

INTRODUCTION

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

AFGHANISTAN

In 2004, little progress was made in bringing to justice those responsible for war crimes, including mass killings and rape, committed during the armed conflicts since 1978. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 36.]

See also United States.

ALBANIA

Last Annual Report entry: see NCH #5 (1996).

ALGERIA

In 2004, no concrete steps were taken to establish the fate of thousands of “disappearances” in the conflict started in 1992. In August and September, many families of the “disappeared” were summoned by a special commission set up in September 2003 to serve as an intermediary between the families and the authorities. The commission’s mandate did not empower it to view information held in the archives

of the security forces. Complaints filed in Algerian courts for abduction and illegal detention were not followed up. The remains of victims of killings discovered in mass graves were generally not identified, and the available evidence was not used to establish responsibility for the killings. The authorities continued to deny that state agents had been responsible for a pattern of “disappearances”. The United Nations Working Group on Enforced or Involuntary Disappearances expressed its “deep concern that there have been no clarifications of the more than 1,100 outstanding cases” which it had transmitted to the government. In November 2004, President Abdelaziz Bouteflika announced plans for a general amnesty for all perpetrators of human rights abuses. In the same month, the Permanent People’s Tribunal - an international panel of experts set up to examine human rights issues in the absence of formal commissions of inquiry - met in Paris to examine evidence of human rights abuses committed in Algeria since 1992. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 39-40.]

On 26 May 2004, Hafnaoui Ghoul, a local correspondent for the weekly *El Youm* in Djelfa, south of Algiers, a historian who runs the regional office of the Ligue algérienne des droits de l’homme (Algerian League of Human Rights), and a spokesperson for the unofficial political group Movement of Citizens of the South, was placed in preventive detention and sentenced to a total of eight months’ imprisonment in a series of court cases, mostly defamation cases filed by local officials after he reported allegations of torture, public mismanagement and corruption. Ghoul had been under house arrest since 15 February 2003 and had received death threats because of his investigations. On 25 November 2004, he was provisionally released.

[Sources: IOC 3/04: 98; IOC 1/05: 92; AI, *Report 2005* (2005) 40; Reporters sans frontières, “Journalist Hafnaoui Ghoul receives six-month prison sentence for defamation” (WWW-text; 31 May 2004); PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 4; PEN, “Reporters without Borders Urges French Foreign Minister To Raise Press Freedom Issues with Algerian Authorities” (WWW-text; 12 July 2004)].

See also Morocco/Western Sahara.

ANGOLA

Last Annual Report entry: see NCH #32 (2003).

ARGENTINA

Following the congressional annulment in August 2003 of the “full stop” and “due obedience” laws - which had obstructed prosecutions of those responsible for human rights abuses committed during military rule (1976-83) - the Néstor Kirchner government continued to press for accountability. Several key trials were underway, including the one of ex-junta leader General Jorge Videla, for his involvement in Operation Condor (a secret criminal plan devised by six Southern Cone military governments in the 1970s and 1980s to kidnap, exchange, or “disappear” political refugees from neighboring states). A final judicial decision on the constitutionality of the annulment of the “full stop” and “due obedience” laws was still pending: in October 2003, the Supreme Court had referred the case to the Criminal Cassation Panel. In August 2004, the Supreme Court rejected an appeal by a former Chilean agent who had argued that the life sentence he received for the 1974 assassination of Chilean army commander General Carlos Prats had to be annulled because the statute of limitations had elapsed. In a landmark decision, the court ruled that, as a crime against humanity, the murder was not subject to a statute of limitations. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 186, 188-90; AI, *Report 2005* (2005) 44.]

On 24 March 2004, the 28th anniversary of the military coup that initiated the dictatorship (1976-83) during which thousands of Argentinians disappeared, President Néstor Kirchner led a commemorative event at the Military College. During the event, army chief General Roberto Bendini removed from the walls portraits of two of the institution’s former directors in the 1970s, Jorge Videla and Reynaldo Bignone, both junta leaders during the dictatorship. Four generals and one colonel refused to be present at this event. The same day, Kirchner signed an agreement to convert the Navy Mechanics School (ESMA), a torture center where thousands of disappeared had been held, into a Museum of Memory.

[Sources: HRW, “Argentina Confronts Past on Coup Anniversary” (WWW-text; Washington 24 March 2004); HRW, *World Report 2005* (2005): 189-90; IOC 1/05: 66.]

See also Chile, Paraguay, United States, Uruguay.

ARMENIA

On 20 April 2004, police officers arrested Colonel Gegam Arutyunyan, member of the opposition Republican Party’s political council, former deputy defense minister and historian, and held him at an Interior Ministry office. He was charged with the “use of bad language”. His detention reportedly served to prevent his participation in an opposition rally on 21 April.

[Sources: IOC 3/04: 99; C. Maral, “Armenian opposition member re-detained over foul language use”

(WWW-text; 21 April 2004).]

See also Turkey.

AUSTRALIA

Last Annual Report entry: see NCH #32 (2003).

AUSTRIA

On 8 January 1997, the *Neue Kronen Zeitung* published an article, written under the pseudonym “Cato”, about the controversial exhibition “War of Annihilation: Crimes of the Wehrmacht, 1941–1944”, planned to be staged in Salzburg. The article, entitled “Infected with Lies”, was a reaction to a favorable commentary (published on 23 December 1996) by Gerhard Botz, professor at the Institute of History, University of Salzburg, in the newspaper *Salzburger Nachrichten*. According to *Salzburger Nachrichten*, Cato had written that (1) it approved the 1940 Katyń massacre committed by the Soviets; (2) it called those fallen in World War II murderers; (3) it tarnished the soldiers of World War II; (4) it collaborated with liars (by which allegedly historians such as Botz were meant); (5) its quality as a newspaper had declined; and (6) its circulation had fallen. *Salzburger Nachrichten* filed a defamation complaint with the Vienna Regional Criminal Court, which was rejected in June 1997 because Cato’s identity could not be established and because the *Neue Kronen Zeitung* article was part of a public debate. In a separate case revolving around unfair competition, the Salzburg Regional Court issued an injunction against *Neue Kronen Zeitung* preventing it from repeating the statements. It called (1), (2) and (5) untrue statements of fact and (3) and (4) value statements containing an unnecessary disparagement of *Salzburger Nachrichten*. This was confirmed on appeal in December 1997. On 20 March 2003, the European Court of Human Rights unanimously ruled that the statements with a competitive aim (5 and 6) prevailed over those made with an intention to contribute to a public debate (1 to 4) and that the injunction was not disproportionate.

[Source: European Court of Human Rights, *Decision as to the Admissibility of Application no. 42429/98 by Krone Verlag and Mediaprint against Austria* (WWW-text; Strasbourg, 20 March 2003).]

AZERBAIJAN

Last Annual Report entry: see NCH #10 (1998).

BAHRAIN

Last Annual Report entry: see NCH #37 (2004).

BANGLADESH

On 12 January 2004, a bomb blast killed three people and injured about thirty, while thousands of devotees were chanting Koran verses and singing Islamic songs during a festival at the 700-year-old shrine of Muslim saint Hazrat Shah Jalal (died 1346) in Sylhet. According to legend, the saint, who came from Yemen to preach Islam, transformed the evil followers of the local king into fish. In an incident at the shrine in December 2003, 500 fish were poisoned in a pond. In May 2004, a new bomb blast killed two persons and injured dozens.

[Sources: “Bangladesh Shrine Bomb Kills Two”, *BBC News* (12 January 2004); AI, *Report 2005* (2005) 51.]

In May 2004, Humayun Azad (?1947-2004), leading writer and professor of German literature at Dhaka University (see NCH #35, #37) returned home. In July, he received a series of death threats. On 25 July, an Islamic leader and member of parliament reportedly told a public meeting that Azad faced “dire consequences” for his writings. On 10 August, Azad died, possibly from a heart attack.

[Sources: AI, *Report 2005* (2005) 51; PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 32.]

On 20 October 2004, a court in Dhaka gave its verdict in the trial of eleven men accused of killing four Awami League leaders in Dhaka Central Jail in November 1975. Three were sentenced to death in absentia; another three - already sentenced to death for the killing of President Sheikh Mujibur Rahman in August 1975 - were given life imprisonment; five were acquitted. The Awami League claimed that the acquittals were politically motivated. (See NCH #23.)

[Source: AI, *Report 2005* (2005) 52.]

BELARUS

On 7 April 2004, the Belarussian cinema and video licensing board banned *Mysterium Occupation*, a

film directed by Andrei Kudinenko (?1972-) and made in the independent studio Navigator. A film about Belarussian partisans in World War II showing life under the Nazi occupation and subsequent Soviet liberation, it was censored because “[t]he treatment of the partisan movement in this film contradicts the essential truth, can insult the feelings of war veterans and have a negative influence on the upbringing of the rising generation and youth.” The board had already banned an American series about Adolf Hitler’s life.

[Source: A. Malpas, “Partisan War”, *The Moscow Times*, 18 June 2004: 107.]

BELGIUM

Last Annual Report entry: see NCH #37 (2004).

See also Congo (Democratic Republic).

BOSNIA AND HERZEGOVINA

Impunity for war crimes and crimes against humanity committed during the 1992-95 war continued to be widespread. Thousands of “disappearances” were still unresolved. While perpetrators of wartime violations continued to enjoy impunity, victims and their families were denied access to justice and redress. Lack of cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), particularly by the Republika Srpska (RS), was a major obstacle to justice. According to data from the Red Cross, almost 17,000 persons who went missing during the conflict are still unaccounted for. Many of them “disappeared” after being taken into custody by the military and security forces; those responsible have continued to enjoy impunity. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 58, 59.]

On 21 March 2004, a bomb was thrown at a mosque in Orahova, near Gradiska, in the Bosnian-Serb ruled part of the country. It was the anniversary of the day in 1993 when the original mosque was destroyed. The mosque was rebuilt and reopened in 2003 as Bosnian Muslims expelled during the Balkan wars returned to their own homes.

[Source: IOC 4/04: 130.]

On 19 April 2004, the ICTY Appeals Chamber confirmed that in July 1995 Serb forces had committed genocide in Srebrenica. The Appeals Chamber sentenced Bosnian Serb Army General Radislav Krstic

to 35 years' imprisonment for aiding and abetting genocide. An ICTY trial chamber in the case of Bosnian Serb Radoslav Brdjanin, however, found that no genocide had occurred in 1992 in the Krajina area, where Serb forces killed hundreds of Muslim and Croat civilians and expelled hundreds of thousands. On 15 October 2004, the Republika Srpska (RS) Commission on Srebrenica submitted to the RS government a report concerning Srebrenica and acknowledged for the first time that the Bosnian Serb Army had been responsible for the killing of 7,800 Bosnian Muslim men and boys after the fall of Srebrenica in July 1995. The Commission identified the location of mass graves, some of which were previously unknown. By the end of 2004, the bodies of approximately 1,300 people killed after the fall of Srebrenica had been exhumed and identified. RS authorities had previously claimed that only one hundred Bosnian Muslim had been executed and that another 1,900 had died in combat or from exhaustion. In November the RS government apologized for the first time for the human rights violations in and around Srebrenica. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 359-62; AI, *Report 2005* (2005) 58-59.]

