

<b>Network of Concerned Historians</b>	<b>NCH</b>
<i>Annual Report 2002</i>	<a href="http://www.concernedhistorians.org">http://www.concernedhistorians.org</a>

## INTRODUCTION

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

## GENERAL

In August–September 2001 the third United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Durban, South Africa. The issue of reparations for slavery, the slave trade and colonialism provoked strong disagreements. The conference acknowledged that slavery and the slave trade “are a crime against humanity and should always have been so” and said that states have a “moral obligation” to “take appropriate and effective measures to halt and reverse the lasting consequences of those practices”. Human Rights Watch (HRW) argued that the descendants of victims of human rights abuses should be able to pursue claims for reparations and that the right to reparations was not extinguished with the death of the victim. Reparations should consist of compensation, acknowledgement of past abuses, an end to ongoing abuses, and, as much as possible, restoration of the state of affairs that would have prevailed had there been no abuses. To establish priorities for reparations, HRW proposed the establishment of national panels as well as one or more international panels to look at the effect of the slave trade and other international forms of systemic abuse. The panels would act as a kind of truth commission, aiming to determine how a government’s past racist practices had contributed to contemporary deprivation domestically and across world regions. (*See NCH #23*)

[Source: HRW, *World Report 2002* (2002) 20, 25, 28, 495, 547, 615, 621–23, 627, 629, 638–39.]

*See also Senegal, Suriname.*

## AFGHANISTAN

In October 2001, a new group, Citizens Against War Criminals, which included survivors of various civilian massacres, issued statements calling for a war crimes tribunal. Accountability for past abuses was demanded with respect to crimes by the Taliban, by commanders of the Northern Alliance (United Front), by *mujahideen* outside the alliance, and by Soviet commanders during their occupation of the country (1979–89).

[Source: HRW, *World Report 2002* (2002) 180, 190.]

## ALGERIA

In 2001 the government provided no information about the investigations it claimed had been carried out into the massive human rights abuses committed since 1992, including thousands of cases of extrajudicial executions, killings, and torture, and some 4,000 “disappearances”. Similarly, no steps were known to have been taken to investigate information provided by families about the alleged burial place of relatives who had been abducted and killed by armed groups, but whose bodies were never found. (*See NCH #23*).

[Source: AI, *Report 2002* (2002) 30.]

## ARGENTINA

In March 2001, a landmark decision by federal judge Gabriel Cavallo declared the country’s amnesty laws unconstitutional (the 1986 “full-stop law” and the 1987 “due-obedience law”, which granted immunity from prosecution for human rights violations committed under military rule during 1976–83). In November the ruling was affirmed in November by a Buenos Aires appellate tribunal. In September 2001, the Under-Secretary for Human Rights publicly acknowledged that 15,000 people had “disappeared” during the period 1976–83. Federal and provincial judges continued to investigate “disappearances” and extrajudicial executions of that period in so-called “truth trials” (hearings seeking to establish the truth about the crimes even though those responsible could not be prosecuted or convicted because of the amnesty laws). Former head of state Jorge Videla and others were among a dozen former retired officers held under house arrest on charges of ordering the theft of babies born to mothers in secret detention and their handover for adoption to military families. These crimes had

been expressly excluded from the amnesty laws. In June 2001, Videla appeared in court to be questioned on charges of illicit association, illegal arrest and torture. He was accused of participating in Operation Condor (a secret criminal plan devised by Southern Cone military governments in the 1970s and 1980s to kidnap, exchange, or “disappear” political refugees from neighbouring states). Other judges sought the arrest and extradition of, among others, former dictators Alfredo Stroessner (Paraguay, 1954–89), Augusto Pinochet (Chile, 1973–90), and Hugo Banzer (Bolivia, 1971–79), for their alleged involvement in Operation Condor. In August 2001, the Chilean Supreme Court rejected the request for Pinochet’s extradition because of his parliamentary immunity from prosecution. (*See NCH #14 and #23 under Chile*).

[Sources: HRW, *World Report 2002* (2002) xvi, 105–106, 117–19, 131–32; AI, *Report 2002* (2002) 34–35, 51, 72.]

*See also United States, Uruguay.*

## **BELGIUM**

An increasing number of cases were filed in Belgian courts under its universal jurisdiction law (drafted 1993; revised 1999). Many of these charged current or former heads of state with war crimes, genocide, or crimes against humanity, including Paul Biya (Cameroon), André-Félix Patasse (Central African Republic), Hissène Habré (Chad), Augusto Pinochet (Chile), Fidel Castro (Cuba), Saddam Husayn (Iraq), Hashemi Rafsanjani (Iran), Ariel Sharon (Israel), Laurent Gbagbo (Ivory Coast), Yasser Arafat (Palestinian Authority), and Paul Kagame (Rwanda). On 14 February 2002, the International Court of Justice in The Hague ruled that officials still in power enjoyed diplomatic immunity. Amnesty International called on Belgium not to weaken its universal jurisdiction legislation in any way.

[Sources include HRW, *World Report 2002* (2002) 600; AI, *Report 2002* (2002) 20, 48, 66, 83.]

In 2001 a parliamentary inquiry concluded that members of the Belgian government and other Belgian participants were “morally responsible” for the circumstances leading to the assassination of Congolese Prime Minister Patrice Lumumba in January 1961, but found no evidence that they had ordered his “physical elimination”. (*See NCH #17 under Congo*).

[Source: AI, *Report 2002* (2002) 47.]

*See also Chad, Cuba, Israel, Palestinian Authority.*

## **BOSNIA-HERZEGOVINA**

Tens of thousands of people were still missing after the war (1992–95). Many of those who “disappeared” were presumed killed by members of armed forces or paramilitary groups, including over 7,000 Bosnian Muslim men and boys detained and killed in mass executions by the Bosnian Serb army in Srebrenica in July 1995. In May and December 2001, new forensic laboratories in Tuzla and Sarajevo started their work, with the aim of accelerating the identification process by DNA analysis.

[Source: AI, *Report 2002* (2002) 54.]

In May 2001, an estimated 2,000 Bosnian Serb protestors violently disrupted a rebuilding ceremony for the sixteenth-century Ferhad Pasha mosque in Banja Luka, which had been destroyed in the war (1992–95).

[Source: AI, *Report 2002* (2002) 53.]

*See also Yugoslavia (Serbia & Montenegro).*

## **BRAZIL**

In May 2001 thirteen men were convicted of ordering or carrying out an attack on around 100 Ticuna Indians at Capacete Creek, state of Amazonas, in 1988, in which fourteen people died, including six children. They were sentenced to between 15 and 25 years’ imprisonment. These were the first convictions for genocide handed down by a court in Amazonas.

[Source: AI, *Report 2002* (2002) 57.]

*See Paraguay.*

## **BULGARIA**

In March 2001 a public prosecutor initiated a criminal investigation for incitement to racial or national hatred in connection with leaflets distributed by the United Macedonian Organization “Ilinden” (OMO “Ilinden”), calling on the residents of the region to declare themselves in the census as Macedonians. In July police prevented OMO “Ilinden” activists from holding a peaceful assembly

to commemorate the foundation of the Republic of Macedonia. In October the European Court of Human Rights ruled that the authorities had violated the right to freedom of assembly and association when they prohibited OMO “Ilinden” activists from holding similar commemorative meetings in 1994–97. (*See NCH #5*).

