

<b>Network of Concerned Historians</b>	<b>NCH</b>
<i>Annual Report 2006</i>	<a href="http://www.concernedhistorians.org">http://www.concernedhistorians.org</a>

## INTRODUCTION

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

## AFGHANISTAN

Last Annual Report entry: see NCH #38 (2005).

In January 2005, the Afghanistan Independent Human Rights Commission published the results of its consultation with the Afghan people about human rights violations during armed conflicts since 1979-80. In December 2005, the government passed the Transitional Justice Action Plan, which calls for the commemoration of victims, vetting of state employees to exclude human rights violators, the creation of a truth-seeking mechanism, the promotion of national reconciliation and the establishment of mechanisms to bring perpetrators of past crimes to justice. Some regional officials and commanders -- often called warlords -- continued to maintain links with armed groups that were active in the conflicts.

[Sources: AI, *Report 2006* (2006), 51; HRW, *World Report 2006* (2006), 225-26.]

## ALBANIA

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

In April 2005, the Cold War International History Project reported continued problems with access to files from the communist era, including access to Communist Party records.

[Source: D. Banisar, *Freedom of Information Around the World 2006: A Global Survey of Access to Government Records Laws* (2006) 5.]

See also Serbia and Montenegro.

## **ALGERIA**

Last Annual Report entry: see NCH #38 (2005).

In March 2005, the authorities ordered a ban on import sales of *Afrique Magazine* after they discovered that the March issue carried a report on political disappearances in Algeria in the 1990s. In the internal conflict (1992-2000), thousands of persons disappeared.

[Source: IOC 2/05: 86.]

At the end of March 2005, the mandate of an official commission on disappearances, set up with a narrow mandate in 2004, expired. The head of the commission publicly excluded criminal prosecution of those responsible for the disappearances and proposed compensation payments to the families. He declared that the commission had concluded that 6,146 individuals had disappeared at the hands of security officers between 1992 and 1998. However, media reports later quoted him contradicting this by saying that half of these were “terrorists”, rather than victims of state abuses. The commission’s confidential report to the President had not been made public by the end of 2005. In September 2005, the government held a national referendum to win support for its Charter for Peace and National Reconciliation which would extend an amnesty to perpetrators of human rights violations (security forces, state-armed militias and armed groups) committed during the internal conflict (1992-2000). President Abdelaziz Bouteflika officially stated that some 200,000 people were believed to have been killed since 1992, but there was no commitment to establishing the truth about these killings and other gross human rights abuses. Regarding the amnesty, although perpetrators of certain serious abuses were not to be exempt from prosecution, no details were provided concerning the process of determining who would be eligible. Similar measures introduced in 1999 were applied arbitrarily and resulted de facto in wide-ranging impunity for abuses committed by armed groups.

[Source: AI, *Report 2006* (2006), 44, 54-56.]

See also France.

## ANGOLA

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

## ARGENTINA

Last Annual Report entry: see NCH #38 (2005).

On 14 June 2005, the Supreme Court of Justice declared the Full Stop (1986) and Due Obedience (1987) laws unconstitutional, by a 7-1 majority, with one abstention, upholding an earlier decision by Congress from August 2003. The laws attempted to institutionalize impunity in cases of human rights violations committed during the military governments (1976-83). The ruling allowed the reopening of dozens of trial proceedings in Argentina.

[Sources: AI, “Argentina: Historical Ruling Opens the Way for Justice in the Country” (Press Release; 15 June 2005); AI, *Report 2006* (2006), 32, 59; HRW, *World Report 2006* (2006), 162, 164-66.]

On 18 November 2005, Mariano Saravia, journalist of the Córdoba daily newspaper *La Voz del Interior* and author of a book on police brutality during the military dictatorship (1976-83), complained of death threats. He also said to be a victim of “judicial persecution” because he was sued by former members of the military.

[Source: IOC 1/06: 104.]

See also Chile, Cuba, Uruguay.

## ARMENIA

Last Annual Report entry: see NCH #38 (2005).

In January 2002, Turkish born Armenian journalist Murad Bojolyan (1950-) was arrested and charged with espionage. A historian and oriental specialist graduated at the Department of Oriental Studies of Yerevan State University (1972) and author of a book about the Ottoman Empire (published in

Russian), he worked at the Institute of Oriental Studies of the National Academy of Sciences (1972-91) and for the public radio as an announcer and translator into Turkish (1980-91). In 1991-98, he worked at the Ministry of Foreign Affairs, the National Assembly and in the administration of President Levon Ter-Petrossian as chief translator for the President (1991-98). He was dismissed due to a staff reduction shortly after Robert Kocharyan became President in 1998. Since 1998, he had been working as a journalist, reporting for a number of Armenian and Turkish mass media. He was charged with spying for the Turkish National Intelligence Organization MIT and communicating to them information in exchange for payment concerning Armenia's and Nagorno Karabakh's military, economic and political affairs, particularly about the Russian troops based in Armenia. Retracting an earlier confession, Bojolyan said that any information he had, were public press reports. In December 2002, a court in Yerevan found Bojolyan guilty of treason and sentenced him to ten years' imprisonment with confiscation of all property. His various appeals were dismissed. In October 2005, the European Court of Human Rights rejected most of Bojolyan's complaints but wanted to look into the charge that his freedom of expression had been violated.

[Source: European Court of Human Rights, *Partial Decision as to the Admissibility of Application no. 23693/03 by Murad Bojolyan against Armenia* (Strasbourg, 6 October 2005).]

On 17 June 2005, Yektan Turkyilmaz (?1972-), a Turkish citizen of Kurdish origin, a doctoral student of cultural anthropology and a fellow at the John Hope Franklin Humanities Institute, Duke University, Durham (North Carolina, United States), was arrested at Yerevan airport and imprisoned for attempting to smuggle culturally valuable antique books out of Armenia. On his fourth research trip to Armenia, Turkyilmaz had conducted research on the history of Eastern Anatolia during the interwar period. He had acquired around 88 books dating from the 17th to the 20th century from Armenian second-hand bookstores, an open-air market, and as gifts, in order to build up a research collection and a library of Armenian books that would otherwise be lost. However, he was apparently unaware that he was required to declare seven of the 88 books, which were over fifty years old, at customs. Turkyilmaz was questioned on his archival work and political beliefs, and digital copies of his archival research were confiscated. His official request to be released on bail until his trial date (9 August 2005) was rejected. He faced up to eight years' imprisonment. On 16 August 2005, Turkyilmaz, was released but given a suspended sentence of two years' imprisonment. The judge upheld the confiscation of all 88 books, though ordered the return of his electronic research materials. The court had convicted Turkyilmaz on charges of smuggling, but commuted the sentence, as he was cooperative during investigations and partially admitted his guilt. Turkyilmaz was the first Turkish scholar to ask for and receive access to the Armenian National Archives, where he did research in May and June 2005. He was one of the few Turkish scholars who had critically examined the events of 1915 and Armenian claims of genocide, and other instances of political violence in Anatolia and

the South Caucasus. He received several foreign scholarships. His dissertation “*Imagining ‘Turkey’, Creating a Nation: the Politics of Geography and State Formation in Eastern Anatolia, 1908-1938*” won him several awards. Turkyilmaz also studied in the Masters Program at the Atatürk Institute for Modern Turkish History at Bogazici University, Istanbul. (See NCH #39.)

[Sources: AAAS Case, *ar0510-tur* (5 & 18 August 2005); HRW, *World Report* (2006) 327; PEN, *Rapid Action Network* 31/05 (4 & 5 & 22 August 2005); Social Science Research Council, “Yektan Turkyilmaz” (2005).]

## **AUSTRALIA**

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

See also Japan.

## **AUSTRIA**

Last Annual Report entry: see NCH #38 (2005).

On 21 February 2006, British writer David Irving (1938-) was sentenced to three years’ imprisonment after pleading guilty to charges of Holocaust denial. The charges stemmed from two lectures he delivered in Austria in 1989. In Austria Holocaust denial is punishable by up to ten years’ imprisonment. While in custody, Irving reportedly found a copy of his *Hitler’s War* (1977), banned for defending the thesis that Hitler had no knowledge of the Holocaust, in the prison of Graz.

[Sources: IOC 1/06: 104; IOC 2/06: 178.]

## **AZERBAIJAN**

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

## **BAHRAIN**

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

## **BANGLADESH**

Last Annual Report entry: see NCH #38 (2005).

In August 2005, the High Court declared the Fifth Amendment to the Constitution unlawful. The amendment had legitimized the imposition of martial law in 1975-79. Following an appeal by the government, the Supreme Court suspended the High Court ruling.

[Source: AI, *Report 2006* (2006), 65.]

## **BELARUS**

Last Annual Report entry: see NCH #38 (2005).

In April 2005, special forces of the police beat and detained peaceful demonstrators who had gathered on the 19th anniversary of the Chernobyl nuclear accident.

[Source: AI, *Report 2006* (2006), 67.]

## **BELGIUM**

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

Although the law on universal jurisdiction was amended in 2003 so that victims could lodge complaints directly with an investigating magistrate only if the case had a direct connection with Belgium, a limited number of cases were pursued. One of these was the case of former President of Chad, Hissène Habré (see under Chad).

[Source: AI, *Report 2006* (2006), 69.]

See also Chad.

## **BOLIVIA**

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

See United States.

## **BOSNIA AND HERZEGOVINA**

Last Annual Report entry: see NCH #38 (2005).

Under a “completion strategy” laid down by the United Nations (UN) Security Council, the International Criminal Tribunal for the former Yugoslavia (ICTY) was expected to conclude all cases, including appeals, by 2010. Between February and April 2005, the last indictments before the closing down of ICTY were confirmed and unsealed. Impunity for war crimes and crimes against humanity during the 1992-95 war was widespread. Thousands of disappearances were still unresolved. According to estimates of the International Commission on Missing Persons (ICMP), between 15,000 and 20,000 people who went missing during the war were still unaccounted for. In August, the Council of Ministers of Bosnia and Herzegovina became the co-founder, with the ICMP, of a federal Missing Persons Institute. Lack of full cooperation with ICTY, particularly by the Republika Srpska (RS), remained an obstacle to justice. Efforts to tackle impunity in proceedings before domestic courts remained largely insufficient, although some war crime trials were conducted. The first convictions for war crimes committed by Bosnian Serbs were passed by RS courts.

[Sources: AI, *Report 2006* (2006), 14, 71-73; HRW, *World Report 2006* (2006), 342.]

In July 2005, the tenth anniversary of the massacre of around 8,000 Bosnian Muslims after the UN “safe area” of Srebrenica fell to the Bosnian Serb Army in 1995 took place. While crimes committed in Srebrenica have been recognized as amounting to genocide by the ICTY, the women of Srebrenica whose husbands and sons were killed were still waiting for most of the perpetrators to be brought to justice. During an anniversary ceremony, the remains of 610 victims were buried at the Potocari Memorial. At the end of 2005 the remains of approximately 5,000 victims had been recovered and over 2,800 victims had been identified. In January 2005, implementing a decision by the High Representative, the RS had appointed a working group to study documentation produced by the Srebrenica Commission (established by the RS authorities to investigate the massacre), with a view to identifying those implicated. In its first report in March 2005, the working group had presented a list of 892 suspects reportedly still employed in RS and national institutions. The High Representative, however, expressed concern at the failure to provide specific data on individuals deployed in Srebrenica in July 1995, and urged the ministries involved to provide all information necessary to

complete the list so that it could be forwarded to ICTY and the Prosecutor of Bosnia and Herzegovina. A further report and list were presented by the working group in September 2005, by which, according to the High Representative, the obligations of the RS were met.

[Source: AI, *Report 2006* (2006), 14, 72-73.]

See also Greece, Serbia and Montenegro.

## **BRAZIL**

Last Annual Report entry: see NCH #38 (2005).

The federal government made efforts to open files from the military archives and opened a reference center on political repression during Brazil's military government (1964-85), which would contain documents, films, and victims' statements from the period. Human rights groups protested against the fact that only selected archives relating to disappearances and killings of political prisoners would be opened.

[Sources: AI, *Report 2006* (2006), 76; HRW, *World Report 2006* (2006), 171.]