See also Serbia and Montenegro.

BRAZIL

In response to a photograph published in a national newspaper in October 2004, the army released a statement defending the repressive actions of the 1964-85 military regime, stating that it had laid the foundations for a democratic Brazil. Although the statement was later withdrawn, the subsequent uproar led to the resignation of the Minister of Defense. No military officers resigned.

[Source: AI, *Report 2005* (2005) 63.]

In December 2004, the Supreme Court ordered the federal government to open files on the military operations against armed opposition groups in the region of Araguaia, state of Pará, in the early 1970s (during the military dictatorship). These may enable relatives finally to locate the bodies of victims of military actions.

[Source: AI, *Report 2005* (2005) 20, 60, 63.]

See also Paraguay.

BULGARIA

Last Annual Report entry: see NCH #27 (2002).

BURKINA FASO

No progress was reported in the investigation into the alleged extrajudicial executions of 106 people between October 2001 and January 2002. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 66.]

BURUNDI

In 2004, trials continued of people accused of participating in the violence which followed the 1993 assassination of former President Melchior Ndadaye.

[Source: AI, *Report 2005* (2005) 68.]

At the request of the United Nations Security Council, an assessment was made of the feasibility of establishing an International Judicial Commission of Inquiry in Burundi, as outlined in the 2000 Arusha peace agreement. Such an inquiry would investigate and determine responsibility for crimes under international law committed between 1962 and 2000. At the same time, legislation establishing a National Truth and Reconciliation Commission (NTRC) was adopted by the National Assembly and Senate. Concern was expressed that the law did not provide mechanisms to protect the independence of commission members, and that lack of clarity over the roles of the NTRC and the international commission could jeopardize the work of both.

[Source: AI, *Report 2005* (2005) 16, 68.]

CAMBODIA

In 2004, after seven years of negotiations, Cambodia approved an agreement with the United Nations to establish an internationally-assisted tribunal under Cambodian law to try senior leaders of the Khmer Rouge and those who were most responsible for genocide, war crimes, and crimes against humanity committed while the Khmer Rouge was in power (1975-79). Based in Cambodia, this “mixed tribunal” will be comprised of a majority of Cambodian judges working alongside international judges, with Cambodian and international co-prosecutors. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 255, 257-58; AI, *Report 2005* (2005) 70.]

CANADA

In February 2003, Canadian Holocaust denier Ernst Zündel (?1940-) was deported from the United States to Canada in the wake of charges of anti-Semitism and demands for the censorship of his website. On 21 January 2004, he was imprisoned after Canadian security services considered him as a threat to national security. On 22 September 2004, he was sentenced to a further six months' imprisonment.

[Source: IOC 1/05: 94.]

In November 2004, Iranian-born Seyed Mahmoud Namini was reportedly detained in Toronto after being found in possession of several copies of a book about a Kurdish revolt against the Iranian Islamic regime during the 1980s. He was questioned about his alleged links to Kurdish separatist organizations in the Middle East.

[Source: IOC 1/05: 94.]

CHAD

No formal charges had yet been brought in Chad against people suspected of committing human rights violations and other crimes during the presidency of Hissene Habré (1982-1990) despite judicial investigations. It was unclear whether there was any progress in the investigations. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 74, 75.]

CHILE

In January 2004, the Santiago Appeals Court upheld the conviction of General Manuel Contreras, former head of the Directorate of National Intelligence (DINA), the secret police during the dictatorship of General Augusto Pinochet (1973-90), for the 1975 "disappearance" of a detainee. In November, the Supreme Court dismissed a final appeal against the conviction, ruling that the crime of kidnapping was not covered by an amnesty law enacted by the military government in 1978. In recent years, the courts have deemed the 1978 amnesty to be inapplicable in "disappearance" cases since a "disappearance" must be considered a kidnapping - an ongoing crime - unless the victim's remains have been found and the courts have thereby established his or her death. The lawyer representing the State Defense Council had argued that cases of "disappearance" should be treated as murder rather than "permanent

kidnapping”. Treating “disappearance” as murder would have allowed the Amnesty Law to be applied. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 197-98; AI, *Report 2005* (2005) 76.]

In May 2004, the Santiago Appeals Court stripped Pinochet of his immunity as a former head of state, allowing him to face trial for the “disappearance” of twenty people in the 1970s. The Supreme Court narrowly affirmed the decision in August. The crimes formed part of “Operation Condor” (see Argentina). As of December 2004, the investigating judge in the case was assessing reports on Pinochet’s medical condition before deciding whether to indict him. On 13 December, a judge ordered the indictment and house arrest of Pinochet on nine counts of kidnapping and one of murder. On 20 December, the Santiago Appeals Court upheld the order. The lawyers representing Pinochet appealed to the Supreme Court, which had not ruled by the end of 2004. It is the third time that the Chilean courts have cleared the way for Pinochet to be prosecuted for human rights violations. Pinochet also faces a criminal investigation and a tax office probe after a United States Senate investigation revealed in July 2004 that a bank in Washington D.C. held millions of dollars in secret deposits for Pinochet while he was in detention on human rights charges in London. (See NCH #32.)

[Sources: HRW, *World Report 2005* (2005) 198; AI, *Report 2005* (2005) 20, 76.]

On 28 November 2004, President Ricardo Lagos presented on television the report of the National Commission on Political Imprisonment and Torture (Comisión Nacional sobre Prisión Política y Tortura), established in 2003. The report was based on testimonies from 35,000 people, many of whom had never testified before about the abuses they had suffered. It concluded that torture had been a systematic state practice and recommended various reparation measures. Human Rights Watch criticized the government’s decision to keep the testimonies secret for fifty years, and urged that it send information about alleged perpetrators to the courts for investigation. The report prompted a national debate in the news media. Prior to the report’s release, the army’s chief commander acknowledged for the first time the army’s institutional responsibility for human rights violations during military rule. Until his statement, the army’s position had always been that human rights violations were solely the responsibility of individual officers. The other branches of the armed forces accepted the findings of the report, but insisted that responsibility for the abuses was individual rather than institutional. (See NCH #37.)

[Source: HRW, *World Report 2005* (2005) 198-99.]

See also Argentina.

CHINA

On 2 May 2004, freelance journalist Liu Shui was sentenced without trial to two years' re-education camp. Charged with soliciting the services of prostitutes, he had posted numerous articles on the Internet concerning the 1989 Tiananmen Square massacre.

[Source: IOC 3/04: 102.]

On 1 June 2004, when Jiang Yanyong (see NCH #37) traveled to the United States embassy to apply for a visa to visit his daughter in California, he was arrested by military and security officials, officially because he had violated regulations regarding military discipline. On 19 July 2004, he was released but remained under house arrest. During his six-week detention, he underwent "thought reform". On 23 March 2005, the house arrest was lifted.

[Sources: AAAS Human Rights Action Network, *CH0407.Jia*, 14 July 2004; HRW, "China: Whistleblowing Doctor Home but Not Free" (WWW-text, Washington 21 July 2004); HRW, *World Report 2005* (2005) 264.]

Fifteen years after the 4 June 1989 Tiananmen massacre, the government still banned any public commemoration of the event. Police harassed and detained those dedicated to securing rehabilitation of victims, payment of compensation, or reconsideration of the official verdict. Chinese authorities placed several human rights activists, including Ding Zilin (see NCH #37), leader of the Tiananmen Mothers, under house arrest and harassed them in order to prevent them from commemorating the anniversary and from filing a legal complaint on behalf of 126 others who also lost relatives in 1989.

[Sources: HRW, *World Report 2005* (2005) 263-64; IOC 3/04: 102, 104; AI, *Report 2005* (2005) 77.]

The book *Days of Old Do Not Disappear Like Smoke*, a memoir about intellectuals purged during the Anti-Rightist Campaign (June 1957 until 1958), written by Zhang Yihe, the daughter of one of them, was banned. It continued to be circulated in pirate copy. The unabridged version, titled *The Last Aristocrats*, was later published in Hong Kong.

[Sources: Independent Chinese PEN Center, "Zhang Yihe Receives the ICPC Second Freedom to Write Award" (WWW-text; Beijing 31 October 2004); IOC 1/05: 95.]

In October 2004, it was reported that the book *Xizang Biji* (Tibet Journal) (2003), a collection of essays on Tibetan history and culture written in Chinese by the Tibetan (female) writer Wei Se, was banned for its positive references to the exiled Tibetan leader the Dalai Lama. Wei Se was reportedly dismissed, evicted from her home, and barred from leaving the country.

[Source: PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 39.]

On 24 November 2004, journalist and poet Shi Tao (?1986-) was arrested in Taiyuan, Shanxi, northeastern China, and on 28 January 2005 charged with “illegally exposing state secrets abroad” for posting an official document and articles relating to the June 1989 Tiananmen Square massacre on foreign websites and discussion forums. He faced a sentence of between three years’ and life imprisonment if convicted. In April 2004, Shi had pseudonymously sent the dissident online newspaper *Min Zhu Ton Xun* an internal official note warning journalists of the dangers of social destabilisation on the occasion of the 15th anniversary of the massacre. State Security Ministry agents identified him with the help of filters installed on the Chinese Internet. The ministry told the prosecutor that the document was “jue mi” (top secret). Shi acknowledged that he had sent the document, but disputed its confidential nature.

[Source: *Ifex Alert* (7 and 16 December 2004, 4 February 2005).]

On 4 December 2004, Ouyang Yi (see NCH #37) was released after he had served his sentence. In 2003, the United Nations Working Group on Arbitrary Detention had called Ouyang’s detention arbitrary.

[Sources: PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 38; United Nations Working Group on Arbitrary Detention, *Report* (E/CN.4/2004/3; Geneva 15 December 2003) 7.]

The death and funeral of former Prime Minister (1980-87) and Secretary-General of the Chinese Communist Party (1987-89) Zhao Ziyang (1919-2005), deposed in 1989 for opposing force to crush the Tiananmen student demonstrations and under house arrest until his death, were censored in various ways: for some days, the main news bulletins did not mention his death on 17 January, reflecting government concern that his death spark unrest and dissent (as Hu Yaobang’s death in April 1989 had done); on 23 January, former student leader Zhao Xin was arrested when he asked permission for a public commemoration march. Access to Zhao’s funeral and cremation at the Babaoshan Cemetery for Revolutionaries on 29 January was very restricted; his former chief of staff Bao Tong and groups of peasants were refused entry. Wreath texts were controlled and, against Chinese tradition, the family was forbidden to hold a funeral oration. Some twenty demonstrators were prevented from unfurling banners and dissident Ding Zilin (see item above) was placed under house arrest.