[Source: AI, *Report 2002* (2002) 58, 60.]

## **BURUNDI**

Trials related to the massacres of Tutsi civilians which followed the 1993 assassination of President Melchior Ndadaye continued in 2001. Thousands of Hutu, many of them supporters of FRODEBU (Front pour la démocratie au Burundi; Front for Democracy in Burundi), remained in detention awaiting trial. Few, if any, members of the security forces or Tutsi civilians were arrested and prosecuted by the Tutsi-dominated judiciary for their part in the reprisal killings of thousands of Hutu civilians. (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) 40–41; AI, *Report 2002* (2002) 63.]

## **CAMBODIA**

In August 2001, the Cambodian King signed a law, passed by the National Assembly and Senate in July, to set up a tribunal to try some Khmer Rouge leaders of the former Democratic Kampuchea (1975–79). The law was criticized, inter alia because it did not contain the provision that prior amnesties would not be a bar to prosecution, a provision agreed upon earlier with the United Nations (UN). In November Prime Minister Hun Sen complained that the UN was causing delays in the process, and stated that the Cambodian side would proceed without the UN if necessary. In August, a seven-page letter by former Khmer Rouge leader Khieu Samphan was published, in which he offered an apology to the Cambodian people. (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) 179, 199, 204; AI, *Report 2002* (2002) 20, 64–65.]

## **CANADA**

In January 2002, after six years of legal struggle, the Canadian Human Rights Commission ordered Holocaust denier Ernst Zündel to close his website of anti-Semitic propaganda. According to the commission, the social benefits of eliminating hate speech outweighed the issue of protection of free

speech.

[Source: IOC 6/85: 30–31, 2/02: 104.]

## **CHAD**

In March 2001 Senegal's Court of Final Appeal (Cour de Cassation) ruled that former Chadian President Hissène Habré (1982–90) could not be tried in Senegal for crimes allegedly committed in Chad. In September the government agreed to consider any future request for Habré's extradition on charges of crimes against humanity. Habré's one-party regime, supported by the United States and France, was marked by widespread abuse and campaigns against the ethnic Sara (1984), the Hadjerai (1987), and the Zaghawa (1989). In 1992, a truth commission had accused Habré's regime of 40,000 political murders and systematic torture. In October 2000, seventeen victims had lodged criminal complaints for torture, murder, and "disappearance" against named members of the Direction de la documentation et de la sécurité (DDS; Directorate of Documentation and Security; Habré's political police) in Chad itself. President Idriss Déby promised to clean up the administration by removing all former DDS agents and to grant full access to the truth commission files. In May 2001, the N'Djaména court of appeal ruled that, although a special court to try Habré and his collaborators, provided for in a 1993 law, had never been established, the ordinary courts had jurisdiction over the cases. A judge began to hear witnesses. More than twenty victims filed new cases. In November 2000, Chadian victims had already filed a criminal complaint against Habré in Belgium. (*See NCH #17, #23*).

[Sources: HRW, *World Report 2002* (2002) 596–98; AI, *Report 2002* (2002) 70, 213–14.]

## **CHILE**

In December 2000, former President Augusto Pinochet was indicted in Chile. He was named as a suspect in 241 lawsuits. Although the indictment was confirmed by the Santiago appeal court in March 2001, it temporarily suspended criminal proceedings against Pinochet on medical grounds in July 2001. In August the Supreme Court decided to consider the legal action filed by the prosecution lawyers against the suspension, but in July 2002 it confirmed the July 2001 decision. (*See NCH #14, #17, #23*).

[Sources: HRW, *World Report 2002* (2002) xvi, 105, 127–32, 584; AI, *Report 2002* (2002) 20, 71–72.]

In October 2001, the ban on journalist Alejandra Matus's book was lifted and Matus's prosecution was suspended. (See NCH #14, #23).

[Source: HRW, *World Report 2002* (2002) 130.]

See also *Argentina, United States*.

## CHINA

In June 2000 historian Xu Zerong (anglicized name: David Tsui) (1954–), a specialist in the Chinese military intervention in the Korean War (1950–53), affiliated professor at the Southeast Asia Institute, Zhongshan University, Guangzhou (South China), and associate professor at the Provincial Guangzhou Academy of Social Sciences, Guangdong, was detained in Guangzhou and held incommunicado. In January 2002, he was sentenced to thirteen years' imprisonment on charges of "leaking state secrets" by sending photocopies of classified government documents related to the Korean War (concerning Chinese military operations and Chinese analysis of American and South Korean capabilities), obtained in 1992, to unknown parties overseas, and on charges of "economic crimes" by illegally publishing books and periodicals and selling book authorization numbers in China since 1993. His current place of detention is not known.

[Sources: HRW, *Chinese Academics Detained* (WWW-text; Washington 27 February 2002); International PEN Writers in Prison Committee, *Rapid Action Network 7/02* (London 20 February 2002); AAAS, Human Rights Action Network, *Case CH0206\_xuz* (6 March 2002); NEAR; IOC 2/02: 105.]

A few weeks before Christmas 2000, hundreds of "illegal" Protestant and Catholic churches and Buddhist and Taoist temples and shrines in Wenzhou were demolished.

[Source: HRW, *World Report 2002* (2002) 210.]

In May 2001 "*Today's Celebrities*" was closed for printing articles about, inter alia, the Cultural Revolution (1966–76).

[Source: HRW, *World Report 2002* (2002) 207.]

Activists associated with the Southern Mongolian Democratic Alliance, which seeks to promote Mongolian traditions and cultural values, were monitored and in some cases arrested and sentenced on spurious charges.

[Source: HRW, *World Report 2002* (2002) 209.]

In May 2001, Wang Jinbo was arrested in Shandong after e-mailing out articles critical of official attitudes to the 4 June 1989 Tiananmen massacre. In November he was reportedly charged with subversion but his status has remained uncertain since. In mid-June, businessman Li Hongmin was detained after he had e-mailed a Chinese version of the *Tiananmen Papers* (a book published in New York and containing secret Chinese Communist Party documents from the period April-June 1989 concerning the Tiananmen massacre of 4 June 1989) to his friends. He faced a possible ten-year prison sentence for subversion. In September, Zhu Ruixiang, a former television editor who e-mailed texts from the book to twelve friends, was imprisoned for three years in Hunan Province on charges of subversion. In the same month, an Internet bulletin board at Huazhong University, Wuhan, Hubei Province, was reportedly closed after it carried items on the 1989 massacre. The authorities continued to refuse to hold a public inquiry into the Tiananmen massacre.

[Sources: IOC 1/02: 120–21, 4/01: 118, 1/02: 120; HRW, *World Report 2002* (2002) 206; AI, *Report 2002* (2002) 74.]