## **BULGARIA**

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

In 2005, an Italian parliamentary investigation into communist Bulgaria's role in a 1981 attempt to assassinate Pope John Paul II claimed that the Bulgarian authorities had censored 75 percent of the information on the case held in the former secret police's files. Declassified East German files suggested that the Bulgarian secret police indeed recruited the assassin, the Turkish right-wing gunman Mehmet Ali Agca.

[Source: IOC 3/05: 99-100.]

In January 2005, the government proposed to amend the Law for the Protection of Classified Information to make it easier to destroy documents including the files of the former secret police without declassifying or releasing them. The provisions were withdrawn following public criticism that the amendment would allow the mass destruction of important files about Bulgarian history.

[Source: D. Banisar, *Freedom of Information Around the World 2006: A Global Survey of Access to*



*Government Records Laws* (2006) 24-25.]

In five different rulings (October 2001, October 2005, January [twice] and February 2006), the European Court of Human Rights ruled that the ban on the commemorative meetings of the Obedinena Makedonska Organizatsiya “Ilinden” (United Macedonian Organization Ilinden) was not necessary in a democratic society and, hence, that the authorities had violated Ilinden’s right of peaceful assembly and association. (See also NCH #5, #27.)

[Sources: European Court of Human Rights, *Case of Stankov and the United Macedonian Organisation Ilinden versus Bulgaria: Judgment* (Strasbourg, 2 October 2001); *Case of the United Macedonian Organisation Ilinden and Ivanov versus Bulgaria: Judgment* (Strasbourg, 20 October 2005); *Case of the United Macedonian Organisation Ilinden and Others versus Bulgaria: Judgment* (Strasbourg, 19 January 2006); *Case of the United Macedonian Organisation Ilinden-Pirin and Others versus Bulgaria: Judgment* (Strasbourg, 20 January 2006); *Case of Ivanov and Others versus Bulgaria: Judgment* (Strasbourg, 24 February 2006).]

## **BURKINA FASO**

Last Annual Report entry: see NCH #38 (2005).

## **BURUNDI**

Last Annual Report entry: see NCH #38 (2005).

Legislation establishing a National Truth and Reconciliation Commission (NTRC), passed in December 2004, mandated the NTRC to establish the truth about acts of violence committed in the course of the conflict since 1962 (including those which occurred in 1972 and 1988 and in the violence following the 1993 assassination of former President Melchior Ndadaye), specify which crimes had been committed, other than genocide, and identify both perpetrators and victims of such crimes. In a report published in March 2005, the United Nations (UN) Secretary-General raised doubts about the credibility and impartiality of the NTRC and addressed the feasibility of establishing an international judicial commission of inquiry. It recommended amending the composition of the NTRC by including an international component (originally it was to comprise 25 members, all Burundians) and setting up a special chamber within the court system of Burundi. This chamber would be competent to prosecute those bearing the greatest responsibility for genocide,

crimes against humanity, and war crimes, and would be composed of national and international judges. In November 2005, the new government designated a delegation of eight members to establish an NTRC in collaboration with the UN.

[Sources: AI, *Report 2006* (2006), 80; HRW, *World Report 2006* (2006), 83.]

## **CAMBODIA**

Last Annual Report entry: see NCH #38 (2005).

In April 2005, the agreement between Cambodia and the United Nations to set up a criminal tribunal to prosecute suspected major perpetrators of gross human rights violations during the Khmer Rouge rule (1975-79) took effect. The tribunal was expected to try no more than half a dozen people, while tens of thousands of others continued to benefit from a national amnesty.

[Source: AI, *Report 2006* (2006), 14, 81.]

## **CANADA**

Last Annual Report entry: see NCH #38 (2005).

On 1 March 2005, German born Holocaust denier Ernst Zündel (1939-) was deported to Germany to face charges of Holocaust denial. On 3 March 2005 he was arrested. After a two-year legal battle, a Canadian judge had ruled his anti-Semitic hate speech “not only a threat to Canada’s national security, but also a threat to the international community of nations.”

[Source: IOC 3/05: 102-3.]

The screening of a 30-minute film, *Temporal Transmissions*, by Lebanese-Canadian videographer Jayce Salloum, which covered native Canadian history, was canceled by authorities in the city of Kelowna, British Columbia, because it was “not celebratory enough”.

[Source: IOC 3/05: 100.]

See also Iran.

## **CENTRAL AFRICAN REPUBLIC**

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

The judiciary failed to investigate the rape of hundreds of women and other human rights abuses which had occurred during the armed conflict in 2002-3, as well as those that took place after President François Bozizé took power in March 2003. However, in January 2005, the government formally requested the International Criminal Court (ICC) to investigate and prosecute war crimes and other human rights abuses which had occurred in the country during the armed conflict. The ICC had not started investigations by the end of 2005.

[Source: AI, *Report 2006* (2006), 85.]

## **CHAD**

Last Annual Report entry: see NCH #38 (2005).

In September 2005, Belgium issued an international arrest warrant against former President of Chad, Hissène Habré. He was accused of human rights violations including torture, murder of at least 40,000 people and disappearances during his rule (1982-90). In November 2005, Habré was arrested by the authorities in Senegal, where he had taken up residence after being ousted from power in 1990. Although Chadian President Idriss Déby appealed to the Senegalese President to extradite Habré to Belgium, the Senegalese authorities stated that he would remain in detention until January 2006 when his extradition would be discussed at the summit of the African Union.

[Sources: AI, *Report 2006* (2006), 14, 27, 69, 87, 223; HRW, *World Report 2006* (2006), 31.]

See also Belgium.

## **CHILE**

Last Annual Report entry: see NCH #38 (2005).

In January 2005, the Supreme Court put a time limit of six months on judicial investigations into disappearances and other human rights violations by the military government of Augusto Pinochet (1973-90), but suspended the ruling in May. This allowed investigations to continue into more than 150 cases of human rights violations. In March 2005, the Supreme Court upheld Pinochet's immunity

against charges relating to the 1974 assassination in Buenos Aires of former army commander General Carlos Prats and his wife. In June 2005, an appeals court decided that Pinochet was not fit to stand trial on nine charges of kidnapping and one of murder during “Operation Cóndor”, a joint plan by Southern Cone military governments in the 1970s and 1980s to eliminate opponents. In September 2005, the Supreme Court upheld the ruling. In contrast, in September and October 2005, the Supreme Court lifted Pinochet’s immunity in the so-called “Operation Colombo” and Riggs Bank cases. In November 2005, Pinochet was charged and placed under house arrest. The charges against him included the murder of 119 people and the disappearance of 15 others in 1975 as part of “Operation Colombo”. Other charges included homicide, torture, kidnapping, money laundering, tax evasion and falsifying documents. This was the first time prosecutors in Chile had successfully cleared all the legal hurdles and indicted him.

[Sources: AI, *Report 2006* (2006), 32, 88; HRW, *World Report 2006* (2006), 174-75.]

In March 2005, a group of academics, appointed by the rector of the Universidad de Chile (University of Chile) to restructure the Faculty of Social Sciences, dismissed 54 faculty members. Amongst those dismissed was archeologist María Antonia Benavente Aninat, elected director of the anthropology department with an international reputation in her field. Her dismissal would leave her with her salary cut and without medical coverage or pension. Later, a judge annulled the dismissal but the university appealed that decision.

[Sources include “Fifty-four Academics Unfairly Dismissed at the University of Chile”, *NEAR Alert* (14 July 2005).]

In 2006, postcards sold in the new cultural center at the presidential palace were banned because they showed national leaders since 1970, including Salvador Allende (1970-73) and Ricardo Lagos (2000-2006), but omitting Augusto Pinochet (1973-90). Visitors had complained about the omission. The center’s spokesman said that the cards were an “artistic project” without any “political message”.

[Source: IOC 2/06: 181.]

See also Argentina, Mexico, Peru.

## **CHINA**

Last Annual Report entry: see NCH #38 (2005).

In 2005, Amnesty International called on the Chinese authorities to stop the detention and harassment

of the Tiananmen Mothers, a group of 130 human rights defenders - mainly women - seeking accountability and redress for the killing of their children and other close relatives during the suppression of peaceful protests around Tiananmen Square in June 1989.

[Source: AI, *Report 2006* (2006), 296.]

On 16 January 2005, Tashi Gyaltzen (1964-), a monk from Drakar Trezong monastery, Qinghai province (northwestern China), was arrested together with four other monks. Reportedly, he was administratively sentenced to three years' "reeducation through labor." The monks were allegedly detained for publishing from mid- to late 2004 a journal called "*The Charm of Sun and Moon*", which contained poems and political writings. Gyaltzen reportedly edited this and other magazines at the monastery and wrote "The Past and Present History of Trezong Monastery" and other articles.

[Sources: AI, *Report 2006* (2006), 91; PEN, *Half-Yearly Caselist 2005*: 36-38, 40-41.]

On 9 March 2005, writer Dolma Kyab (pen-name Lobsang Kelsang Gyatso) (1976-), a history teacher at a middle school in Lhasa, Tibet, was arrested, charged with "endangering state security", and on 16 September 2005 was sentenced to ten years' imprisonment for his critical writings. On 30 November 2005, the sentence was upheld on appeal. After his studies at a university in Beijing and in India, he returned to Tibet in May 2004. While a history teacher, he wrote a manuscript in Chinese, entitled *Sao dong de Ximalayashan*, reportedly a compilation of 57 chapters covering various topics including democracy, the sovereignty of Tibet, Tibet under communism, colonialism, and religion. Allegedly, he also started another, shorter, manuscript on the geographical aspects of Tibet, which touched on sensitive topics about the location and number of Chinese military camps in the Tibet Autonomous Region (TAR). Dolma Kyab is said to be in bad health. (See also NCH #44.)

[Source: PEN, *Rapid Action Network* (2 August 2006).]

In late March 2005, Beijing University journalism lecturer Jiao Guobiao was reportedly dismissed, six months after he had refused to be relocated to a job in the Center for Ancient Chinese Classics and Archives of Beijing University to study classical Chinese texts as punishment for his criticism of official censorship by China's Publicity Department (formerly known as the Propaganda Department). Jiao had written a pamphlet accusing censors of "obstructing the civilized growth of Chinese society" and comparing them to Nazis.

[Sources include IOC 3/05: 100-101; Reporters without Borders, "Pro-democracy Lecturer Sacked at Beijing University" (1 April 2005).]

In August 2005, Wang Wan[g]xing (?1949-) was released and expelled to Germany with his family. (See NCH #17.)

[Source: AI, *Wordt Vervolgd*, December 2005-January 2006: 22-24.]

On 26 September 2005, ehoron.com, a website created by Mongolian students in September 2004 to replace a closed website (nutuge.com), was also closed by the Chinese authorities. It was a platform of discussion for about 1,300 Mongolian students and covered a range of subjects affecting Inner Mongolia. The reason for closure was reportedly its “separatist” content, a reference to messages on the website criticizing a Chinese Television cartoon that portrayed Genghis Khan as a mouse with a pig’s snout.

[Source: Reporters Without Borders, “Chinese Shut Down ‘Separatist’ Student Website” (2005).]

Computer firm Microsoft complied with Chinese demands that it censor “subversive” words like “4 June” (date of the 1989 Tiananmen Square massacre) on its weblog facility MSN Spaces.

[Source: IOC 2/04: 123, 125; IOC 3/05: 101.]

On 29 January 2006, the Publicity Department closed *Bingdian* (Freezing Point), the liberal weekly supplement of *Zhongguo Qingnian Bao* (China Youth Daily) created in 1995 and with a print run of 400,000. In its justification, the department singled out an article by historian Yuan Weishi published on 18 January 2006 and entitled “Modernization and History Textbooks”, which criticized the nationalistic bias in history textbooks glorifying the Boxer Rebellion against foreigners (1898-1900). The department found Yuan’s view “dangerous” and accused *Bingdian* of hurting national sentiment by romanticizing the foreign presence in China at the end of the nineteenth century. *Bingdian* was required to print a criticism of the offending article. On 2 February 2006, leading personalities signed an open letter to President Hu Jintao to protest the closure. On 17 February 2006, it was announced that *Bingdian* could reappear from 1 March 2006 onward. Editor Li Datong and journalist Lu Yuegang, however, were reportedly dismissed, inter alia for their contacts with democracy activists and journalists abroad and for having covered the death of journalist Liu Binyan (1925-2005) in December 2005, and were transferred to the newspaper’s News Research Institute.