[Sources: *Keesing’s Record of World Events*, January 2005; *Keesings historisch archief*, 2001: 116-17, 2004: 498; 2005: 107-8.]

COLOMBIA

Last Annual Report entry: see NCH #37 (2004).

CONGO (Democratic Republic)

In October 2004, the International Criminal Court (ICC) and the government signed a cooperation agreement allowing the ICC to begin investigations into war crimes and crimes against humanity committed within the country. ICC investigators visited Ituri, where initial ICC inquiries were concentrated.

[Source: *AI, Report 2005* (2005) 15, 85.]

On 3 February 2005, a six-metre (19.5-foot) statue of the Belgian King Leopold II (1835-1909) was re-erected after it had been removed on the orders of President Joseph Mobutu in 1967. It was taken down just hours later, reportedly because several ministers opposed having a memorial to a man who had exploited Congo's resources and contributed to millions of deaths, when he was the sovereign of the Congo Free State (1885-1908).

[Source: *BBC News Online*, 4 February 2005.]

See also Congo (Republic).

CONGO (Republic)

In a case lodged in a French court in 2001, senior Congolese officials were accused of responsibility for the May 1999 "disappearance" of at least 353 refugees returning from the neighboring Democratic Republic of the Congo. (See NCH #37.)

[Source: *AI, Report 2005* (2005) 86.]

CROATIA

It was reported that Orthodox churches were frequently desecrated with fascist Ustasha symbols [As allies of Nazi Germany, the Ustahas established the Ustasha Independent State of Croatia in 1941-45].

[Source: *IOC 4/04*: 134.]

According to official data, approximately 1,200 people who went missing during the 1991-95 conflict remained unaccounted for. This figure did not include the hundreds of people - mostly Croatian Serbs -

missing since “Operation Storm” and “Operation Flash” in 1995. Efforts by the Croatian authorities to clarify the fate and whereabouts of missing Croatian Serbs were generally insufficient, leading to considerable delays in the identification process. Many of those missing were believed to be victims of “disappearances”; most of those responsible continued to enjoy impunity. (See NCH #37.)

[Source: *AI, Report 2005* (2005) 90.]

CUBA

Last Annual Report entry: see NCH #27 (2002).

CYPRUS

In August 2004, the Committee for Missing Persons reconvened after five years in an attempt to discover the fate of about 2,000 people missing during ethnic strife in Cyprus since 1963.

[Source: *AI, Report 2005* (2005) 92.]

A Greek Cypriot history textbook which contained an illustration showing Greek Cypriots sitting before their huts in Ottoman times and wearing fezzes was deemed “too Turkish” by the authorities; after the illustration was retouched, the fezzes had disappeared.

[Source: *Informationen Georg-Eckert Institut*, no. 48, December 2004: 18.]

See also Greece.

CZECH REPUBLIC

Last Annual Report entry: see NCH #17 (2000).

EAST TIMOR

See Timor-Leste.

ECUADOR

On 5 March 2005, historian Enrique Ayala Mora (1950-), rector of the Ecuadorian branch of the Universidad Andina Simón Bolívar (1997-) and socialist member of parliament (2003-), was shot at while driving his car home after a political meeting in Quito. He was injured. Although his party belonged to the majority, his recent criticism of government policy was believed to have been the reason for the assault. According to a government source, Ayala had staged the assault himself.

[Source: "Atentan contra Enrique Ayala Mora," *La Hora* (Ecuador), 8 March 2005.]

EGYPT

Last Annual Report entry: see NCH #32 (2003).

EL SALVADOR

The government persisted in its stance not to prosecute perpetrators of human rights violations during the 1980-1991 armed conflict, as it would reopen the wounds of the past. This was despite recommendations by the United Nations Truth Commission and the Inter-American Commission on Human Rights that the violations should be investigated. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 99.]

In September 2004, a judge in California, USA, held Alvaro Saravia, a former captain in the Salvadorean army now resident in California, responsible for the assassination of Archbishop Oscar Romero in March 1980 in San Salvador. The judge said that it was a "crime against humanity". Alvaro Saravia was ordered, in absentia, to pay US \$10 million in compensatory damages to a relative of the archbishop. (See NCH #32.)

[Source: AI, *Report 2005* (2005) 99.]

ETHIOPIA

Thirteen years after the overthrow of the former military government (the Dergue, 1974-90), over 2,000 of its former officials remain imprisoned without trial on charges including genocide. Of those tried, many had been acquitted, some after more than a decade of imprisonment. The loss of evidence over the years resulted in some acquittals, but also made it more difficult to present an effective defense. Former

dictator Mengistu Haile Mariam, on trial in absentia, remains a guest of the Robert Mugabe government in Zimbabwe, with little chance of being held accountable for his abuses so long as he remains there. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 129-30; AI, *Report 2005* (2005) 106.]

EUROPEAN UNION

On 27 January 2005, the European Parliament adopted a resolution on remembrance of the Holocaust, anti-Semitism and racism, in which it stated: “The European Parliament, ... [p]ays homage to all the victims of the Nazis and is convinced that lasting peace in Europe must be based on remembrance of its history; rejects and condemns revisionist views and denial of the Holocaust as shameful and contrary to historical truth...”.

[Source: European Parliament, <http://www.europarl.eu.int/>]

FIJI

Last Annual Report entry: see NCH #37 (2004).

FRANCE

On 31 January and 1 February 1997, France Info (a station controlled by the national radio broadcasting company Radio France) broadcast 63 news flashes and bulletins on an article published in the weekly magazine *Le Point* which claimed that Michel Junot—a deputy to Jacques Chirac at the Paris town hall (1977–95) who had been Deputy Prefect at Pithiviers in 1942 and 1943—had supervised the deportation of a thousand Jews from two internment camps under his responsibility. In a defamation case, Michel Boyon (1946–), Radio France’s editorial director, and Bertrand Gallicher (1957–), a journalist with France Info, were convicted of publicly defaming a civil servant (Junot) and ordered to pay a fine and damages. Radio France was ordered to broadcast an announcement of the judgment. In June 1998, the Paris Court of Appeal upheld the judgment. It considered that by alleging that Junot had supervised the deportation and transfer to Drancy, by comparing his situation with that of Maurice Papon (who had been committed for trial before the Bordeaux Assize Court), and by suggesting that he had not been a member of the Resistance, the disputed broadcasts had damaged his honor and dignity. On 30 March 2004, the European Court of Human Rights ruled that

Radio France's right to freedom of expression was not infringed by the penalties and orders imposed on them by the French courts to protect Junot's reputation. The Court noted that, although the broadcast concerned an issue of general interest, namely the attitude of senior civil servants during the Occupation (such as Junot and Maurice Papon), and although they had quoted explicitly from the well-documented *Le Point* article, they had alleged that Junot had admitted "having organized the departure of a convoy of deportees to Drancy", an allegation not published in *Le Point*. The original bulletin was broadcast several times, although subsequent broadcasts pointed out that Junot denied the allegations. The court found that Gallicher had not shown the utmost caution and special moderation needed in this case.

[Source: European Court of Human Rights, *Affaire Radio France et autres c. France: Arrêt* (WWW-text; Strasbourg 30 March 2004).]

On 2 April 1998 a Paris judge ruled that journalist and historian Gérard Chauvy (1952–) and his publisher Albin Michel were guilty of "public defamation" because in his book *Aubrac, Lyon 1943* (Paris 1997) Chauvy had reproduced as an appendix a document called "Klaus Barbie's Testament", in which Barbie, wartime Gestapo chief at Lyon, suggested that resistance army fighters Raymond and Lucie Aubrac had betrayed resistance leader Jean Moulin in June 1943, leading to Moulin's arrest and death after torture. Although Chauvy had written in his conclusion that no archival document proved the alleged betrayal and declared that he had acted in good faith, the judge said that Chauvy, by publishing the document and citing it at least 44 times, had given it excessive weight and that he had not been prudent enough in applying the historical method. The court ordered Chauvy to pay damages, to publish a statement in five daily newspapers and to insert a warning in each copy of the book. The judgment was confirmed on appeal in 1999 and in cassation in 2000. On 29 June 2004, the European Court of Human Rights unanimously ruled that the French courts had intervened correctly and not violated Chauvy's freedom of expression.

[Sources: J.-N. Jeanneney, *Le Passé dans le prétoire: l'historien, le juge et le journaliste* (Paris 1998) 114–18; J.-P. Azéma & G. Kiejman, "L' Histoire au Tribunal", *Le Débat*, November-December 1998: 45–51; "L'Affaire Aubrac: vérité et mensonges," *L'Histoire*, June 1997, 78–85; F. Hartog, 'L'Historien et la conjoncture historiographique,' *Le Débat*, November–December 1998, 6–7; *Le Monde*, 15 October 1991, 11; R. Evans, "History, Memory, and the Law: The Historian as Expert Witness", *History and Theory*, October 2002, 338–40; European Court of Human Rights, *Case of Chauvy and others vs. France: Judgment* (WWW-text; Strasbourg 29 June 2004).

A 9 April 2004 amendment to a January bill on the digital economy removed a statute of limitations that allow plaintiffs to sue websites for defamation years after first publication. According to some

parliamentarians, the change was designed to prevent archives holding such material from circumventing the defamation laws.

[Source: IOC 2/04: 128; IOC 3/04: 108.]

In December 2004, the Court of Cassation rejected the appeal lodged by General Paul Aussaresses following his conviction on a charge of “justifying torture”. His memoirs, published in 2001, described acts of torture and summary executions by French army officers in Algeria in the 1950s, and maintained that they had been necessary. In April 2003 the Court of Appeal of Paris had fined him 7,500 Euros and his editors, Plon, 15,000 Euros. The Court of Cassation upheld the prosecution view that freedom of expression should not be confused with the right to say “anything anyhow”. (See NCH #32.)

[Source: AI, *Report 2005* (2005) 110.]

See also Algeria, Congo (Republic).

GEORGIA

Last Annual Report entry: see NCH #32 (2003).

GERMANY

Last Annual Report entry: see NCH #32 (2003).

See also Argentina, Turkey.

GHANA

The National Reconciliation Commission (NRC) ended its hearings in July 2004. Established by the government in 2002, its task was to compile a record of human rights violations committed during Ghana’s periods of unconstitutional rule since independence in 1957. Most of the witnesses were victims of human rights violations under the military governments headed by former President Jerry Rawlings (1979, 1981-2001). Many of the more than 2,000 testimonies spoke of summary executions, “disappearances”, torture and ill-treatment. The NRC’s report and recommendations were submitted to President Kufuor on 12 October but had not been made public by the end of 2004. The

recommendations reportedly included reparations for about 3,000 victims and reforms of institutions including the security agencies. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 114-15.]