In October 2001, after Pope John Paul had apologized for Catholic Church errors committed during the “colonial period” and expressed hope of establishing normal relations, Chinese religious officials responded by demanding that the Vatican first sever its ties with Taiwan, refrain from “using the pretext of religious issues to meddle in Chinese internal affairs”, and apologize for the 2000 canonization of “foreign missionaries and their followers who committed notorious crimes in China.” (See NCH #23).

[Source: HRW, *World Report 2002* (2002) 210.]

*See also Japan.*

## **CONGO**

*See Belgium.*

## **CROATIA**

*See Yugoslavia (Serbia & Montenegro).*

## **CUBA**

In early October 2001, Cuban exiles filed a lawsuit in Brussels against President Fidel Castro and other high Cuban officials under the Belgian universal jurisdiction law. The complaint mentioned torture and other abuses inflicted upon political prisoners since 1960.

[Source: HRW, *World Report 2002* (2002) 112, 145–46.]

## **CYPRUS**

In 2001 the Turkish Cypriot newspaper *Avrupa* was closed after the publication of an article by a Turkish Cypriot history schoolteacher (?1967–), in which she described Turkey as “an occupying force in Cyprus”. The teacher was dismissed and *Avrupa* raided.

[Source: IOC, 1/02: 123, 2/02: 106–7, 162–63.]

## **EAST TIMOR**

In June 2001, a regulation establishing a national Commission for Truth and Reconciliation was adopted. The selection process for commissioners began in September. In the same month, East Timorese nongovernmental organizations (NGO’s) called for an international tribunal to try Indonesian officers and the militia commanders they had armed for the crimes committed in East Timor around the popular consultation on independence of 30 August 1999. In October the NGO’s also called for an international ad hoc tribunal to be set up to prosecute perpetrators of war crimes and crimes against humanity in East Timor occurring after Indonesia’s invasion of the country in 1975. By the end of 2001, over thirty indictments had been issued by the United Nations Transitional Administration in East Timor (UNTAET) Serious Crimes Unit, responsible for the investigation and prosecution of cases relating to the 1999 violence. In Indonesia itself no one was brought to justice for the crimes; the ad hoc Human Rights Court on East Timor had not been established there by the end of 2001. UNTAET investigators continued to be denied access to witnesses and other evidence in Indonesia. (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) 179–80, 218, 235; AI, *Report 2002* (2002) 89, 90, 127.]

## **EL SALVADOR**

In 2001 the *Asociación pro-búsqueda de niñas y niños desaparecidos* (Association for the Search for Disappeared Children) persisted with its requests to the government to create an official commission to locate children who had “disappeared” in the armed conflict (1980–92).

In November 2001 several NGO’s initiated the procedure for the case of Archbishop Oscar Arnulfo Romero, murdered in March 1980, to be examined by the Inter-American Court of Human Rights.

[Source: AI, *Report 2002* (2002) 94–95.]

## **ETHIOPIA**

Trials of officials of the former Dergue government led by Mengistu Haile-Mariam (1974–91) on charges including genocide and extrajudicial executions proceeded slowly. Over 2,200 other former officials remained in prison awaiting trial. Several death sentences were imposed; no executions were reported. In March 2001, the special prosecutor for the trials said that they would be finished in 2004. (*See NCH #17, #23*).

[Source: AI, *Report 2002* (2002) 98, 99.]

## **EUROPEAN UNION**

*See Iraq.*

## **FRANCE**

In a book published in May 2001, General Paul Aussaresses, a high-ranking French military officer during the Algerian independence war (1954–62), admitted that he had personally taken part in torture and summary executions, claiming that they had been necessary, but maintained that the French government of the time had been directly implicated in them. In May and June, a number of legal proceedings against him and others were initiated. In July and September, an investigating judge refused to act on judicial complaints filed against Aussaresses for “crimes against humanity”. However, in November, Aussaresses appeared before a Paris court for “complicity in apology for war crimes”. Judgment was deferred until January 2002.

[Source: AI, *Report 2002* (2002) 103.]

Initial steps were taken to officially commemorate the 1961 massacre of up to 200 Algerians by

mounting a plaque on the Pont Saint-Michel to the memory of “the many Algerians killed during the bloody repression of the peaceful demonstrations of 17 October 1961”. (*See NCH #6, #23*).

[Source: AI, *Report 2002* (2002) 103.]

*Also see Morocco.*

## **GHANA**

In 2001 a debate was underway about the terms of reference, powers and composition of a Reconciliation Commission. In a bill introduced in Parliament in July, there was broad agreement with the government proposal that the commission should receive complaints and make recommendations about human rights violations committed between independence and the end of military rule (1957–93). President John Kufuor agreed to exhume for positive identification and proper reburial the bodies of eight generals who had been executed in 1979 on charges of corruption and treason. This was the first official step to deal with and resolve various extrajudicial executions which took place both before and during Jerry Rawlings’ regime (1979, 1981–2001).

[Sources: HRW, *World Report 2002* (2002) 8; AI, *Report 2002* (2002) 109.]

## **GUATEMALA**

In 2000 “friendly settlements” had been agreed between the Guatemalan government and plaintiffs under the aegis of the Inter-American Commission on Human Rights, in which the government had accepted state responsibility for abuses.

[Source: AI, *Report 2002* (2002) 113.]

In December 2000 the Audiencia Nacional de España, Spain’s highest court, dismissed a 1999 suit by the Rigoberta Menchú Foundation against General Efraín Ríos Montt (who ruled 1982–83) and seven other military officials for genocide and crimes against humanity on the grounds that the petitioners had not exhausted the possibility of prosecuting the defendants in Guatemala. The foundation appealed the decision. In March 2001, the Guatemalan Constitutional Court had lifted the immunity of members of the Congress, including its current President Ríos Montt, so that they could face prosecution for illegally altering the text of a law after it had been voted on by Congress. In June a group of indigenous Maya Indians sued Ríos Montt and others in Guatemala for crimes committed during military rule. All those involved in the charges against Ríos Montt were intimidated.

[Sources: HRW, *World Report 2002* (2002) 111–12, 149, 151; AI, *Report 2002* (2002) 113.]

In October 2001, Matilde Leonor González Izas, a historian working for the Asociación para el Avance de las Ciencias Sociales (AVANCSO: Research Centre for the Advancement of Social Sciences), was kept under surveillance and, after having gone into hiding, received a number of threatening telephone calls. Her laptop computer, containing information on her research, was stolen. González believed the Estado Mayor Presidencial (EMP; Presidential Chiefs of Staff)--known to have played a key role in army intelligence operations and frequently cited as implicated in some of Guatemala's notorious human rights abuses--to be responsible. She had investigated and published controversial information on the mechanisms used by the military to manipulate and control local communities, such as San Bartolomé Jocotenango, El Quiché, and San Ildefonso Ixtahuacán, Huhuetenango, revealing military complicity in mob violence and lynchings taking place in rural communities throughout Guatemala. Since the beginning of her research in 1998–99 she has received numerous threats and intimidations. (*See NCH #24*).

