McCarthy, “Lecturer Ballad ‘Insults’ Victims of Dunmanway,” *Sunday Times* (17 February 2013).]

On 19 February 2013, the Irish Prime Minister (Taoiseach), Enda Kenny, formally apologized in parliament on behalf of the state for its role in the Magdalene laundries. Some 10,000 women and girls were made to do unpaid manual labor in laundries run by Roman Catholic nuns in Ireland

between 1922 and 1996. More than a quarter of those who spent time in the laundries had been sent there by the Irish state. Compensation was proposed for the victims who survived. Amnesty International accused the government of ignoring women who were exploited in laundries that operated across the border in Northern Ireland.

[Sources: “Magdalene Laundries: Irish PM Issues Formal Apology,” *BBC News* (19 February 2013); see also *Report of the Inter-Departmental Committee to Establish the Facts of State Involvement with the Magdalen Laundries* (<http://www.justice.ie/en/JELR/Pages/MagdalenRpt2013>).]

*See also* United Kingdom.

## **ISRAEL**

Previous *Annual Report* entries: 1996, 1998, 2000–2003, 2008–2012.

Impunity continued for war crimes committed by Israeli forces during Operation “Cast Lead” in 2008–2009. In May 2012, the military authorities closed their investigation into the killing of 21 members of the Samouni family, including young children, during the operation. The family was sheltering in a house into which Israeli soldiers had ordered them to move, when they were killed, apparently by shelling. The authorities ruled that the deaths did not result from negligence by Israeli troops. In August 2012, a soldier who shot dead two Palestinian women holding a white flag during Operation “Cast Lead” received a 45-day prison sentence for “illegal use of a weapon” as the result of a plea bargain.

[Source: Amnesty International, *Report 2013* (London 2013), 134.]

In May 2012, during the week of the anniversary of the establishment of the state of Israel, student groups at Israeli universities planned events acknowledging Nakba day. Tel Aviv University granted a permit for an event to take place on university premises. After a heated debate in the Knesset education committee, Minister of Education Gideon Saar pressured the university to stop the event. On 14 May 2012, 400 students and faculty attending were met by about 200 right-wing protesters. On 16 May 2012, Haifa University canceled the Nakba day event organized by university students and scheduled to take place on campus, despite the fact that the necessary permits had been granted. [For background, see *NCH Annual Report 2012*.]

[Sources: *Index on Censorship* (2012 no. 3), 76–77; *Times of Israel* (17 June 2012).]

On 26 June 2012, three ultra-Orthodox Jewish men were arrested, suspected of vandalizing the

national Yad Vashem Holocaust memorial with anti-Zionist graffiti. Some ultra-Orthodox Jews believed that a Jewish state could be established only after the coming of the Messiah and therefore opposed the state of Israel as an illegitimate creation.

[Source: *BBC News* (26 June 2012).]

*See also* Egypt, Palestinian Authority, Tunisia, United Kingdom.

## **ITALY**

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

*See also* Greece.

## **IVORY COAST (Côte d'Ivoire)**

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

On 29 November 2011, the government surrendered former President Laurent Gbagbo to the International Criminal Court (ICC), where he was charged as an indirect co-perpetrator with four counts of crimes against humanity. On 2 November 2012, the court ruled that Gbagbo was fit to stand trial, following a closed hearing on the issue. On 22 November 2012, the ICC unsealed an arrest warrant against his wife Simone Gbagbo and asked the authorities to surrender her to the court. Diplomats and civil society had previously voiced concern over whether the government would cooperate with the ICC in executing additional arrest warrants, as the government increasingly asserted that it could handle all cases going forward. Many perceived this as an effort by the government of President Alasanne Ouattara to protect its military commanders from potential prosecution for their own serious crimes between 2002 and 2011. The office of the prosecutor continued to stress that additional investigations were ongoing, including against pro-Ouattara forces. However, frustration grew among Ivorian civil society and human rights groups over the ICC's significant delay in issuing an arrest warrant against someone from the Ouattara side.

The government repeatedly stated its willingness to try those responsible for crimes committed during the post-election crisis (2010–2011). In August 2012, a national commission of inquiry established by Ouattara in June 2011 published a report on crimes committed during the post-election crisis. Although lacking in details on specific incidents, the report's balance in situating responsibility

was noteworthy—documenting 1,009 summary executions by pro-Gbagbo forces and 545 summary executions by the Ivorian military, known as the Republican Forces. However, by the end of 2012 no judicial proceedings were known to have been instigated against alleged perpetrators. While the authorities charged more than 140 civilian and military leaders linked to the Gbagbo camp with crimes related to the crisis, no member of the forces of Ouattara was arrested, much less charged, for such crimes. There was growing impatience among Ivorian civil society and some diplomats to see tangible progress made toward impartial justice. Delays and shortcomings to the legal proceedings against Gbagbo's relatives and aides raised concerns that they may be held for a lengthy period without trial, or that they would be subject to trials which failed to meet international standards of fairness. Between May and July 2012, eight people were charged with genocide, including Simone Gbagbo, wife of former President Gbagbo.

On 2 October 2012, the first trial for post-election crimes opened in a military court against four officers from pro-Gbagbo forces, including the former head of the Republican Guard, Brunot Dogbo Blé, who was sentenced to 15 years for kidnapping, illegal detention, and murder. Justice officials indicated that trials in civilian courts, including against high-level officials like Simone Gbagbo, would begin in late November 2012.

[Sources: Amnesty International, *Report 2013* (London 2013), 71–72; Human Rights Watch, *World Report 2013* (Washington 2013), 92–93.]

The United Nations Operation in Côte d'Ivoire (UNOCI) actively documented human rights violations and visited detention sites, though it rarely published reports or publicly criticized the government, including on issues such as one-sided justice. The United Nations Security Council did still not publish the findings of the 2004 commission of inquiry that investigated serious human rights and international humanitarian law violations during the 2002–2003 armed conflict.

Created in July 2011, the Dialogue, Truth and Reconciliation Commission faced organizational and financial difficulties and was called to “review and accelerate its activities” by UNOCI in May 2012. In June 2012, it publicly denounced illegal arrests, but public calls for reconciliation and dialogue were not followed by concrete developments.

[Sources: Amnesty International, *Report 2013* (London 2013), 72; Human Rights Watch, *World Report 2013* (Washington 2013), 95.]

**JAPAN**

Previous *Annual Report* entries: 1995–2012.

In June 2012, South Korean photographer Ahn Se-Hong held an exhibition, “Layer by Layer: Korean Women Left Behind in China Who Were Comfort Women of the Japanese Military,” displaying pictures of ageing “comfort women” in the Shinjuku Nikon Salon, the building of camera maker Nikon in Tokyo. Japanese right-wing groups held small rallies in protest against the exhibition and threatened Ahn. Ahn was also placed under surveillance and his visitors were searched by security hired by Nikon. In May 2012, Nikon had first abruptly canceled the exhibition plan (probably out of fear for conservative pressure after it received numerous complaints against the exhibition) but the Tokyo District Court then had ordered it to sponsor the location.

[Sources: Article 19, *Artist Alert June 2012* (23 July 2012); Lee Yoo Eun, “Japan: Korean ‘Comfort Women’ Photo Exhibit Sabotaged” (Free Speech Debate, 28 June 2012).]

When Japan’s human rights record was assessed under the United Nations Universal Periodic Review in October 2012, government officials claimed that compensation for former “comfort women” had already been resolved under the 1952 San Francisco Peace Treaty, bilateral agreements and treaties. On 4 November 2012, then opposition leader Shinzo Abe was among signatories to a United States newspaper advertisement which denied that the Japanese Imperial Army forced women into military sexual slavery during the Pacific War (1931–1945).

[Source: Amnesty International, *Report 2013* (London 2013), 141.]

**JORDAN**

Previous *Annual Report* entries: 2003–2004.

See Israel.

**KAZAKHSTAN**

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

**KENYA**

Previous *Annual Report* entries: 1999–2000, 2002–2005, 2007, 2009–2012.

In 2012, no steps were taken to bring people responsible for crimes and human rights violations, including possible crimes against humanity, allegedly committed during the post-election violence of 2007–2008, to justice, despite the government saying several times that investigations were continuing. In February 2012, the Director of Public Prosecutions established a taskforce to deal with the prosecution of 5,000 pending cases. It was the third time that a taskforce had been created to look into the caseload. In August, the taskforce revealed that most of the evidence was not of a sufficient standard for trial. The United Nations Human Rights Committee expressed concern at the lack of investigations and prosecution of those responsible for the violence.

[Source: Amnesty International, *Report 2013* (London 2013), 146.]

The International Criminal Court (ICC) set April 2013 trial dates in cases against four prominent Kenyans charged (William Ruto, Joshua arap Sang, Uhuru Kenyatta—currently President of Kenya—and Francis Muthaura) with committing crimes against humanity during the post-election violence of 2007–2008. In July 2012, the ICC announced that the trials would commence in April 2013. The ICC prosecutor raised concerns with the government that the email accounts of witnesses had been hacked and correspondence accessed, and warned publicly against witness tampering. In March 2012, the Kenyan police arrested blogger Denis Itumbi on suspicion of hacking into the ICC email system, although he was never charged. The government had pledged to cooperate with the ICC and had committed to national trials of additional perpetrators of the 2007–2008 violence. The Director of Public Prosecutions (DPP) initially announced that his office would review up to 5000 cases with the view to prosecuting them ahead of the 2013 elections, but a DPP-appointed committee to review the cases said in August 2012 it was finding it difficult to obtain evidence and the cases did not proceed.

In April 2012, an extraordinary summit of East African heads of state attended by then President Mwai Kibaki, recommended that the mandate of the East African Court of Justice be expanded to include trials for crimes against humanity. The African Union Assembly in July 2012 deferred adoption of a protocol to expand the jurisdiction of the African Court of Justice and Human Rights (ACJHR) to include the prosecution of individuals for international crimes in order to study further

the financial and structural implications of any such expansion. Kenya supported these initiatives, apparently motivated by its interest in creating competing jurisdictions in order to derail the ICC's Kenyan investigations.

[Sources: Amnesty International, *Report 2013* (London 2013), 147–148; Human Rights Watch, *World Report 2013* (Washington 2013), 132.]

On 21 May 2013, the official Truth, Justice and Reconciliation Commission released its four-volume report. It named President Uhuru Kenyatta and Deputy President William Ruto as being among those suspected of planning and financing the 2007–2008 postelection violence (sparked off by a dispute over who won the December 2007 presidential election) in which more than 1,000 people died and 600,000 were evicted from their homes. Both Kenyatta and Ruto already faced trial at the International Criminal Court (ICC). The commission said that during the period it was mandated to investigate—from independence on 12 December 1963 until February 2008—the state adopted policies that resulted in the economic marginalization of five key regions in Kenya. It also confirmed the finding of a 2008 government commission that had said that historical injustices such as unequal land distribution were partly responsible for the 2007–2008 violence.

Kenyan media reported that the commission had been under pressure from individuals in and out of government to edit out sections of the report implicating certain people on illegal land allocations. The international commissioners working for the commission allegedly said that the Office of the President forced the commission to submit to it an advance copy of the final report and then exerted pressure to make changes in the report's chapter on historical land injustices. University of Seattle Professor Ronald Slye, one of them, did not sign the chapter because he did not approve of the changes. Judge Gertrude Chawatama from Zambia, another of them, also did not sign the chapter on land.

The commission, formed in August 2009, was supposed to take two years to complete its work. It said that despite the challenges, it had managed to collect more than 40,000 statements, more than any other truth commission in the world.

[Sources: Human Rights Working Group of the International Council on Archives, *News of June 2013*, 8; Tom Odula, "Kenya's Truth Report: Killings, Land Grabs, Graft" (Associated Press; 22 May 2013).]

*See also* United Kingdom.

## KOREA, NORTH

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

A potential breakthrough deal between the United States and North Korea in February 2012 to provide substantial United States food assistance in exchange for an end to uranium enrichment and missile testing by North Korea, and a return of International Atomic Energy Agency (IAEA) inspectors, fell apart when North Korea insisted on attempting to launch a rocket carrying a satellite to commemorate the 100th anniversary of the birth of North Korean founder Kim Il-Sung (1912–1994). [Source: Human Rights Watch, *World Report 2013* (Washington 2013), 346.]

## KOREA, SOUTH

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

In May 2012, the Ministry of Education, Science and Technology (MEST) announced that revised editions of high school textbooks would leave out discussion of two examples of evolution (the *Archaeopteryx*, an ancient ancestor to birds, and ancestors of the modern horse). The creationist group Society for Textbook Revision (STR), who argued that the references to bird and horse evolution promoted “atheist materialism,” had proposed the revisions. After a petition of protest from scientists, MEST on 24 June 2012 announced that it would appoint a panel of experts from the Korean Academy of Science and Technology and from the Korean Federation of Science and Technology Societies to reevaluate the STR request. Government regulations mandated that all Korean science textbooks include a section on evolutionary theory with a discussion of the fossil record.

[Sources: Rachel Nuwer, “South Korea to Reconsider Plan to Drop Evolution Examples From Textbooks,” *Science Insider: Breaking News and Analysis from the World of Science Policy* (<http://news.sciencemag.org/scienceinsider/2012/07/south-korea-to-reconsider-plan.html>, 6 July 2012); Soo Bin Park, “South Korea Surrenders to Creationist Demands: Publishers Set to Remove Examples of Evolution from High-School Textbooks,” *Nature* (7 June 2012), 14; *Trouw* (8 July 2012).]

In August 2012, the Supreme Court ordered the government to compensate 492 families of a group of about 400 suspected North Korean sympathizers executed in 1950 by South Korean security forces without proper trials. During the Korean War (1950–1953), many left-wing activists were targeted in South Korea, as part of the government’s anti-communism campaign. The families filed the lawsuit in

2009. The court rejected the government's argument that the claim of the families had exceeded the statute of limitations. It upheld an earlier decision by a lower court in April 2012.

[Source: "South Korea to Pay Families of Slain Activists," *BBC News* (27 August 2012).]

*See also* Japan.

## **KOSOVO**

*See* Serbia / Kosovo.

## **KUWAIT**

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

## **KYRGYZSTAN**

Previous *Annual Report* entries: 2010–2012.

Despite initiatives taken by the authorities in 2011–2012—often in the face of considerable internal opposition—they failed to fairly and effectively investigate the June 2010 violence and its aftermath in the cities of Osh and Jalal-Abad and provide justice for the thousands of victims of the serious crimes and human rights violations, including crimes against humanity. The Osh City Prosecutor stated in April 2012 that out of 105 cases which had gone to trial in relation to the June 2010 violence, only two resulted in acquittals.

[Source: Amnesty International, *Report 2013* (London 2013), 154.]

**LATVIA**

Previous *Annual Report* entries: 1998, 2006, 2008.

**LEBANON**

Previous *Annual Report* entries: 2000–2003, 2006–2012.