[Sources include IOC 2/06: 183; Reporters without Borders, “Weekly Supplement Closed Due to Article on History Textbooks” (25 & 30 January 2006).]

In April 2006, the State Administration of Radio, Film and Television announced that local authorities would be required to verify the content of television series. Scripts would have to be approved every month to prevent “errors” of a political and historical nature.

[Source: *Ifex Communiqué 15-15* (18 April 2006).]

The government banned *Memoirs of a Geisha*, a Hollywood film about the life of a geisha in Tokyo

during World War II for fear that it would fuel anti-Japanese sentiment.

[Source: IOC 2/06: 181, 183.]

See also Japan, United States.

## **COLOMBIA**

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

On 21 March 2006, Jaime Enrique Gómez Velásquez ([1950]-2006) historian and political scientist at Pontificia Universidad Javeriana, Bogotá, trade union leader, leading member of the opposition Movimiento Poder Ciudadano (Movement for Citizen Power), disappeared in Bogotá, probably for political reasons. He was assassinated. On 23 April 2006, his mutilated remains were discovered.

[Source: Academia Solidaria de Historia a Debate (Santiago de Compostela 2006).]

See also United States.

## **CONGO (Democratic Republic)**

Last Annual Report entry: see NCH #38 (2005).

Two years after the Prosecutor of the International Criminal Court (ICC) announced that the ICC would look into the hundreds of thousands of crimes committed in Congo since July 2002, investigations had yet to result in any international arrest warrants. In January 2006, however, the first arrest warrant was issued against Thomas Lubanga Dyilo. He was alleged to have been involved in the commission of war crimes, namely, enlisting and conscripting children under the age of fifteen and using them for active participation in hostilities.

[Sources: AI, *Report 2006* (2006), 14, 27, 97; International Criminal Court, “Issuance of a Warrant of Arrest against Thomas Lubanga Dyilo” (17 March 2006).]

See also Congo (Republic).

## **CONGO (Republic)**

Last Annual Report entry: see NCH #38 (2005).

In July 2005, the trial of fifteen members of the security forces and a civilian began in Brazzaville. They were charged with genocide and crimes against humanity for their alleged role in the disappearance in mid-1999 of more than 350 refugees returning from neighboring Congo (formerly Zaire). They were not suspended from their positions before or during the trial. When the trial was concluded in August 2005, the court found the state responsible for the disappearances of at least 80 people, but acquitted all the defendants on the grounds that they bore no responsibility for them. Human rights organizations expressed concern that the court had only pursued the case to prevent the trial of the alleged perpetrators by an independent foreign court.

[Source: AI, *Report 2006* (2006), 98.]

## **CROATIA**

Last Annual Report entry: see NCH #38 (2005).

The legacy of the 1991-95 war continued to overshadow human rights in Croatia. Trials for war crimes and crimes against humanity continued or started before local courts, often in absentia. In some cases these trials did not meet internationally recognized standards of fairness. There continued to be widespread impunity for crimes allegedly committed by members of the Croatian Army and police forces. Of at least 300,000 Croatian Serbs displaced by the conflict, approximately 120,000 were officially registered as having returned home. In December 2005, former Croatian Army General Ante Gotovina was arrested in Spain, apparently after the Croatian authorities had provided the International Criminal Tribunal for the former Yugoslavia (ICTY) with information on his whereabouts. Gotovina was indicted by ICTY on seven counts.

[Source: AI, *Report 2006* (2006), 100-101.]

## **CUBA**

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

On 18 February 2006, the Argentinian writer, columnist and historian José Ignacio García Hamilton was barred from entering Cuba. He had scheduled meetings with Cuban intellectuals and several



gatherings to publicize his new book, *Simón: Vida de Bolívar*, a biography of Simón Bolívar (1783-1830), the liberator of Latin America. In 1996 and 2005, García Hamilton had reportedly met with dissidents in visits to Cuba. One of his books (published in 1997), which analyzed authoritarian governments in Latin America, includes a preface by Carlos Montaner, an opponent of the Castro regime. His deportation was believed to be related to the book and its preface.

[Source: Committee to Protect Journalists, *Ifex Alert* (22 February 2006).]

## **CYPRUS**

Last Annual Report entry: see NCH #38 (2005).

## **CZECH REPUBLIC**

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

## **DENMARK**

Last Annual Report entry: none.

Flemming Rose, the cultural editor of the daily newspaper *Jyllands-Posten* who commissioned twelve controversial cartoons of the Prophet Mohammed and published them in September 2005, was sent “on leave” after he vowed (a promise subsequently retracted) to republish cartoons commissioned by an Iranian newspaper lampooning Holocaust victims.

[Source: IOC 2/06: 184.]

## **EAST TIMOR**

See Timor-Leste.

## **ECUADOR**

Last Annual Report entry: see NCH #38 (2005).

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.

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

## **EGYPT**

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

On 25 October 2005, religious authorities banned a book by Natana DeLong-Bas about Wahhabism on the grounds that it was offensive to Islam. The book, probably *Wahhabi Islam: From Revival and Reform to Global Jihad* (New York 2004), was largely based on an analysis of the writing of Muhammad Ibn Abd al-Wahhab, eighteenth-century founder of Wahhabism.

[Source: IOC 1/06: 109.]

See also Sudan.

## **EL SALVADOR**

Last Annual Report entry: see NCH #38 (2005).

Impunity for past human rights violations, including disappearances, persisted. In March 2005, the Inter-American Court of Human Rights ruled that El Salvador had to set up a National Search Commission to trace disappeared children.

[Source: AI, *Report 2006* (2006), 110.]

## **ETHIOPIA**

Last Annual Report entry: see NCH #38 (2005).

The trial continued of 33 former senior government officials during the rule of the Dergue (1974-90) on charges of genocide, torture and other crimes. They had been in detention for 14 years. Other trials continued in the absence of the defendants, including former President Mengistu Hailemariam, whose extradition had been refused by the Zimbabwe government.

[Source: AI, *Report 2006* (2006), 117.]

## **EUROPEAN UNION**

Last Annual Report entry: see NCH #38 (2005).

## **FIJI**

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

The government proposed legislation to establish a Reconciliation and Unity Commission with the power to recommend amnesty for “politically motivated” crimes committed in connection with the May 2000 coup and to grant compensation to those affected by such crimes. The proposed legislation promoted impunity for human rights violations and acts of treason, and was opposed by the military, the political opposition, and many areas of civil society for this reason. In late 2005, a parliamentary committee recommended that the amnesty proposal be amended to reflect constitutional principles.

[Source: AI, *Report 2006* (2006), 118.]

## **FRANCE**

Last Annual Report entry: see NCH #38 (2005).

In April 2005, more than 1,000 history teachers and other historians, writers, and intellectuals signed a petition demanding the repeal of a new law requiring school history teachers to stress the “positive aspects” of French colonialism. The law of 24 February 2005 was intended to rehabilitate the harkis (the 200,000 Algerians who fought with French colonial troops during the Algerian independence war of 1954-62 and of whom 130,000 were executed as traitors after independence) but its article 4 read: “School courses should recognize in particular the positive role of the French presence

overseas, notably in north Africa.” The signatories objected that this imposed an official version of history, obliterating the suffering caused by the French empire. Algerian President Abdelaziz Bouteflika reportedly spoke of “revisionism” and “negationism”. On 8 December 2005, Prime Minister Dominique de Villepin declared that politicians should not determine the contents of history teaching. On 12 December 2005, nineteen historians publicly protested against the increasing judicialization of history in France. In January 2006, the controversial article was repealed.

[Sources include *Figaro*, 14 December 2005; *Guardian*, 15 April 2005; *Libération*, 13 December 2005.]

On 30 November 2005, historian Olivier Pétré-Grenouillau, professor at the University of Lorient and member of the Institut universitaire de France, was brought before the court in Paris. The Collectif des Antillais, Guyanais et Réunionnais accused him of denying that the slave trade was a crime against humanity (whereas the Taubira law of 10 May 2001 had given it that status) in an interview with the *Journal du Dimanche* (Sunday Newspaper) of 12 June 2005. In the interview, however, Pétré-Grenouillau did not deny that the slave trade was a crime against humanity but, rather, denied that it was genocide since the European slave traders’ intent was not to destroy the slaves but to keep them as cheap labor. Observers thought that the real motive behind the accusation was Pétré-Grenouillau’s book *Les Traités négrières: Essai d’histoire globale* [The Black-Slave Trade: Essay in Global History] (Paris 2004), which viewed the slave trade as a phenomenon of thirteen centuries on five continents, of which the European slave trade (1500-1900) was one part. The book had been awarded several prizes.

[Sources: *Figaro*, 14 December 2005; *Libération*, 30 November 2005; *Le Monde*, 15 December 2005.]

See also Lebanon.

## **GEORGIA**

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

## **GERMANY**

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

On 25 January 2005, a brief reference to the Armenian genocide, inserted in a history curriculum in the state of Brandenburg in 2002, was deleted following Turkish diplomatic protests. A chapter entitled “Enthumanisierung (Kriegsalltag)” (“Dehumanization: everyday life in war”) included a text that cited “z.B. Genozid an der armenischen Bevölkerung Kleinasiens” (“for example, the genocide of the Armenian population of Anatolia”). After a wave of protests, Prime Minister of Brandenburg Matthias Platzeck announced on 9 February 2005 that the reference would be reinserted.

[Sources: IOC 2/05: 91; *Informationen Georg-Eckert Institut*, no. 49 (August 2005) 6-9.]

In October 2005, under much protest German authorities tore down a monument at the former crossing point called Checkpoint Charlie. The controversial monument, erected earlier that month by a private museum, included more than 1,000 crosses, each devoted to someone who died while trying to escape the former German Democratic Republic. The move came after supporters lost a case in court to save the monument and failed to meet a deadline to raise the money to buy the land where it stands.

[Source: *BBC News Online* (3 November 2005).]

The United States wanted the Holocaust files at the International Tracing Service (ITS), Bad Arolsen, Hessen, containing information on 17,5 million people, to be open to scholars. Germany resisted this request on the grounds that the archives contained sensitive information such as who was subjected to cruel medical experiments, who were thought to be gay, and which Jews allegedly collaborated with the Nazis. On 18 April 2006, during a visit to Washington, Minister of Justice Brigitte Zypries declared that the archives would be opened. The ITS was established at the end of World War II to trace missing persons. From 1955 the Red Cross had been responsible for it.

[Sources: D. Banisar, *Freedom of Information Around the World 2006: A Global Survey of Access to Government Records Laws* (2006) 50; IOC 2/06: 185; *Keesings Historisch Archief*, 2006: 268.]

See also Austria, Bulgaria, Canada, China, Denmark, Iraq.

## **GHANA**

Last Annual Report entry: see NCH #38 (2005).

On 22 April 2005, the report of the National Reconciliation Commission, investigating past human rights abuses during Ghana’s periods of unconstitutional government between 1957 and 1993, was made public by the government, together with a white paper accepting some of the recommendations.

The report had concluded that the majority of human rights abuses had to be attributed to the unconstitutional governments. The recommendations included a formal presidential apology to victims of abuses by state agents. The government issued an apology to all those who had been wronged by past governments. However, no other recommendations had been implemented by the end of 2005.

[Source: AI, *Report 2006* (2006), 124.]

## **GREECE**

Last Annual Report entry: see NCH #38 (2005).