[Sources: AI, *Urgent Action Appeal 266/01* (19 October 2001) & *89/02* (22 March 2002); AI, *Report 2002* (2002) 113; AAAS Human Rights Action Network, *GU0113.Gon*, 25 October 2001; PEN in *Ifex Communiqué 11–9* (5 March 2002); NEAR].

In February, March and May 2002, anonymous threatening letters and phone calls were made against current or former employees of the nongovernmental Fundación de Antropología Forense de Guatemala (FAFG; Guatemalan Forensic Anthropology Foundation), the Oficina de Derechos Humanos del Arzobispado de Guatemala (ODHAG; Human Rights Office of the Archbishopric of Guatemala), the Centro de Antropología Forense y Ciencias Aplicadas (CAFCA; Centre of Forensic Anthropology and Applied Sciences), and the Asociación para el Desarrollo Integral de las Víctimas de la Violencia en las Verapaces Maya Achi (ADIVIMA; Association for the Integral Development of Victims of Violence in the Verapaces Maya Achi), all involved in carrying out exhumations of individuals massacred during the counter-insurgency campaign by the Guatemalan military in the early 1980s. It is believed that those behind the threats had ties to the military during Guatemala's civil war. At the time of the threats, there was a fire in a church in Nebaj, El Quiché, destroying most of the documents stored there, including information on 35 massacres recorded by the Catholic church between 1980 and 1983 in Nebaj alone. Since 1992, FAFG had carried out 191 exhumations of more than 2,000 victims of the armed conflict. Several of those threatened have given key forensic testimony in proceedings against former government officials for past human rights violations. Exhumations are also being carried out to provide further evidence in two genocide suits filed in Guatemala, by the Asociación Justicia y Reconciliación (AJR; Association for Justice and Reconciliation) and the Centro de Acción Legal en Derechos Humanos (CALDH; Centre for Legal

Action in Human Rights), against officials in the administrations of former Presidents Romeo Lucas García (1978–82) and Efraín Ríos Montt (1982–83). (*See NCH #26, #26 ii*).

[Sources: AI, *Urgent Action 68/02* (5 & 13 March 2002); AI, *Report 2002* (2002) 112–113; AAAS Human Rights Action Network, *GU0207.for*, 21 March & 16 May 2002.]

## HAITI

On 26 May 2001, former General Prosper Avril, head of state after the 1988 coup (1988–90), was arrested on charges of assault, torture and illegal arrest. The circumstances and timing of the arrest suggested that it was politically motivated. It was made on the basis of a 1996 warrant ignored for years, but acted upon only after Avril attended a highly-publicized meeting of the main opposition coalition.

[Sources: HRW, *World Report 2002* (2002) 155–56; AI, *Report 2002* (2002) 120.]

In September 2001--on the tenth anniversary of the 1991 coup that drove him out of power--President Jean-Bertrand Aristide announced that the United States had returned thousands of pages of documents gathered from the offices of the Haitian military and the paramilitary *Front Pour l'Avancement et le Progrès d'Haiti* (FRAPH). The documents detailed paramilitary abuses after the 1991 coup and were seized by US forces in September 1994. It was believed, however, that the names of US citizens had been erased from the returned documents, a provision that previous Haitian administrations had publicly rejected. (*See NCH #6, #17*).

[Sources: HRW, *World Report 2002* (2002) 157; AI, *Report 2002* (2002) 120.]

## HONDURAS

There was no significant progress in the investigation or judicial proceedings regarding cases of “disappearance” in the 1980s. During exhumations in a specific location no remains of known “disappeared” people were found.

[Source: AI, *Report 2002* (2002) 121.]

## INDIA

In July 2001 a crowd of 300 people demolished a sixteenth-century mosque at Asind near Bhilwara, Rajasthan, and built a makeshift Hindu temple in its place. The mob was encouraged by activists of

two right-wing Hindu groups, the Vishwa Hindu Parishad and the Rashtriya Swayamsevak Sangh.

[Source: HRW, *World Report 2002* (2002) 223.]

In the hope of achieving a comeback victory in the February 2002 assembly elections in Uttar Pradesh, the Bharatiya Janata Party (ruling since 1998) and its allies amplified calls to build a temple to the Hindu god Rama at the site of the Babri Masjid, a mosque in the city of Ayodhya demolished by Hindu rioters in December 1992. The 1992 demolition had sparked the 1992–93 Mumbai (Bombay) riots, which claimed 1,788 lives, mostly Muslims. There was little progress, however, in the cases of individuals indicted by the Shrikrishna Commission for their role in the riots.

[Sources: HRW, *World Report 2002* (2002) 223–24; AI, *Report 2002* (2002) 124.]

## **INDONESIA**

In late 2001 a bill in parliament to set up a National Truth and Reconciliation Commission along the lines of the South African model was not discussed.

[Source: HRW, *World Report 2002* (2002) 231.]

*See also East Timor.*

## **IRAN**

In September 2001, Hassan Youssefi Eshkevari was allowed to leave prison for two days but it was unclear whether he remained under sentence of death. In November it was reported that his sentence had been reduced to thirty months' imprisonment and removal of his status as a cleric. (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) 428; AI, *Report 2002* (2002) 129.]

## **IRAQ**

In a resolution adopted on 30 November 2000, the European Parliament urged the European Council and Member States to take the initiative at the United Nations and propose the formation of an ad hoc International Tribunal on Iraq to investigate the responsibility of Saddam Husayn's regime for war crimes, crimes against humanity and genocide.

[Source: HRW, *World Report 2002* (2002) 394, 438.]

## **IRELAND**

The Independent Commission of Inquiry into the 1974 bombings in Dublin and Monaghan, which resulted in 33 deaths and many injuries, continued to collect evidence about the circumstances of the bombings.

[Source: AI, *Report 2002* (2002) 133.]

## **ISRAEL**

In June 2001, lawyers representing 28 survivors of the September 1982 massacre by Lebanese Phalange militia of hundreds of Palestinian and other civilians at the Palestinian refugee camps of Sabra and Shatila in Beirut lodged a complaint in Brussels against Israeli Prime Minister Ariel Sharon, Israel's defence minister in 1982 who permitted the militia to enter the camps. Sharon was accused of war crimes, crimes against humanity, and genocide. In November 2001, a court heard opening arguments from the Belgian prosecutor and from Sharon's attorney. In January 2002, Elie Hobeika, whose militiamen carried out the massacre, was assassinated after he had declared to testify in the case. The Israeli Government's Kahan Commission that had investigated the massacre in 1983 concluded that Sharon bore "personal responsibility". (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) 394, 450, 599; IOC 2/02: 115.]

In July 2001 the Israeli Ministerial Committee for Legislation approved an application for continuity of an intifada law that would end compensation payments to Palestinians whose property was harmed during the 1987–93 intifada and preclude compensation suits by Palestinians injured during the current clashes.

[Source: HRW, *World Report 2002* (2002) 444.]

In August 2001 the Israeli authorities shut Orient House, the headquarters of the Palestine Liberation Organization in East Jerusalem, and confiscated its archives.

[Source: IOC, 2/02: 119.]