In 2011, as part of the United Nations Human Rights Council's Universal Periodic Review process, the government pledged to establish an Independent National Commission to investigate the fate of those Lebanese and other nationals who "disappeared" during and after the Lebanese civil war (1975–1990) and to ratify the 2006 International Convention for the Protection of all Persons from Enforced Disappearances. In October 2012, Justice Minister Shakib Qortbawi put forward a draft decree to the cabinet to establish the commission, which in turn formed a ministerial committee to examine the draft. Representatives of certain families of the disappeared and other groups proposed a draft law to set up the committee.

[Sources: Amnesty International, *Report 2013* (London 2013), 158; Human Rights Watch, *World Report 2013* (Washington 2013), 578.]

In 2011 and 2012, reports continued to emerge of Syrians and Lebanese kidnapped in Lebanon being taken to Syria. An official joint Syrian-Lebanese committee established in May 2005 to investigate cases of Lebanese who "disappeared" at the hands of Syrian security forces had not published any findings as of late 2012.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 579.]

In February 2012, the United Nations's Netherlands-based Special Tribunal for Lebanon announced that it would proceed with an in absentia trial of four indicted members of Hezbollah for the killing of former Prime Minister Rafik Hariri in 2005. In July 2012, the trial court rejected motions by the defense arguing that in absentia proceedings violated human rights. The trial was set to begin in March 2013.

[Sources: Amnesty International, *Report 2013* (London 2013), 158; Human Rights Watch, *World Report 2013* (Washington 2013), 579.]

*See also* Syria.

## LIBERIA

Previous *Annual Report* entries: 2000–2001, 2004–2012.

Most of the 2009 recommendations of the Truth and Reconciliation Commission (TRC) were yet to be implemented. These included establishing a criminal tribunal for prosecuting crimes under international law, as well as other legal and institutional reforms, and recommendations relating to accountability, and reparations.

[Source: Amnesty International, *Report 2013* (London 2013), 159.]

## LIBYA

Previous *Annual Report* entries: 2003, 2005–2012.

On 2 May 2012, the National Transitional Council, Libya's interim rulers, adopted a broad new law (Law 37) that banned the distribution of "false news and information" or "propaganda" that "endangered national security, terrorized the public or undermined public morale," including "glorifying the tyrant [Muammar al-Gaddafi]" and "damaging the 17 February Revolution." The law included sanctions up to life imprisonment. International human rights groups demanded to repeal the law. On 14 June 2012, the Supreme Court declared the law unconstitutional. Al-Gaddafi's criminal code had also penalized any attack on "the Great Al-Fateh Revolution or its Leader."

[Sources: Human Rights Watch, *Ifex Alert* (18 June 2012); *Ifex Communiqué* (9 May 2012); Human Rights Watch, *World Report 2013* (Washington 2013), 580; Reporters without Borders, "Repressive New Law Criminalizes Insulting Government Institutions" (7 May 2012); Reporters without Borders, "Wisdom Prevails: Libyan Supreme Court Strikes Down Law Aimed at Curbing Free Speech" (14 June 2012).]

The authorities vowed to investigate gross human rights violations committed under Muammar al-Gaddafi's government (1969–2011) and initiated investigations into a number of former high-level officials and alleged al-Gaddafi loyalists. In May 2011, the National Transitional Council (NTC; established on 2 March 2011 and leading the opposition to al-Gaddafi, in power until 8 August 2012) passed Law 17 to establish a Fact-Finding and Reconciliation Commission. It was unclear whether the Commission's mandate covered only crimes committed by the former government or included those committed by others. No effective investigations were known to have been carried out by the Commission by the end of 2012. Law 35 on Amnesty, approved by the NTC in May 2012, failed to

comply with Libya's obligation under international law to investigate alleged crimes against humanity, war crimes, enforced disappearances and extrajudicial executions, and prosecute alleged perpetrators. Law 38 of May 2012 provided blanket immunity to militiamen for acts deemed to have been committed with the aim of "protecting the 17 February Revolution."

As of late 2012, no one had been charged or arrested for the apparent execution of 53 al-Gaddafi supporters in Sirte in October 2011, or for the apparent execution of Muammar al-Gaddafi and his son Muatassim. An NTC-formed commission to look at al-Gaddafi's death released no results. In contrast, the judicial authorities began proceedings against several former al-Gaddafi officials. Abuzaid Dorda, the former prime minister and head of foreign intelligence, was injured after jumping from a two-story building while detained by a militia. Dorda said he jumped in order to avoid abuse.

The Libyan authorities refused to hand over Muammar al-Gaddafi's son Saif al-Islam and former intelligence chief Abdullah Sanussi—both in Libyan custody—to the International Criminal Court (ICC) to face charges on two counts of crimes against humanity. At the end of 2012, the ICC pre-trial chamber had yet to rule on an admissibility challenge filed by the government on 1 May to try Saif al-Islam al-Gaddafi under Libyan rather than ICC jurisdiction. However, as of late 2012, Libya was still under an obligation to surrender Sanussi to the ICC pursuant to United Nations Security Council resolution 1970. From 7 June to 2 July 2012, the militia in Zintan holding al-Gaddafi arbitrarily detained ICC staff members, who traveled to Libya to meet with al-Gaddafi in a visit authorized by the ICC judges and agreed to by Libya.

[Sources: Amnesty International, *Report 2013* (London 2013), 163; Human Rights Watch, *World Report 2013* (Washington 2013), 583–584.]

*See also* Niger.

## **LITHUANIA**

Previous *Annual Report* entries: 2005, 2009.

**MACEDONIA**

Previous *Annual Report* entries: 1999, 2006–2008, 2010–2012.

In August 2012, the ruling VMRO-DPMNE party (Internal Macedonian Revolutionary Organization—Democratic Party for Macedonian National Unity) proposed a draft law to provide reparations to Macedonian military and police forces (or their relatives) that fought and suffered losses in the 2001 armed conflict. In October 2012, the bill was derailed in parliament by the coalition party, the Albanian Democratic Union for Integration, because it did not provide for the National Liberation Army (NLA) combatants, an armed group which had fought the government forces.

[Source: Amnesty International, *Report 2013* (London 2013), 165–166.]

**MALAYSIA**

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

*See* United Kingdom.

**MALAWI**

Previous *Annual Report* entries: 2011–2012.

**MALDIVES**

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

In January 2012, President G. Kenereege Mohamed Nasheed (1967–), a journalist and historian, was accused of illegally ordering the arrest of a judge accused of corruption. On 7 February 2012, he resigned after what he called “a coup” and many others “a voluntary departure.” On 7 October 2012, he was arrested. [For background, see *NCH Annual Reports 2001, 2003, 2004, 2006, 2009.*]

[Sources: *BBC News* (7 February 2012); *Keesings historisch archief* (2013), 85; *NRC Handelsblad* (8 February 2012), 10–11.]

**MALI**

Previous *Annual Report* entry: 2011.

In [May] 2012, UNESCO put Timbuktu—a fifth-century desert crossroads and a center of learning from the 13th to the 17th centuries known as the “City of 333 Saints”—on its list of endangered world heritage sites. On 3 April 2012, Islamist fighters from Ansar Dine (Ansar ud-Din; Defenders of Faith)—a group led by Iyad Ag Ghaly (a former nationalist leader) and Abou Dardar, controlling much of northern Mali since March 2012, practicing hard-line Wahhabism, and linked to al-Qaeda in the Islamic Maghreb (AQIM)—imposed the sharia in most of the key towns of northern Mali and began attacking the sixteen shrines of Muslim saints in Timbuktu, including the mausoleum of Sufi Saint Sidi Mahmoud Ben Amar (1463/64–1547/48) (the latter shrine was already set on fire by Ansar Dine in April 2012). On 10 July 2012, the tombs of two Muslim saints within the compound of Timbuktu’s largest mosque, Djingareyber, were destroyed. Earlier, in April 2012, Islamist fighters had destroyed the tomb of Aljoudidi Tamba Tamba; on 2 June 2010, they destroyed the tomb of Sidi Yahya. Eight shrines were also destroyed; Islamists regarded them as idolatrous. Mosques in which Sufi saints were venerated and cemeteries were also targeted. Timbuktu residents were forbidden to visit the graves of their deceased family members or to listen to, perform, or play local folklore music.

Islamist forces also seized the town of Gao from ethnic Tuareg rebels. The seventeenth-century tomb of Songhai Emperor Askia Mohammad I (ca. 1443–1538), located in Gao, was also placed on the UNESCO list. Most Malians practice an open form of Sufi Islam. One Dogon cultural site was also destroyed. On 1 July 2012, International Criminal Court Chief Prosecutor Fatou Bensouda warned Ansar Dine that the destruction of historical monuments and religious buildings was a war crime.

Also at risk in Timbuktu was a collection of between 100,000 and 700,000 handwritten texts in Arabic and in African languages in the Arabic script (mainly Fulani and Songhai) dating back to the thirteenth century. The manuscripts (treatises on history, geography, religion, medicine, astronomy, literature, mathematics, chemistry, law and philosophy) were evidence of ancient African and Islamic written scholarship, contradicting the myth of a purely oral tradition in Africa. The government-run Ahmed Baba Institute in Timbuktu held 30,000 to 40,000 of them. But Ansar Dine rebels seized the institute, looted its computers and used its new building as a sleeping quarters. On 23 January 2013, the institute and its manuscripts (possibly as many as 2,000) were partly ransacked and damaged. Vast parts of the collection (the large majority), however, owned by some 30 families, were taken to safety and hidden in early 2012 (before northern Mali was seized); thousands of them were digitized and hard disks containing images of them were smuggled out of the city. On 27 January 2013, Timbuktu was liberated by French troops.

[Sources: Amnesty International, *Report 2013* (London 2013), 174; “Bulk of Timbuktu Manuscripts Survived Occupation by Rebels,” *Today’s Zaman* (31 January 2013); *BBC News* (30 June & 17 July & 23 December 2012; 30 January & 2 February 2013); Robin Denselow, “Mali Music Ban by Islamists ‘Crushing Culture To Impose Rule’,” *Guardian* (15 January 2013); ”Human Rights Watch, “Mali: Islamist Armed Groups Spread Fear in North (25 September 2012); Serge Daniel, “Timbuktu Shrine Destruction a ‘War Crime’: ICC” (AFP; 1 July 2012); *Keesings Historisch Archief* (2012), 575–76; Human Rights Watch, *World Report 2013* (Washington 2013), 134, 136; Navina Kottoor, “How Timbuktu’s Manuscripts Were Smuggled to Safety,” *BBC News* (3 June 2013); Ishaan Tharoor, “Mali’s Crisis: Terror Stalks the Historic Treasures of Timbuktu,” *Time* (5 April 2012); Ishaan Tharoor, “Timbuktu’s Destruction: Why Islamists Are Wrecking Mali’s Cultural Heritage,” *Time* (2 July 2012); *NRC Handelsblad* (29 January & 22 February 2013), 4; *Trouw* (2 July 2012); *World University Service* (15 February 2013); Geoffrey York, “The Secret Race To Save Timbuktu’s Manuscripts” *Globe and Mail* (27 December 2012).]

In July 2012, the government of Mali, as a state party to the International Criminal Court (ICC), referred “the situation in Mali since January 2012” to the ICC prosecutor for investigation. The prosecutor’s office visited Mali in August, October, and November 2012 and would determine at a future date whether it could take jurisdiction of the situation. Meanwhile, there was no effort by the government to investigate or hold to account members of the security forces implicated in serious abuses during the political upheaval generated by the military coup in March 2012 and the ensuing Tuareg rebellion and Islamist occupation of the north.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 138.]

## **MALTA**

Previous *Annual Report* entry: 2012.

## **MARSHALL ISLANDS**

Previous *Annual Report* entries: —.

In 2012, the United Nations Human Rights Council heard a report from the Special Rapporteur on Toxic Wastes on his mission to the Marshall Islands. He recommended that the United States “[g]rant full access of the Marshall Islands to United States information and records regarding the

environmental and human health ramifications of past and current United States military use of the islands, as well as full access to United States medical and other related records on the Marshallese, in accordance with the right to information and the principle of transparency.”

Between 1946 and 1958 the people of the Marshall Islands endured 67 experimental nuclear tests detonated by the United States (at the time the administrator of the Trust Territory of Micronesia, which included the Marshall Islands). The residents of four atolls were exposed to fallout contamination that compromised their health, made their lands uninhabitable and destroyed their marine and faunal resources. In 1986 the Islands gained sovereignty as the Republic of the Marshall Islands (RMI) when the United States and the RMI governments entered into a Compact of Free Association, under which the United States accepted responsibility for the damage caused by the tests and established a compensation fund administered by a Tribunal set up by the RMI government. In order to fairly distribute the proceeds of the fund, the RMI government and its Nuclear Claims Tribunal had to know precisely what happened before, during and after the tests; and therefore they needed access to United States archives. United States authorities began identifying and declassifying relevant United States government records, and although thousands of pages of documents were delivered to the RMI, some documents were declassified only in part and some were totally withheld. The Tribunal, pressed to begin making compensation payments, went ahead based on incomplete information. But the RMI government refused to close the question of what really happened in the islands until all the records were open; they insisted that there could be “No Closure without Full Disclosure.”

[Sources: Human Rights Working Group of the International Council on Archives, *News of September 2012*, 2, 3; *Keesings Historisch Archief* (2012), 123–124, 698; “US Assistant Secretary Makes Second Annual Visit to Marshall Islands,” *YokweOnline* (<http://www.yokwe.net/index.php?module=News&func=display&sid=3074>; 7 August 2012).]

## **MAURITANIA**

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

*See* Libya.

## MAURITIUS

Previous *Annual Report* entry: 2012.

*See* United Kingdom.

## MEXICO

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

Impunity for grave human rights violations committed during the 1960s, 1970s and 1980s persisted. The United Nations Working Group on Enforced or Involuntary Disappearances conducted a fact-finding mission to Mexico in 2011, concluding that, “sufficient efforts are not being made to determine the fate or whereabouts of persons who have disappeared, to punish those responsible and to guarantee the right to the truth and reparation.”

[Sources: Amnesty International, *Report 2013* (London 2013), 177; Human Rights Watch, *World Report 2013* (Washington 2013), 252–253.]

On 2 July 2013, (Oscar) Samuel Malpica Uribe ([1955]–2013), social anthropologist and historian, researcher at the Department of Historical Research into the Workers’ Movement (DIHMO) of the Benemérita Universidad Autónoma de Puebla (BUAP; Distinguished Autonomous University of Puebla), and leftist activist, was shot dead by unidentified gunmen. He was a former rector of the BUAP (1987–1989). Investigators looked at a number of possible motives, including allegations made by Malpica about the existence of a corruption network at the BUAP. On 13 June 2013, he had filed an official request with the state comptroller’s office for an investigation into the alleged irregularities; according to his widow, he was planning to stage a hunger strike to press for an investigation of the BUAP.