GREECE

On 3 May 2004, Greek state television ET-3 canceled the scheduled showing of the award-winning documentary “The Other Side” (produced by journalist Fani Toupalgiki for ET-3), which presented the events of 1963-74 and the build-up to the 1974 partition of Cyprus from a Turkish-Cypriot perspective. The documentary was reportedly seen as “anti-national” and “dangerous”. Its cancellation was allegedly the result of an intervention from the prime minister’s office, possibly in connection with the forthcoming visit of Turkish Prime Minister Recep Tayyip Erdogan to Greece. In January 2004, ET-3 had withdrawn its participation as co-producer of a documentary on a convicted war criminal.

[Sources: Greek Helsinki Monitor, *Ifex Alert* (4 and 7 May 2004); IOC 3/04: 108-9.]

GUATEMALA

In 2003 and 2004, staff of the nongovernmental human rights organization *Dónde están los niños y las niñas?* (Where are the children?) were repeatedly threatened and assaulted. In March 2003 and March 2004, director María Isabel Escobar Donis was assaulted. The organization investigated cases of children who “disappeared” or were “adopted” after being forcibly separated from their families during the civil war (1960-96). In April 2004, case files about the involvement of military officials in this operation were stolen from the organization’s offices in the capital.

[Source: AI, *Guatemala: Dónde están los niños y las niñas?* (WWW-text; 2004).]

Of the 626 massacres documented by the 1999 truth commission, only one case had been successfully prosecuted in the Guatemalan courts (the 1995 Xamán massacre). The Inter-American Court of Human Rights ordered the Guatemalan state to pay compensation to victims’ relatives in a number of prominent cases of past human rights violations for which the state had recognized its responsibility. In a landmark ruling in April 2004, the Court found the Guatemalan state responsible for the massacre of 268 people in Plan de Sánchez, Rabinal, Baja Verapaz, in 1982. (See NCH #14, #37.)

[Sources: HRW, *World Report 2005* (2005) 213-14, 217; AI, *Report 2005* (2005) 118.]

Throughout 2004, former members of the Civil Defense Patrols pressured Congress, including by the

use of threats, to pay them compensation for services rendered during the civil war (1960-96). Congress agreed in August, despite a June ruling by the Constitutional Court that such payments would be unconstitutional. During the conflict, which ended in 1996, members of the Civil Defense Patrols were implicated in hundreds of cases of human rights violations. Very few have ever been brought to justice. In August 2004, the Constitutional Court delivered its opinion on the creation of a United Nations-backed Commission for the Investigation of Illegal Bodies and Clandestine Security Apparatus, which had been approved by the previous government. It stated that significant parts of such a commission would be unconstitutional. The government announced it would present alternatives to carry the process forward. By the end of 2004 discussions were still ongoing.

[Source: AI, *Report 2005* (2005) 117.]

Human rights activists, witnesses and members of the judiciary involved in investigations of past human rights violations were subjected to persistent intimidation, death threats and attacks.

[Source: AI, *Report 2005* (2005) 118.]

GUINEA-BISSAU

Last Annual Report entry: see NCH #14 (1999).

GUYANA

Last Annual Report entry: see NCH #6 (1997).

HAITI

Last Annual Report entry: see NCH #32 (2003).

HONDURAS

Last Annual Report entry: see NCH #27 (2002).

HUNGARY

Last Annual Report entry: see NCH #37 (2004).

INDIA

In April 2004, women members of the Association of the Parents of Disappeared Persons were beaten by police when they demonstrated in Srinagar against continuing impunity for those responsible for “disappearances” in the state of Jammu and Kashmir. While the state admitted in 2003 that 3,744 persons had “disappeared” since insurgency began in 1989, human rights activists believed the true figure to be over 8,000. No one had been convicted by the end of 2004.

[Source: AI, *Report 2005* (2005) 127.]

In 2004, large-scale episodes of communal violence remained unpunished. This continued to foster communal resentments throughout India. In August 2004, the Supreme Court issued a key decision in connection with communal violence in Gujarat state in 2002. The violence followed a fire on a train in which 59 Hindus died in February 2002; right-wing Hindu groups blamed the fire on local Muslims. In the ensuing violence more than 2,000 people, mostly Muslims, were killed. The Court directed that more than 2,000 complaints closed by the police and some 200 cases which had ended in acquittals be reviewed. (See NCH #32.)

[Sources: HRW, *World Report 2005* (2005) 283-84; AI, *Report 2005* (2005) 127.]

In Punjab the vast majority of police officers responsible for serious human rights violations during the period of militancy in the mid-1990s continued to evade justice. In response to 2,097 reported cases of human rights violations, the National Human Rights Commission had ordered the state of Punjab to provide compensation in 109 cases concerning people who had been in police custody prior to their death. 2004 marked the twentieth anniversary of *Operation Blue Star* - a focal point in the conflict between Sikh nationalists and state security apparatus in the Punjab in the 1980s - and of the anti-Sikh riots in New Delhi, which resulted in more than 3,000 Sikh deaths. In July 2004, the Nanavati Commission of inquiry served former Prime Minister Narasimha Rao, who was home minister in the Congress Party government in 1984, a notice for his failure to act to prevent the attacks on Sikhs. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 284; AI, *Report 2005* (2005) 127.]

See also Iran.

INDONESIA

A law passed in September 2004 provided for the establishment of a Truth and Reconciliation Commission to resolve, outside the court system, cases involving grave human rights violations committed prior to the enactment of the Law on Human Rights Courts (2000). The Commission can conduct investigations, grant reparations to victims and recommend presidential amnesties.

[Source: AI, *Report 2005* (2005) 131.]

Trials for the 1984 killing of Muslim protesters by Indonesian security forces at Tanjung Priok in Jakarta finished with lenient verdicts amid ongoing reports of political interference and witness intimidation. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 290-91; AI, *Report 2005* (2005) 130.]

By the end of 2004, only one person remained convicted for crimes against humanity committed in Timor-Leste in 1999. Indonesia also continued to refuse to transfer to Timor-Leste 303 people indicted by the Timor-Leste Prosecutor General. They included former General Wiranto who headed the Indonesian armed forces in 1999. Wiranto had also not faced trial in Indonesia for his role in the violence of 1999. Although named as a suspect by Komnas HAM (the National Human Rights Commission), he was never indicted by the Attorney General's Office and ran as a candidate in the presidential elections of May 2004, finishing third.

[Source: AI, *Report 2005* (2005) 130.]

See also Timor-Leste.

IRAN

All cemeteries, holy places and community properties of the Bahai Faith, Iran's largest religious minority, were seized soon after the 1979 revolution. Many were destroyed, including the house of the prophet Bab, in Shiraz, the house of Bahauallah, the nineteenth-century founder of Bahai Faith, in Takur, and the Bahai cemetery in Shiraz. In 1993 more than 15,000 graves of the Bahai cemetery in Tehran were bulldozed. In Babol, between February and April 2004, the gravesite of Bab's foremost disciple, Muhammad-Ali Barfurushi, known as Quddus, was demolished. In June 2004 the house of Bahauallah's father was destroyed in Tehran.

[Sources: IOC 4/04: 138; Baha'is Decry Cultural Cleansing in Iran (WWW-text; New York 12 September 2004).]

In May 2004, many Zoroastrians made their annual pilgrimage to the temple of Chak-Chak near Yazd. Although Zoroastrianism, a monotheistic religion founded in the seventh century BCE by the prophet Zarathustra, is a permitted faith, many of its rituals are banned and many believers have emigrated to join coreligionists among India's Parsi community. Since 1979, their numbers have halved.

[Source: IOC 4/04: 138.]

On 20 July 2004, a Tehran court sentenced historian Hashem Aghajari (see NCH #37) to three years' imprisonment and a further two years suspended, this time for insulting sacred Islamic tenets. On 31 July, after almost two years' imprisonment, he was released on bail. On 10 March 2005, an appeals court ruled that the twenty-three months he had already served in prison were adequate punishment for the speech and removed an order that he be deprived of civil rights for five years, including a ban on his teaching and writing.

[Sources: AAAS Human Rights Action Network, IR0219-agh, 30 June, 22 July 2004; AI, *Report 2005* (2005) 133; PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 72; IOC 2/04: 131; IOC 3/04: 112; IOC 4/04: 66; "Iran Appeals Court Further Eases Aghajari's Sentence" (WWW-text; Al Jazeera 2005).]

On 6 February 2005, Hojatoleslam Hassan Youssefi Eshkevari (see NCH #32) was released.

[Source: PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 70.]

See also Canada.

IRAQ

In the weeks before the overthrow of the Iraqi government by the U.S.-led coalition forces in March-April 2003, former Iraqi government officials shredded, burned, or otherwise destroyed many documents. They also removed many sensitive documents for safekeeping which they had to abandon as military defeat became imminent. Countless other records were destroyed as a result of the wartime aerial bombing campaign. Widespread looting and destruction of government property in the weeks after the war led to further destruction of documents. US-led coalition forces, Iraqi opposition groups, and individuals seized hundreds of thousands of Iraqi state documents from government ministries, archives of the Baath Party and organizations affiliated to it, archives of the intelligence and security

agencies, and archives of the armed forces and paramilitary groups in cities across Iraq. An unknown number of documents was offered for sale. Millions of documents nevertheless remained intact as sources of information about the practices of the Saddam Hussein government. Together with the forensic evidence from 259 mass graves and witness testimonies, the documentary evidence would serve as the basis for prosecuting former Baathist officials. The Saddam Hussein government had recorded the repression of the Iraqi population by its security and intelligence services in great detail over the years. (See NCH #37.)

[Source: HRW, *Iraq: State of the Evidence* (Vol. 6, no. 7; Washington November 2004) 4-14.]

Iraq continued to face the legacy of more than two decades of authoritarian rule by former President Saddam Hussein and his Baathist government (1979-2003). The legacy included crimes against humanity, war crimes, and genocide that have long gone unpunished. Many of the victims had been Kurds (an ethnic minority) and Shia (the religion of the Iraqi majority). Government policies and comprehensive economic sanctions imposed by the United Nations Security Council left Iraq's infrastructure and economy devastated. The Statute of the Iraq Special Tribunal (IST), promulgated under the Coalition Provisional Authority by the Iraqi Governing Council in December 2003, contained substantive and procedural shortcomings that could undermine IST's legitimacy and the fairness of future trials. On 1 July 2004, Saddam Hussein and eleven senior members of his government appeared before the Iraqi Central Criminal Court (and not the IST) and they were charged with crimes punishable under Iraqi legislation. However, defense counsel was not made available to the accused. At the end of 2004, Iraqi judicial authorities were still finalizing the rules of procedures and evidence for the IST. Twenty-one judges and prosecutors were reportedly selected as IST members. In December, Ali Hassan al-Majid, a former General and loyal relative of Saddam Hussein, and Sultan Hashem Ahmad, the former Defense Minister, appeared before an investigative judge for a pre-trial hearing. Charges against them reportedly included involvement in the 1988 gassing of Kurds in Halabja and the crushing of the Kurdish and Shia uprising in March 1991. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 467, 471; AI, *Report 2005* (2005) 137.]