*See also Palestinian Authority.*

## JAPAN

In December 2000, the issue of “comfort women” (women forced to provide sexual services to Japanese soldiers during the Pacific War of 1931–45) returned to centre stage when a people’s tribunal convened in Tokyo. In August, China and Korea were outraged by the new Japanese Prime Minister Koizumi Junichiro’s visit to the Yasukuni shrine honouring Japanese war heroes. (*See NCH #23*).

[Source: HRW, *World Report 2002* (2002) 180, 216.]

In March–April 2001, South Korea, North Korea, China, and Taiwan protested against a Japanese high school history textbook, *New History Textbook*, written for schoolchildren aged 13 to 15 and to be used in the classes from 2002, before and after its approval by Japan’s Ministry of Education. They demanded 35 revisions to the book, but only two changes were made. The textbook reportedly glossed over Japan’s militaristic past. The original draft of the textbook, written by the Japanese Society for History Textbook Reform—a group of nationalist historians including Nobukatsu Fujioka and Kanji Nishio—described the “unopposed” annexation of the Korean peninsula (1910) as “necessary for Japan’s security” and referred to the 1937 Nanjing Massacre as “nothing like a holocaust”. No reference was made to the question of “comfort women”. The approved version, containing more than 130 revisions, acknowledged that an “armed struggle” took place in Korea and had removed the attempt to downplay the Nanjing Massacre. Controversial sections were left in, including a description of Japanese soldiers braving “death with honour”. In a joint declaration, 900 historians condemned the textbook as a distortion of history. On 8 August an arson attack claimed by a radical left-wing group caused minor damage to the society’s offices. Almost all school districts in Japan reportedly rejected the textbook.

[Sources: HRW, *World Report 2002* (2002) 180, 216; IOC, 3/01: 102; and also *BBC News Online* (WWW-text; London) 2001: 15 March; 3, 4, and 9 April; 8, 10, and 15 August.]

*See also Peru.*

## KENYA

A motion in parliament to establish a Truth and Reconciliation Commission to explore human rights violations since 1966 was defeated.

[Source: HRW, *World Report 2002* (2002) 60.]

In July 2001 a number of opposition activists were detained, following a tree-planting ceremony to commemorate the killing of protestors against one-party rule in 1990. The police, armed with anti-riot gear, used batons and tear gas to disperse the gathering, which had been authorized.

[Source: AI, *Report 2002* (2002) 146.]

In October 2001, 71 members of the nongovernmental group Release Political Prisoners were detained for several days and charged with holding an illegal meeting, because they commemorated Mau Mau day to honour those who had fought for Kenya's independence from British colonial rule (1952–56).

[Source: HRW, *World Report 2002* (2002) 62.]

## **KOREA**

*See Japan.*

## **LEBANON**

In February 2001, a Commission of Inquiry to investigate the fate of thousands of Lebanese who went missing or “disappeared” during the civil war (1975–90) started its work. The commission, headed by the Minister of State for Administrative Development, was said to have received information on at least 700 cases from relatives of “disappeared” people by the end of 2001. The commission's mandate was reportedly extended for a further six-month period.

[Source: AI, *Report 2002* (2002) 156.]

*Also see Israel.*

## **MALAYSIA**

In [January] 2001 police stopped a book launch party at a restaurant attended by more than 1,000 former Labour Party members. The book was a historical account of the party disbanded three decades ago.

[Source: HRW, *World Report 2002* (2002) 240.]

## **MALDIVES**

In November 2001 politician, writer and historian Mohamed Nasheed was found guilty of the theft of unspecified government property from the home of ex-president Ibrahim Nasir and sentenced to thirty months of internal exile. The real reason for his exile was believed to be his support for a political party system and his attempts to make government ministers accountable to the Majlis (parliament).

[Sources: IOC, 2/02: 116; AI, *Report 2002* (2002) 167–68.]

## **MAURITANIA**

Despite official abolition in 1981, slavery or practices analogous to slavery continued.

[Source: AI, *Report 2002* (2002) 168.]

## **MEXICO**

In December 2000, during his inaugural address, President Vicente Fox promised to establish a truth commission to examine past human rights abuses, such as the 1968 Tlatelolco massacre and the 1997 massacre of villagers in Acteal, Chiapas. By the end of 2001, no such commission had been established. Fox did, however, order his government to grant public access to files on “disappearances” of hundreds of suspected leftists in the 1970s and 1980s. In November 2001, after the Comisión Nacional de Derechos Humanos (CNDH; National Human Rights Commission) produced a report documenting 532 “disappearances” from the 1970s and 1980s, Fox ordered the creation of a Special Attorney to investigate these crimes. The commission report represented the Mexican government’s first official acknowledgement of responsibility for the abuses, but it did not name the estimated 74 public officials said to be personally implicated in them. Also in November, several of those reportedly responsible for the 1997 Acteal massacre were acquitted and released. New photographic evidence of the 1968 Tlatelolco massacre emerged, which increased pressure for investigations into the case to be reopened.

[Sources: HRW, *World Report 2002* (2002) 106, 160; AI, *Report 2002* (2002) 171-72.]

## **MOROCCO**

For much of 2001 there were revelations in the media about the “dirty war” carried out against dissidents during the 1960s and 1970s and about the situation at the secret Tazmamert prison. While torturers were named, a taboo remained against implicating King Hassan II in the repression of those years. The memoir of Malika Oukfir, *Stolen Lives: Twenty Years in a Desert Jail*, was banned in Morocco. The book described how her entire family was imprisoned for nearly two decades in reprisal for a failed coup attempt by her father, Interior Minister Mohamed Oukfir, in 1972. Official steps were taken to compensate some victims. An arbitration commission, created in 1999 at King Mohamed VI’s request within the official Conseil Consultatif des Droits de l’Homme (CCDH; Human Rights Advisory Board), determined the amount to be paid to victims of prolonged illegal detention and to the relatives of “disappeared” persons who had applied for compensation. Critics pointed out that the process of compensating victims was neither transparent nor accompanied by any larger truth-seeking project. Some relatives of persons who “disappeared” said that they would accept no money so long as the fate of their loved ones was not revealed or their abusers either identified or held accountable. Despite the authorities’ stated commitment to address all past human rights violations, no additional steps were taken to adequately resolve the cases of grave abuses committed between the mid-1960s and the early 1990s, notably the “disappearance” of several hundred people, the majority of them Sahrawis. By the end of 2001, the deaths of scores of “disappeared” had still not been acknowledged by the authorities. Their families had not been told the whereabouts of the remains or received the bodies for burial. Among them were some 70 Sahrawis who “disappeared” in secret detention centres between 1976 and 1991. (See NCH #23).

[Sources: HRW, *World Report 2002* (2002) 394, 454–56; AI, *Report 2002* (2002) 174.]