As the founder of the Ecomuseo de Metepec (ECUML) in Atlixco—in which the workers’ patrimony of a textile factory was preserved—Malpica received the National Prize Francisco de la Maza of the Instituto Nacional de Antropología e Historia (INAH) [Francisco de la Maza (1913–1972)] was a Mexican historian of colonial art]. Malpica also investigated the astronomy and culture of the Mayas. He was unsuccessful in his attempt to become Puebla’s mayor in 2008 for the Workers’ Party and Party of the Democratic Revolution (PRD). In 1989, Malpic was removed as rector, arrested on fraud charges in 1990 and in 1992–1993 imprisoned for one year during the administration of Governor Mariano Piña Olaya of the Institutional Revolutionary Party (PRI), but not convicted. At

that occasion, he declared that he had been a political prisoner.

[Sources: “La Benemérita Universidad Autónoma de Puebla lamenta la muerte del ex Rector Samuel Malpica Uribe” (3 July 2013; [http://www.buap.mx/portal\\_pprd/wb/comunic/la\\_benemerita\\_universidad\\_autonoma\\_de\\_puebla\\_lamen](http://www.buap.mx/portal_pprd/wb/comunic/la_benemerita_universidad_autonoma_de_puebla_lamen)); “Former University President Murdered in Mexico,” *Latin American Herald Tribune* (<http://www.laht.com/>; EFE, 3 July 2013).]

## **MOLDOVA**

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

## **MONGOLIA**

Previous *Annual Report* entry: 2007.

On 6 May 2012, historian Rolmaajidiin Tsengel, a former citizen from China’s Inner Mongolia region, who has lived in Mongolia since 1993 and obtained a doctorate in Mongolian history from the National University of Mongolia, was accused of an “attempt to overthrow the government of Mongolia and conspiracy of a coup” because he had translated Chinese documents for the film “Galdan Boshogt,” a historical documentary about a Mongolian national hero (1644–1697) who fought in the seventeenth century against Manchu expansion and strived to unify Mongolia. He was arrested in Ulaanbaatar and reportedly tortured. Three others were also arrested on conspiracy charges, including filmmaker Gurragchaa Badamragchaa. When the latter three, all citizens of Mongolia, were released after a court hearing in late May 2013 failed to find any evidence to support the charge, Tsengel went on hunger strike. According to human rights sources, he was held because of his origins. After renouncing his Chinese citizenship, Tsengel had become a stateless person who was seeking citizenship status in Mongolia. Tsengel reportedly also worked as an adviser to another documentary film entitled “Horjiiloo” (“Triumph of Mongolia”), which dealt with how the Bogd Khan government (1911–1921) sent armies through five different routes to liberate Southern Mongolia from Chinese domination in 1913.

[Sources: Southern Mongolian Human Rights and Information Center (SMHRIC), “Southern Mongolian Historian on Hunger Strike in Mongolian Jail ([http://www.smhric.org/news\\_487.htm](http://www.smhric.org/news_487.htm); 12 June 2013); Rachel Vandenbrink, “Inner Mongolian Historian on Hunger Strike in Ulan Bator Jail,” *Radio Free Asia* ([http://www.rfa.org/english/news/china/mongolia\\_-06122013170523.html](http://www.rfa.org/english/news/china/mongolia_-06122013170523.html); 12 June 2013).]

## **MONTENEGRO**

Previous *Annual Report* entries: 2008–2009, 2011–2012.

In April 2012, the prosecution appeal against the acquittal in 2011 of army reservists and police officials charged with inhuman treatment of Bosniaks in Bukovica in 1992 was dismissed. The court found that at the time of the offense, the defendants' actions "did not constitute a criminal act in the eyes of the law," although inhuman treatment was defined as a crime against humanity in the 2003 Criminal Code which ought, under established principles of international law, to have been applied retroactively.

[Source: Amnesty International, *Report 2013* (London 2013), 183.]

*See also* Serbia.

## **MOROCCO / WESTERN SAHARA**

Previous *Annual Report* entries: 2000–2012.

The authorities again failed to implement recommendations made by the Equity and Reconciliation Commission in November 2005, including ratification of the Rome Statute of the International Criminal Court, or to ensure justice for those who suffered serious human rights violations between 1956 and 1999.

[Source: Amnesty International, *Report 2013* (London 2013), 185.]

The Polisario Front again failed to take any steps to hold to account those responsible for human rights abuses committed in camps under its control in the 1970s and 1980s.

[Source: Amnesty International, *Report 2013* (London 2013), 185.]

## **MYANMAR (BURMA)**

Previous *Annual Report* entries: 1997–2001, 2003, 2005–2006, 2008–2012.

The National Human Rights Commission did not have the authority to receive and investigate complaints of human rights violations which had taken place prior to its formation on 5 September

2011. There was no comprehensive and independent mechanism to investigate possible war crimes and crimes against humanity, leaving victims and their relatives with inadequate access to measures of truth, justice and reparations. Many of those involved in grave human rights violations had not been brought to justice.

[Source: Amnesty International, *Report 2013* (London 2013), 190.]

**NAMIBIA**

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

**NEPAL**

Previous *Annual Report* entries: 2007–2012.

Nepal's six-year peace process between government forces and Communist party of Nepal (Maoist) combatants remained in limbo in 2012, and human rights commitments undertaken in the 2006 Comprehensive Peace Accord (CPA) remained unfulfilled. Impunity for wartime abuses continued and the government failed to provide redress for crimes committed during the conflict (1996–2006), including enforced disappearances, torture, rape, and extrajudicial executions. Efforts to ensure accountability for human rights violations and victims' rights to justice, truth and reparation were seriously undermined by the government's promotion of individuals alleged to have committed human rights violations to senior public positions. The government continued to request the withdrawal of criminal cases against individuals affiliated with political parties, as part of a commitment under the CPA and subsequent agreements to withdraw cases of a "political" nature. No clear definition of a "political case" was provided, and many cases recommended for withdrawal involved murder, abduction and other serious crimes.

On 28 August 2012, the Council of Ministers proposed an ordinance to establish a Commission of Inquiry on Disappeared Persons, Truth and Reconciliation, sidelining plans for two separate commissions to cover these issues. The new Commission would have power to recommend amnesties for serious human rights violations but no mandate to recommend prosecutions for alleged crimes, ignoring Nepal's legal obligations to prosecute crimes under international law. The framework for a Truth and Reconciliation Commission was part of the CPA. However, granting amnesty for crimes against humanity clearly violated international law and Nepal's Supreme Court decisions.

The army continued to shield alleged perpetrators of human rights abuses. In July 2012, it recommended the promotion of Colonel Raju Basnet, implicated in dozens of cases of enforced disappearance and torture, to the rank of brigadier general. The cabinet approved the promotion in October. In September 2012, the government promoted Kuber Singh Rana to inspector general of police. Rana was a suspect in ongoing criminal investigations that the Supreme Court ordered in February 2009 related to the October 2003 enforced disappearance and extrajudicial killings of five students from Dhanusha district in Nepal's southern plains.

The United Nations Office of the High Commissioner for Human Rights released a report in

October 2012 on violations of international human rights law and humanitarian law committed during Nepal's armed conflict (1996–2006), together with an archive of approximately 30,000 supporting documents and cases.

[Sources: Amnesty International, *Report 2013* (London 2013), 191–192; Human Rights Watch, *World Report 2013* (Washington 2013), 336–337.]

## **NETHERLANDS**

Previous *Annual Report* entries: 1995, 2004–2005, 2007–2012.

In April 2012, the Dutch Supreme Court delivered a judgment on whether the United Nations Protection Force (UNPROFOR) could be held responsible for deaths of Bosnian Muslims during the 1995 Srebrenica genocide. The Court ruled that the United Nations (UN) held immunity from prosecution before national courts. The families of the victims appealed the decision to the European Court of Human Rights, which upheld the Dutch decision. It stated that the appeal was inadmissible because “the granting of immunity to the UN served a legitimate purpose” and giving national courts jurisdiction over UN operations would allow states “to interfere with the key mission of the UN to secure international peace and security.”

[Sources: Amnesty International, *Report 2013* (London 2013), 193; Human Rights Working Group of the International Council on Archives, *News of June 2013*, 2.]

In 20 August 2012, a report by a commission supervising the security services criticized the AIVD (General Intelligence and Security Service) for its systematic lack of declassification activity and its unwillingness to transfer noncurrent records to the National Archives.

[Sources: Constant Hijzen, “AIVD, open je archief,” *Historisch Nieuwsblad* (26 September 2012); *Historisch Nieuwsblad* (December 2012), 15–16.]

*See also* Lebanon, Russia, Suriname.

## **NEW ZEALAND**

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

**NICARAGUA**

Previous *Annual Report* entry: 1998.

**NIGER**

Previous *Annual Report* entry: 2009.

In February 2012, under an Interpol operation, Saadi al-Gaddafi, son of the former Libyan President Mu'ammār al-Gaddafi, was put under house arrest in the capital Niamey after he appeared on Arab television and threatened Libya with an imminent uprising. He was still subject to restrictions to his movements and communications at the end of 2012. In May 2012, the authorities expressed their readiness to examine the Libyan authorities' request to hand over several high-ranking Libyan officials from al-Gaddafi's government, who had sought refuge in Niger.

[Source: Amnesty International, *Report 2013* (London 2013), 196.]

**NIGERIA**

Previous *Annual Report* entries: 2000–2006, 2008, 2010–2012.

In 2012, at least 100 people were charged with treason in south-eastern Nigeria after a march supporting independence for Biafra. On 4 November 2012 the Biafran Zionist Movement (BZM) gathered to mark the birthday of former Biafran leader Chukwuemeka Ojukwu (1933–2011), who died in November 2011 and was buried in March 2012. Later, BZM members declared independence, raised the Biafran flag and marched through the region's main town, Enugu. More than one million people died during the 1967–1970 Biafran conflict—mostly from hunger and disease. On 30 May 2007, another separatist movement, the Movement for the Actualisation of the Sovereign State of Biafra (Massob), had accused the government of marginalizing Biafra, but the latter had dismissed Massob members as “common criminals” and “armed robbers.”

[Source: *BBC News* (30 May 2007, 5 November 2012).]

**NORWAY**

Previous *Annual Report* entries: 2009, 2012.

**OMAN**

Previous *Annual Report* entry: 2010.

**PAKISTAN**

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

*See* Bangladesh.

**PALESTINIAN AUTHORITY**

Previous *Annual Report* entries: 1996, 1998–2002, 2008–2010, 2012.

The Hamas authorities failed to investigate allegations of war crimes and possible crimes against humanity committed by Hamas's forces and other Palestinian armed groups in Gaza during Israel's military Operation "Cast Lead" in 2008–2009 and during the eight-day conflict in November 2012. Neither the Palestinian Authority nor Hamas credibly investigated allegations of torture and other abuses by their security forces or held perpetrators to account.

[Source: Amnesty International, *Report 2013* (London 2013), 206–207.]

*See also* Israel, Syria.

**PANAMA**

Previous *Annual Report* entries: 2003, 2008, 2012.

Efforts to ensure justice for victims of human rights violations during the military governments (1968–1989) made slow progress. In January 2012, the government established a Special National Commission to assist in locating and identifying the remains of victims of enforced disappearance. A Truth Commission, which reported in 2002, estimated that 207 people had been forcibly disappeared and killed under the military governments. Manuel Noriega, head of state from 1983 to 1989, who had been extradited from France in 2011, remained in custody throughout 2012 awaiting trial. He was charged with human rights violations, including extrajudicial executions.

[Source: Amnesty International, *Report 2013* (London 2013), 207.]

## PARAGUAY

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

## PERU

Previous *Annual Report* entries: 2001–2012.

Efforts to prosecute those responsible for the abuses committed during the internal armed conflict (1980–2000) have had mixed results. In 2003, the Truth and Reconciliation Commission had estimated that almost 70,000 people died or were subject to enforced disappearance during the country's armed conflict between 1980 and 2000. Many were victims of atrocities by the Shining Path and other insurgent groups; others were victims of human rights violations by state agents. Former President Alberto Fujimori was sentenced in 2009 to 25 years' imprisonment for killings and "disappearances" in 1991 and 1992. His intelligence adviser, 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 assassination in 1991 of 15 people in the Lima district of Barrios Altos, and for 6 "disappearances."

In July 2012, the Permanent Criminal Chamber of the Supreme Court reduced the sentences in the Barrios Altos case on appeal. By denying that the crimes were crimes against humanity, the court undercut the jurisprudence established by the Supreme Court's Special Criminal Chamber in the Fujimori case. The Ministry of Justice and Human Rights filed an appeal for the sentence to be annulled on constitutional grounds. In September 2012, however, the Permanent Criminal Chamber rescinded the sentence, after the Inter-American Court of Human Rights ruled that it was incompatible with Peru's obligations to ensure that the events were fully investigated and those responsible held accountable.

Progress to hold accountable those responsible for human rights violations under earlier governments was very limited. Prosecutors did not yet present charges or they closed hundreds of cases, partly due to the Ministry of Defense and the army failing to cooperate in providing information essential to identify perpetrators. Legislation granting access to reparation for all victims of sexual violence was approved by Congress in May, but had not come into force by the end of 2012. As a result, victims of sexual violence, other than rape, committed during the internal armed conflict (1980–2000) continued to be denied reparation.

[Sources: Amnesty International, *Report 2013* (London 2013), 211; Human Rights Watch, *World Report 2013* (Washington 2013), 254, 255–256, 260.]

In December 2011, the Inter-American Commission on Human Rights asked the Inter-American Court of Human Rights to open a case against Peru for the alleged extrajudicial execution of three former members of the Tupac Amaru Revolutionary Movement (MRTA) who were killed in April 1997 during a commando operation to free hostages held by the MRTA in the Lima residence of the Japanese ambassador. The commission recommended that the case, which a military court had closed in 2004, reopen under civilian jurisdiction. In October 2012, a Lima court found that one of the MRTA members had been extrajudicially executed, but acquitted the three main suspects, including Vladimiro Montesinos.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 260.]

## **PHILIPPINES**

Previous *Annual Report* entries: 2011–2012.

Impunity for torture, enforced disappearances and unlawful killings continued despite the government's stated commitment to eradicate these crimes and bring perpetrators to justice. Court cases arising from human rights violations during martial law (1972–1981) under former President Ferdinand Marcos were dismissed or languished in court. In November 2012, President Benigno S. Aquino III ordered the establishment of an interagency committee to investigate more recent cases of these grave crimes.

[Source: Amnesty International, *Report 2013* (London 2013), 212.]

## **POLAND**

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

*See* Belarus.

## **QATAR**

Previous *Annual Report* entry: 2010.

## ROMANIA

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

## RUSSIA

Previous *Annual Report* entries: 1996–1998, 2001, 2004–2006, 2008–2012.

In May 2012, in one of his last acts as president, Dmitry Medvedev dissolved the Commission for Actions against Falsification of History to the Detriment of Russia's Interests, known as the "Historical Truth Commission." (In a 17 June 2009 letter to Medvedev, the American Historical Association had asked to disband the commission as it contradicted the principle of intellectual freedom) [For background, see *NCH Annual Report 2009*.]

On 16 August 2012, historian Mikhail Suprun filed an application to the European Court of Human Rights against violation by Russia of Articles 7 (no punishment without law) and 10 (freedom of expression) of the European Convention on Human Rights [For background, see *NCH Annual Reports 2010–2012*.].