See also Kuwait, Syria, United States.

IRELAND

Last Annual Report entry: see NCH #37 (2004).

ISRAEL

Last Annual Report entry: see NCH #32 (2003).

ITALY

Last Annual Report entry: see NCH #32 (2003).

IVORY COAST

Last Annual Report entry: see NCH #37 (2004).

JAPAN

The issue of reparations for former “comfort women” -- some 200,000 women forced into sexual slavery during World War II -- remained unresolved. In February 2004, Tokyo’s High Court rejected compensation claims by seven Taiwanese former “comfort women”. The women claimed that they had been victims of systematic sexual abuse by the Japanese Imperial Army and suffered discrimination after the war. They had demanded compensation and an official apology from the Japanese government. There were originally nine plaintiffs, but two died during the case. (See NCH #37; see also item below.) [Source: AI, *Report 2005* (2005) 147.]

In January 2001, Abe Shinzo and Nakagawa Shoichi, two Liberal Democratic Party politicians who were close to Prime Minister Koizumi Junichiro and who were members of the parliamentary group “Diet Members Association to Think about the Future of Japan and History Education”, had reportedly pressured the public television network NHK to censor a 40-minute documentary about “comfort women” (part two of a series entitled “How To Judge Wars”), broadcast on 30 January 2001. Footage of an elderly female survivor and a former Japanese soldier giving testimony at a “civil tribunal” over Japan’s wartime sexual slavery (the Women’s International War Crimes Tribunal, held in Tokyo in December 2000, at which sixty-four surviving elderly victims of the slavery system testified before an international team of prosecutors and judges) were cut, as was the tribunal’s “verdict” in which the late Emperor Hirohito was found guilty of permitting the sexual slavery. Air time was given to historian Hata Ikuhiko, an associate of the Tsukurukai (Association for New History Textbooks, established in

1997) who claimed that most “comfort women” had been willing prostitutes. The censorship process was completed hours before the broadcast. After the broadcast, the Japan-based Violence Against Women in War Network filed a defamation lawsuit, a case under appeal in 2005. In January 2005, the NHK president resigned following a series of scandals, including censorship of the program. Perhaps as many as 400,000 viewers withheld their subscription fees in protest. (See NCH #37.)

[Sources: *Washington Post*, 26 January 2005 (NHK); G. McCormack, “How the History Wars in Japan Left a Black Mark on NHK TV (Their BBC)”, *Japan Focus*, (WWW-text; 7 February 2005).]

In a case of self-censorship, in September 2004, the comic *Shueisha* (Young Jump) censored its long running story by Manga artist Hiroshi Motomiya called *Kuni Ga Moeru* (The Country is Burning), following protests at episodes depicting the 1937 Nanking Massacre in which some 300,000 Chinese citizens were killed by Japanese invading forces. Many in Japan deny the massacres. *Shueisha* would republish the article in book form with ten pages deleted and eleven amended. A formal apology was published in the November issue.

[Source: IOC 1/05: 103.]

On 9 and 10 April 2005, a protest march with thousands of participants was organized in Beijing against the publication and use of a new history textbook which reportedly downplayed Japan’s atrocities in China during the Pacific War (1931-45), including the 1937 Nanking Massacre and the question of “comfort women”. The Japanese embassy was attacked, rallies were also held outside Beijing, and Japanese flags were burned. The unofficial history textbook was approved by a local education authority and was reportedly taken up by a small proportion of schools in Japan. (See also NCH #27.)

[Source: *BBC News Online*, 9-11 April 2005.]

JORDAN

Last Annual Report entry: see NCH #37 (2004).

KAZAKHSTAN

Last Annual Report entry: see NCH #23 (2001).

KENYA

In September 2004, police used tear gas to disperse members of the Masaai community who were demonstrating over land they had lost in colonial times. Several protestors were arrested and one shot dead by police.

[Source: *AI, Report 2005* (2005) 150.]

KOREA, NORTH

Last Annual Report entry: see NCH #23 (2001).

KOREA, SOUTH

Last Annual Report entry: see NCH #32 (2003).

KUWAIT

Diplomatic relations with Iraq were resumed in August. Kuwaiti forensic teams continued to inspect mass graves in Iraq. By the end of 2004, the total number of Kuwaiti prisoners of war whose remains had been identified had reached 190. (See NCH #37.)

[Source: *AI, Report 2005* (2005) 154.]

In August 2004, the Ministry of Information announced that *Fahrenheit 9/11*, a film about the 11 September 2001 terrorist attack on the World Trade Center, New York, by American filmmaker Michael Moore, was banned. It was deemed defamatory mainly because it suggested secret economic ties between Saudi Arabia's royal family and the family of American President George W. Bush.

[Source: *Keesings Historisch Archief*, 2004: 752.]

LATVIA

Last Annual Report entry: see NCH #10 (1998).

LEBANON

Last Annual Report entry: see NCH #32 (2003).

See also Libya.

LIBERIA

Civil society expressed interest in prosecuting those responsible for atrocities during Liberia's fourteen year internal conflict (1990-2003). However, they maintained that the disarmament process had to be completed first and more security established before any such process could be initiated. The chairman of the National Transitional Government of Liberia (NTGL), Charles Gyude Bryant, and several ministers and high-level functionaries, themselves former commanders within a warring faction, opposed the trying of war criminals. The peace agreement made provision for the government to consider a general amnesty for those involved in military activities during the conflict. Although the government did not overtly pursue this option, its position remained ambiguous. A truth and reconciliation commission was mandated by the 2003 peace agreement and in January 2004, eight Liberians were appointed as commissioners by Bryant. Legislation to establish the commission was drafted but had yet to be passed. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 141; AI, *Report 2005* (2005) 162.]

See also Sierra Leone.

LIBYA

In August 2004, an investigation was opened in Lebanon into the "disappearance" of Imam Musa Sadr - a prominent Shia cleric who "disappeared" with two others in 1978 in Libya - after his family filed a lawsuit before the Lebanese courts. Lawyers working on behalf of Imam Musa Sadr's family called for the indictment of 18 senior Libyan officials. The Lebanese Public Prosecutor summoned the officials for questioning in March 2005.

[Source: AI, *Report 2005* (2005) 166.]

The fate of many prisoners who were killed or "disappeared" in Abu Salim Prison in Tripoli in 1996 remained unknown. In February 2004, Colonel and head of state Mu'ammar al-Gaddafi told Amnesty

International that there had been armed clashes between prisoners and guards. In April, Gaddafi affirmed the right of families to know what happened to their relatives during the incidents. However, by the end of 2004 no thorough, independent and impartial investigations were known to have been opened into deaths in custody in the past, including those that allegedly took place in Abu Salim Prison in 1996.

[Source: AI, *Report 2005* (2005) 166.]

LITHUANIA

In 2004, Lithuania's Jewish community argued that while most school textbooks accurately and fairly presented the Holocaust, some perpetuated unfavorable stereotypes of the Jewish community before World War II.

[Source: IOC 4/04: 142.]

MACEDONIA

Last Annual Report entry: see NCH #14 (1999).

MALAYSIA

Last Annual Report entry: see NCH #27 (2002).

MALDIVES

Last Annual Report entry: see NCH #37 (2004).

MAURITANIA

Last Annual Report entry: see NCH #27 (2002).

MEXICO

In 2001, President Fox had established a special prosecutor's office to investigate and prosecute past acts of political violence, including massacres of student protesters in 1968 and 1971, and the forced disappearance of hundreds of government opponents during the country's "dirty war" in the 1970s. For two years the office's progress was limited by insufficient cooperation from the military and inadequate access to government documents. But in November 2003, the special prosecutor won a landmark decision from the Mexican Supreme Court holding that statutes of limitations did not apply to old "disappearance" cases as long as the victims' bodies had not been found. He then obtained arrest warrants for several high-level officials and secured the arrests of two of them accused of participating in a forced disappearance in the 1970s. All the other suspects, however, managed to escape arrest. There were no exhumations, nor any indication that the special prosecutor had made progress uncovering the fate of hundreds of "disappeared" people or in providing Mexico with a comprehensive account of the crimes that took place. The indictment of former President Luis Echeverría was thrown out by a trial judge; the case is now before the Supreme Court. The Minister of Defense and other senior military figures publicly called for amnesty legislation to protect those accused of abuses. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 225-26; AI, *Report 2005* (2005) 177.]

MOLDOVA

Last Annual Report entry: see NCH #32 (2003).

MOROCCO/WESTERN SAHARA

On 7 January 2004, an Equity and Reconciliation Commission was inaugurated by King Mohamed VI to "close the file on past human rights violations." One of its tasks was to complete payment of compensation to victims of "disappearances" and arbitrary detention that occurred between the 1950s and 1990s. By December the Commission had received requests for reparations concerning more than 16,000 victims. Another of its main tasks was to establish the fate of hundreds of people who "disappeared" in previous decades and, in the case of those who had died in detention, to locate their remains. During 2004, the Commission collected testimonies from relatives of the "disappeared" and began preparing a report, due in 2005, that would set out the reasons and institutional responsibilities for grave violations up to 1999. In December it began organizing public hearings, broadcast on radio and television, in which dozens of witnesses and victims would present their testimonies. However, the

Commission's statutes excluded the identification of individual perpetrators and rejected criminal prosecutions, prompting the United Nations Human Rights Committee in November to express concern that no steps were planned to bring to justice those responsible for "disappearances". Some perpetrators were alleged to remain members or even high-ranking officials of the security forces.

[Source: AI, *Report 2005* (2005) 32, 180-81.]

The Polisario Front freed 200 Moroccan prisoners of war whom it had captured between 1975 and 1991 and detained ever since in its camps near Tindouf, south-western Algeria. They were then repatriated under the auspices of the Red Cross. However, 412 remained in detention at the end of 2004. The Polisario Front was obliged to release the prisoners without delay after the end of armed hostilities in 1991 following a ceasefire brokered by the United Nations.

[Source: AI, *Report 2005* (2005) 182.]

MYANMAR (BURMA)

On 18 November 2004, almost 4,000 prisoners were released; according to an unconfirmed report U Myo Htun (see NCH #9, 10) was among them.

[Sources: PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 42; IOC 1/05: 94]

NAMIBIA

Last Annual Report entry: see NCH #2 (1995).