In June 2001, former secret police officer Ahmed Boukhari published an article in *Le Journal Hebdomadaire* and the French daily *Le Monde* about the 1965 “disappearance” of the exiled opposition leader of the Moroccan Left Mehdi Ben Barka, who “disappeared” in Paris in October 1965. According to Boukhari, Ben Barka died in France while under interrogation by Moroccan agents, who secretly arranged to fly his body back to Morocco where it was dissolved in acid. Twice, in September and December, Boukhari was unable to appear as a witness at a French judicial inquiry into the Ben Barka case as he was sentenced in two different trials to several months’ imprisonment. The handling and timing of the case suggested that the Moroccan authorities were trying to prevent him from testifying. Also in June 2001, Alain Chabod, deputy chief editor of France 3 television station, was harassed by the Moroccan Secret Service (DST) as he tried to investigate new evidence regarding the Ben Barka case. DST officers also demanded a halt to the printing of the weekly *Demain*, which contained some of the new evidence. The weekly’s editor Ali Lmrabet was photographed and verbally threatened, but the printing restriction was later lifted. A coalition of international human rights groups

urged the United States and French governments to declassify and release all official documents related to the case. By the end of 2001, no judicial investigation had been launched in Morocco into alleged state involvement in Ben Barka's death. (*See NCH #17*).

[Sources: IOC 4/01: 127; HRW, *World Report 2002* (2002) 394, 456; AI, *Report 2002* (2002) 174.]

## **NETHERLANDS**

*See Suriname, Yugoslavia (Serbia & Montenegro).*

## **NIGERIA**

The Human Rights Violations Investigation Commission appointed by President Olusegun Obasanjo in June 1999 to investigate human rights abuses between 1966 and the return to civilian rule in May 1999 (including during the civil war of 1967–70) and named the Oputa Panel after its chairman, received over 10,000 submissions, of which it was only able to consider around 200; these included numerous testimonies of killings, rape, and other abuses by the security forces against Ogoni civilians in the oil-producing Niger Delta region in 1993–94. The commission held public hearings in Lagos, Abuja, Port Harcourt, Kano, and Enugu, that were televised and closely followed by the public. By October 2001, when the commission concluded its hearings, former heads of state Muhammad Buhari (1983–85), Ibrahim Babangida (1985–93) and Abdulsalami Abubakar (1998–99) had refused to testify. President Obasanjo himself appeared several times before the panel in connection with events during his first presidency as military ruler (1976–79). The Oputa Panel was underresourced and had limited powers: it could make recommendations but not ensure arrests or prosecutions. In May 2002 it presented its results. (*See NCH #17, #23*).

[Sources: HRW, *World Report 2002* (2002) 70; AI, *Report 2002* (2002) 185.]

## **PALESTINIAN AUTHORITY**

In late November 2001, lawyers representing some thirty Israelis lodged a complaint in Brussels against Palestinian Authority President Yasser Arafat and other Palestinian officials and leaders, accusing them of murder, crimes against humanity, and genocide. The complaint named Arafat as the “principal conspirator” in a number of attacks on civilians carried out by Palestinians since 1996 in both Israel and other countries.

[Source: HRW, *World Report 2002* (2002) 394, 450.]

*See also Israel.*

## **PARAGUAY**

In December 2000, a Paraguayan judge submitted a request for the extradition from Brazil of former General Alfredo Stroessner, whose rule (1954–89) was characterized by human rights abuses such as political killings and “disappearances”. Following the third periodic report on Paraguay of the Inter-American Commission on Human Rights in March 2001, the government stated that a National Plan for the Protection and Promotion of Human Rights had been devised and would include the creation of a Truth and Justice Commission. No information had been received on the operation of this commission by the end of 2001.

[Sources: HRW, *World Report 2002* (2002) 125; AI, *Report 2002* (2002) 193.]

*See also Argentina.*

## **PERU**

In November 2000, the Human Rights Ombudsman’s office published a report on “disappearances” between 1980 and 1996, documenting 4,022 cases of victims whose fate was still unknown. In a November 2001 update, the ombudsman put the total number at 6,362. Dozens of mass graves were discovered during 2001; reports indicated that they dated from the same period. There were concerns from the Ombudsman and others that the investigations into the hundreds of bodies found in these graves were at risk because the evidence had been interfered with, in part because the authorities had failed to properly protect the sites. In June 2001 a Truth Commission headed by the rector of the Catholic University Salomón Lerner, was established by interim President Valentín Paniagua to investigate responsibility for the systematic human rights violations committed by the state and by armed opposition groups between May 1980 and November 2000. The government of Alejandro Toledo changed the commission’s title to the Truth and Reconciliation Commission. At the end of October, the commission published its “Rules on Organization and Functions” which established that the Commission would have access to all official files in the hands of the judiciary, public ministries and the military justice system. The commission was mandated to investigate violations of collective rights of Peru’s Andean and native communities as well as violations of individual rights. It was also

empowered to hold public hearings and to name those responsible for human rights violations, but not to subpoena government officials to testify.

[Sources: HRW, *World Report 2002* (2002) 106, 164–65, 167; AI, *Report 2002* (2002) 194–95.]

In August 2001 Congress voted unanimously to remove former President Alberto Fujimori's immunity from prosecution. In September the attorney general filed charges of murder, causing grave injuries, and "disappearances" against him and Vladimiro Montesinos, the former de facto chief of the Servicio de Inteligencia Nacional (SIN; National Intelligence Service). It was believed that Fujimori had full knowledge of the existence of the *Grupo Colina* death squad attached to SIN and thought to be responsible for the crimes. The same month, an international warrant was issued to Interpol for Fujimori's arrest, pending the submission to Japan of a formal extradition request. The Japanese government, which had recognized Fujimori's claim to Japanese nationality, stated repeatedly that its laws prohibited the extradition of its citizens.

[Sources: HRW, *World Report 2002* (2002) 164–5; AI, *Report 2002* (2002) 141.]

*See also United States.*

## **RWANDA**

In March 2001 the attorney general issued a revised list of category-one suspects of the 1994 genocide. Some 800 persons had been added to the previous list issued in 1999, bringing the total to nearly 2,900. Among the additions was Pierre-Célestin Rwigema, a former prime minister (1995–2000) living in exile. In 2001 approximately 1,300 people were tried and at least 120 people were sentenced to death for crimes committed during the genocide, some after unfair trials. An estimated 111,000 people continued to be detained, 95 per cent of them had been accused of taking part in the genocide. The Public Prosecutor's Office continued the procedure begun in October 2000 of bringing such detainees before their local communities in order to gather testimony for the prosecution before *gacaca* tribunals (a controversial, community-based system of justice). Trials of leading genocide suspects continued at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. Fifty-two suspects were detained awaiting trial at the end of 2001. In early 2001, the Rwandese Patriotic Front (RPF)-led government agreed to cooperate with the ICTR's investigation into crimes against humanity allegedly committed by RPF members in 1994. (*See NCH #17, #23*).

[Sources: HRW, *World Report 2002* (2002) 79; AI, *Report 2002* (2002) 207–9.]

## **SENEGAL**

In August 2001 human rights activist Alioune Tine was briefly detained for interrogation after declaring publicly that President Abdoulaye Wade's view that reparations for slavery would be "absurd and insulting" was "scandalous and inopportune."

[Source: AI, *Report 2002* (2002) 214.]