On 10 May 2005, Riki Van Boeschoten, a Dutch social anthropologist working at the University of Thessaly, Vólos, and Loring Danforth, anthropologist at Bates College (Maine, United States), gave a lecture about refugee children from the Greek Civil War (1946-49) in Eastern Europe at the Hellenic Studies Program of Princeton University (United States). Based on 130 life stories and on archival documents, the lecture explored the mass evacuation of thousands of children during the civil war. In 1948 about 25,000 children were moved by the left-wing Democratic Army to Eastern Europe and a similar number were evacuated by the National Army and settled in “child-towns” run by Queen Frederica. Before the lecture, the program director received threatening phone calls and e-mails from members of the Greek diaspora -- including the Panmacedonian Association of the United States, some Greek members of the Modern Greek Association mailing list, and author Nicholas Gage -- in an attempt to cancel it. They also sent e-mails to the University of Thessaly in order to jeopardize Van Boeschoten’s position. Judging from the title and abstract of the lecture and on previous work of the lecturers, their main complaints were that the removal of children from Greece in 1948 was called an “evacuation” instead of “abduction” (“pedomázoma”, the Greek government’s position during the civil war) and the use of the epithet “Macedonian” for members of the Slav-speaking community and their language. The attacks continued for some time after the lecture but had no effect on Van Boeschoten’s position.

[Sources include *NRC Handelsblad*, 8 June 2005: 4.]

On 2 and 3 June 2005, all Greek television stations cut the opening scene of a video about the 1995 Srebrenica genocide. It featured a Serbian Orthodox priest blessing paramilitaries who were later seen to execute six Bosnian Muslim men. The stations presented the cut version to the public as being the complete version. Links between the Greek and Serbian Orthodox Churches underpinned pro-Serb sentiments in Greece during the Balkan wars (1991-95).

[Sources: Greek Helsinki Monitor, *Ifex Alert*, 23 June 2005; IOC 3/05: 105.]

On 1 July 2005, Takis Alexiou, academic, writer and artist, also founder of the Greek Rumi Committee and former President (1994-96) of the Panhellenic Historical and Philosophical Society, was sentenced to 25 months' imprisonment in Rhodes, despite the court prosecutors requesting his acquittal. Charges were brought against him after a Greek Orthodox monk, Arsenios Vliagoftis, member of the Greek Ecclesiastical Commission against Heresies, had declared that the Greek Rumi Committee was a sect. The committee studies the work of Mevlana Celaleddin Rumi, a thirteenth-century philosopher, poet and humanist whose writings were included on the United Nations 1989 list of worldwide literary treasures. An appeal trial was scheduled to take place in March 2006.

[Source: PEN, *Half-Yearly Caselist 2005*: 52.]

See also Turkey.

## **GUATEMALA**

Last Annual Report entry: see NCH #38 (2005).

Of the 626 massacres documented by the United Nations sponsored truth commission in 1999, only one case was successfully prosecuted in the courts. In 2004, a lieutenant and thirteen soldiers were found guilty of the 1995 Xamán massacre and each sentenced to forty years' imprisonment. The government issued public apologies in four cases of past human rights violations committed during the internal armed conflict. One public apology, for the 1982 Plan de Sánchez massacre of more than 250 indigenous villagers by state forces, had been ordered by the Inter-American Court of Human Rights. The prosecution of former military officers in this case, however, has been held up for years. In February 2005, the Constitutional Court halted the trial and determined that due process had been violated. The case was pending at the end of 2005.

[Sources: AI, *Report 2006* (2006), 127-28; HRW, *World Report 2006* (2006), 192.]

Over the past four years, there have been an alarming number of attacks and threats against Guatemalans seeking justice for past abuses. The targets included human rights advocates, justice officials, forensic experts, and plaintiffs and witnesses involved in human rights cases. In August 2005, members of the Guatemalan Foundation for Forensic Anthropology received repeated death threats due to their work consisting in the exhumation of bodies buried in clandestine cemeteries throughout the country. There were new incidents of threats and intimidation of forensic

anthropologists in September 2005, and in January and March 2006. There was a widespread consensus among observers that the people responsible for the intimidation were affiliated with clandestine groups. These groups appeared to have links to both state agents and organized crime -- which gave them access to considerable political and economic resources. (See also NCH #31[iii], #31[iv].)

[Source: HRW, *World Report 2006* (2006), 193.]

In July 2005, 75 million pages of National Police files (covering a century of police operations) were discovered. It was reportedly the largest and most revealing collection of documentation on the “dirty war” (1960-96) ever unearthed in Latin America.

[Sources: K. Doyle, “The Guatemalan Police Archives” (National Security Archive; November 2005); IOC 1/06: 113 .]

In September 2005, the Spanish Constitutional Court ruled that the case for alleged genocide against Guatemalan General Ríos Montt (President in 1982-83), and other officers, could proceed in Spain.

[Source: AI, *Report 2006* (2006), 32, 128, 239.]

## **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).

In 2005, a significant decline in the domain of accountability for past abuses occurred. Former military leaders accused of human rights violations during the 1991-94 military government continued to enjoy impunity.

[Sources: AI, *Report 2006* (2006), 32, 133; HRW, *World Report 2006* (2006), 199.]



## HONDURAS

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

## HUNGARY

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

## INDIA

Last Annual Report entry: see NCH #38 (2005).

After they were committed for retrial in another state, hearings in two cases related to the 2002 attacks upon Muslims in the western state of Gujarat were nearing completion. Otherwise, there was little accountability for the deaths of more than 2,000 Muslims in Gujarat during the communal violence that erupted after a train carrying Hindu pilgrims caught fire, killing 59 passengers.

[Sources: AI, *Report 2006* (2006), 136; HRW, *World Report 2006* (2006), 265.]

In February 2005, a commission headed by Justice G.T. Nanavati to probe the 1984 anti-Sikh riots in Delhi and elsewhere in the aftermath of Prime Minister Indira Gandhi's assassination submitted its report. After initially refusing to take action against Congress leaders named in the report -- a decision that led to widespread protests -- Prime Minister Manmohan Singh offered a public apology to the Sikh community and the government promised to reopen some of the riot cases. Some senior Congress leaders accused of involvement in organizing the anti-Sikh riots resigned from their posts.

[Sources: AI, *Report 2006* (2006), 137; HRW, *World Report 2006* (2006), 265.]

Proceedings regarding the 1992 demolition of the Babri Mosque at Ayodhya, Uttar Pradesh, in which senior leaders of the Bharatiya Janata Party (BJP) were facing trial, made little progress during 2005.

In July 2005, there was an attack on the disputed site.

[Source: AI, *Report 2006* (2006), 136-37.]

In Punjab, the vast majority of police officers responsible for serious human rights violations during

the period of civil unrest in the mid-1990s continued to evade justice, despite the recommendations of several judicial inquiries and commissions.

[Source: AI, *Report 2006* (2006), 137.]

## INDONESIA

Last Annual Report entry: see NCH #38 (2005).

30 September 2005 marked the fortieth anniversary of the alleged coup attempt that precipitated former Indonesian President Soeharto's rise to power. The Indonesian Communist Party remained banned for allegedly plotting that attempt in 1965. After the attempt, at least half a million people were killed in anti-communist purges after the coup attempt, and hundreds of thousands more were imprisoned without charge or trial. To date there has been no accountability for these atrocities. There has also been no legal accounting for the majority of atrocities committed during Soeharto's rule (1965/67-98), or for the violence instigated by pro-Soeharto forces in a failed attempt to stave off his 1998 fall from power. Trials for the 1984 killing of civilians by Indonesian security forces at Tanjung Priok, Jakarta, ended in July 2005 with the appeals court overturning the convictions of twelve of the fourteen defendants.

[Source: HRW, *World Report 2006* (2006), 272.]

There were concerns that past human rights violations committed during the 29-year conflict between the government and the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) would not be prosecuted and that impunity could undermine prospects for a lasting peace. Despite provisions in the Memorandum of Understanding, signed between the parties in August 2005, that a human rights court would be set up, the government announced that the court would not have powers to hear cases from the past.

[Source: AI, *Report 2006* (2006), 139.]

In a report submitted to the United Nations (UN) Security Council, a Commission of Experts (CoE), appointed by the UN Secretary-General to review the prosecution of serious violations of human rights in Timor-Leste (then East Timor) in 1999, concluded that the judicial process before the Indonesian ad hoc Human Rights Court for Timor-Leste was "manifestly inadequate with respect to investigations, prosecutions and trials". The CoE pointed to provisions in the terms of reference of the Truth and Friendship Commission (TFC), officially established by the governments of Indonesia and Timor-Leste in March 2005 to reveal the truth about the 1999 events, which "contradict

international standards on denial of impunity for serious crimes". In particular, the CoE stated that the TFC should not allow amnesties for cases of genocide, crimes against humanity and other grave human rights violations. Despite such criticism, the TFC was set up in August 2005 without appropriate changes to its mandate.

[Source: AI, *Report 2006* (2006), 139-40.]

See also Saudi Arabia, Timor-Leste.

## INTERNATIONAL CRIMINAL COURT

See Central African Republic, Congo (Democratic Republic), Ivory Coast (Côte d'Ivoire), Liberia, Sudan, Uganda.

## IRAN

Last Annual Report entry: see NCH #38 (2005).

On 27 April 2004, leading Shi'a religious leader and scholar Grand Ayatollah Yasub al-Din Rastgari (1927-), author of over a hundred works, was reportedly detained in Qom after publication of his *Reality of Religious Unity*, a book on Islamic religious history allegedly critical of the policies of some historic Wahhabi sect personalities. In poor health, Rastgari was held incommunicado by the secret service without access to his family. His two sons were also arrested with him and the book's publisher closed down. Rastgari was probably secretly charged with "insulting Islam" and "causing schism" and sentenced to four years' imprisonment by the Special Court for the Clergy. He was previously detained on several occasions, most recently in 1996, when he was sentenced to three years' imprisonment and a period of internal exile for his activities against the regime. (See also NCH #42.)

[Sources: PEN, *Rapid Action Network 45/05* (19 October 2005); PEN, *Half-Yearly Caselist 2005*: 67-68.]

On 27 April 2006, Ramin Jahanbegloo, of Iranian and Canadian nationality, adjunct professor of philosophy at the University of Toronto (1999-2001) with doctorates from the Sorbonne (Paris, France) and Harvard University (Massachusetts, United States), author of more than twenty books, and director of Contemporary Studies at the privately run Cultural Research Bureau, Tehran, was

reportedly detained at Tehran Airport while attempting to travel to a conference in Europe. Held incommunicado, he was not charged but possibly accused of espionage, violating security measures and of having links to monarchist and other opposition groups. His imprisonment was probably also connected with an article in which he challenged President Mahmoud Ahmadinejad's contention that the Holocaust had not taken place. On 3 July 2006, Minister of Intelligence Gholam Hossein Mohseni Ejeie accused Jahanbegloo of "taking part in a United States attempt to carry out a velvet revolution in Iran." On 30 August 2006, he was released on bail.

[Source: Ifex, *Action Alert Network*, 4, 5, 19 and 23 May, 12 July 2006.]

See also Denmark.

## IRAQ

Last Annual Report entry: see NCH #38 (2005).

On 25 November 2005, Susanne Osthoff (1962-), a German archeologist involved in preserving Iraq's archeological treasures, was abducted by unknown kidnappers who demanded that Germany stopped cooperating with the United States-backed Iraqi government. Released on 18 December 2005, she declared that her captors demanded German humanitarian aid for Iraq's Sunni Arabs.

[Sources: *BBC News Online*, 29 November 2005; *International Herald Tribune*, 30 November 2005; "My Kidnappers Were Not Criminals" (*Aljazeera*, 26 December 2005).]

The Statute of the Iraqi Special Tribunal, established in December 2003 to try members of the former Iraqi government for genocide, crimes against humanity, and war crimes, was amended and adopted by Iraq's Transitional National Assembly in October 2005, one week before the first trial was scheduled to begin. The Assembly renamed the tribunal the "Supreme Iraqi Criminal Tribunal" (SICT). Serious doubts remained about the capacity of SICT to conduct fair trials. After the opening of the first trial on 19 October 2005, two defense counsels were assassinated. As of October 2005, the Multi-National Force retained physical custody of over 90 "high value detainees", including members of the former Iraqi government awaiting trial before SICT. Former Iraqi President Saddam Hussain was brought to trial together with seven others, including former Vice-President Taha Yassin Ramadhan. Charges related to executions on orders of the government of 148 people from al-Dujail, following an assassination attempt against Saddam when he visited the village.