NETHERLANDS

In March 2005, historian **Jan Herman [=Hans] Brinks** (1957-) complained to the European Court of Human Rights that his right to privacy was violated because, despite changed circumstances after the end of the Cold War, he was only granted limited access to outdated information about him held by the Netherlands National Security Service (Binnenlandse Veiligheidsdienst; "BVD"; renamed General Intelligence and Security Service in 2002) that had been gathered at least since 1977. He also complained that his freedom of expression was violated as he found it impossible to secure suitable employment in the Netherlands despite his holding a magna cum laude doctorate degree from the University of Groningen obtained in 1991. He claimed that this was the result of BVD activities and of

angry reactions to the often critical positions he had adopted in his academic and journalistic work. He subsequently worked as a researcher and journalist in Germany, the United States of America and the United Kingdom, but returned to the Netherlands in 1998. The information gathered probably referred to his political activity as a student, when he sympathized with the Rote Armee Fraction (Red Army Faction or Baader-Meinhof Gang) in 1977 and his stay in the German Democratic Republic (GDR) (1986–89) where he did free-lance journalistic work and research for a dissertation on East German historical writing. After his Freedom of Information request to the Minister of the Interior in January 2000, parts of six outdated BVD documents—material from a “foreign sister organization” (the West German security service)—were disclosed to him in a paraphrased form and concerned events of 1977–78. Between 2001 and 2004, all his subsequent objections and appeals to obtain more BVD information were refused. On 5 April 2005, the Court unanimously rejected his complaints. It noted that the information withheld from Brinks by the Minister was made available, with Brinks’s permission, to the Groningen Regional Court as well as to the Administrative Jurisdiction Division of the Council of State without that information being passed on to Brinks, in order to allow these tribunals to assess whether any information had been unjustly withheld by the Minister under the Freedom of Information Act (*Wet Openbaarheid Bestuur*). Both concluded that, apart from one document which was subsequently disclosed to Brinks, the Minister had taken a correct decision. The Court considered that the supervision of the regional court and of the jurisdiction division constituted an effective judicial control. It acknowledged as well that the Dutch State enjoyed a “margin of appreciation” when considering that the interests of national security (in withholding from Brinks information that might give an insight into BVD sources, working methods and current level of knowledge) prevailed over Brinks’s interests in being granted full access to any undisclosed information possibly held on him by the BVD. The Court also held that there was no indication that Brinks’s freedom of expression had not been respected.

[Sources: J.H. Brinks, *Paradigms of Political Change: Luther, Frederick II, and Bismarck: The GDR on Its Way to German Unity* (originally Dutch, 1991; Milwaukee, WI, 2001); European Court of Human Rights, “Decision as to the Admissibility of Application no. 9940/04 by Jan Herman Brinks against the Netherlands” (WWW-text; Strasbourg, 5 April 2005); Raad van State (Council of State) (Afdeling Bestuursrechtspraak), “Uitspraak op het hoger beroep van X [Jan Herman Brinks], wonend te Y [Groningen], zaaknummer 200301254/1” (14 January 2004).]

NEW ZEALAND

On 10 December 2004, Minister of Internal Affairs George Hawkins launched *The New Zealand Censorship Database*, giving online access to details of censorship decisions made since 1916. It

provided information about every publication classified between 1963 and 1994 and included records of the Video Recordings Authority (1987-93) and records of the Chief Censor of Films dating back to 1916. Some of these older records are now held in handwritten form in a variety of books, binders, cards and cupboards.

[Source: IOC 1/05: 105-6.]

NICARAGUA

Last Annual Report entry: see NCH #10 (1998).

See also United States.

NIGERIA

In 2004, no-one was brought to justice for the massacre of hundreds of people by the military in Odi, Bayelsa state, in 1999, and in Benue state, in 2001. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 144; AI, *Report 2005* (2005) 192.]

In May 2004, some newspaper vendors in the city of Aba were arrested for selling newspapers carrying stories on the secessionist state of Biafra (1967-70).

[Source: IOC 3/04: 116.]

The findings of the Human Rights Violations Investigation Commission, known as the Oputa Panel, had still not been made public and the government had made no public statement about plans for implementing the recommendations by the end of 2004. Established in 1999 to investigate human rights violations committed between 1966 and the return to civilian rule in 1999, the Oputa Panel had reported the findings of its public hearings and investigations to President Olusegun Obasanjo in May 2002. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 192.]

Christian fundamentalists were urged to stop destroying relics from Nigeria's traditional tribal faiths. Some of the destroyed artifacts had been the focus of tribal devotions for four centuries.

[Source: IOC 4/04: 145.]

See also Liberia, Sierra Leone.

PAKISTAN

Last Annual Report entry: see NCH #37 (2004).

PALESTINIAN AUTHORITY

Last Annual Report entry: see NCH #27 (2002).

PANAMA

Last Annual Report entry: see NCH #32 (2003).

PARAGUAY

In July 2004, an Argentinean court issued an international warrant for the arrest of former President Alfredo Stroessner for his alleged involvement in human rights violations committed under “Operation Condor” (see Argentina). Stroessner, living in exile in Brazil, was also wanted by the Paraguayan courts in connection with “disappearances” and other human rights violations committed under his rule (1954-89). (See NCH #37.)

[Source: AI, *Report 2005* (2005) 20, 199.]

The Truth and Justice Commission, created in 2003 to examine human rights violations committed between 1954 and 2004, was established in August 2004. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 199.]

PERU

The government established a system of prosecutors’ offices and courts to investigate and try past human rights abuses. It also announced several initiatives to offer reparation to the victims of human

rights abuses and their families and to assist development in areas affected by violence. However, by the end of 2004, very few people had received compensation. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 200.]

In August 2004, the Constitutional Court ruled that Peru's Constitution did not permit human rights violations committed by military personnel to be judged in military courts. The special prosecutor's office mandated to investigate 159 cases of "disappearance" under a friendly settlement with the Inter-American Commission on Human Rights, as well as 43 cases referred to it by Peru's truth commission, had filed charges in only five cases. Another prosecutor charged with investigating human rights violations committed during the government of President Alberto Fujimori (1990-2000) made greater progress. More than forty former agents of the Colina group - a death squad responsible for "disappearances" and extrajudicial executions in the early 1990s - were detained awaiting trial. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 228-29; AI, *Report 2005* (2005) 200, 201.]

In August 2004, the Supreme Council of Military Justice confirmed the dismissal of the charges by a military court in 1994 of the former presidential adviser on intelligence, Vladimiro Montesinos; the former Commander in Chief of the Armed Forces, Nicolás Hermoza Ríos; and of the retired General Luis Pérez Documet for their alleged involvement in the killing and "disappearance" of nine students and a teacher in 1992. (See NCH #27.)

[Source: AI, *Report 2005* (2005) 201.]

Retrials began in the cases of scores of political prisoners after the Constitutional Court ruled in 2003 that life imprisonment and the use of military courts to try civilians were unconstitutional. Cases being retried included that of Abimael Guzmán, the former leader of the armed opposition group Shining Path. Hundreds of people were awaiting retrial. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 201.]

POLAND

On 10 September 1996, historian Irena Pieniazek (1957-), curator in the Gdynia City Museum, brought defamation charges against the museum director. In 1999 Pieniazek complained to the European Court of Human Rights in Strasbourg that the length of the proceedings (which would last until March 2000) was unreasonable. On 28 September 2004, the Court held that this had indeed been the case.

[Source: European Court of Human Rights, *Case of Pieniazek versus Poland: Judgment* (WWW-text;

Strasbourg, 28 September 2004).]

On 28 January 2005, unknown persons leaked an alphabetical list of 240,000 people kept on file by Poland's communist-era secret service Urząd Bezpieczeństwa from the state-run Institute of National Remembrance, Warsaw, onto the Internet. The list included former secret agents, informers, secret-service employees and victims of persecution. Journalist Bronisław Wildstein reportedly gained access to the names legally - available to historians, journalists, and others cleared for access - and admitted copying the list from the institute's archives to distribute it to his colleagues. He was dismissed from his paper *Rzeczpospolita*. He denied having posted the list on the Internet.

[Source: "Poland in Uproar over Leak of Spy Files", *Guardian*, 5 February 2005 (WWW-text).]

ROMANIA

In [October] 2004, poet and former dissident Mircea Dinescu and art historian and former government minister Andrei Plesu (1948-) resigned from the National Council for the Study of Securitate Archives (CNSAS) because they could not consult all the files of the Securitate (the Romanian security police in 1948–90) on Corneliu Vadim Tudor, former chief propagandist of Ceausescu, leader of the far-right political party PRM, and presidential candidate. CNSAS chairman and historian Gheorghe Onisoru declared that in the files there was no clear proof of Tudor's former collaboration with the Securitate. Tudor declared that he would sue Dinescu and Plesu for defamation. (See NCH #32.)

[Source: *NRC Handelsblad*, 9-10 October 2004: 4.]

RUSSIA

On 17 July 2004, journalist Pajl Pelojan [Payl Peloyan], from Armenian descent, was stabbed to death in Moscow, possibly for reasons connected to his work. He was the chief editor of *Armyanskii Pereulok* (Armenian Lane), a Russian-language arts and literature magazine that focused on Armenian history and culture. The magazine's last issue appeared on newsstands in early 2003.

[Sources: *Ifex Communiqué*, 20 July 2004; PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 55.]

In 2004, Memorial, a historical society founded in 1987 to do research into the history of Stalinist repression and later also to investigate war crimes in Chechnya, was awarded the Right Livelihood Award, an alternative Nobel Peace Prize.

[Source: Memorial, *Perpetuating the Memory of the Victims of Repression* (WWW-text; Moscow

[2004]).

RWANDA

On 7 April 2004, Rwanda commemorated the tenth anniversary of the 1994 genocide. Within Rwanda, 80,000 detainees awaited trial for their alleged participation in the genocide. Rwandese courts concluded fewer than 200 trials of genocide suspects in 2004. No executions were carried out. The nationwide establishment of the 8,140 *gacaca* jurisdictions - a community-based system of justice intended to try most genocide suspects - was delayed until 2005. The trial phase of the 746 *gacaca* jurisdictions in a pilot project which began in 2002 was similarly delayed. *Gacaca* was supposed to reduce the prison population, but persons confessing guilty had named tens of thousands of new suspects. Authorities estimate that another 500,000 to 600,000 persons may yet be accused, a number that raises questions about why so many persons waited until ten years after the 1994 crime to accuse suspected perpetrators. Authorities reformed the system in mid-2004, simplifying the procedure and reducing the number of judges for each jurisdiction. *Gacaca* jurisdictions were authorized to reopen cases of persons previously acquitted by the standard courts, thus violating the usual protection against double jeopardy. The *gacaca* system had no authority to consider war crimes committed by the ruling Rwandan Patriotic Front (RFP). Until late 2004, the government also opposed investigations of RFP crimes by the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. Trials of leading genocide suspects continued at the ICTR which held 63 detainees at the end of 2004. The ICTR was working to a United Nations Security Council deadline to finish trials by the end of 2008 and appeals by 2010. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 152-54; AI, *Report 2005* (2005) 212, 213.]