*See also Chad.*

## **SIERRA LEONE**

The Truth and Reconciliation Commission, mandated under the 1999 Lomé Peace Accord, was yet to be set up. In July 2001 the United Nations Security Council approved plans to go ahead with the Special Court for Sierra Leone despite financial problems. Issues which remained unresolved included whether the court would have jurisdiction over crimes committed since the civil conflict began in 1991 or only from 1996, and the court's relationship with the prospective Truth and Reconciliation Commission. (*See NCH # 17, #23*).

[Sources: HRW, *World Report 2002* (2002) 84–85; AI, *Report 2002* (2002) 19, 216.]

## **SLOVAKIA**

On 8 November 2001, parliament amended the Penal Code to make it a criminal offence to deny the Holocaust or belittle its crimes.

[Source: IOC 1/02: 136.]

## **SOMALIA**

In May 2001 the Transitional National Government announced that it was appointing a 25-member National Commission for Reconciliation and Property Settlement. However, the chairperson resigned in July, citing a lack of government support.

[Source: AI, *Report 2002* (2002) 221.]

## **SOUTH AFRICA**

The Truth and Reconciliation Commission (TRC) continued hearing amnesty applications until 31 May 2001, when its work was formally ended. The government stated that legislation setting the framework for reparations to the victims would be introduced to parliament in 2002. The court case brought against the TRC by Inkatha Freedom Party leader, Chief Mangosuthu Buthelezi, to compel it to reverse its finding that he was complicit in large-scale human rights abuses had not concluded by the end of 2001. In August 2001 the minister of justice told parliament that the government had committed funds for “final reparations” for victims of human rights violations, but that the details would not be discussed in parliament until the President received the final volumes of the TRC report.

[Sources: HRW, *World Report 2002* (2002) 89; AI, *Report 2002* (2002) 222, 223.]

In March 2001 the Promotion of Access to Information Act came into effect, giving substance to the constitutional right to access government and privately held information.

[Source: HRW, *World Report 2002* (2002) 89.]

*See also “General”.*

## **SPAIN**

In 2000 contemporary historian Txema (=José María) Portillo (?1962–) and social anthropologist Mikel Azurmendi (?1943–), both working on the history of Basque nationalism at the Universidad del País Vasco, Vitoria, and involved in protests against terrorism, went into voluntary temporary exile in the United States after three years of ETA harassment and threats. Azurmendi had been an ETA member until 1970, but after ETA’s violent attacks on the Franco regime, he left to join the Basque prodemocracy movement. (*See NCH #14, #17, #23*).

[Sources: HRW, *World Report 2002* (2002) 560, 646; and also *El País* (WWW-text) 15 June 1998; 18 August 2000; 13 July 2001.]

*See also Guatemala.*

## **SRI LANKA**

Sri Lankan authorities appeared more willing than in the past to acknowledge official responsibility for atrocities. In February 2001, the attorney general reportedly issued indictments against more than 600 police and armed forces personnel implicated in pre-1994 “disappearances”. In July President Chandrika Kumaratunga announced the formation of a three-member Truth Commission to investigate incidents of ethnic violence between 1981 and 1984, including anti-Tamil riots in July 1983 in which nearly 600 people were killed.

[Sources: HRW, *World Report 2002* (2002) 252, 255; but see also AI, *Report 2002* (2002) 228.]

After the state-run *Sunday Observer* had published an article questioning the authenticity of the Buddha’s tooth relic housed in a temple in Kandy, 97,000 copies of the 6 January 2002 edition were destroyed by the government.

[Source: IOC 2/02: 123–24.]

## **SUDAN**

In [August] 2001 professor Bona Malwal, a senior research fellow at Oxford University, filed a court action in Nairobi against Michael George Garang Deng, editor of *Update* magazine (a publication supporting the Sudanese People’s Liberation Army), which according to Malwal falsely linked him to the assassination of southern Sudanese leader William Deng Nhial in 1968.

[Source: IOC 4/01: 133.]

## **SURINAME**

In March 2001, an Amsterdam appeal court issued a ruling allowing Dutch prosecutors to investigate the “possible involvement” of former Suriname military leader Desi Bouterse in the December 1982 assassinations of leading members of the Suriname society (called the “December murders”). The appeal court authorized the retrospective application of Dutch legislation that implemented the 1984 Convention against Torture. The judges found that because the acts had been prohibited by preemptory norms of international law, it was permissible to apply the 1988 Dutch enabling legislation to the 1982 acts. In September the Dutch Supreme Court reversed this decision. Prosecution efforts continued in Suriname. Trade unionist and political leader Fred Derby, sole survivor of the massacre, died in May 2001.

[Sources: HRW, *World Report 2002* (2002) 600; AI, *Report 2002* (2002) 231.]

During the follow-up of the United Nations World Conference against Racism in September 2001,

the government of the Netherlands expressed regret for past Dutch involvement in slavery in Suriname, its former colony.

[Source: AI, *Report 2002* (2002) 231.]

*See also "General".*

## **SYRIA**

Following his release from prison in May 2001, human rights activist Nizar Nayouf campaigned for accountability for past abuses, including torture, deaths in detention (including the 1980 summary execution of as many as 1,100 Islamist inmates at the Tadmor military prison in retaliation for an assassination attempt on the then President Hafez al-Asad), and extrajudicial executions. He formed the National Council for Truth, Justice and Reconciliation to document abuses, press for perpetrators to be brought to justice, and assist former political prisoners who were stripped of their civil and political rights and denied reemployment in their former jobs.

[Source: HRW, *World Report 2002* (2002) 394, 470.]

## **THAILAND**

In September 2001, the government appointed a new committee to investigate the military crackdown against prodemocracy demonstrators in May 1992, which resulted in over thirty "disappearances", more than fifty deaths, and hundreds of injuries. However, by the end of 2001, no one had been brought to justice and there was no information about the fate of the "disappeared".

[Source: AI, *Report 2002* (2002) 242–43.]

## **TOGO**

Impunity for those responsible for human rights violations in the last two decades continued. In February 2001 an International Commission of Inquiry on Togo, set up by the United Nations and the Organization of African Unity to verify allegations made by Amnesty International in 1999 of hundreds of extrajudicial executions at the time of the 1998 presidential elections, published its report. It concluded that those killed were mostly opposition supporters. At least a dozen of those who testified before the commission were intimidated and harassed during its visit and after

publication of its report.

[Source: AI, *Report 2002* (2002) 243, 244.]

## **TURKEY**

In March 2001 plainclothes police officers arrested archeology student Emrullah Karagoz (?1978-) and held him at the Diyarbakir Police Headquarters, where he was reportedly tortured. In early July he was released. On 28 October he was rearrested and on 1 November brought before a judge, charged with “aiding and abetting an illegal organization”, and remanded to Diyarbakir prison. Before arriving there on 11 December, he was allegedly intimidated and severely tortured at the gendarmerie headquarters for forty-four days. Karagoz, who worked for the youth wing of the legal pro-Kurdish political party HADEP, was previously detained in June 1999 and November 2000 for political reasons. Plainclothes police apparently raided his house several times shortly before Newroz (the Kurdish New Year which is celebrated on 21 March). (See NCH #21, #21[ii], #21[iii], #21[iv], #23).