[Sources: AI, *Report 2006* (2006), 14, 43, 46, 145; HRW, *World Report 2006* (2006), 451-52.]

**IRELAND**

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

The report on clerical sex abuse in the diocese of Ferns (the Ferns Inquiry), published in October 2005, was critical of Catholic Church authorities, the Garda (police) and the health authority in their handling of more than 100 allegations of child sexual abuse made between 1962 and 2002.

[Source: AI, *Report 2006* (2006), 147.]

See also United Kingdom.

**ISRAEL**

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

**ITALY**

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

See also Bulgaria, Somalia.

**IVORY COAST (Côte d'Ivoire)**

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

Throughout 2005, neither the government nor the rebel leadership took concrete steps to discipline, investigate or hold accountable those responsible for ongoing crimes, much less past atrocities which took place during the 2000 election violence, 2002-3 civil war, and violent crackdown on an opposition demonstration in March 2004. The United Nations (UN) Security Council had yet to make public or discuss the findings of the Commission of Inquiry report, which was handed to the UN Secretary General in November 2004. The report contained a secret annex listing people accused of human rights abuses. Similarly, the Security Council refused to implement sanctions authorized under

resolution 1572, passed in November 2004. While the prosecutor for the International Criminal Court (ICC) announced in January 2005 that he would send a team to Ivory Coast to prepare a possible investigation into war crimes, this had still not taken place by the end of 2005. The prosecutor was acting on an ad hoc request to the ICC by the Ivorian government made in September 2003.

[Source: HRW, *World Report 2006* (2006), 85.]

## JAPAN

Last Annual Report entry: see NCH #38 (2005).

On 9 and 10 April 2005, a protest march with about ten thousand participants was organized in Beijing against the publication and use of a new history textbook which downplayed Japan's atrocities in China during the Pacific War (1931-45), including the 1937 Nanking Massacre and the question of some 200,000 "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. On 4 May 2005, the Parliament of Hong Kong adopted a motion in which it criticized official Japanese approval of the textbook. In July 2005, the "Korean Historical Societies United", a platform of 48 historical societies in South Korea, protested against official Japanese approval of the textbook at the 20th International Congress of Historical Sciences in Sydney, Australia. In particular, it criticized the textbook's view that from time immemorial and until 1910 Korea had always been a country dependent on China, and that only in its capacity as a Japanese colony (1910-45) Korea had been able to achieve modernization. The platform also criticized the way the textbook ignored or justified the violence during the Japanese occupation. The controversial textbook was reportedly updated later.

[Sources: *BBC News Online*, 9-11 April 2005; *Keesings Historisch Archief*, 2005: 310-11, 357, 370; The Korean Historical Societies United, "Dear Historians of the World" (Pamphlet distributed at the *20th International Congress of Historical Sciences*; Sydney 1 July 2005).]

In 1993, Takashima Nobuyoshi (?1942-), former teacher of social studies in Tokyo and writer of many textbooks, later professor at the University of the Ryukyus, Okinawa, sued the state because after revision the Education Ministry had proposed to change almost the entire text of his four-page manuscript about Emperor Hirohito, the Japanese army, Japanese colonialism, and the Gulf War (1991), to be included in a reader. He had already faced problems with textbook certification in 1989 and 1992. In April 1998 a district court ruled that two changes in his textbook demanded by the

ministry were illegal. One passage quoted philosopher Fukuzawa Yukichi (1835-1901), who described other Asian nations as “savage”, the other stated that Japan should have consulted other Asian countries before sending minesweepers to the Persian Gulf in 1991. The court ordered the ministry to pay damages to Takashima. The Tokyo High Court, however, overturned that ruling on appeal. In May 2005, the Supreme Court rejected his appeal against that decision. On 22 November 2005, the Supreme Court reportedly also ruled that Takashima’s testimony had to be heard on appeal. (See NCH #10.)

[Sources: IOC 3/98: 49; IOC 4/98: 115; IOC 1/06: 115; *Elsevier* (11 December 1993) 54-61 (interview with Takashima); “Nobuyoshi Takashima: Japan’s Top Court Turns Down Professor’s Censorship Claim” (History News Network reproducing *Chronicle of Higher Education*, 12 May 2005).]

Classified Japanese government documents discovered in a United States archive in [2005] showed how a December 1941 provisional law aimed at suppressing freedom of speech was enacted in Japan. The law was abolished by the Supreme Commander for the Allied Powers (SCAP) who ruled Japan from 1945 to 1952.

[Source: IOC 3/05: 110.]

The government was criticized for its continued failure to apologize adequately and provide full reparations for crimes committed against girls and women condemned to sexual slavery - so-called “comfort women” -- in countries occupied by Japan before and during World War II. For over sixty years, the now elderly survivors of an estimated 200,000 victims have been denied justice and adequate reparation from the Japanese government, which only belatedly acknowledged responsibility for the crimes. Courts continued to argue that compensation claims were settled by postwar treaty arrangements. Contrary to international law, some applied statutes of limitation. In June 2005, a United States federal appeals court rejected, for the second time, a suit for damages filed by fifteen survivors. The court cited Japan’s immunity from such lawsuits in the United States. In February 2005, the Supreme Court rejected a compensation claim by seven Taiwanese survivors (the case had begun with nine but two died). In March 2005, a Tokyo High Court also rejected a case by Chinese survivors.

[Source: AI, *Report 2006* (2006), 17, 37, 154-55, 293.]

See also China, Germany, Korea (North), Peru.

**JORDAN**

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

## **KAZAKHSTAN**

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

## **KENYA**

Last Annual Report entry: see NCH #38 (2005).

## **KOREA, NORTH**

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

According to South Korea's Unification Ministry, a total of 3,790 South Koreans were kidnapped and taken to North Korea in 1953-95, 486 of whom remain detained. Some of the abducted had been used in propaganda broadcasts to South Korea, while others had been used to train North Korean spies. North Korea had rejected repeated requests from families of the abducted to confirm their existence, to return them, or, in the cases of the dead, to return their remains. Separately, North Korea admitted to having abducted thirteen Japanese citizens in the 1970s and 1980s.

[Source: HRW, *World Report 2006* (2006), 294.]

See also Japan, Korea (South), United States.

## **KOREA, SOUTH**

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

In December 2005, Kang Jeong-koo, sociology lecturer at Dongguk University, was suspended by the board of directors after posting an article on the Internet earlier in 2005, which described the Korean War (1950-53) as a "war for reunification". The board claimed that Kang's alleged pro-North Korean remarks disgraced the school's prestige. Kang was also accused of the fact that he had written a



commemorative message saying “let’s achieve the great task of national unification by inheriting the spirit of Mankyongdae” during a 2001 visit to Pyongyang, when he went to Mangyongdae, birthplace of North Korea’s founding leader Kim Il-sung. In addition, Kang was indicted for violating the National Security Law. Thirty-three professors from the United States, Norway and New Zealand reportedly sent a letter to the university and to the minister of education, demanding that Kang be allowed to continue teaching and researching. In the letter, they also criticized Seoul’s National Security Law, which forbids pro-North Korean activities.

[Source: “Korean Professor Suspended over Controversy”, *Korean Times*, 9 February 2006.]

See also Japan, Korea (North), United States.

## **KUWAIT**

Last Annual Report entry: see NCH #38 (2005).

## **LATVIA**

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

On 16 June 2006, President Vaira Vike-Freiberga vetoed a controversial law which would have allowed the disclosure of the names of more than 4,000 alleged collaborators of the former Soviet secret police KGB.

[Source: *Keesings Historisch Archief*, 2006: 404.]

## **LEBANON**

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

In February 2005, former Prime Minister Rafiq al-Hariri and 22 others were killed in bomb attacks against civilians in Beirut. A United Nations (UN) inquiry suggested that senior Lebanese and Syrian officials were implicated in the attack on al-Hariri. On 15 December 2005, the UN Security Council endorsed a six-month extension of the investigation, but did not vote on the Lebanese authorities’ request to establish an international court to try suspects in the case.

[Source: AI, *Report 2006* (2006), 43, 46, 167-68.]

In May 2005, a joint Syrian-Lebanese committee was established to investigate the fate of more than 600 Lebanese who disappeared during and after the 1975-90 Lebanese civil war, apparently while in the custody of Syrian forces. The findings of two previous Lebanese investigations were never fully disclosed and no perpetrators were ever prosecuted. In 1992 the Lebanese government had stated that a total of 17,415 people disappeared during the civil war, but no criminal investigations or prosecutions had been initiated by the end of 2005.

[Source: AI, *Report 2006* (2006), 46, 168.]

On 2 June 2005, columnist Samir Kassir (?1961-) was killed in a car bombing in Beirut. A writer and historian with French and Lebanese citizenship and a professor of political science at Beirut's St Joseph University, Kassir had been writing columns for the past ten years for *An-Nahar* (The Day), a moderate daily newspaper with a circulation of 55,000. Well-known for his anti-Syrian opinions and his criticism of the "Lebanese police state," he had been harassed and threatened for years by Lebanese and Syrian intelligence agents. Kassir was one of the founders of the opposition Movement of the Democratic Left.

[Source: Reporters without Borders, *Ifex Alert*, 2 June & 21 July 2005.]

See also Canada, Syria.

## **LIBERIA**

Last Annual Report entry: see NCH #38 (2005).

On 10 June 2005, a law establishing a Truth and Reconciliation Commission (TRC) was adopted. The TRC was mandated to investigate gross human rights violations and economic crimes that occurred between January 1979 and 14 October 2003. The TRC was set to begin work in early 2006. While the TRC was empowered to recommend prosecution for the most serious cases, there was no indication as to whether the Liberian judicial system would be able and willing to try these crimes. In October 2005, five men and four women were selected as commissioners.

[Sources: AI, *Report 2006* (2006), 169-71; HRW, *World Report 2006* (2006), 113-14.]

Throughout 2005, ignoring calls from the international community, Nigeria continued, with the apparent support of the African Union, to refuse to surrender former Liberian President Charles

Taylor to the Special Court for Sierra Leone, where he has been charged with crimes against humanity and war crimes against the population of Sierra Leone. President Olusegun Obasanjo of Nigeria maintained his refusal to surrender Taylor on the grounds that it would disrupt Liberia's transition process. In March 2006, Taylor was arrested. He was later transferred to the International Criminal Court in The Hague to be tried.

[Source: AI, *Report 2006* (2006), 14, 27, 117, 200, 227.]

## **LIBYA**

Last Annual Report entry: see NCH #38 (2005).

In 2005, the authorities announced a belated investigation into the killing or disappearance of possibly hundreds of prisoners at Tripoli's Abu Selim Prison in 1996.

[Sources: AI, *Report 2006* (2006), 43; HRW, *World Report 2006* (2006), 469.]

## **LITHUANIA**

Last Annual Report entry: see NCH #38 (2005).

## **MACEDONIA**

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

In June 2005, the Public Prosecutor was reportedly still waiting for a date from the International Criminal Tribunal for the former Yugoslavia (ICTY) for a joint review of war crime cases under ICTY's jurisdiction involving suspects who may not have benefited from a 2002 amnesty. A March 2002 law amnestied those whose offences in the 2001 conflict came under national jurisdiction. No review had taken place by the end of 2005.

[Source: AI, *Report 2006* (2006), 174.]

See also Greece.

**MALAYSIA**

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

**MALDIVES**

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

On 1 May 2005, journalist, historian, and politician Mohamed Nasheed returned to the Maldives to establish and lead the country's first opposition political party Maldivian Democratic Party (MDP). On 12 August 2005, he was arrested during a peaceful MDP demonstration in the capital Malé and on 27 October 2005 sentenced on charges of terrorism and sedition. He was detained until 1 November 2005, when he was transferred to house arrest. (See NCH #27, #32, #37.)

[Sources: AI, *Report* (London) 2006: 179; IOC 4/05: 141; IOC 1/06: 116.]

**MAURITANIA**

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

**MEXICO**

Last Annual Report entry: see NCH #38 (2005).