On 21 September 2012, the International Society Memorial announced that it would fight the federal law on "Amendments to Certain Legislative Acts of the Russian Federation pertaining to the Regulation of the Activity of Non-profit Organizations, which Perform the Function of a Foreign Agent," to come into effect on 21 November 2012. It called the law illegal (because it gave the government judicial power) and recalled that by forcing civic organizations that received donations from abroad to put themselves on a list of "organizations–foreign agents," the law conjured up the 1930s when hundreds of thousands of people were also coerced into calling themselves "foreign agents." On the day of the entry into force of the law, Memorial discovered graffiti with the inscription "Foreign Agent. I love USA" spray-painted on the walls of its headquarters in Moscow. [Sources: *Keesings Historisch Archief* (2012), 548; Observatory for the Protection of Human Rights Defenders, *Violations of the Right of NGOs to Funding: From Harassment to Criminalisation—2013 Annual Report* (Geneva 2013), 59; Statement by International Society "Memorial" on the Law on "Foreign Agents" (21 September 2012).]

A Dutch documentary, *900 Days* (2012), directed by Jessica Gorter and containing interviews with survivors of the Nazi siege of Leningrad (now St. Petersburg) in 1941–1944 (leaving one million dead

from starvation), could be shown during film festivals and in selected cinemas in September 2012 but not on the television channel *Kultura* (although no ban was issued). The reason was that the film implied silent criticism of the official story of heroic resistance of the population.

[Source: *NRC Handelsblad* (27–28 September 2012), 36–37.]

The request by historian Nikita Petrov, deputy chair of the Council of Memorial, to access documents of the KGB (Komitet gosudarstvennoi bezopasnosti; Committee of State Security) from 1946 to 1956 was rejected by the Federal Security Service (FSB) on the grounds that they contained state secrets. When Petrov lodged a complaint, both the Moscow City Court and the Supreme Court ruled that the requested documents were created before the 1993 Law on State Secrets and therefore not covered by it. This meant that declassification of Soviet-era documents was dependent on internal decisions made by relevant archive holders. Petrov applied to the Constitutional Court, which on 22 November 2012 ruled not to consider his complaint but at the same time affirming that the 30-year classification limit provided for in the 1993 law applied to information defined as state secret both before and after 1993.

[Source: Svetlana Savranskaya, “Russian Court Ruling Aids Release of Soviet Era Secrets,” (<http://www.freedominfo.org/2013/01/russian-constitutional-court-rules-on-law-on-state-secrets>; 15 January 2013).]

On 6 December 2012, the City Court in Dzerzhinsk (Nizhny Novgorod region) held a hearing on a petition filed by the local prosecutor’s office to ban a 1,200-page book written by Stanislav Dmitrievsky [Dmitriyevsky], an archaeologist and writer, Oksana Chelysheva, and Bogdan Guareli, and entitled *International Tribunal for Chechnya: Prospects of Bringing to Justice Individuals Suspected of War Crimes and Crimes Against Humanity during the Armed Conflict in the Chechen Republic* (2009) under the anti-extremism legislation. The book, with a print-run of 700 copies and also available on the website of the independent newspaper *Novaya Gazeta*, provided a detailed analysis of the human violations by all parties during the Chechnyan conflict; it emphasized the responsibility borne by the top Russian leadership. In a statement of 11 January 2013, Russian PEN complained that the two prosecutors had not read the book and that the two experts summoned by them did not make the distinction between negative evaluations and extremism or between statements by the author and quotations. The next hearing was to be held on 11 April 2013. Since 2005, local authorities have persecuted Dmitrievsky with administrative arrests, a criminal prosecution, intrusive inspections, orders to close his office and arson attacks. Upon appearance of the monograph in 2009, Moscow investigators had already conducted a criminal inquiry into the alleged presence of extremist content, but they had not found sufficient grounds then to open a case.

[Sources: Human Rights Watch, “Russia: Stop Efforts to Ban Human Rights Book—Local Authorities Go After Activist’s Account of Chechnya Conflict” (3 December 2012); PEN

International Rapid Action Network, *RAN 77/12* (14 December 2012); PEN America, “Russia: Stanislav Dmitrievsky” (21 December 2012); “PEN Russia Issues Statement on Stanislav Dmitrievsky” (<http://www.pen-international.org/01/2013/pen-russia-issues-statement-on-stanislav-dmitrievsky>; 11 January 2013); Radio Free Europe/Radio Liberty, “Tenacious Russian Activist Girds for yet Another Battle” (4 December 2012).]

In February 2013, the Justice Ministry put recent writings of liberal historian Yuri Afanasiev (1934–) on a “Federal List of Extremist Material.” They included his 2011 essay about the frustrated democratization of Russia, in which Afanasiev held that post-1991 liberals, like the Bolsheviks in 1917, had failed because they based their reforms on abstract theory instead of historical experience and that this had led to neo-totalitarian rather than democratic power. All publications on the list were banned. A court in Omsk, Siberia, also banned the essay. In 2005, together with Aleksandr Yakovlev (1923–2005; a close adviser to Mikhail Gorbachev and also a historian), Afanasiev had already warned against a re-Stalinization.

[Sources: Charles Gurin, “Russian Historians Denounce Re-Stalinization,” *Eurasia Daily Monitor* (6 May 2005); *NRC Handelsblad* (26 February 2013).]

On 21 March 2013, five officials from the Prosecutor’s Office, the Ministry of Internal Affairs, the Ministry of Justice, and the Tax Inspectorate arrived at Memorial society without warning to conduct an inspection. A television crew from the pro-Kremlin station NTV arrived with the inspectors to film the proceedings; it aired a news report alleging that Memorial could be in violation of the “foreign agents” law (requiring groups that accept foreign funding and engage in “political activity” to register as a “foreign agent”).

In March 2013, teams of officials inspected at least 30 groups in Moscow, and many more in other regions. The inspections were part of a broader crackdown on civil society that began in 2012. A document leaked (to the media) that provided instructions to local prosecutors’ offices for conducting inspections urged them to analyze sources of foreign funding for the groups and their involvement in political activities, as well as any evidence of “extremism.”

[Sources: Human Rights Watch, “Russia: New Pressure on Civil Society: Government Inspects Dozens of Groups with Foreign Funding in NGO Crackdown” (21 March 2013); *NRC Handelsblad* (22 & 27 March 2013).]

*See also* Azerbaijan.

## RWANDA

Previous *Annual Report* entries: 1998, 2000–2012.

In June 2012, the Council of Ministers approved an amended version of the 2008 genocide ideology law, which has been used to silence critics. As of late 2012, the revised law was before parliament. The revised law contained improvements (a narrower definition of the offense and a reduction in prison sentences) but retained the notion of “genocide ideology” as a criminal offense punishable by imprisonment and contained vague language that could be used to criminalize free speech.

[Sources: Amnesty International, *Report 2013* (London 2013), 223; Human Rights Watch, *World Report 2013* (Washington 2013), 150.]

Community-based gacaca courts, set up to try cases related to the 1994 genocide, closed in June 2012, after trying almost two million cases, according to government statistics. The trial of former Pastor Jean Bosco Uwinkindi, the first case transferred to Rwanda by the International Criminal Tribunal for Rwanda (ICTR), opened in Kigali. Several other cases were also transferred in 2012. Two ICTR staff members were assigned to monitor referral cases on a temporary basis, pending agreement on trial monitoring with the African Commission on Human and Peoples’ Rights. They were required to file monthly reports through the Registry to the President of the ICTR, or the President of the Mechanism for International Criminal Tribunals, as appropriate.

In January 2012, academic and former government official Léon Mugesera was sent back to Rwanda from Canada to face charges of planning of and incitement to genocide. Preliminary court hearings took place in Kigali. Court proceedings against Rwandan genocide suspects took place in several other jurisdictions, including Belgium Canada, Finland, Norway, Sweden, Germany, and the Netherlands.

[Sources: Amnesty International, *Report 2013* (London 2013), 223–224; Human Rights Watch, *World Report 2013* (Washington 2013), 147, 150–151.]

In June 2012, the Council of Ministers approved an amended version of the 2008 genocide ideology law. As of late 2012, the law was before parliament. It law contained improvements (a narrower definition of the offense and a reduction in prison sentences) but retained the notion of “genocide ideology” as a criminal offense punishable by imprisonment and contained vague language that could be used to criminalize free speech. [For background, see *NCH Annual Reports 2009–2011*.]

In April 2012, Epaphrodite Habarugira, an announcer at Radio Huguka, was arrested and charged with genocide ideology after apparently mistakenly, during a news broadcast, mixing up words when referring to survivors of the genocide. He spent three months in prison before being acquitted in July.

The state prosecutor appealed against his acquittal.

On 5 April 2012, the Supreme Court reduced the sentences of Agnès Uwimana Nkusi, editor of the privately-owned bimonthly *Umurabyo*, and Saidati Mukakibibi, deputy editor and reporter at *Umurabyo*, to four and three years respectively. The Supreme Court cleared Uwimana of “genocide ideology” and “divisionism” charges but upheld a conviction for defamation. [For background, see *NCH Annual Report 2011*.]

On 30 October 2012, the High Court in Kigali found Victoire Ingabire guilty of conspiracy to undermine the established government (for financially supporting anti-Rwandese rebels in East Congo) and denying the genocide (based on a 2003 law rather than on the 2008 genocide ideology law) and sentenced her to eight years’ imprisonment. There were doubts about the reliability of some evidence. (Confessions of two co-accused incriminating Ingabire were made after a prolonged period of detention in a military camp where torture was used to coerce confessions; a defence witness claimed he had been held in military detention with one of the co-accused and alleged that the individual’s confession had been forced.) [For background, see *NCH Annual Report 2011*.]

[Sources: Amnesty International, *Report 2013* (London 2013), 223; Human Rights Watch, “Rwanda: Eight-Year Sentence for Opposition Leader—Victoire Ingabire Found Guilty of Two Charges in Flawed Trial” (30 October 2012); Human Rights Watch, “Rwanda: Eight-Year Sentence” (30 October 2012); Human Rights Watch, *World Report 2013* (Washington 2013), 147–150; *Keesings Historisch Archief* (2013), 96–97; *NRC Handelsblad* (31 October 2012).]

*See also* Congo (Democratic Republic).

## SAUDI ARABIA

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

On 20 July 2012, the first day of the ramadan month of fasting, *Omar*, a 31-part historical television drama produced by the Saudi Middle East Broadcasting Center (MBC), said to be the largest ever Arabic production and depicting the life of the second Caliph Omar ibn al-Khattab (586/590–644), a close companion of Prophet Muhammad who oversaw the expansion of the Muslim empire in the seventh century), sparked a controversy in the Arab world with thousands opposing the depiction of the Prophet Muhammad and his companions. Although such visual depictions were not banned in the Quran, Sunni scholars generally agreed that personifications of religious figures were banned because they could lead to idolatry. Official Islamic institutions like Al-Azhar in Egypt and Dar al-Ifta, the legal research center of Saudi Arabia, issued fatwas against the series, but other scholars, including Sheikh Yusuf Al-Qaradawi from Egypt, praised the series's historical accuracy.

[Sources: AFP, "TV Depiction of Revered Islamic Figure Causes Stir" (23 July 2012); *NRC Handelsblad* (24–25 July 2012), 32; "Prophet Companions TV Series Stirs Debate," *On Islam* (<http://www.onislam.net/english/news/middle-east/458110-prophet-companions-tv-series-stirs-debate.html>; 23 July 2012).]

*See also* Tunisia, United Kingdom.

## SENEGAL

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

On 24 July 2012, Senegal agreed to establish a special court to try former Chadian President Hissène Habré, who resided in the country since 1990. On 20 July 2012, the International Court of Justice had found that Senegal had violated its legal obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ordered Senegal to bring Habré to justice "without further delay" either by prosecuting him in Senegal or extraditing him to Belgium. After four days of talks in Dakar, Senegal agreed to an African Union (AU) plan to try Habré before a special court in the Senegalese justice system with AU-appointed judges presiding over his trial. A 1992 National Truth Commission in Chad had accused Habré's government (1982–1990) of systemic torture and up to 40,000 political assassinations. Between 2001 and 2005, a Belgian judge and his team had investigated the crimes before indicting Habré on charges of crimes against

humanity, war crimes, and torture in 2005, leading Belgium to request his extradition from Senegal.

On 22 August 2012, an agreement was signed between Senegal and the AU to establish a special court to try Habré. In September 2012, Chadian authorities stated that they had confirmed their financial contribution of CFA 2 billion (around US\$4 million) for the trial. On 19 December 2012, the National Assembly adopted a law establishing special chambers within the existing court structure. However, some key elements to the successful conduct of a fair trial had not been set up, such as a program for protection of victims and witnesses, and an effective mutual legal assistance agreement with other countries, including France and Chad, where victims, witnesses, evidence and assets may be located.

[Sources: Amnesty International, *Report 2013* (London 2013), 227, 228; International Federation for Human Rights, “Chad: After World Court Ruling, Plan to Try Chad’s Ex-Dictator in Senegal with African Judges” (25 July 2012).]

## **SERBIA / KOSOVO**

Previous *Annual Report* entries: 2008–2012.

In 2012, both incoming President Tomislav Nikolić and former President Boris Tadić made statements that genocide had not taken place in Srebrenica. On the day of his inauguration, 31 May 2012, Nikolić said that the massacre in Srebrenica was a serious crime but no genocide in an interview with the Montenegrin national broadcaster RTCG. He invoked the National Assembly of the Republic of Serbia, which adopted a Srebrenica Resolution in March 2010 condemning the “serious crime” committed against the Bosniak population in Srebrenica.

[Sources: Amnesty International, *Report 2013* (London 2013), 228; J. G., “Reactions to Statements from Newly Elected President of Serbia, Tomislav Nikolić,” *RECOM Initiative !Voice* (<http://www.scribd.com/doc/98868941/RECOM-Initiative-Voice-7-2012>; 2012 no. 7), 12–14.]

There was ongoing progress in domestic war crimes prosecutions. In September 2012, the Belgrade War Crimes Chamber convicted 11 members of the Kosovo Liberation Army’s (KLA) “Gnjilane group” to a combined total of 116 years’ imprisonment for crimes against civilians, mainly Roma and Ashkali, during the 1999 Kosovo war. In June 2012, the chamber sentenced 14 former members of the Yugoslav People’s Army (JNA) to a combined total of 126 years’ imprisonment for war crimes against Croat civilians in the Croatian village of Lovas in 1991.

However, in a report from June 2012, Chief Prosecutor Serge Brammertz at the International Criminal Tribunal for the former Yugoslavia (ICTY) criticized Serbia’s lack of efforts to uncover the

networks that helped war crimes fugitives wanted by the ICTY to evade justice. The Serbian war crimes prosecutor's office subsequently began investigating 13 suspects, including a former high-ranking security official. In his report, Brammertz also criticized Serbia's failure to sign a proposed protocol on war crimes cooperation between the Serbian prosecutor and his Bosnian counterpart.

[Sources: Amnesty International, *Report 2013* (London 2013), 229; Human Rights Watch, *World Report 2013* (Washington 2013), 470.]