[Sources: AI, *Urgent Action 22/01* (28 March & 16 August, 2001), 280/01 (5 & 20 November 2001; 3 January 2002)].

In January 2002, publisher Ayse Nur Zarakolu (1947–2002) died. She was the director of Belge publishers, known for her books on minority rights and Turkey’s military history. Zarakolu had served prison terms in 1982 (for publishing documents from the Turkish Communist Party’s founding congress), 1984, 1994 (for publishing a book on Kurdish history of Ismail Besikci), and 1996. She lived under constant harassment. Her offices were bombed in 1995. She published, inter alia, *Genocide As a Question of National and International Law: The 1915 Armenian Event and Its Consequences*, by Vahakn Dadrian, *The Armenian Taboo*, by French historian and surgeon Yves Ternon, and “*Disaster of Dersim*”, by Haydar Isik.

[Sources include: PEN in *Ifex Communiqué 11–9* (5 March 2002); IOC, 2/02: 126].

In February 2002 the National Security Court of Diyarbakir started an investigation into American linguist and philosopher Noam Chomsky’s speech at the city’s theater hall. Chomsky had spoken about “the noble and tragic history of the Kurds”.

[Source: IOC, 2/02: 125–26.]

## **TURKMENISTAN**

In March 2001 state libraries were instructed to confiscate the works of about twenty authors, some of whom had “inaccurately depicted” the country’s history.

[Source: HRW, *World Report 2002* (2002) 364.]

## UNITED STATES

Within the framework of the Clinton Administration Chile Declassification Project, initiated after General Augusto Pinochet’s arrest in London in October 1998, 16,000 secret US documents on political violence in Chile in 1968–90 were declassified by November 2000. They included 700 heavily censored controversial CIA records of US covert operations in 1968–75, which the Central Intelligence Agency (CIA) Directorate of Operation had initially refused to release. On 31 July 2000 Archivist of the United States John Carlin had written a letter to national security adviser Samuel Berger, denouncing the refusal. Much of the released information had already been summarized in the 1975 reports of the Senate Select Committee to Study Government Operations with Respect to Intelligence Activities.

[Sources: HRW, *World Report 2002* (2002) 131; and also: National Security Archive, *History Held Hostage: The CIA’s Refusal to Declassify the Covert Record on Chile* (WWW-text by P. Kornbluh; 17 August 2000), and idem, *Chile: 16,000 Secret US Documents Declassified* (Press release; 13 November 2000).]

In November 2000 the then Secretary of State Madeleine Albright promised to declassify State Department documents on “disappearances”, the theft of babies, and Operation Condor in Argentina. The documents, which would probably not include CIA or Defense Department files, were still awaited in November 2001. In July and August 2001 an Argentine and a Chilean judge sent letters rogatory to the State Department requesting depositions by former Secretary of State Henry Kissinger on several cases. Declassified documents showed that Kissinger had been informed about Operation Condor. *See Argentina.*

[Source: HRW, *World Report 2002* (2002) 120–21, 131.]

In 2001 proposed legislation that could criminalize the disclosure of classified information was presented again by senator Richard Shelby. The original bill, vetoed under the Clinton administration, included sanctions against leaks of information not of national security interest and could be used to force journalists to reveal their sources.

[Source: IOC 4/01: 137.]

In June 2001 the nongovernmental National Security Archive published documents declassified under the Freedom of Information Act about the early links of the United States with Vladimir Montesinos in the 1970s. *See Peru*.

[Source: HRW, *World Report 2002* (2002) 169.]

In [2002], following a parent's complaint, *Sophie's Choice*, a book about the Holocaust by William Styron, was withdrawn from La Miranda High School library for containing sexual references. The National Coalition against Censorship (NCAC) appealed to the school official on the grounds of students' First Amendment rights.

[Source: IOC 2/02: 129.]

*See also Argentina, Haiti, Morocco.*

## **URUGUAY**

In August 2001 the Peace Commission, established in August 2000 to clarify the fate of Uruguayans who "disappeared" between 1973 and 1985, reported that it had shed light on 15 out of 34 cases of "disappeared" persons. It established that they died in custody as a result of torture but that their bodies had not been found. It also uncovered information about five out of hundred who "disappeared" in Argentina. The commission would reportedly extend its working period until it had been able to clarify more cases. However, the 1986 Expiry Law prevented perpetrators from being brought to justice; the law granted exemption from punishment to police and military personnel for human rights violations committed for political motives or when obeying orders before 1 March 1985. (*See NCH #23*).

[Source: AI, *Report 2002* (2002) 261]

*See also Argentina.*

## **VATICAN**

*See China.*

## **VIETNAM**

In September 2001 military historian and dissident Pham Que Duong (?1933–) was arrested after he and others had submitted a request to the government to form an independent anti-corruption organization and campaigned for the repeal of decree 31/CP, which authorized detention for up to two years without trial. (*See NCH #23*).

[Source: HRW, *World Report 2002* (2002) 260, 649.]

### **YUGOSLAVIA (Serbia & Montenegro)**

On 28 June 2001, former Serbian President Slobodan Milosevic was surrendered for trial at the International Criminal Tribunal for the former Yugoslavia. In May 1999 and in October 2001, he was charged with responsibility for crimes against humanity, war crimes, and sexual violence committed in Kosovo in 1998–99; for war crimes and crimes against humanity in Croatia in 1991–92; and for genocide and crimes against humanity in Bosnia-Herzegovina in the 1992–95 conflict, either by giving direct orders or through omission as effective commander of Serbian police, army and paramilitary groups. The prosecution of a former head of state, initially indicted when he or she was a sitting president, by an international tribunal was a groundbreaking precedent. In his first appearance before the tribunal in July, Milosevic refused to accept its jurisdiction. Apart from Milosevic's transfer, the authorities largely failed to address impunity for alleged war crimes in Bosnia-Herzegovina, Croatia and Kosovo. Little progress was made in investigating the alleged abductions of some 1,300 Serbs and Roma by the Kosovo Liberation Army since 1999, or the "disappearance" of around 3,000 ethnic Albanians probably arrested by Serbian security forces in 1999. Between June and September 2001, the police exhumed five unmarked mass graves in Serbia, containing more than 300 bodies thought to be ethnic Albanians transported from Kosovo and reburied in Serbia to avoid detection during the 1999 NATO Operation Allied Force. In December 2001 the European Court of Human Rights ruled inadmissible a complaint brought in October 1999 against seventeen NATO member states by a survivor and five relatives of people killed in the bombing of Serbian television station RTS during NATO's 1999 military operation. In an unprecedented move, the state-run television showed a BBC documentary about the 1995 killings of more than 7,000 Bosnian Muslims in Srebrenica. (*See NCH #23*).

[Sources: HRW, *World Report 2002* (2002) xvi, xxi, 271, 275, 278, 280, 306, 378–79, 383, 386, 548, 589–91; AI, *Report 2002* (2002) 19, 53, 84, 268, 269, 270.]

*See also Bosnia-Herzegovina.*