Despite five years in office, the Special Prosecutor assigned to bring to justice those responsible for widespread human rights violations committed during the "dirty war" in the 1960s, 1970s and 1980s achieved virtually no progress. In November 2003, the Special Prosecutor won a landmark decision from the Supreme Court holding that statutes of limitations did not apply to old disappearance cases as long as the victims' bodies had not been found. However, he made only limited progress in uncovering the fate of hundreds of people who were disappeared in the 1970s. His most ambitious move -- the indictment of former President Luis Echeverría (1970-76) for genocide -- was thrown out by a trial judge on the grounds that the statute of limitations had expired. However, he won an appeal before the Supreme Court, which ruled in June 2005 that the statute of limitations had not expired in Echeverría's case because he had been shielded by immunity during his presidency. But the case was

rejected again by a lower court in July 2005, on the grounds that the 1971 “Corpus Cristi” massacre did not constitute genocide. The Special Prosecutor subsequently sought to indict Echeverría again on genocide charges for the October 1968 massacre of student protesters at Tlatelolco, Mexico City, but in September 2005 a lower court once again rejected his argument. At the end of 2005, a ruling by the Supreme Court was awaited on the appeal against this decision.

[Sources: AI, *Report 2006* (2006), 32, 182; HRW, *World Report 2006* (2006), 203.]

On 4 May 2006, Mario Alberto Aguirre Tomic, a Chilean student at the Escuela Nacional de Antropología e Historia (National School for Anthropology and History), and Valentina Palma Novoa ([1976-]), a Chilean producer of documentaries living in Mexico since 1995 and a former student at the same school, were arrested together with others when they witnessed massive police violence in the village of San Salvador Atenco. They were held incommunicado for a few days and expelled to Chile.

[Source: Academia Solidaria de Historia a Debate (Santiago de Compostela 2006).]

## **MOLDOVA**

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

## **MONGOLIA**

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

See also China.

## **MOROCCO/WESTERN SAHARA**

Last Annual Report entry: see NCH #38 (2005).

In 2005, the Equity and Reconciliation Commission (ERC), appointed by King Mohamed VI in January 2004 and the Arab world’s first truth commission, completed its research into grave human rights violations committed in 1956-99 and submitted its final report. Between December 2004 and May 2005, it received information from more than 16,000 people. Many had appeared in person

before the ERC. Several dozens had spoken about their experiences at seven televised hearings held in six regions of Morocco. A planned hearing in Laayoune, Western Sahara, was cancelled without official explanation. The ERC report recommended that compensation be paid to more than 9,000 victims of human rights abuses. It also announced that it had resolved 742 disappearance cases and that 66 outstanding cases would be investigated further by a follow-up committee. The ERC indicated, however, that it had often not obtained the testimonies and documents it had requested from state officials, who were under no compulsion to cooperate. Critics pointed out that the ERC could not publicly name or sanction individual perpetrators, and would thus contribute little to ending impunity. Impunity for past crimes remained a serious concern, particularly since some alleged perpetrators continued to be members, or even high-ranking officials, of the security forces. The independent Moroccan Human Rights Association, meanwhile, organized its own informal public hearings in which some victims named individuals they held responsible for past violations against them.

[Sources: AI, *Report 2006* (2006), 43, 44, 46, 187; HRW, *World Report 2006* (2006), 474-75.]

## **MYANMAR (BURMA)**

Last Annual Report entry: see NCH #38 (2005).

In 1996, a group of political prisoners in Insein Prison were given additional sentences for attempting to send information about human rights violations to the United Nations and circulating news in prison. Among them was Aung Kyaw Oo, a history student and student union organizer. In [2005], he was accused of distributing a weekly bulletin with transcripts of broadcasts of overseas radio stations in prison.

[Source: AI, *Myanmar: Imprisoned for Telling the Truth about Human Rights: Freedom of Expression on Trial in Insein Prison* (London 1 March 2005).]

## **NAMIBIA**

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

A series of mass graves, believed to contain the remains of members of SWAPO (the former guerrilla movement which became the ruling party after Namibia's independence in 1989) from the 1966-89 liberation war, were uncovered in the north of the country. While opposition and civil society groups

called for a truth and reconciliation commission, the government maintained that those who had information about such graves should come forward because the policy of national reconciliation would protect them from recrimination. SWAPO has rejected calls for a truth and reconciliation commission since independence.

[Source: AI, *Report 2006* (2006), 193.]

## **NETHERLANDS**

Last Annual Report entry: see NCH #38 (2005).

See also Greece.

## **NEW ZEALAND**

Last Annual Report entry: see NCH #38 (2005).

See also Korea, South.

## **NICARAGUA**

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

## **NIGERIA**

Last Annual Report entry: see NCH #38 (2005).

In January 2005, the findings of the judicial commission of inquiry into human rights violations between 1966 and 1999 (known as the Oputa Panel) were published by civil society organizations, but the government did not announce plans to implement the report's recommendations.

[Source: AI, *Report 2006* (2006), 199, 200.]

On 30 October 2005, State Security Services in Port Harcourt began seizing more than eight

newspapers and magazines carrying stories on the secessionist state of Biafra (1967-70).

[Source: IOC 1/06: 117.]

See also Liberia.

## **NORWAY**

See Korea, South.

## **PAKISTAN**

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

In May 2005, the Film Censor Board announced that it intended to lift the ban on *Mughal-e-Azam*, an Indian film by Karimuddin Asif (1924-71) based on the life and times of Anarkali, dancer at the court of Mughal Emperor Akbar the Great. The film had been prohibited in Pakistan since its release in August 1960.

[Sources: *Daily Times*, 12 May 2005; IOC 3/05: 113.]

## **PALESTINIAN AUTHORITY**

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

See also Syria.

## **PANAMA**

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

## **PARAGUAY**



Last Annual Report entry: see NCH #38 (2005).

## **PERU**

Last Annual Report entry: see NCH #38 (2005).

According to the National Human Rights Coordinating Group, there were 45 incidents involving attacks, threats, and intimidation against witnesses and relatives, judges, prosecutors, forensic staff, and human rights activists from January through October 2005. In September 2005, Salomón Lerner, former president of the Truth and Reconciliation Commission (TRC) which investigated human rights abuses during Peru's armed conflict (1980-2000), received death threats, probably for his efforts to have former military figures involved in the armed conflict prosecuted. Previously, Lerner had received a series of insulting and anti-Semitic e-mails. Other TRC members had also received insulting messages accusing them of attacking the armed forces. The threats coincided with efforts to discredit the TRC following the second anniversary of the publication of the TRC Final Report. At that occasion, President Alejandro Toledo made a commitment to fund collective reparations and to consider individual reparations. Remembrance events and memorials were organized to mark the anniversary. Several critical articles, however, appeared in the press signed by retired soldiers implicated in abuses. The commissioners faced nine lawsuits from senior retired officers who claimed that they had distorted the facts. Also in September 2005, the nongovernmental Comisión de Derechos Humanos (COMISEDH, Human Rights Commission), whose lawyers represent torture victims and relatives of the "disappeared," suffered two anonymous attacks. Prosecutors and forensic experts working on human rights cases also received threats. Cristina Olazábal, the special human rights prosecutor in Ayacucho, received several intimidating messages from anonymous callers while investigating extrajudicial executions at Accomarca and the Los Cabitos military base in Ayacucho.

[Sources: AI, *Report 2006* (2006), 207-8; HRW, *World Report 2006* (2006), 210-11.]

On 28 February and 9 and 11 August 2005, three forensic experts of the Medical Legal Institute (the forensic branch of the public ministry), Ayacucho, archaeologist Luis Alberto Rueda Curimania, odontologist Carlos Alberto Suarez Canlla, and anthropologist Máximo Angel Banda Roca, who were participating in the Los Cabitos investigation, received death threats on their cell phones. They identified remains of those killed during Peru's internal conflict (1980-2000) by conducting exhumations at a military base in Ayacucho, and analyzing the human remains and associated evidence recovered from it. Several human rights violations and extrajudicial killings on the part of both the Shining Path and the Peruvian government's antiterrorist campaign had occurred in

Ayacucho. In April 2006, there was a marked increase in hostile acts (including intimidation, harassment and death threats) committed against forensic anthropologists and experts working on clandestine mass graves in Peru. (See NCH #41.)

[Source: AAAS, *Case pe0514-for* (18 October 2005; 14 June 2006).]

In November 2005, having arrived unexpectedly in Santiago from Japan where he had lived in self-imposed exile since 2000, former president Alberto Fujimori (ruled 1990-2000) was arrested in Chile. He had been shielded from prosecution for extrajudicial executions and disappearances by Japan, which refused to extradite him to Peru. There has also been progress in cases dating from the presidencies of Fernando Belaúnde (1980-85) and Alan García (1985-90). Leaders of the armed opposition group Shining Path (Sendero Luminoso), who had been tried in military courts in the 1990s, were put on trial again, this time in civil courts.

[Sources: AI, *Report 2006* (2006), 14, 32, 154, 207-8; HRW, *World Report 2006* (2006), 207-9.]

Women's organizations expressed concern about the lack of resources provided to the Human Rights Prosecutor's Office investigating forced sterilizations under the former government of Alberto Fujimori (1990-2000).

[Source: AI, *Report 2006* (2006), 208.]

## **POLAND**

Last Annual Report entry: see NCH #38 (2005).

## **ROMANIA**

Last Annual Report entry: see NCH #38 (2005).

## **RUSSIA**

Last Annual Report entry: see NCH #38 (2005).

The once-banned novel *The First Circle* (1968), written by former dissident and exile Aleksandr Solzhenitsyn (1918-), was adapted by its author into a television series. The story is a fictionalized

version of the author's imprisonment in the Gulag camps after criticizing Stalin (1945-53).

[Source: IOC 2/06: 193.]

On 28 June 2005, the state prosecutor ruled that a Russian-language translation of the *Shulhan Arukh*, a code of Jewish morality and halakhic law compiled by rabbi Yoseif Karo (1488-1575), did not incite religious hatred against Christians.

[Source: IOC 3/05: 114.]

On 3 February 2006, archeologist Stanislav Dmitrijevski (?1967-), from Nizjny Novgorod, was given a suspended sentence of two years on charges of inciting ethnic violence. In 2004, he had published in *Pravozasjtsjita* (Legal Protection), the magazine of the Russian-Chechnyan Friendship Association (a non-governmental organization founded in 2000), statements of Chechnyan rebel leaders, including Chechen President Aslan Maskhadov (died 2005) and Ahmed Zakayev, spokesman of the Chechen fighters. In the statements the latter had called upon the international community to help end the war in Chechnya and upon the Russians to contribute to a solution of the conflict by not voting for President Putin in the forthcoming elections. Dmitrijevski was ordered to resign from the organization before 1 April 2006, otherwise it would be dissolved. At the end of February 2006, the office of the public prosecutor gave a warning to human rights organization Memorial because it had published on its website an analysis by a Russian civil servant of a handbook of the radical Islamic organization Hizb-ut-Tahrir. Memorial was accused of inciting religious hatred and transgressing the law against extremism. Both steps came after the Russian Parliament adopted a law strictly regulating nongovernmental organizations.

[Sources: IOC 1/06: 118; *Wordt Vervolgd*, April 2006: 13-15.]

## **RWANDA**

Last Annual Report entry: see NCH #38 (2005).

At the beginning of 2005, more than 80,000 detainees awaited trial for their alleged participation in the 1994 genocide. The authorities had predicted that, given the capacity of the judicial system, it would take several decades to process all the cases. In August 2005, 36,000 of the detainees were provisionally released on the grounds that they had confessed their involvement in the genocide. In 2005, the gacaca system (meant to combine customary practices of conflict resolution with punitive justice) officially began to gather information on crimes committed between 1 October 1990 and 31 December 1994. The department of gacaca jurisdiction declared that more than 760,000 people could

be prosecuted (one in four of the adult population) and that the process should be completed by 2007. There was widespread distrust of the gacaca system. Some Rwandans feared being exposed for their involvement in the genocide by the gacaca tribunals. Others feared that the tribunals could be used by individuals to resolve personal conflicts or to make economic gain. Trials of prominent genocide suspects continued before the International Criminal Tribunal for Rwanda (ICTR) in Arusha, which held 60 detainees at the end of 2005. ICTR continued to work under a United Nations Security Council deadline to finish trials by the end of 2008 and appeals by 2010. ICTR might transfer some case files to the Rwandan authorities to meet this deadline. The ICTR's President estimated that 65-70 cases would be completed by 2008.