In November 2012, it was reported that one of the main reasons why the role of the Yugoslav People's Army (JNA) in the breakup of Yugoslavia remained unclear was that JNA archives were still kept secret.

[Source: "Role of JNA in the 1990s Wars Still Remains Unclear" (Balkan Transitional Justice; 2 November 2012).]

On 20 January 2013, two hundred elite police officers supervised the removal of a controversial memorial from a central square in the southern Serbian town of Presevo, an area with a significant Albanian community. The monument, erected in December 2012, was dedicated to 27 ethnic Albanian rebels who fought against Serbia and were killed during a 2000 insurgency in Presevo, a spillover of the 1999 Kosovo conflict. Serbia regarded the rebels as terrorists. At least 2,000 ethnic Albanians rallied in Presevo to protest against the removal.

[Sources: "Serbia Removes Ethnic Albanian Memorial," *Radio Free Europe/Radio Liberty* (20 January 2013); "Albanians Protest Removal of Presevo Monument," *Radio Free Europe/Radio Liberty* (21 January 2013).]

### *Kosovo*

On 21 September 2012, a study by the Humanitarian Law Center in Kosovo—directed by Kreshnik Sylejmani, conducted at a number of secondary schools across Kosovo and based on interviews with 15- to 17-year-olds—was presented in Pristina. It showed that the history textbooks did not mention—and pupils were ignorant of—the facts of the war in 1998–1999, particularly the number of victims who were killed and disappeared on both sides. (The war, between Serb security forces and the insurgent Kosovo Liberation Army, claimed around 10,000 victims, the majority Kosovo Albanians, and ended after a 78-day NATO air-bombing campaign in 1999 that ousted Serb armed forces from the province, which was then put under United Nations administration). Shkelzen Gashi, a political scientist from Kosovo, presented his comparative study of seventh-grade primary school history textbooks in Kosovo, Albania and Serbia, finding falsification and distortion of events (such as the 1389 battle and the 1999 war) in both Albanian and Serb textbooks. He also found that the textbooks contained hate speech: Kosovar books talked about state genocide against the Albanians; Serb books

presented Kosovo Albanians as terrorists and fascists.

[Source: Fatmir Aliu, “Kosovo Kids Taught False History, Study Shows,” *Balkan Insight* (<http://www.balkaninsight.com/en/article/kosovo-kids-taught-wrongly-a-study-shows>; 24 September 2012).]

On 29 November 2012, the International Criminal Tribunal for the former Yugoslavia (ICTY) acquitted Ramush Haradinaj, the former prime minister of Kosovo, and his two co-defendants, Lahi Brahimaj and Idriz Balaj, former Kosovo Liberation Army (KLA) commanders, after their retrial for crimes against humanity against Serb Roma and Albanian civilians in the Jablanica detention camp in 1998.

The European Union Rule of Law Mission (EULEX) special investigation team continued its investigation into allegations that some KLA members, including senior officials in Kosovo, had participated in post-war abductions, enforced disappearances, killing of Serbs, and organ trafficking. In the first nine months of 2012, EULEX judges handed down three war crimes judgments and confirmed one new war crimes indictment in October. During January and September 2012, local judges handed down 20 other verdicts. As of October 2012, 78 war crimes cases were under investigation.

In December 2012, the Human Rights Advisory Panel (HRAP), established to decide on alleged human rights violations by the United Nations Interim Administration Mission in Kosovo (UNMIK), considered three complaints, in which they decided that UNMIK had violated the right to life of Kosovo Serbs abducted following the 1999 armed conflict, by failing to conduct an effective investigation.

The Kosovo Government Commission for Missing Persons largely failed to implement the 2011 Law on Missing Persons. Relatives demanded that the authorities address the issue of missing persons in talks with Serbia.

[Sources: Amnesty International, *Report 2013* (London 2013), 228–230; Human Rights Watch, *World Report 2013* (Washington 2013), 478.]

*See also* Croatia.

## **SERBIA / MONTENEGRO**

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

**SIERRA LEONE**

Previous *Annual Report* entries: 2000–2012.

**SINGAPORE**

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

**SLOVAKIA**

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

On 21 August 2009, the government of Prime Minister Robert Fico barred Hungarian President László Sólyom from making a controversial visit during which he had planned (at the invitation of an association based in Slovakia) to unveil the statue of Saint Stephen (975–1038), the founder and first king of the Hungarian State, in the southern (predominantly ethnic Hungarian) town of Komárno, on the River Danube, which separates Slovakia and Hungary (20 August was a national holiday in Hungary, in commemoration of Saint Stephen). No Slovak officials had been invited to the event, which coincided with the anniversary of the 1968 invasion of Czechoslovakia by five armies, including Hungary's. The incident heightened bilateral tension over Slovakia's treatment of its ethnic Hungarians, who made up about ten per cent of the population. On 16 October 2012, the Court of Justice of the European Union found that European Union law did not oblige Slovakia to guarantee access to its territory to Sólyom, because of the specific status of a head of state.

[Sources: *BBC News* (21 & 25 August 2009); Court of Justice of the European Union, *Hungary versus Slovak Republic: Judgment* (<http://www.concernedhistorians.org/le/277.pdf>; 16 October 2012); *NRC Handelsblad* (28 August 2009) 5; *Keesings Historisch Archief* (2010), 17; (2012), 500.]

**SLOVENIA**

Previous *Annual Report* entries: 2007–2009, 2011–2012.

Former permanent residents of Slovenia originating from other former Yugoslav republics, whose legal status was unlawfully revoked in 1992 (known as the “erased”), continued to be denied

restoration of their rights. Past legislative initiatives failed to provide them with reparation for the violations of rights they suffered as a result, or to guarantee their access to these rights in future. The authorities also failed to present any new measures to fully restore their rights. On 26 June 2012, the Grand Chamber of the European Court of Human Rights ruled in the pilot case *Kuric versus Slovenia* that the “erasure” and its consequences constituted a violation of the applicants’ rights to family and private life and to effective legal remedy. The Grand Chamber also found that the applicants had suffered discrimination in relation to these rights, and set a one-year deadline for the creation of a domestic compensation scheme for victims. By the end of 2012, there was no indication that the authorities had made efforts to set up such a scheme.

[Source: Amnesty International, *Report 2013* (London 2013), 235.]

## **SOMALIA**

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

Given the gravity of the crimes committed in Somalia since 1991, accountability at the international level, notably through establishing a United Nations commission of inquiry, or a comparable, appropriate mechanism, was critical to document serious crimes and recommend appropriate measures.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 158.]

## **SOUTH AFRICA**

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

The reintroduction of the Traditional Courts Bill in 2012, after the government withdrew it in 2008 following widespread criticism, may have dire consequences for the rights of women. The bill aimed to affirm the traditional justice system based on restorative justice and reconciliation. As such, it emphasized the position of traditional leaders in the administration of justice, and effectively centralized their power as the arbiters of customary law. The bill would give traditional leaders the authority to enforce controversial versions of customary law such as the practice of *ukutwala* (forced marriage), adjudicate compliance and enforce penalties. The penalties were of particular concern as section 10 of the bill imposed sanctions including fines, forced labor, and the withdrawal of customary benefits, such as the enjoyment of communal land. Section 4 provided for the minister of

justice to appoint traditional leaders who were recognized in the Traditional Leadership and Governance Framework Act as presiding officers of traditional courts. Most traditional leaders were men, and the bill did not assign women any role in the courts. A significant concern with the traditional justice system was its entrenchment of patriarchy, as well as discriminatory social and economic practices, such as access to land, inheritance and forced marriage.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 161.]

South Africa continued to play a leadership role in affirming the need to uphold obligations to the International Criminal Court (ICC), although it had yet to block African Union decisions, which called for states not to cooperate with the court in the arrest of suspect Sudanese President Omar al-Bashir. The first domestic criminal case in South Africa for international crimes committed in Zimbabwe also commenced, although it was initially challenged by South's Africa's police and prosecuting authority.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 162.]

*See also* Sudan.

## **SOUTH SUDAN**

Previous *Annual Report* entries: —.

An investigation established in August 2011 into allegations against the former Director of Public Security and Criminal Investigations remained ongoing at the end of 2012. The investigation was examining torture, corruption, the creation of illegal detention centers, and a case of enforced disappearance. Violations perpetrated by the Sudan People's Liberation Army (SPLA) and the South Sudan Police Service (SSPS) Auxiliary Force during the Jonglei (one of the ten states of South Sudan) state-wide civilian disarmament campaign Operation Restore Peace, launched in March 2012, remained largely unaddressed by the government.

[Source: Amnesty International, *Report 2013* (London 2013), 244.]

## SPAIN

Previous *Annual Report* entries: 1997, 1999, 2002–2012.

On 27 February 2012, the Supreme Court acquitted former judge Baltasar Garzón of exceeding his authority. Garzón was prosecuted, among other things, for violating the 1977 amnesty law by launching an investigation in 2008 into the enforced disappearances of 114,266 people between July 1936 and December 1951. Despite the acquittal, the Supreme Court concluded that Garzón had wrongfully interpreted the law when considering the facts under investigation as crimes against humanity. According to the Court, the crimes were not defined as crimes against humanity within domestic law at the time they were committed. This judgment by the Supreme Court could rule out the possibility of investigating past crimes under international law in Spain.

[Source: Amnesty International, *Report 2013* (London 2013), 248.]

In October 2012, Minister of Education José Ignacio Wert (of the Partido Popular political party) declared in the Cortes that a lack of emphasis on the Spanish language and history in Catalan schools had helped foster support for independence in the region and that secondary school children there should be “hispanicized” by bringing the curriculum under greater central control. He also said that the common history of Spain and Catalonia was minimized in Catalan schools. The statement was rejected as unfounded by both Catalan and other critics, including Irene Rigau, Catalonia’s education minister.

[Sources: *El País* (10 & 11 October 2012); *Financial Times* (10 October 2012).]

*See also* Argentina.

## SRI LANKA

Previous *Annual Report* entries: 1998–2004, 2008–2012.

Sri Lanka made no progress in 2012 toward ensuring justice for the victims of numerous violations of human rights and the laws of war committed by both sides during the 26-year-long conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE) (1983–2009). These violations included the government’s indiscriminate shelling of civilians and the LTTE’s use of civilians as “human shields” in the final months of the conflict, which ended in May 2009. The government continued to ignore the 2011 report of the panel of experts appointed by United Nations (UN)

Secretary-General Ban Ki-moon, which recommended establishing an independent international mechanism to monitor the government's implementation of the panel recommendations, conduct an independent investigation, and collect and safeguard evidence.

In March 2012, the UN Human Rights Council (HRC) adopted a resolution finding that the government's Lessons Learnt and Reconciliation Commission (LLRC) did not adequately address serious allegations of violations of international law, and called on Sri Lanka to take all necessary steps to ensure justice and accountability. It requested that the government expeditiously present a comprehensive plan detailing the steps it had taken to implement the LLRC's recommendations and to address accountability. The government responded by publicly threatening human rights defenders who had advocated for the resolution. In July 2012, however, it announced that it had adopted Plan of Action on the LLRC recommendations. The plan vaguely called for the government to look into civilian deaths and prosecute any wrongdoers. It sets out a 12-month timeframe to conclude disciplinary inquiries and 24 months for prosecutions. But the government proposal merely left responsibility for investigations with the military and police, the entities responsible for the abuses. There was no information regarding actions of the special army courts of inquiry, supposedly established in 2012 to look into allegations of war crimes.

Sri Lanka's human rights record was assessed under the UN Universal Periodic Review in November 2012; Sri Lanka maintained that it did not need independent investigations into alleged human rights violations and past crimes under international law despite concerns raised by UN members. A report by the UN Secretary-General's Internal Review Panel on UN Action in Sri Lanka, released on 14 November 2012, acknowledged the UN's failure to protect civilians during the country's armed conflict. At the March Human Rights Council session, the government tried to block the council from adopting a resolution focusing on accountability. The resolution, which passed with 24 votes in favor, 15 against, and 8 abstentions, effectively overturned a May 2009 council resolution that ignored serious human rights concerns during the Sri Lankan war. The resolution called on the UN Office of the High Commissioner for Human Rights to report back in March 2013.

India (which faced pressure from Tamil Nadu state and civil society activists demanding accountability) continued to press the Sri Lankan government to address allegations of human rights violations, implement the LLRC recommendations, and initiate a reconciliation process with the Tamil minority. China has emerged in recent years as an important ally of Sri Lanka's government. In addition to investing heavily in developing Sri Lankan infrastructure, China had several high-level diplomatic and military missions to Sri Lanka during 2012 and vocally opposed the council resolution. [Sources: Amnesty International, *Report 2013* (London 2013), 149; Human Rights Watch, *World Report 2013* (Washington 2013), 368–370, 372–373.]

*See also* India.

## SUDAN

Previous *Annual Report* entries: 2002–2003, 2006–2012.

Seven years after the International Criminal Court (ICC) issued arrest warrants or summons to appear against six individuals, Sudan continued to refuse to cooperate with the ICC or to meaningfully prosecute the crimes in its own courts. In 2005, the United Nations Security Council had referred the situation in Darfur to the ICC, which issued the warrants or summons to appear against President Omar al-Bashir and five others (including Ahmed Haroun, Governor of Southern Kordofan, and Ali Mohammed Ali Abdelrahman, a former Janjaweed militia leader), on charges of war crimes, crimes against humanity, and genocide, although the charges were not confirmed against one of the suspects, Bahar Idriss Abu Garda. On 1 March 2012, the ICC issued a warrant of arrest against Abdel Raheem Muhammad Hussein, current Minister of National Defense, for 41 counts of crimes against humanity and war crimes allegedly committed in the context of the situation in Darfur.

Sudan made none of the justice reforms recommended in the 2009 report from the African Union's High-level Panel on Darfur, headed by former South African President Thabo Mbeki.

[Sources: Amnesty International, *Report 2013* (London 2013), 251; Human Rights Watch, *World Report 2013* (Washington 2013), 174–175.]

*See also* Egypt, South Africa.

## SURINAME

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

In April 2012, the National Assembly approved an amendment to the 1992 amnesty law, extending the period covered by the law from April 1980 to August 1992, thereby covering the torture and extrajudicial execution of 15 opponents of the then military government in December 1982 (the so-called December Murders). Twenty-five people, including President Dési Bouterse, the country's military leader at the time, had been put on trial before a military court in November 2007 for the killings. The amended law granted an amnesty to those who “have committed criminal offenses and/or are suspected of having done so within the framework of the defense of the State and/or overthrow of the lawful authorities such as the events occurring during December 1982 and the Guerrilla War” in order to “promote national unity and the further uninterrupted development of the Republic of Suriname.” Bouterse argued that the new amnesty law would help to reconcile the

country. However, there were demonstrations in Paramaribo, the capital, in April and May against this initiative to grant immunity to Bouterse and the other co-accused. International criticism of the law included statements by the Inter-American Commission on Human Rights that “laws that seek to leave serious human rights violations in impunity are incompatible with Inter-American human rights obligations.” In April 2012, following the approval of the law, the Netherlands withdrew their ambassador. On 11 May 2012, the military court adjourned the trial until the Constitutional Court could review the new amnesty law. This decision was confirmed by the Office of the Public Prosecutor on 12 December 2012. However, this could result in a lengthy delay as, although the 1987 Constitution provides for the creation of a constitutional court, no such court had been established by the end of 2012. In November 2012, youth activist Sharona Lieuw On, chair of Youth against Amnesty, filed a complaint after receiving a bullet through the post along with a letter warning her not to continue her protests against the amnesty law. She later withdrew her complaint as she feared for her safety.