SAUDI ARABIA

Last Annual Report entry: see NCH #23 (2001).

See also Kuwait.

SENEGAL

Last Annual Report entry: see NCH #37 (2004).

SERBIA AND MONTENEGRO

In 2004 in southern Serbia (a predominantly ethnic Albanian area bordering eastern Kosovo), the school curriculum reportedly continued to ignore Albanian culture and history.

[Source: HRW, *World Report 2005* (2005) 415.]

The government of Serbia and Montenegro was unwilling to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY) and efforts to prosecute war criminals before domestic courts were inadequate. Serbia and Montenegro's cooperation with the ICTY deteriorated after the December 2003 parliamentary elections and the establishment of a new Serbian government dominated by the nationalistic Democratic Party of Serbia. Serbian Prime Minister Vojislav Kostunica openly opposed the arrests of suspects indicted by the ICTY, arguing that they should surrender voluntarily. In November 2004, ICTY President Theodor Meron reported to the United Nations General Assembly that apart from one case, Serbia and Montenegro had hardly at all cooperated with the ICTY. Similarly, ICTY Prosecutor Carla Del Ponte reported to the United Nations Security Council that Serbia was not willing to arrest those indicted, that networks supporting people accused were so powerful that they could interfere with judicial proceedings, and that both in Serbia and in Kosovo aggressive nationalistic rhetoric was being used against the ICTY and herself. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 412; AI, *Report 2005* (2005) 218.]

In February 2004, the ICTY prosecution concluded its case against former President Slobodan Milosevic, who faced charges of war crimes, crimes against humanity, and genocide. The beginning of Milosevic's defense was frustrated by his refusal to cooperate with the lawyers assigned to him in September. In June 2004, ICTY rejected defense calls for the charge of genocide to be dropped. It ruled that there had been "a joint criminal enterprise" which had committed genocide in Brcko, Prijedor, Sanski Most, Srebrenica, Bijeljina, Kljuc and Bosanski Novi and that evidence implicated Milosevic in that joint criminal enterprise. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 416; AI, *Report 2005* (2005) 58, 218.]

In February 2004, the trial began of Radomir Markovic, former head of Serbian state security, and other security officials accused of involvement in the murder of former Serbian President Ivan Stambolic in August 2000. The trial of those accused of involvement in the murder in March 2003 of Prime Minister Zoran Dindic continued. In May 2004, the prime suspect surrendered in Belgrade. In April the Serbian Minister of Internal Affairs called for a new inquiry into the assassination of Dindic.

[Source: AI, *Report 2005* (2005) 219.]

SIERRA LEONE

The United Nations-mandated Special Court for Sierra Leone (SCSL), established to bring to justice persons who bear the greatest responsibility for atrocities during part of the war (1996-2001), indicted thirteen individuals, including former Liberian president Charles Taylor and former Sierra Leonean government minister Hinga Norman. In March 2004, the Appeals Chamber ruled that the general amnesty provided by the 1999 Lomé peace agreement and subsequently enacted in Sierra Leonean law did not apply to the SCSL and therefore did not prevent prosecution by it. The general amnesty, however, continued to prevent prosecutions for such crimes in Sierra Leonean courts. The first trials commenced in June 2004. In August 2003, Taylor had been offered a safe haven by the Nigerian government when rebels threatened to take the Liberian capital Monrovia. Nigeria refused to surrender Taylor to the SCSL. In May 2004, the Appeals Chamber ruled that Taylor, indicted for having actively supported the armed opposition, had no immunity from prosecution for crimes against humanity and war crimes by virtue of his status as a (former) head of state. Nigerian President Olusegun Obasanjo argued that he was acting in the interests of peace in Liberia. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 156-57; AI, *Report 2005* (2005) 193, 221.]

In October 2004, the Truth and Reconciliation Commission (TRC) released its final report. It had been established in 2000 to create an impartial historical record of human rights abuses committed during the conflict (1991-2001), provide a forum for victims and perpetrators to recount their experiences, and facilitate reconciliation. Among issues covered in the report were the years of bad governance, the endemic corruption, the brutal nature of the conflict, the role of external actors, and factors such as mineral resources which had fuelled the conflict. (See NCH #37.)

[Sources: HRW, *World Report 2005* (2005) 156-57; AI, *Report 2005* (2005) 222.]

In October 2004, Paul Kamara, editor of the newspaper *For di People*, was convicted of seditious libel and sentenced to two concurrent two-year prison terms. In October 2003 the paper had claimed that a commission of inquiry in 1967 had “convicted” President Ahmad Tejan Kabbah, then a ministerial official, of fraud.

[Source: AI, *Report 2005* (2005) 222.]

See also Liberia.

SINGAPORE

Last Annual Report entry: see NCH #10 (1998).

SLOVAKIA

Last Annual Report entry: see NCH #27 (2002).

SOMALIA

Last Annual Report entry: see NCH #32 (2003).

SOUTH AFRICA

Last Annual Report entry: see NCH #37 (2004).

SPAIN

In his annual report in June 2004, the Spanish Ombudsman criticized the authorities' lack of response to individuals and associations attempting to exhume and identify remains from burial pits containing the bodies of some of the thousands killed during or after the Civil War (1936-39). In September the Spanish Council of Ministers approved a royal decree setting up an interministerial committee to investigate the "moral and legal rehabilitation" of thousands who had been victims of the Civil War and Franco dictatorship (1939-75). The committee began work in November. (See NCH #37.)

[Source: *AI, Report 2005* (2005) 233.]

In the night of 16 to 17 March 2005, a statue of Franco was removed in Madrid after an official decree had stipulated that the symbols of the former dictatorship (1939-75) had to be removed. The only remaining statue of Franco, in Santander, was also scheduled for removal.

[Source: *Keesings Historisch Archief*, 2005: 210].

SRI LANKA

Last Annual Report entry: see NCH #37 (2004).

SUDAN

Last Annual Report entry: see NCH #32 (2003).

SURINAME

Last Annual Report entry: see NCH #37 (2004).

SWEDEN

Last Annual Report entry: see NCH #10 (1998).

SWITZERLAND

Last Annual Report entry: see NCH #37 (2004).

SYRIA

In [March] 2004, at least 300 Kurds were reportedly arrested following unrest in the northeastern province where members of the Kurdish community were demonstrating to mark the anniversary of the March 1988 gas attack on the Iraqi town of Halabja (the Anfal campaign).

[Source: IOC 3/04: 122.]

On 15 April 2004, Aktham Naisse, member of the Committee for the Defense of Democratic Liberties and Human Rights in Syria, was arrested in Latakia after organizing a sit-in outside parliament in March to mark the 41st anniversary of the Baathist seizure of power (1963) and imposition of the state of

emergency. At least thirty people were arrested at the time of the demonstration.

[Source: IOC 3/04: 121-22.]

See also Iraq.

TAIWAN

Last Annual Report entry: see NCH #23 (2001).

THAILAND

On 28 April 2004, Pattani insurgents took shelter inside the historic Krue Se Mosque, a symbol of Pattani's Islamic heritage. Security forces captured the mosque after killing 32 insurgents. A government-appointed commission investigated the incident, reportedly finding that the security forces had used force disproportionate to the threat, although their report was not made public.

[Sources: IOC 3/04: 11-13; Asian Centre for Human Rights, "Killings at Pattani's Krue Se Mosque and a Cover Up Enquiry," (WWW-text; New Delhi, 6 May 2004); AI, *Report 2005* (2005) 250.]

TIMOR-LESTE

Efforts to bring Indonesian military and militia leaders to justice for the killing of an estimated 1,400 East Timorese after the 1999 referendum were frustrated in 2004 by lack of resources, poor cooperation on the part of Indonesia, and problems in East Timor's criminal justice system. East Timorese leaders, most notably President Xanana Gusmao, publicly stated their unwillingness to pursue justice through the courts, preferring instead a reconciliation-based approach. However, Foreign Affairs Minister and Nobel Prize Laureate José Ramos Horta publicly supported the idea of a United Nations (UN) commission to explore future options for justice. It was expected that by December 2004 or early 2005, UN Secretary-General Kofi Annan would announce the establishment of a commission of experts to be charged with assessing the successes and failings of both the Jakarta ad hoc trials on East Timor and the parallel process at Dili's Special Panels for Serious Crimes. The Commission for Reception, Truth and Reconciliation in East Timor (Comissao de Acolhimento, Verdade e Reconcilio de Timor Leste) was reportedly largely successful in its initial efforts to promote national reconciliation. The governments of Indonesia and Timor-Leste announced the establishment of a bilateral Truth and Friendship

Commission. Although the terms of reference had not been finalized, there were concerns that it might provide impunity for perpetrators of serious crimes committed in Timor-Leste in 1999. (See NCH #37.)
[Sources: HRW, *World Report 2005* (2005) 275-78, 291, 295-96; AI, *Report 2005* (2005) 251.]

See also Indonesia.

TOGO

Last Annual Report entry: see NCH #27 (2002).

TUNISIA

Last Annual Report entry: see NCH #23 (2001).

TURKEY

In November 1998, an attempt by the Islamist group Hilafet Devleti (Caliphate State), led since 1995 by Turkish preacher Metin Kaplan (1953-) (living in exile in Germany since 1980), to bomb Atatürk's mausoleum in Ankara on the 75th anniversary of the Turkish Republic failed. Atatürk abolished the kalifate in 1924 and transformed Turkey into a secular republic. In October 2004, Kaplan was extradited to Turkey, where he was to be tried for treason, although in May 2003 a German court had rejected diplomatic assurances offered by the Turkish government as insufficient. His trial started in December 2004.

[Source: HRW, *World Report 2005* (2005) 380]

On 13 November 2004, Hakan Albayrak (see NCH #36, #37) was released.
[Sources: AI, *Report 2005* (2005) 258; PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 64; HRW, *World Report 2005* (2005) 430.]

In February 2005, when a 1980 court ban on the publication of the letters and diaries of Atatürk's wife Latife Usakligil (Latife Hanim; married 1923-25; died in the 1970s) was lifted, Turkish officials decided against making them public. Many feared that disclosure of private details might tarnish Atatürk's image. The head of the Turkish History Foundation Yusuf Halacoglu said that Latife Usakligil's family

had demanded that the documents continued to be kept secret.

[Source: *BBC News Online*, 4 February 2005.]