[Sources: AI, *Report 2006* (2006), 27, 218-20; HRW, *World Report 2006* (2006), 123-24.]

## **SAUDI ARABIA**

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

In April 2006, Fawaz Turki, journalist and columnist with the English-language Saudi daily newspaper *Arab News* (1997-2006) was dismissed, inter alia because he wrote about the atrocities committed by Indonesia during its occupation of East Timor (1975-99). Writing about atrocities committed by an Islamic government, even those already documented in publications, was reportedly a taboo.

[Source: *Washington Post*, 15 April 2006.]

See also Egypt, Iran.

## **SENEGAL**

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

In January 2005, parliament passed a law that provided an amnesty for "politically motivated" offences committed between 1983 and 2004.

[Source: AI, *Report 2006* (2006), 27, 223.]

See also Chad.

## **SERBIA AND MONTENEGRO**

Last Annual Report entry: see NCH #38 (2005).

In 2005, the trial by the International Criminal Tribunal for the former Yugoslavia (ICTY) of former President Slobodan Milosevic, accused of responsibility for genocide, crimes against humanity, and war crimes in Croatia, Bosnia and Herzegovina, and Kosovo, continued. Milosevic died in March 2006. By mid-2006, neither Radovan Karadzic nor Ratko Mladic had surrendered.

[Sources: AI, *Report 2006* (2006), 224; HRW, *World Report 2006* (2006), 388-89, 392-93.]

In July 2005, Milorad “Legija” Ulemek-Lukovic was sentenced to 40 years’ imprisonment for the murder of former Serbian President Ivan Stambolic in August 2000; Radomir Markovic, former head of Serbian state security, was sentenced to 15 years in prison for failing to prevent the murder. Another trial against Ulemek-Lukovic still continued: he was also accused of involvement in the murder of Prime Minister Zoran Dindic in March 2003.

[Source: AI, *Report 2006* (2006), 225.]

Despite the resumption of talks, little progress was made in bringing to justice those responsible for both the disappearances of ethnic Albanians and the abduction of Serbs, Roma and other minorities in Kosovo. In March 2005, the ICTY indicted former Prime Minister of Kosovo Ramush Haradinaj for his involvement in the “intimidation, abduction, imprisonment, beating, torture and murder” of Serb, Albanian, and Roma civilians while he was a commander in the Kosovo Liberation Army in 1998-99. Haradinaj resigned and surrendered to the ICTY the same month and was granted conditional release in June 2005.

[Sources: AI, *Report 2006* (2006), 224, 226; HRW, *World Report 2006* (2006), 396.]

In areas of southern Serbia bordering Kosovo and mainly inhabited by ethnic Albanians, the authorities made initial steps to incorporate Albanian culture and history in the local school curriculum.

[Source: HRW, *World Report 2006* (2006), 390.]

See also Bosnia and Herzegovina, Greece.

## **SIERRA LEONE**

Last Annual Report entry: see NCH #38 (2005).

In 2005, the Special Court for Sierra Leone (SCSL), established in 2002 to bring justice for victims of atrocities committed during the civil war (1991-2002), advanced in three trials involving nine suspects charged with war crimes and crimes against humanity. In 2005, the Nigerian government refused to surrender former Liberian President Charles Taylor to the SCSL, which in 2003 indicted him on seventeen counts of war crimes (see Liberia entry). However, the Sierra Leonean government took no steps to end an amnesty, part of the 1999 Lomé peace accord, which prevented prosecution of all those responsible for crimes under international law. In mid-2005, the Truth and Reconciliation Commission's 2004 report was released and distributed as part of a nationwide program to raise awareness of human rights. The report noted that decades of corrupt rule by Sierra Leone's political elite largely created the conditions which led to civil war. In June 2005, months after promising to respond to the TRC report, the government of Sierra Leone published its proposals for the implementation of the report's recommendations. This "white paper" was widely criticized by civil society groups, who said it lacked deadlines for implementation, was largely devoid of concrete steps to improve governance or address corruption, and in some cases rejected recommendations, such as the abolition of the death penalty.

[Sources: AI, *Report 2006* (2006), 14, 227-28; HRW, *World Report 2006* (2006), 31, 130-31.]

On 30 November 2005, Paul Kamara was released on appeal. (See NCH #38.)

[Sources: AI, *Report* (2006) 228; IOC 2/05: 102; IOC 1/06: 119; PEN, *Rapid Action Network 47/04* (19 October 2005).]

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).

In January 2005, several warlords and others who were alleged to have committed war crimes, crimes against humanity or gross human rights violations, either under the pre-1991 Siad Barre government or during the subsequent civil wars, were appointed as ministers in the Transitional Federal Government or to other federal posts and continued to benefit from impunity.

[Source: AI, *Report 2006* (2006), 233.]

In 2005, Adan Hashi Ayro, military leader of the Ifka Halane court (an Islamic court), gained a reputation as an extremist, when his fighters dug up the graves of Italian colonists in an old cemetery and dumped the remains on the beach.

[Source: K. Lindijer, "Somalia, the new Afghanistan?" (6 June 2006).]

## **SOUTH AFRICA**

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

In late February 2006, the South African History Archive (SAHA) started court proceedings against the Department of Defence because the latter had transferred military intelligence records concerning international military relations and operations during the Apartheid era to their country of origin, Zimbabwe, without the National Archivist's authorization. The records probably contained names of those who had been engaged in military intelligence operations throughout the region. SAHA was concerned that these were not adequately masked prior to the transfer and asked for the records to be returned.

[Sources: *Press Release: South African History Archive Seeks Return of Historical Military Intelligence Records* (7 March 2006); D. Banisar, *Freedom of Information Around the World 2006: A Global Survey of Access to Government Records Laws* (2006) 113.]

## **SPAIN**

Last Annual Report entry: see NCH #38 (2005).

The government failed to present a report on the situation of victims of the 1936-39 civil war and of Francoism, despite a 2004 request by parliament. In November 2004, an interministerial commission had been set up to this end. In December 2005, President José Luis Rodríguez Zapatero promised to present the results of the commission's work within six months.

[Source: AI, *Report 2006* (2006), 239.]

See also Croatia, Guatemala.

## **SRI LANKA**

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

## **SUDAN**

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

In 2005, the African Commission on Human and Peoples' Rights did not make public the report of its July 2004 mission to Sudan, apparently because it was waiting for the Sudanese government to respond, despite the government's previous failure to cooperate on this issue.

[Source: AI, *Report 2006* (2006), 27, 243.]

In January 2005, a commission of inquiry appointed by the United Nations (UN) reported that war crimes and crimes against humanity had been committed in Darfur and that the Sudanese justice system was unable and unwilling to address the situation. In March 2005, the UN Security Council passed Resolution 1593, referring the situation in Darfur to the International Criminal Court (ICC). The resolution required Sudan and all other parties to the conflict to cooperate fully with the Court. As part of a compromise to ensure the support of the United States, the resolution included a provision to exempt nationals of states not party to the Rome Statute of the ICC (other than Sudan) from ICC jurisdiction. The ICC began investigations, but by the end of 2005 had not been granted access to Sudan.

[Sources: AI, *Report 2006* (2006), 14, 27, 243; HRW, *World Report 2006* (2006), 29.]

In early May 2005, Mohamed Taha Mohamed Ahmed ([1956]-2006), a journalist and chief editor of



the private daily newspaper *Al-Wifaq*, a member of the Muslim Brothers movement and former member of the National Islamic Front, was charged with blasphemy for insulting the Prophet Mohammed in an article in *Al-Wifaq* that sparked a religious dispute. The public prosecutor and thousands of demonstrators who disrupted the trial demanded the death penalty. The article was about an Islamic manuscript, “The Unknown in the Prophet’s life,” possibly written by Egyptian historian Taqil-Din Ahmad Al-Maqrizi (1364-1442), a student of Ibn Khaldun. It raised doubts about Mohammed’s parentage and claimed that the real name of Mohammed’s father was not Abdallah but Abdel Lat, or “Slave of Lat,” an idol of the pre-Islamic era. Mohamed Taha Mohamed Ahmed reportedly apologized in a press statement but continued to deny the charges. He had also written critically about the political opposition and armed groups in Darfur. In March 2006, unidentified assailants had set fire to *Al-Wifaq*’s offices. On 6 September 2006, Taha was kidnapped and beheaded by masked gunmen near the capital Khartoum.

[Sources: Reporters without Borders, *Ifex Alert* (12 May 2005); Committee to Protect Journalists, *Ifex Update* (7 September 2006); L. Boia, ed., *Great Historians from Antiquity to 1800: An International Dictionary* (Westport 1991) 227-29.]

## **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).

See also Turkey.

## **SYRIA**

Last Annual Report entry: see NCH #38 (2005).

In 2005, the government provided no information about thousands of Syrians, Lebanese and other nationals who disappeared in the custody of Syrian forces in previous years. These included some 17,000 people, mostly Islamists who disappeared after they were detained in the late 1970s and early 1980s, and hundreds of Lebanese and Palestinians who were detained in Syria or abducted from Lebanon by Syrian forces or Lebanese and Palestinian militias. In September 2005, however, the government named one judge and two generals as its representatives on a joint Syrian-Lebanese committee intended to address the disappearances issue.

[Source: AI, *Report 2006* (2006), 250.]

On 9 September 2001, Aref Dalila (1943-), professor and dean of the faculty of economics at Damascus University and writer of many books on economics, politics and social history, was arrested and in early 2002 sentenced to ten years' imprisonment with hard labor for a lecture in which he had called for democracy and transparency, and alleged official corruption. He had been arrested together with nine other members of the Civil Society Movement during the "Damascus Spring", a short period of greater openness to public debate and calls for reform. In July 2005, he reportedly started a hunger strike in protest against his solitary confinement and ill-treatment.

[Source: PEN, *Half-Yearly Caselist 2004*: 76.]

See also Lebanon.

## **TAIWAN**

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

See also Japan.

## **THAILAND**

Last Annual Report entry: see NCH #38 (2005).

## **TIMOR-LESTE**

Last Annual Report entry: see NCH #38 (2005).

In May 2005, the legal process, mandated by the United Nations (UN) to investigate and try those responsible for serious crimes committed in Timor-Leste (then East Timor) during 1999 (including the killings of 1,400 East Timorese), terminated, although the job had not been completed. The UN Special Panels convicted a total of 84 people of serious crimes, including crimes against humanity, and acquitted three. Over 300 people indicted for serious crimes were not tried because they could not be brought within the jurisdiction of the Special Panels before the mandate ended. The majority of the Indonesians indicted, including General Wiranto (the former Indonesian defense minister and armed forces commander), remained at large in Indonesia with no prospect of trial. By the end of 2005, there were concerns that those indicted living in West Timor, Indonesia, were returning to Timor-Leste, and that there were no clear arrangements within the under-resourced judiciary to replace the Special Panels. In June 2005, the report of a UN-sponsored Commission of Experts (CoE) mandated to review the prosecution of serious violations of human rights committed in Timor-Leste in 1999 was submitted to the UN Security Council. It concluded that accountability of those who bore the “greatest responsibility” for the violations had not been achieved, and recommended the continuation of the criminal proceedings (See also Indonesia entry). The Security Council had not acted on the CoE’s recommendations by the end of 2005. There has been no judicial accounting for previous atrocities committed during Indonesia’s occupation (1975-99). In October 2005, the Comissao de Acolhimento, Verdade e Reconcilio de Timor Leste (CAVR; Commission for Reception, Truth and Reconciliation in East Timor) submitted its final report to President Jose-Alexandre “Xanana” Gusmao. It contained a detailed account of human rights violations in Timor-Leste between 1974 and 1999. Its recommendations echoed those of the CoE report and called for the continuation of the UN-sponsored legal process and consideration of the setting up of an international tribunal under UN auspices if justice failed to be delivered.

[Sources: AI, *Report 2006* (2006), 255-56; HRW, *World Report 2006* (2006), 32, 257-59, 272.]

See also Indonesia, Saudi Arabia.