[Source: Amnesty International, *Report 2013* (London 2013), 253–254.]

## **SWAZILAND**

Previous *Annual Report* entry: 2011.

In April 2012, police disrupted events organized by the Trade Union Congress of Swaziland (TUCOSWA) and other groups to commemorate the 1973 ban on political parties and to call for democratic reforms. Fifteen trade union members were arrested. Ahead of the protests, the government had issued a notice of de-registration of TUCOSWA.

[Source: Front Line Defenders, *2013 Annual Report: Global Trends in 2012 for Human Rights Defenders* (Blackrock 2013), 6.]

## **SWEDEN**

Previous *Annual Report* entry: 1998.

## **SWITZERLAND**

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

See Algeria.

## SYRIA

Previous *Annual Report* entries: 2001–2002, 2004–2012.

During the armed conflict, which began in March 2011 and which later turned into a civil war, many monuments were either damaged and looted or destroyed, including the Crac des Chevaliers (one of the world's best-preserved Crusader castles); ruins in the ancient city of Palmyra; and the souk (the medieval covered market) and Umayyad mosque in Aleppo's walled Old City (the latter two in October 2012). Both rebels and regime forces had turned some of the historic sites into bases, including citadels, Turkish bath houses and the Umayyad mosque.

[Source: "Aleppo Mosque is Latest Casualty of Syria's Civil War," *Telegraph* (16 October 2012).]

In February 2012, scenarist and writer Khaled Khalifa (1964–) published an open letter accusing the Syrian regime of committing genocide against its own population; he was attacked by the secret police. In 2006, his novel *In Praise of Hatred*, centering on a family in Aleppo and mainly about "the Events" (the armed conflict in 1976–1982 between the Muslim Brotherhood and the security forces of the secular Baath Party, which left at least 10,000 dead in the city of Hama in 1982), a taboo topic, had been banned upon publication. In 2007, it was republished in Beirut.

[Sources: *NRC Handelsblad* (1 June 2011, 4–5 April 2013); Robert Worth, "A Bloody Era of Syria's History Informs a Writer's Banned Novel," *New York Times* (12 April 2008).]

On 17 July 2012, citizen journalist Fatima Khaled Saad was reportedly transferred to the headquarters of the general intelligence department in Damascus. In late June, Saad was detained for possession of recordings about the country's revolution (which began in March 2011). She was reportedly a victim of violence and ill-treatment while in custody.

[Source: *Index on Censorship* (2012 no. 4), 136.]

In 2012, government forces and their associated militias committed war crimes while rampaging through cities, towns and villages perceived to be opposition strongholds in areas including Homs, Idlib, Hama, Damascus and Aleppo governorates. They carried out indiscriminate attacks that killed or injured thousands of civilians. Many of the deaths resulted from the government's improper use of imprecise battlefield weapons in densely populated civilian areas. In addition to dropping free-fall, unguided bombs from aircraft, security forces fired mortars, artillery, incendiary weapons and rockets in residential areas. They also used internationally banned weapons, including anti-personnel mines and cluster munitions, and systematically looted, destroyed and burned property and sometimes the bodies of those they killed.

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[Source: Amnesty International, *Report 2013* (London 2013), 259.]

Government forces withheld information on the fate of hundreds, possibly thousands, of detainees held in connection with the conflict in conditions that amounted to enforced disappearance. The authorities also continued their failure to account for some 17,000 people who disappeared in Syrian custody since the late 1970s. They included hundreds of Palestinians and Lebanese nationals who were arrested in Syria or abducted from Lebanon by Syrian forces or by Lebanese and Palestinian militias.

[Source: Amnesty International, *Report 2013* (London 2013), 261.]

The government took no steps to investigate the numerous allegations against their forces or to bring anyone to justice for alleged gross human rights violations, crimes against humanity or war crimes. The government maintained a regime of impunity, including legislation giving members of the security forces effective immunity for unlawful killings, torture, enforced disappearances and other human rights violations. Nor did the authorities take any steps to investigate and hold to account those responsible for gross violations committed in the past, including thousands of enforced disappearances and the killing of prisoners at Saydnaya prison in 2008 and Tadmur prison in June 1980. In February 2012, the Independent International Commission of Inquiry (established in 2011) gave the United Nations High Commissioner for Human Rights a sealed list of senior officials whom it said should be investigated for crimes against humanity. Armed opposition groups also failed to respect international humanitarian law, including by failing to prevent war crimes such as torture and the summary killings of captives.

[Source: Amnesty International, *Report 2013* (London 2013), 261–262.]

On 11 February 2013, the Islamist opposition movement al-Nusra decapitated the head of a statue of Abul Ala al-Maarri (973–1058) in Aleppo. An Arab philosopher, al-Maarri had condemned religious dogmas, which was the reason for the attack. On 4 March 2013, rebels tore down a statue of former President Hafez al-Assad (1971–2000) while conquering the town of Raqqa.

[Sources: “Beeld oude Assad omvergetrokken” (<http://nos.nl/artikel/480864-beeld-oude-assad-omvergetrokken.html>); 4 March 2013); *Trouw* (2 February 2013).]

*See also* Lebanon.

**TAIWAN**

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

**TANZANIA**

Previous *Annual Report* entry: 2010.

**THAILAND**

Previous *Annual Report* entries: 1995, 1999, 2001–2002, 2005, 2007–2012.

At least 90 people died and more than 2,000 were injured during violent political confrontations from March to May 2010 as a result of unnecessary or excessive use of lethal force by Thai security forces, as well as attacks by “Black Shirts,” a militant armed group operating in tandem with the anti-government United Front for Democracy against Dictatorship (UDD), known as the “Red Shirts.”

In January 2012, the government of Prime Minister Yingluck Shinawatra agreed to provide financial compensation to victims of the 2010 violence. However, many victims and their families said they feared that financial compensation had been offered as a substitute to full investigations and commitment to bring perpetrators of violence to justice. In May 2012, a National Reconciliation Bill that included an amnesty provision for those involved in the 2010 violence led to more protests. The Bill was put on hold in July 2012. After a court found security forces responsible for the May 2010 killing of an anti-government protester, murder charges were lodged against former Prime Minister Abhisit Vejjajiva and his former deputy Suthep Thaugsuban in December 2012. They were the first officials to be charged in connection with the 2010 violence. The trials of 24 UDD protest leaders charged with terrorism also started in December 2012.

On 17 September 2012, the independent Truth for Reconciliation Commission of Thailand (TRCT) presented its final report, which blamed both sides for the 2010 violence but indicated that the security forces were responsible for the majority of deaths and injuries. The commission urged the Yingluck government to “address legal violations by all parties through the justice system, which must be fair and impartial.” At the same time, the status of investigations into alleged crimes by “Black Shirt” militants remained unclear. A number of those accused of violence against soldiers, police officers, and anti-UDD groups were released on bail with the expectation they would not be prosecuted. The UDD leadership and their supporters, including those holding positions in the

government and the parliament, dismissed the TRCT findings and asserted that there were no armed elements within the UDD during the events of 2010. [Sources: Amnesty International, *Report 2013* (London 2013), 267; Human Rights Watch, *World Report 2013* (Washington 2013), 374–375.]

On 23 April 2013, the Ministry of Culture banned *Boundary*, a Thai-made documentary, about the 1000-year-old dispute over the Cambodian-Thai border, and made by filmmaker Nontawat Numbenchapol, because it included “information on incidents that were still being deliberated by the Thai court and that had not yet been officially concluded. The documentary highlighted stories about the thousands of people that were killed and displaced during a series of clashes in April 2011 around the Preah Vihear temple in the Dângrêk mountains. [For background, see *NCH Annual Reports 2009, 2011, 2012*] [Source: Article 19, *Artistic Censorship Report: Filmmaker Abducted, Street Artists Fined* ([http://www.ifex.org/international/2013/05/14/artistic\\_censorship](http://www.ifex.org/international/2013/05/14/artistic_censorship); 14 May 2013).]

## **TIMOR-LESTE**

Previous *Annual Report* entries: 2003–2012.

Little progress was made in addressing crimes against humanity and other human rights violations committed by Indonesian security forces and their auxiliaries from 1975 to 1999. The mandate of the Serious Crimes Investigation Team ended in December 2012, having failed to complete around 60 investigations into outstanding cases of serious human rights violations committed in 1999.

[Source: Amnesty International, *Report 2013* (London 2013), 268.]

The Timorese authorities failed to implement recommendations of the Commission for Reception, Truth and Reconciliation and of the bilateral Indonesia-Timor-Leste Commission of Truth and Friendship. The recommendations included providing reparation to victims and their families, and taking effective measures to identify victims of enforced disappearance and children separated from their families. [Source: Amnesty International, *Report 2013* (London 2013), 268.]

In February 2012, Parliament began debating two draft laws establishing a national reparations program and a “Public Memory Institute.” However, the debate was postponed for the third time since June 2010, and no date was set for its resumption.

[Source: Amnesty International, *Report 2013* (London 2013), 268.]

*See also* Indonesia.

## TOGO

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

In April 2012, the Truth, Justice and Reconciliation Commission (TJRC) issued its first report after conducting interviews with victims and alleged perpetrators of political violence between 1958 and 2005. President Faure Gnassingbé asked for forgiveness on behalf of the nation and the authorities committed to take appeasement actions and award compensation to victims. However, at the end of 2012, no concrete action had been taken.

[Source: Amnesty International, *Report 2013* (London 2013), 270.]

## TUNISIA

Previous *Annual Report* entries: 2001, 2011–2012.

The uprising of December 2010–January 2011 was accompanied by the destruction or theft of administrative documents thought to contain evidence of the corruption of the formerly presidential families Ben Ali and Trabelsi. According to Hedi Jallab, the General Director of the National Archives, much of the archives of the Agence tunisienne de communication extérieure (ACTE, the agency distributing information to foreign media) were largely destroyed shortly after the revolution. The files of certain municipalities and local police bureaus, as well as most regional branches of the Rassemblement Constitutionnel Démocratique (RCD; Constitutional Democratic Rally), Ben Ali's ruling party, also disappeared.

[Sources: Mischa Benoit-Lavelle, "Director of Tunisia's National Archives: 'We Need Action' on Transitional Justice," *Tunesialive* (9 June 2012); "Tunisie: Vol et destruction des documents administratifs" (24 January 2011; <http://www.webmanagercenter.com/management/imprim.php?id=100948&pg=1>).]

On 2 November 2011, the board of the Faculty of Letters, Arts and Humanities at the Manouba campus of the University of Tunis, voted to ban the niqab (the full-face veil) on campus. On 28 November 2011, this provoked violent protest from Salafist groups. On 29 November, faculty dean and historian Habib Kazdaghli decided to deny outsiders access to the campus. However, a group that included non-students forced their way in the next day and confronted Kazdaghli, shoving him. In protest, the faculty halted classes for three days. On 6 December 2011, protesters prevented Kazdaghli from entering his office. After another incident, the dean closed the faculty. The ruling party

Ennahdha apparently did little to prevent the disruptions or prosecute Salafist excesses, which continued for at least six months. On 6 March 2012, two female students wearing niqabs forced their way into Kazdaghli's office and disrupted his papers. He removed them from the office and brought charges against them which were never processed by the police. Two weeks later, the two students themselves pressed charges against Kazdaghli. Originally accused of assault and facing fifteen days of imprisonment, the charge was changed in October 2012 to "violence committed by a civil servant while carrying out his duties," which could result in a five-year prison sentence. When Kazdaghli appeared in court on 2 January 2013, academics and trade unions demonstrated in his support. On 2 May 2013, the court acquitted Kazdaghli of all charges, ruling that there was no proof of an assault; the students were convicted of damaging property and interfering with a public servant carrying out his duties, and given a suspended sentence.

Kazdaghli wrote a PhD thesis about the history of the Tunisian Communist Party in 1982. A professor of contemporary history and member of the Société d'histoire des juifs de Tunisie, he is one of the few Tunisian non-Jews studying the history of Tunisian Jewry. This could have been an additional reason for the Salafist campaign against him.

[Sources: Associated Press (2 May 2013); Human Rights Watch, "Tunisia: Fundamentalists Disrupting College Campuses—Protect Universities from Threats of Violence" (9 December 2011); *L'Humanité* (19 April 2013); *NRC Handelsblad* (3 May 2013); Rob Prince, "Tunisia Culture Wars: the Case of Habib Kazdaghli, Dean of the University of Tunis-Manouba" (<http://www.opendemocracy.net>; 26 July 2012); Noah Rayman, "Trial Continues for University Dean Accused of Assaulting Veiled Student" (<http://www.tunisia-live.net/2012/11/21/trial-continues-for-univ-dean-accused-of-assaulting-veiled-student>; 21 November 2012); Martina Sabra, "Islamists Target Tunisia's Universities Freedom under Threat" (<http://en.qantara.de/Freedom-under-Threat/20958c23251i1p524>; 18 April 2013); *University World News* (24 October 2012; 13 January 2013); "Verdict in Tunisia Veil Trial Postponed," *France 24* (28 March 2013).]

In the autumn of 2011, Salafists condemned Amel Grami, a professor of Arab language and intellectual history at the La Manouba campus of the University of Tunis, as a "kaafira" (infidel) for not wearing a veil when teaching and for not allowing any fully-veiled students to attend her courses. They accused her of carrying out missionary work and claimed that she was trying to convert students to Christianity or Judaism in her seminar on comparative religious studies. They also asked her students what had been discussed during the seminar.

[Source: Martina Sabra, "Islamists Target Tunisia's Universities Freedom under Threat" (<http://en.qantara.de/Freedom-under-Threat/20958c23251i1p524>; 18 April 2013).]

The Fact-Finding Commission on Abuses Committed from 17 December 2010 until the End of its

Mandate (known as the Bouderbala Commission) issued its report in May 2012. The report described the events during the uprisings which overthrew former President Zine el-Abidine Ben Ali's government in December 2010–January 2011, and listed the names of those killed and injured. It identified 132 people killed and 1,452 injured up to 14 January 2011, the day Ben Ali fled. However, it failed to identify the individuals responsible for the use of lethal force and human rights violations. Some families of people killed refused to accept compensation as they felt justice had not been done.