In February 2005, charges were filed against Turkish novelist Orhan Pamuk for “anti-Turkish” statements about the 1915 Armenian genocide in an interview with the Swiss daily newspaper *Tagesanzeiger* on 6 February 2005. Pamuk reportedly declared that 30,000 Kurds and one million Armenians had died in the genocide. He had to interrupt his tour of lectures in Germany. In April 2005 he was threatened by extremists calling for the removal of his books from public libraries. During a “Respect the Flag” rally in Bilecek, his books were burnt in protest at the burning a few days earlier of the Turkish flag during Kurdish new year festivities. In a demonstration in Isparta, trade unionists tore his photograph to pieces.

[Source: PEN, *Rapid Action Network*, 11/05 (5 April 2005).]

On 2 March 2005, Ragip Zarakolu (1948-), co-founder and owner of *Belge* publishers and one of the founders of the History Foundation, was taken to court on various charges formulated in December 2004, including publication of a translated version of *The Truth Will Set Us Free: Armenians and Turks Reconciled*, a book by Armenian writer George Jerjian about the 1915 Armenian genocide. The book was considered insulting to the State and to the memory of the founder of the Republic Atatürk, as it reportedly claimed that leading government figures close to Atatürk had been responsible for the mass deportation of Armenians in 1915. The trial was postponed until May 2005.

[Sources: PEN, *PEN/IPA Observe Trials of Fikret Baskaya and Ragip Zarakolu* (28 February 2005); PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 63.]

A conference about the 1915 Armenian genocide, due to start on 25 May 2005 at Bosphorus University, Istanbul, was postponed after Minister of Justice Cemil Cicek had said in parliament on 24 May that the conference was a “stab in the back of the Turkish people” and that “We must end this treason, the spreading of propaganda against Turkey by the people who belong to it.”

[Source: A.J. Yackley, “Turkey Postpones Conference on Armenian Killings” (WWW-text; Reuters 25 May 2005).]

On 6 June 2005, the European edition of *Time Magazine* carried a dvd, sponsored by the Chamber of Commerce of Ankara, with a 70-minutes documentary entitled *Sari Gelin* (The True Story) in which the 1915 genocide was denied and Armenian atrocities against Turks emphasized.

[Source: *Time Magazine*, 6 June 2005.]

See also Greece.

TURKMENISTAN

Last Annual Report entry: see NCH #37 (2004).

UGANDA

In January 2004, the Prosecutor of the International Criminal Court (ICC) announced that he would take steps to investigate and prosecute war crimes and crimes against humanity committed in the conflict in northern Uganda. This followed a request from the Ugandan government at the end of 2003 for the ICC to investigate crimes committed by the armed opposition Lord's Resistance Army (LRA). In July the ICC Prosecutor indicated that he would investigate crimes by both the LRA and government forces. The government pledged its support for the ICC investigations and published the ICC Bill to implement the ICC Statute in domestic law. The Bill had not been enacted by the end of 2004. In November, during government efforts to resolve the conflict, officials announced that if LRA leaders were to stop fighting and engage in internal reconciliation mechanisms, the state could withdraw its case from the ICC. However, it is unclear whether a state party which has referred a case to the ICC can withdraw the referral.

[Source: AI, *Report 2005* (2005) 15-16, 261-62.]

UKRAINE

Last Annual Report entry: see NCH #5 (1996).

UNITED KINGDOM

Last Annual Report entry: see NCH #37 (2004).

UNITED STATES

In 1996 human remains were unearthed near Kennewick, Washington. Initial radiocarbon dating

indicated that the skeleton, nicknamed the Kennewick Man, was 9,200 years old and not American Indian but Caucasoid. The Army Corps of Engineers took custody of the skeleton and determined that, in accordance with the 1990 Native American Graves Protection and Repatriation Act (NAGPRA), the remains should be returned to the Umatilla tribe - which claimed to be culturally affiliated with the remains - for burial according to traditional beliefs without further scientific study. In 1997, a group of eight scientists, led by archeologist Robson Bonnichsen at Oregon State University, filed suit (*Bonnichsen v. U.S. Department of the Army*) to halt the repatriation. They claimed that NAGPRA was unconstitutional and violated their right to scientific inquiry. In 2004, a federal judge ruled that the Umatilla tribe could not show “cultural affiliation” to the Kennewick Man and therefore could not claim the remains.

[Sources: R., Dalton, “Law Change Imperils Studies of Ancient Human Remains”, *Nature*, 14 April 2005: 810; D. Nelkin & L. Andrews, “Do the Dead Have Interests? Policy Issues for Research after Life,” *American Journal of Law and Medicine*, 24, nos. 2-3 (summer-fall 1998), 272-73.]

In 2004, declassified government documents revealed the strong support given by former Secretary of State Henry Kissinger to the Argentinean military junta in 1976, at a time when the junta was responsible for massive human rights abuses.

[Source: HRW, *World Report 2005* (2005) 190.]

On 4 October 2004, Ralph Begleiter, CNN’s world affairs correspondent until 1999 and professor of journalism and political science at the University of Delaware, filed suit under the Freedom of Information Act (FOIA) to make public photographs and videos of the honor guard arrival and transfer ceremonies at Dover Air Force Base for servicemen and women killed in the Afghanistan and Iraq wars since October 2001. The lawsuit challenged the censorship policy initiated by the Defense Department (Pentagon) in 1991, which reversed the traditional American practice of honoring the fallen in solemn public ceremonies centered on flag-draped caskets. Begleiter declared that he wanted the American people to be allowed to accurately and completely assess the price of war. He challenged the Pentagon’s claim that personal privacy was the reason to censor because the pictures did not identify individual soldiers and the Pentagon had selectively allowed or released pictures when it suited its political goals. In response to the FOIA request and the lawsuit, the Pentagon released more than 700 of these images in April 2005. Many of the images showed evidence of censorship, which the Pentagon said was intended to conceal identifiable personal information of military personnel involved in the ceremonies.

[Source: National Security Archive, *Update* (4 October 2004, 28 April 2005).]

On 22 December 2004, historian Larry Berman, professor at the University of California, Davis, and author of three books on the Vietnam war, filed suit against the Central Intelligence Agency (CIA) under

the Freedom of Information Act (FOIA), seeking release of ten President's Daily Briefs (PDBs) given to President Lyndon Johnson during the war in Vietnam. Berman challenged the CIA's "blanket policy" of refusing to release any PDBs, even historical ones that risk no damage to national security. The CIA's denial of Berman's FOIA request claimed that the PDBs were predecisional documents protected by deliberative process privilege; but Berman's counsels pointed out that the CIA was precluded by law from giving the President policy advice and declared that "[T]he CIA policy distorts history and undermines the credibility of the secrets that should be kept." During the suit, CIA information review officer Terry Buroker did not explain why thirty PDB's or excerpts of PDB's already had been publicly released without any harm.

[Source: National Security Archive, *Professor Sues CIA for President's Daily Briefs* (update; Washington 17 December 2004, 6 May 2005).]

In January 2005, the National Security Archive commented on the Central Intelligence Agency (CIA)'s decennial review of CIA record categories that, since 1984, have been exempt from search and review under the 1966 Freedom of Information Act (FOIA). It urged that the CIA open a number of histories about publicly acknowledged CIA activities and operations that concern CIA components that no longer exist, that it declassify records concerning eleven acknowledged covert operations, and that it adopt its own history staff's recommendation of 1994 that all operational files older than forty years be subject to FOIA search and review.

[Source: National Security Archive, *Public Interest in Hidden CIA Operational Records Is High* (update; Washington 21 January 2005).]

When in the spring of 2005 Nicaraguan historian Dora María Tellez wanted to take up her post as the Robert F. Kennedy visiting professor in Latin American Studies, Divinity Department, Harvard University, she was denied a visa on the grounds that she had been involved in "terrorism". As a young medical student in Nicaragua, she became a *comandante* of the leftwing Frente Sandinista de Liberación Nacional in its campaign to topple dictator Anastasio Somoza Debayle (reigned 1956-79). She became minister of health in the first elected Sandinista administration.

[Source: NEAR, "US Denies Visa to 'Terrorist' Nicaraguan Professor" (WWW-text 4 April 2005).]

See also Argentina, Belarus, Canada, Chile, Kuwait.

URUGUAY

In 2004, limited action was taken to bring to justice those responsible for past human rights violations.

President-elect Tabaré Vázquez Rosas promised to implement Article 4 of the 1986 Expiry Law. The article, which obliged the executive to order immediate investigations into any cases of “disappearance” referred to it by the courts, had never been enforced. However, taken as a whole, the Expiry Law sanctioned impunity by exempting from punishment police and military personnel responsible for human rights violations committed before March 1985, in blatant violation of Uruguay’s international obligations. (See NCH #37.)

[Source: AI, *Report 2005* (2005) 272.]

Legal proceedings continued against former Minister of Foreign Affairs Juan Carlos Blanco for the unlawful imprisonment of Elena Quinteros Almeida who “disappeared” in 1976. Juan Carlos Blanco was also summoned to testify, together with former President Juan María Bordaberry, at the investigation into the murders of senator Zelmar Michelini and deputy Héctor Gutiérrez Ruiz in Argentina in 1976.

[Source: AI, *Report 2005* (2005) 272.]

UZBEKISTAN

The 2004 list of topics to be banned reportedly included making “any critical comments about folk traditions, or express opinions about the history of Uzbekistan that in any way deviate from official ideology.”

[Source: IOC 1/05: 170-73.]

VATICAN

Last Annual Report entry: see NCH #37 (2004).

VENEZUELA

Last Annual Report entry: see NCH #37 (2004).

VIETNAM

In July 2004, military historian Pham Que Duong (see NCH #37) was convicted in a closed trial to nineteen months' imprisonment on charges of "abusing democratic rights to jeopardize the interests of the State, and the legitimate rights and interests of social organizations and citizens." Since he had already spent that time in pre-trial detention, he was released on 29 July 2004.

[Sources: *Ifex Communiqué*, 3 August 2004; Committee To Protect Journalists, "Writer Pham Que Duong Sentenced to 19 Months in Prison" (WWW-text; 14 July 2004); AI, *Report 2005* (2005) 277.]

In November 2004, tensions escalated when authorities prevented Buddhist scholar Thich Quang Do (see NCH #37) from visiting Thich Huyen Quang (Supreme Patriarch of the Unified Buddhist Church of Vietnam) who was severely ill in hospital, and summoned him for questioning on allegations of "appropriating state secrets".

[Source: HRW, *World Report 2005* (2005) 336.]

In January 2005, Nguyen Dinh Huy, a high school teacher of history and English, journalist, and editor (see NCH #23) was released as part of a general amnesty to mark Tet, the Lunar New Year.

[Source: PEN, *Half-Yearly Caselist to 31 December 2004* (2005) 47-48.]

YEMEN

Last Annual Report entry: see NCH #32 (2003).

ZIMBABWE

Last Annual Report entry: see NCH #37 (2004).

See also Ethiopia.