In July 2012, Ben Ali received a sentence of life imprisonment after the Tunis Military Tribunal convicted him in his absence over the killing and injuring of protesters in Greater Tunis. Thirty-nine former members of his security forces who were present in court were convicted and sentenced to prison terms of up to 20 years. Both cases were referred to a military appeal tribunal and had not been resolved by the end of 2012. The process of bringing former officials to justice for crimes committed during the uprisings was questionable on several grounds, notably because trials were held before military tribunals rather than the civil courts. Also, victims, their families and lawyers criticized what they saw as a failure by the prosecuting authorities to conduct thorough investigations, and complained that they were subject to intimidation by those under investigation or accused, some of whom remained in positions of authority. The lack of political will from the government to press for Ben Ali's extradition from Saudi Arabia was criticized.

[Sources: Amnesty International, *Report 2013* (London 2013), 272–273; Human Rights Watch, *World Report 2013* (Washington 2013), 618–619.]

In January 2012, the government created a Ministry for Human Rights and Transitional Justice to develop strategies for addressing past human rights violations and to guarantee the future protection of human rights. In April 2012, the Ministry of Justice established a Technical Committee composed of officials and civil society representatives to consult people throughout Tunisia on issues of truth, justice, reparation and reform. The committee prepared a draft law proposing the creation of an independent Council of Truth and Dignity to oversee the process of transitional justice, which it submitted to President Moncef Marzouki and the National Constituent Assembly (NCA) in October 2012. Following his November visit, the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence expressed concern that Tunisia's transitional justice process was not comprehensive and was failing to give equal importance to each of the four elements of transitional justice.

[Source: Amnesty International, *Report 2013* (London 2013), 272.]

## TURKEY

Previous *Annual Report* entries: 1995–1998, 2000–2012.

There was no progress in uncovering the full plot behind the January 2007 murder of journalist Hrant Dink or probing state collusion, though in January 2012 an Istanbul court convicted Yasin Hayal of “directing” Ogun Samast (already convicted of the murder in a juvenile court) and others as accessories to murder. The Dink family immediately appealed these findings and called for a new investigation.

[Sources: Amnesty International, *Report 2013* (London 2013), 275–276; Human Rights Watch, *World Report 2013* (Washington 2013), 490.]

Increasing public discussion of the past, and emerging new information on past crimes, provided new momentum for criminal investigations into human rights abuses by state actors in the 1980s and 1990s. The trial of the two surviving leaders of the 12 September 1980 military coup began in April 2012, an important opportunity to secure justice for the gross human rights violations committed after the coup.

The trial of the alleged anti-AKP (the ruling Justice and Development Party) coup plotters (known as the Ergenekon gang) whose defendants includes senior retired military, police, mafia, journalists, and academics, continued after separate proceedings were combined in April 2012 into one trial. In a related coup plot trial of serving military personnel (known as the Sledgehammer case), 324 out of 365 defendants received sentences of 13 to 20 years. All defendants were appealing their sentences as of late 2012. The serious fair trial concerns in these cases and the prolonged pre-trial detention of some defendants overshadowed the important contribution of these efforts to combat impunity of the military.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 492.]

Thousands charged with alleged terrorism offenses remained in prison throughout their trials, although some well-known figures like political scientist and historian Büşra Ersanlı, publisher Ragıp Zarakolu and journalists Ahmet Şık and Nedim Şener were released, though still face terrorism charges for activities amounting to exercising their rights to non-violent expression and association. Most of those in prison were Kurdish activists and officials of the Peace and Democracy Party (BDP) standing trial for alleged links to the Union of Kurdistan Communities (KCK/TM), a body connected with the outlawed Kurdistan Workers’ Party (PKK). [For background, see *NCH Annual Report 2012*.]

[Sources: Network of Concerned Historians (<http://www.concernedhistorians.org/ca/68.pdf>; <http://www.concernedhistorians.org/ca/68f1.pdf>; <http://www.concernedhistorians.org/ca/68f2.pdf>;

<http://www.concernedhistorians.org/ca/68f3.pdf>; <http://www.concernedhistorians.org/ca/68f4.pdf>; <http://www.concernedhistorians.org/ca/68f5.pdf>; Amnesty International, *Report 2013* (London 2013), 275; Human Rights Watch, *World Report 2013* (Washington 2013), 488; International PEN, *Rapid Action Network 56/11* (23 March & 16 July 2012); International PEN Rapid Action Network, RAN 23/13 [Update 1] (12 June 2013); *Index on Censorship* (2012 no. 3), 61–62, 113; International PEN, “Turkey: PEN International To Observe KCK Trial” (2 July 2012); “Urgent Appeal: Stop Arbitrary Detentions in Turkey!” (<http://www.ipetitions.com/petition/detentionsinturkey>).]

On 3 October 2011, Ayşe Berktaş was arrested as part of a crackdown related to the Party for Peace and Democracy (BDP). Berktaş was an author and translator of historical works, a women’s rights activist and a founding member of the World Tribunal on Iraq. Police arrested her and raided her home, seizing personal papers and materials, although no arrest or search warrant had been issued. Among her works were *History and Society: New Perspectives* (2008), *The Ottoman Empire and the World Around* (with Suraiya Faroqhi; 2007); among her translations were *The Imperial Harem: Gender and Power in the Ottoman Empire, 1520–1656*, by Leslie Penn Pierce, and *The Ottoman Empire, 1700–1922*, by Donald Quataert. Over the past decade, Berktaş conducted work at the History Trust, where she was part of the Prime Minister’s Advisory Board on Human Rights; the Women’s Human Rights Trust; the Compatriots for Peace Initiative; the Truth Behind Diyarbakir Prison Research and Justice Commission, where, in 2008, she met with individual prisoners that had been detained from 1980 to 1984; and the Women for Peace Initiative. She was charged under the Anti-Terror Law with “membership of an illegal organization” for allegedly “planning to stage demonstrations aimed at destabilizing the state, plotting to encourage women to throw themselves under police vehicles so as to create a furor, and attending meetings outside Turkey on behalf of the Kurdistan Communities Union (KCK).”

[Sources: Network of Concerned Historians (<http://www.concernedhistorians.org/ca/71.pdf>); International PEN, *Caselist—January to June 2012* (London 2012), 59, 62; International PEN Writers in Prison Committee, *Half-Yearly Caselist to December 2012* (London 2013), 59; International PEN Rapid Action Network, RAN 22/13 (7 May 2013); International PEN Rapid Action Network, RAN 23/13 [Update 1] (12 June 2013); Petition ([http://ifex.org/turkey/2013/05/06/free\\_ayse\\_petition/](http://ifex.org/turkey/2013/05/06/free_ayse_petition/)); Profile (<http://www.pen.org/defending-writers/ay%C5%9Fe-berktay>). ]

Zeynep Kuray (female), a columnist for the newspaper *BirGün*, was arrested in the December 2011 round of KCK (Kurdistan Communities Union) arrests. Among the evidence delivered in her May 2012 indictment was a draft translation of a passage of French historian Jean-François Solnon’s book, *Le Turban et la Stambouline: L’Empire ottoman et l’Europe, XVI–XXe siècles, affrontement et fascination réciproques* (2009), by her stepfather Ali Berktaş, which documents the anti-

Turkish/Ottoman sentiment in Europe between the 16th and 20th centuries. The passage of 11 pages came from a chapter titled, “Are they any better than dogs or are they good people?” and included disparaging quotations about Turks from Erasmus and Martin Luther.

[Source: International PEN Writers in Prison Committee, *Half-Yearly Caselist to December 2012* (London 2013), 58–59.]

On 8 March 2012, anthropologist and writer Muge Tuzcuoglu (female), was arrested as part of the KCK (Kurdistan Communities Union) investigation in Diyarbakır but released pending trial in September 2012. The next hearing of her trial was set for 24 December 2012. Tuzcuoglu claimed that the charges related to a seminar on the history of civilization that she gave at a BDP (Party for Peace and Democracy) Politics Academy conference.

[Source: International PEN Writers in Prison Committee, *Half-Yearly Caselist to December 2012* (London 2013), 61.]

## **TURKMENISTAN**

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

## UGANDA

Previous *Annual Report* entries: 2005–2009, 2011–2012.

The Ugandan armed rebel group, the Lord's Resistance Army (LRA), continued to kill and abduct people across Central African Republic, southern Sudan, and northern Democratic Republic of Congo though at a reduced scale from previous years. In May 2012, Caesar Acellam Otto, a senior LRA commander, was captured by government forces. The same month, the Minister of Internal Affairs removed a provision in the Amnesty Act 2010 which had granted amnesty to LRA fighters. The law had previously shielded perpetrators of international crimes from prosecution and denied justice to victims. It was unclear whether Otto and others subsequently captured would be effectively prosecuted by the International Crimes Division of the High Court. The International Criminal Court's arrest warrants issued in 2005 remained in force for LRA leader Joseph Kony and three LRA commanders. The men were still at large at the end of 2012.

The War Crimes Division of the High Court did not begin its first trial of the only defendant in custody, former LRA fighter Thomas Kwoyelo, who was charged with willful killing, taking hostages, and extensive destruction of property. Kwoyelo had previously applied for amnesty. In January 2012, the High Court ordered the prosecutors to grant amnesty and release him, but the state appealed and the case was, as of late 2012, pending before the Supreme Court. The parliament permitted key provisions of the amnesty law to lapse (see above), meaning that for the first time since 2000, LRA fighters who ended up in custody could face criminal trial.

[Sources Amnesty International, *Report 2013* (London 2013), 279–280; Human Rights Watch, *World Report 2013* (Washington 2013), 183.]

## UKRAINE

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

In July 2010, the Cabinet of Ministers appointed Valeriy Soldatenko, an ideologue of the Communist Party of Ukraine, as the new director of the Ukrainian Institute of National Memory. In December 2010 a presidential decree reorganized the institute, significantly reducing its capacity and power. In February 2011, Soldatenko and his two deputy heads were dismissed. The State Archive Service was headed by another communist, Olha Hinzburh, who had declared that restoring historical memory “may harm descendants.” The State Archive of the Security Service of Ukraine (SBU) remained under control of the Security Service and its former policy of openness and declassification of

documents of Soviet security bodies about the *Holodomor*, the Stalinist repressions, the mid-twentieth century Organization of Ukrainian Nationalists and the nationalist Ukrainian Insurgent Army (UPA) was reversed. In 2012, the Verkhovna Rada (parliament) passed amendments to the law on the national archives that opened the possibility of destroying archival documents that had lost their cultural value, that had duplicate copies or that were irreparably damaged. It also permitted limiting access to documents containing “confidential information” for 75 years after the time of their creation. [Sources: *Kyiv Post* (24 February 2011); Inna Zavhorodnya & Vladyslav Hrynevych, “Erasing Ukraine’s Memories,” *Transitions Online* (17 July 2012).]

## UNITED ARAB EMIRATES

Previous *Annual Report* entries: —.

In February 2013, Khaled Fahmy, professor and chair of the history department at the American University in Cairo, was scheduled to speak in Dubai at the inaugural launch event for *Al Fanar*, an editorially independent publication covering higher education in the Arab region. Although Fahmy was a member of the advisory board of *Al Fanar*, he refused to attend the launch after Kristian Coates Ulrichsen, a research fellow at the London School of Economics, was barred from entering the United Arab Emirates and sent back to London. Ulrichsen had planned to give a critical presentation at the American University in Sharjah about human rights violations in Bahrain. When, however, the government warned that no such discussion on the situation in Bahrain would be allowed from within another Gulf Cooperation Council state, the co-organizing London School of Economics canceled the event, entitled “The New Middle East: Transition in the Arab World.” Fahmy himself had planned to speak about the absence of the concept of liberal education and the lack of academic freedom at Arab universities. He also refused to attend a conference later at the New York University Abu Dhabi campus.

[Sources: Khaled Fahmy, “Why I Didn’t Go to Dubai,” *Al Fanar* (<http://www.al-fanar.org/2013/02/why-i-didnt-go-to-dubai>; 25 February 2013); Sarah Lynch, “Dwindling Academic Freedom in the Emirates,” *Al Fanar* (<http://www.al-fanar.org/2013/03/dwindling-academic-freedom-in-the-emirates>; 3 March 2013).

*See also* Egypt.

## UNITED KINGDOM

Previous *Annual Report* entries: 1996, 1998–2001, 2003–2004, 2006–2012.

In [June] 2009, four veterans of the Kenyan Mau Mau movement wanted to sue the British government in High Court (London) for compensation for torture, murder, sexual assault and other alleged abuses inflicted upon them by the British colonial administration while they were detained in special camps during the “Emergency” of 1952–1960. The government initially argued that according to the laws of state succession, the post-independence Kenyan state inherited the liabilities of the British colonial state and that, therefore, Kenya not, not the United Kingdom, was responsible for the atrocities committed against the Mau Mau. Allegations that the British abused suspected Mau Mau fighters had been uttered since the Kenyan Mwai Kibaki government lifted a 30-year ban on Mau Mau membership in 2003. On 21 July 2011, the High Court decided to allow the three plaintiffs (the fourth died in the meantime) to sue the Foreign Office. The case opened the way for other Kenyans to seek redress.

During the proceedings, on 17 July 2012, the British government officially acknowledged that colonial forces in Kenya tortured and abused detainees during the Mau Mau rebellion but it also argued that the actions occurred too long ago and that the availability of witnesses and documents was problematic. On 5 October 2012, the High Court decided that the complainants could proceed with their legal claims. They wanted an official apology and damages to set up a Mau Mau welfare fund. The government appealed against the decision but in April 2013 it adjourned the appeal. In May 2013 it negotiated payments to thousands of Kenyans in what would be the first compensation settlement resulting from official crimes committed under imperial rule. On 6 June 2013, Foreign Secretary William Hague said in the House of Commons that Britain was to pay out £19.9 million in costs and compensation to more than 5,000 elderly Kenyans who suffered torture and abuse during the uprising. Britain would also support the construction of a memorial in Nairobi to the victims of torture and abuse during the colonial era.

[Sources: Amnesty International, *Report 2013* (London 2013), 285; *BBC News* (21 July 2011; 18 April & 17 July & 5 October 2012); Huw Bennet, “Kenyan Mau Mau: Official Policy Was To Cover Up Brutal Mistreatment,” *Guardian* (5 May 2013); Ian Cobain & Jessica Hatcher, “Kenyan Mau Mau Victims in Talks with UK Government over Legal Settlement,” *Guardian* (5 May 2013); Afua Hirsch, “UK ‘Using Obscure Legal Principle’ to Dismiss Torture Claims in Colonial Kenya,” *Guardian* (25 January 2010); *Keesings Historisch Archief* (2012), 574; Ben McIntyre, “50 Years Later: Britain’s Kenya Cover-Up Revealed,” *Times* (5 April 2011); Peter Mwaura, “Kenya: If Mau Mau Veterans Lose Compensation Case in London Court, Let the People Pay,” *The Nation* (<http://allafrica.com/stories/201106060803.htm>; 3 June 2011); *NRC Handelsblad* (7 June 2013), 14;

“UK To Compensate Kenya's Mau Mau Torture Victims, *Guardian* (6 June 2013).]

In January 2011, during the above High Court case, the government was forced to admit that thousands of files (covering the period 1930s–1970s) had been massively and systematically selected and destroyed or secretly sent to the United Kingdom from many of its colonies (Aden, Anguilla, Bahamas, Basutoland [Lesotho], Bechuanaland [Botswana], British Indian Ocean Territories, Brunei, Cyprus, Kenya, Malaya, Sarawak and the Seychelles), prior to their independence [See also *NCH Annual Report 2012*]. British colonial officials selected the “migrated files” (files for secret “migration” back to the United Kingdom), eventually using criteria set out in a 1961 memo by Secretary of State for the Colonies Iain Macleod (containing instructions to classify papers embarrassing for the British authorities according to unofficial classification categories, including removal, destruction and transfer to the United Kingdom). The aim was to deliberately remove incriminating evidence.

In April 2011, a vast cache of documents was discovered (200 boxes of some 18,000 files containing official records from 37 former colonies and protectorates. The cache was discovered by a number of historians, including David Anderson, professor of African politics at Oxford University, and Huw Bennet, a lecturer at Aberystwyth University, who were involved as experts in the court case of the Mau Mau veterans. Many of the boxes (containing more than 1500 files and filling 110 feet of shelving) of the cache were related to Kenya—30 of which were reportedly relevant to the above High Court case. Former Mau Mau detainees and their families had been told that the official and legal records had been lost or destroyed; historians had never been granted access to them.

On 18 April 2012, the Foreign and Commonwealth Office (FCO) began releasing the first (1,200 records) of six tranches of the “migrated” files, coming from 12 former colonial territories; they covered such controversial episodes as the Mau Mau uprising in Kenya (1952–1956), the evacuation of the Chagos Islands, and the Malayan Emergency (the 1948–1960 conflict with communist insurgents). However, many important files (particularly related to periods of emergency) were still missing. The migrated files contained nothing from some colonies, like British Guiana (although in the latter there had been intense British and American military and security intervention from 1953 to 1964).

In April 2013, it emerged that the Foreign Office held back significant numbers of documents (including files containing minutes of cabinet meetings in colonial Kenya in 1963; files about the 1946 bombing of the British military headquarters in Jerusalem; and files containing telegrams sent by British diplomats from Mauritius in 1968, which could include information on the British decision to expel about 1,500 Chagos islanders a few years later, having agreed to lease Diego Garcia to the United States for use as a military base). Section 3.4 of the 1958 Public Records Act permitted government departments to withhold from public view any historic document “required for

administrative purposes” or that “ought to be retained for any other special reason.”

[Sources: *BBC News* (21 July 2011; 18 April 2012); Ian Cobain & Jessica Hatcher, “Kenyan Mau Mau Victims in Talks with UK Government over Legal Settlement,” *Guardian* (5 May 2013); Caroline Elkins, “The Colonial Papers: FCO Transparency Is a Carefully Cultivated Myth,” *Guardian* (18 April 2012); *Guardian* (30 November 2012; 26 April 2013); Ben McIntyre, “50 Years Later: Britain’s Kenya Cover-Up Revealed,” *Times* (5 April 2011); Peter Mwaura, “Kenya: If Mau Mau Veterans Lose Compensation Case in London Court, Let the People Pay,” *The Nation* (<http://allafrica.com/stories/201106060803.htm>; 3 June 2011); *Times* (5 April 2011).]

In 2011, Benny Morris (1948–), history professor at Ben-Gurion University of the Negev, was assaulted on a street by a group of Muslims before a conference at the London School of Economics. When Morris finished his lecture on Israel’s war of 1948, he was escorted through the back exit for safety reasons. At Cambridge University, his class was canceled after intimidation by Islamist groups. [Source: Giulio Meotti, “Western Universities Becoming Frightening Bastions of Anti-Israel, Anti-Jewish Hostility” (Ynetnews; 5 June 2012).]

In November 2011, Niall Ferguson, historian at Harvard University, threatened to sue Indian writer Pankaj Mishra for defamation because in a review of his book *Civilization: The West and the Rest* for the *London Review of Books*, the latter reportedly called Ferguson a racist. Mishra had criticized Ferguson for his views on imperial history and associated him to American racial theorist Theodore Lothrop Stoddard (author of *The Rising Tide of Color against White World-Supremacy*).

[Sources: “British Historian Threatens Defamation Suit,” *Chronicle of Higher Education* (<http://chronicle.com/blogs/pageview/british-historian-threatens-defamation-suit/29793>; 30 November 2011); *Guardian* (26 November & 4 December 2011).]

In late August 2012, after Channel 4 screened *Islam: The Untold Story*, presented by writer and historian Tim Holland, 550 complaints were received of viewers who claimed that the program distorted the history of Islam. Holland had said that there was little written contemporary evidence about the life of the Prophet Muhammad and claimed that the Quran made little or no reference to the holy city of Mecca.

[Source: *Daily Mail* (2 September 2012).]

### *Northern Ireland*

In October 2012, an inquiry (established by the Northern Ireland Executive) into institutional child abuse during the period 1922–1995, commenced its work. In November 2012, Her Majesty’s Inspectorate of Constabulary began a review of the work of the Historical Enquiries Team (HET),

which was established to re-examine all deaths attributed to the conflict in Northern Ireland. The review would focus on whether HET investigations into cases involving the army were compliant with human rights and policing standards.

In December 2012, the Police Service of Northern Ireland confirmed that a criminal investigation into the killing of 13 civil rights marchers by British soldiers on Sunday 30 January 1972 (“Bloody Sunday”), would begin in 2013.

[Source: Amnesty International, *Report 2013* (London 2013), 286.]

On 6 July 2012, a United States appeals court ruled that Ed Moloney and Anthony McIntyre had no standing to prevent the interviews stored at Boston College to be disclosed and that the tapes with Dolours Price’s secret testimony could be handed over to the Police Service of Northern Ireland (PSNI) as part of its investigations into the 1972 Jean McConville murder [For background, see *NCH Annual Report 2012*]. The ruling led to the issue being discussed in the Dáil Éireann (the lower house, but principal chamber, of the Oireachtas [Irish parliament]). Irish Minister of State for Foreign Affairs Joe Costello said the affair could damage the peace process. As a result of the United States justice department’s pursuit of the Price interviews, police officers, soldiers and spies who fought the Irish Revolutionary Army (IRA) withdrew from a proposed parallel project. In October 2012, the court temporarily blocked the interviews from being turned over. On 13 April 2013, the American Supreme Court confirmed the ruling of the court of appeals to turn over the records to the American government.

[Sources: American Sociological Association, “Subjects from the Subpoena of Confidential Belfast Project Research Data” (21 February 2012); Fin Dwyer, “Who Owns History? The Boston College Subpoenas” (<http://bostoncollegesubpoena.wordpress.com>; 27 July 2012); *The Epoch Times* (15 April 2013); *Index on Censorship* (2012 no. 2), 144; (2012 no. 3), 83–88; 113; *Irishcentral.com* (16 April 2013); Henry McDonald, “US Court Says IRA Member’s Secret Testimony Can Be Handed Over to Police,” *Guardian* (8 July 2012); PA, “Old Bailey Bomber Price Found Dead,” *Irish Times* (24 January 2013); “Updates on the Threat to Oral History Archives” (<http://bostoncollegesubpoena.wordpress.com>; 2012).

*See also* India, Iraq, Ireland, United Arab Emirates.

**UNITED STATES**

Previous *Annual Report* entries: 1995–2012.

The absence of accountability for crimes under international law committed under the administration of President George W. Bush (2001–2009) in relation to the Central Intelligence Agency’s program of secret detention was further entrenched.

[Source: Amnesty International, *Report 2013* (London 2013), 288.]

In May 2012, Tennessee enacted legislation “to protect the academic freedom of teachers in public schools,” meaning that individual teachers had to be able to discuss creationism as against evolutionism. Analyst Heather Weaver called the law a “cover to teachers who want to undercut scientifically accurate lessons about evolution by injecting veiled creationist doctrine into science classes.”

[Source: *Index on Censorship* (2012 no. 3), 98–102, 113.]

On 10 May 2012, a District Court judge accepted that volume 5 of the five-volume Top Secret *Official History of the Bay of Pigs Invasion*, a Central Intelligence Agency (CIA) work, was a “draft” that never was officially approved for inclusion in the official history, and therefore that it was exempt from declassification under the “deliberative process privilege” (FOIA exemption 5). In August 2012, the National Coalition for History and twelve other history and archival organizations requested a Federal appeals court to revise the ruling. They noted the precedential impact of the case and the chilling effect of the court decision on access to historical materials at other federal agencies. In December 2012, the court rejected a CIA motion “for summary affirmance” and affirmed that the case merited its full consideration. [For background, see *NCH Annual Reports 2011, 2012*.]

[Sources: “National Coalition for History Asks Federal Court to Review FOIA Decision” (<http://historycoalition.org/2012/08/30/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).]

In September 2012, it became known that the Roosevelt government covered up testimony by American prisoners of war (held in Nazi camps) supporting the claim of Soviet responsibility for the 1940 Katyń massacre; successive American governments remained silent about the massacre in order not to add to the tensions with the Soviets during the Cold War. [For background, see *NCH Annual Reports 2005, 2009–2012*.]

[Source: Vanessa Gera & Randy Herschaft (Associated Press), “Newly Declassified Memos Show US

Hushed up Soviet Massacre” (<http://newsmilitary.com/pages/6721822-newly-declassified-memos-show-us-hushed-up-soviet-massacre>).

In January 2013, Pentagon censors decided that 198 of the 433 passages of Anthony Shaffer’s book *Operation Dark Heart* (an insider’s memoir by a lieutenant colonel about his life as an intelligence officer in Afghanistan) could be printed without damaging national security. [For background, see *NCH Annual Report 2011*.]

[Source: *New York Times* (25 January 2013).]

*See also* Afghanistan, Bangladesh, Bolivia, India, Indonesia, Iran, Iraq, Japan, Kenya, Korea (North), Marshall Islands, United Arab Emirates, United Kingdom, Yemen.

## URUGUAY

Previous *Annual Report* entries: 2001–2012.

Steps were taken to end impunity for crimes committed during military rule (1973–1985), including efforts to establish the identity of victims of enforced disappearance. In March 2012, President José Alberto Mujica Cordano publicly recognized state responsibility for the enforced disappearance of María Claudia García Iruretagoyena de Gelman and the abduction of her baby daughter, María Macarena Gelman García, in 1976. Public recognition was one of the measures called for in a 2011 ruling on the case by the Inter-American Court of Human Rights.

[Source: Amnesty International, *Report 2013* (London 2013), 291.]

## UZBEKISTAN

Previous *Annual Report* entries: 2005–2012.

The government continued to refuse an independent investigation into the 2005 massacre of hundreds of citizens in Andijan, who had gathered to protest socio-economic problems and civil and political grievances in the country in connection with the government’s prosecution of local business leaders on charges of terrorism. The Uzbek government’s persistent refusal to allow an independent international investigation denied justice to victims and failed to bring to account those responsible. Authorities continued to persecute anyone suspected of having participated in, or witnessed, the

atrocities and to intimidate family members of Andijan massacre survivors who sought refuge abroad.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 506, 509.]

**VATICAN**

Previous *Annual Report* entries: 1996, 1998, 2000, 2004, 2009, 2011.

**VENEZUELA**

Previous *Annual Report* entries: 2001, 2003–2004, 2006, 2009–2010, 2012.

**VIETNAM**

Previous *Annual Report* entries: 1996–2006, 2009–2012.

Police in An Giang prevented members of the unregistered Pure Hoa Hao Buddhist Association from gathering to commemorate key events, including the anniversary of the disappearance of the group's founder Huynh Phu So.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 386.]

In April 2012, the government revealed a draft Decree on Management, Provision and Use of Internet Services and Information on the Network. As drafted, the decree will outlaw posting internet content that opposes the Vietnam government, national security, public order, customs and traditions, national unity, offends the reputation of an individual or group, or transgresses a number of other ill-defined areas of concern.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 383.]

**WESTERN SAHARA**

*See* Morocco/Western Sahara.

**YEMEN**

Previous *Annual Report* entries: 2001, 2003, 2010.

The fragile transition government that succeeded President Ali Abdullah Saleh in 2012 following mass protests faced multiple challenges in ending human rights violations. Fighting linked to the political upheaval decreased, but sectarian clashes continued in the north, and government forces fought with the Yemen branch of al Qaeda in the south. Saleh left office in February 2012, under an exit accord brokered by the Gulf Cooperation Council (GCC) and backed in most aspects by the United Nations (UN) Security Council, the United States, and European Union member states.

On 21 January 2012, the government enacted an immunity law, Law No.1 of 2012, in accordance with the power-transfer agreement. The law granted Saleh and all those who were employed by his government immunity from criminal prosecution for “politically motivated acts” carried out in the course of their duties during Saleh’s 33-year rule (1978–2012). Consequently, it prevented many victims of arbitrary detention, torture, extrajudicial execution, enforced disappearance and other violations carried out under Saleh’s long rule from obtaining justice, truth and reparation. As such, the immunity law breached Yemen’s international legal obligations to investigate and prosecute crimes under international law and other human rights violations.

Under a UN-facilitated “Implementing Mechanism” that served as a transition blueprint, the government was to bring security forces—including those run by Saleh’s relatives—under civilian command, pass a transitional justice law, draft a new constitution, reform the electoral and judicial systems, and hold general elections in 2014. It was also to convene a national dialogue conference to address grievances by groups including northern Huthi rebels and the Southern Movement (a coalition of groups seeking greater autonomy or secession for the former South Yemen). Transition measures were resisted by loyalists of Saleh, who remained in Yemen as head of the General People’s Congress. In July and August 2012, pro-Saleh troops and tribesmen stormed the Interior and Defense ministries, prompting gunfights that killed 21 people.

On 22 September 2012, President Abd Rabbu Mansour Hadi authorized the creation of an independent commission to investigate violations during the 2011 uprising, and recommend accountability for perpetrators and redress for victims, but it had not commenced at the end of 2012. A draft Transitional Justice and National Reconciliation Law was under discussion. However, the draft emphasized forgiveness as an element of reconciliation and did not provide justice for victims of past human rights violations.

In September 2012, a trial began for 78 defendants in the deadliest attack on protesters of the uprising, in which pro-government gunmen killed 45 and wounded 200 on 18 March 2011. Political interference and failure to investigate evidence that implicated government officials marred the

prosecution's case. Most key defendants remained fugitives.

[Sources: Amnesty International, *Report 2013* (London 2013), 298; Human Rights Watch, *World Report 2013* (Washington 2013), 629–630.]

**ZAMBIA**

Previous *Annual Report* entry: 2009.

*See* Kenya.

**ZIMBABWE**

Previous *Annual Report* entries: 1998–2001, 2004, 2006, 2008–2012.

Human rights developments in 2012 were dominated by the drafting of a new constitution and the implementation of the Global Political Agreement (GPA), signed in 2008, which created the power-sharing coalition between the former ruling party, the Zimbabwe African National Union-Patriotic Front and the opposition party Movement for Democratic Change following the 2008 elections. There was little progress in implementing key aspects of the GPA, notably ensuring accountability for past human rights abuses.

[Source: Human Rights Watch, *World Report 2013* (Washington 2013), 185.]

*See also* South Africa.