## **TOGO**

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

## TUNISIA

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

## TURKEY

Last Annual Report entry: see NCH #38 (2005).

In December 2004, legal proceedings were initiated against writer and journalist Zülküf Kisanak for his book *Lost Villages*, which depicted the destruction and forceful evacuation of 3,5000 Kurdish villages by the Turkish armed forces between 1990 and 1995. He was charged with “insulting the Turkish state” and sentenced to five months’ imprisonment -- reduced in December 2005 to a fine of 2000 euros.

[Sources: PEN, *Half-Yearly Caselist 2005b*: 60-61; PEN, “Statement on the Trial of Orhan Pamuk” (16 December 2005).]

In February 2005, charges were filed against Turkish novelist Orhan Pamuk (1952-), author of six novels translated into twenty languages, for “anti-Turkish” statements about the 1915 Armenian genocide in an interview with *Das Magazin*, the weekly supplement of the Swiss daily newspaper *Tagesanzeiger*, on 6 February 2005. Pamuk declared that “thirty thousand Kurds and a million Armenians were killed [in Turkey] and nobody but me dares to talk about it.” He referred to the killings by Ottoman Empire forces of Armenians in 1915-17 without, however, calling it a genocide. Turkey denies that the killings amount to a genocide. The “30,000” Kurdish deaths referred to those killed since 1984 in the conflict between Turkish forces and Kurdish separatists. Pamuk had to interrupt his tour of lectures in Germany. In February-April 2005, he was under threat from extremist groups who had objected to the article. It was also reported that a local official in the southern town of Isparta ordered the seizure and burning of all Pamuk’s works in Isparta’s libraries, only to discover that none existed. In a demonstration there, trade unionists tore his photograph to pieces. During a “Respect the Flag” rally in Bilecek, copies of his books were burned in protest at the burning a few days earlier of the Turkish flag during Kurdish new year festivities. In December 2005, Pamuk’s trial for “public denigration of the Turkish identity”, which gained worldwide attention, was suspended until February 2006 because the Ministry of Justice needed more time to decide on the legal basis of the trial (particularly whether Pamuk had to be tried under the old penal code that had been repealed on 1 June 2005). He faced up to three years’ imprisonment and an additional penalty for having made the statement abroad. Over four hundred writers signed a petition to protest Pamuk’s trial. On 22

January 2006, proceedings against Pamuk were dropped. On 8 February 2006, Murat Yetkin, journalist for *Radikal*, charged for an article criticizing the Pamuk trial, had his case postponed to a later date. (See NCH #40.)

[Sources: IOC 4/05: 145; IOC 1/06: 121, 123; IOC 2/06: 196; PEN *Half-Yearly Caselist 2005b*: 60-61; PEN, *Rapid Action Network 11/05* (5 April & 2 September 2005; 23 January 2006); PEN, “PEN Observers Describe ‘Ugly and Violent’ Scenes Trial of Orhan Pamuk” (16 December 2005); PEN, “Statement On the Trial of Orhan Pamuk” (16 December 2005).]

On 20 June 2005, Turkish preacher Metin Kaplan (1953-) was sentenced to life imprisonment, a sentence annulled on 30 November 2005. (See also NCH #38.)

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

In November 2005, an expert committee was appointed to assess whether the book published by Ragip Zarakolu was insulting or not. The trial was postponed several times, the last time until June 2006. (See NCH #38).

[Sources: PEN, *Rapid Action Network 39/05* (15 & 26 September & 24 November 2005, 15 February 2006); PEN, *Rapid Action Network 48/05* (18 November 2005).]

An international conference about the 1915 Armenian genocide, due to be held on 25-27 May 2005 at Bosphorus University, Istanbul, and organized by members of the history, sociology and comparative literature faculties of both Bosphorus and Sabanci universities, was postponed. On 24 May 2005 Minister of Justice Cemil Cicek had said in parliament 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.” On 23 September 2005, after it was postponed again, the organizers circumvented the suspension by relocating the venue to Bilgi University, where it took place on 25 September 2005. It was reportedly the first public discussion of the 1915 events between Armenian and Turkish scholars. On 2 December 2005, five journalists (Ismet Berkan, Erol Katirciolgu, Haluk Sahin, Hasan Cemal, Murat Belge) were charged with insulting the judiciary for having criticized the September court decision to ban the conference, and with publicly denigrating “Turkishness” and the institutions of the Turkish state. In April 2006, the trial against the first four journalists was discontinued, but the case against Belge, a columnist for *Radikal*, was continued but adjourned until June 2006.

[Sources: AI, *Report 2006* (2006), 261; IOC 4/05: 6, 145; IOC 2/06: 196; *Ifex Communiqué 15-5* (9 February 2006); PEN, *Rapid Action Network 06/06* (9 February 2006); PEN, *Rapid Action Network 17/06* (3 May 2006); A. J. Yackley, “Turkey Postpones Conference on Armenian Killings” (Reuters, 25 May 2005).]

On 6 September 2005, extremist nationalists attacked an exhibition of photographs in Istanbul and destroyed some of the photographs. The exhibition commemorated the anti-Greek pogrom of 6-7 September 1955, leading to the exodus from Turkey of thousands of Greeks. The group reportedly spread the false rumor that the Greeks had set fire to Atatürk's house of birth in Thessaloniki.

[Source: *Historisch Nieuwsblad*, October 2005: 6.]

On 7 October 2005, journalist Hrant Dink, editor-in-chief of the Turkish-Armenian weekly *Agos*, Istanbul, was given a six-month suspended sentence for "insulting and weakening Turkish identity through the media". In February 2004, Dink wrote a series of articles dealing with the collective memory of the Armenian genocide and its impact on the present-day Armenian diaspora. He called on Armenians to overcome their historical anger toward Turks and "turn to the new blood of independent Armenia." On 1 May 2006, his appeal was overturned. In December 2005 new charges had been opened against Dink and three others writing for *Agos* for an article that challenged Dink's October conviction.

[Sources: IOC 4/05: 145; IOC 1/06: 122; IOC 2/06: 196; *Ifex Communiqué 14-47* (22 November 2005); PEN, *Rapid Action Network 06/06* (9 February 2006); PEN, *Rapid Action Network 17/06* (3 May 2006); "When history hurts: Times are tough for outspoken scholars", *Economist*, 4 August 2005.]

On 10 November 2005, a trial was launched against Erkan Akay, editor of *Yeni Dünya İcin Çağrı* (Call for a New World), in Istanbul for his article on the Armenian massacres, "1915-2005 Forgetting or Denial?" He was charged with "denigrating the Turkish national identity". On 14 December 2005, Akay was sentenced to one year's imprisonment -- reduced to a fine of 2,000 euros.

[Source: PEN, *Half-Yearly Caselist 2005b*: 60-61.]

On 17 November 2005, Fatih Tas, owner of Aram Publishing House, was brought before the court because earlier in 2005 he had published a Turkish edition of *Spoils of War: the Human Cost of America's Arms Trade* (1997), a book by American academic John Tirman, executive director of MIT's Center for International Studies. Tirman alleged that the Turkish army had used American weapons against Kurdish civilians as well as the rebel group PKK. The charges against Tas (insult to the army, the Turkish state, "Turkishness", and to the memory of Kemal Atatürk) referred to the accusations of human rights violations, to Atatürk's nationalism being labeled as "fascism", and to suggestions that the policy in the Kurdish southeast in the early 1990s amounted to a "genocide". His trial was adjourned to April 2006. On 9 December 2005, Tas was convicted to six months' imprisonment for publishing another book, this time accusing the Turkish army of complicity in the

disappearance of a journalist in the early 1990s. Tas remained free pending appeal. In 2002, Tas had already appeared in court after publishing a book by Noam Chomsky.

[Sources: IOC 1/06: 121; IOC 2/06: 196; PEN, *Rapid Action Network* 48/05 (18 November 2005); PEN, *Half-Yearly Caselist 2005*: 60; PEN, *Half-Yearly Caselist 2005b*: 60-61.]

In early April 2006, the editor of the Literatür publishing house, Abdullah Yildiz, would be brought to trial for publishing *The Witches of Smyrna*, a novel by Greek writer Mara Meimaridi. Set in the last years of Ottoman rule in Izmir (known in Greek as Smyrna), passages describing parts of Izmir's Turkish quarter as dirty were seen to be "denigrating to Turkish national identity". The book had already been printed for a year, selling 50,000 copies in Turkey, and 100,000 in Greece, with a film adaptation under way.

[Sources: *Ifex Communiqué* 15-5 (9 February 2006); PEN, *Rapid Action Network* 11/05 (23 January 2006).]

See also Armenia, Bulgaria, Germany.

## **TURKMENISTAN**

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

## **UGANDA**

Last Annual Report entry: see NCH #38 (2005).

In October 2005, the International Criminal Court (ICC) announced its first ever arrest warrants for five members of the Lord's Resistance Army (LRA), including leader Joseph Kony and second in command Vincent Otti, for crimes against humanity and war crimes committed in northern Uganda since July 2002. The LRA is a rebel group, established in the 1980s, that had built a military force by kidnapping children and forcing them to commit atrocities.

[Sources: AI, *Report 2006* (2006), 14, 27, 264-65; HRW, *World Report 2006* (2006), 40-41.]

## **UKRAINE**

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

## **UNITED ARAB EMIRATES**

See Iraq.

## **UNITED KINGDOM**

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

The government took two initiatives described as moves to address the legacy of past human rights abuses in Northern Ireland. In April 2005, a Historical Enquiry Team (HET) was set up with the view to the Police Service of Northern Ireland investigating unresolved conflict-related deaths. This gave rise to concern about a lack of independence in the investigation. In November 2005, the Northern Ireland (Offences) Bill was introduced in parliament which, if enacted, would sanction impunity for past human rights abuses committed by state agents and paramilitaries, and deprive victims of effective redress.

[Source: AI, *Report 2006* (2006), 269, 271.]

See also Austria.

## **UNITED STATES**

Last Annual Report entry: see NCH #38 (2005).

Since 1999 or earlier, and scheduled to continue until 2007, a secret historical documents reclassification program has been conducted at the National Archives and Records Administration (NARA) by the Central Intelligence Agency (CIA), the Department of Defense (DOD), and other government agencies. In March 2002, a secret Memorandum of Understanding had been signed between NARA and the Air Force, the CIA, and other federal agencies to reclassify documents in secret. This resulted in the withdrawal of possibly as many as 55,000 publicly available records (dating back to the World War II era) taken from NARA's open shelves (an operation already begun in 1999), while disguising the results to mislead researchers. The records included a complaint from



the CIA director about the bad publicity the CIA was receiving after its failure to predict anti-American riots in Bogotá, Colombia, in 1948, and a report that the CIA and other federal agencies were unable to predict whether Communist China would intervene in the Korean War in the fall of 1950. The reclassification program was justified with the argument that during the implementation of Executive Order 12958 (President Clinton's program for bulk declassification of historical federal records), many sensitive intelligence-related documents that remained classified were inadvertently released at NARA, especially in State Department files. On 14 March 2006, NARA and Defense Department officials acknowledged the existence of the Memorandum.

[Sources: National Security Archive, *Update* (21 February and 11 & 26 April 2006); IOC 2/06: 197.]

A 2005 proposal to amend the 1990 Native American Graves Protection and Repatriation Act (NAGPRA) enabling tribes to claim ancient remains even if no genetic or cultural affiliation with them could be established, was not approved.

[Source: R. Dalton, "Law Change Imperils Studies of Ancient Human Remains", *Nature* (14 April 2005) 810; C. Holden, "U.S. Government Shifts Stance on Claims to Ancient Remains," *Science*, 309 (5 August 2005) 861.]

On 15 February 2005, the chancellor of the New York Department of Education barred historian Rashid Khalidi, specialist in the history of nationalism in the Arab world, and Edward Said professor of Middle East Studies and director of the Middle East Institute, Columbia University, New York (2003-), from giving lectures as part of a training program on Middle East history and culture for New York public school teachers. The dismissal came after the newspaper *New York Sun* published a story the same day attacking Khalidi for his criticism of Israeli government policies. The university protested the dismissal and withdrew from the program entirely.

[Sources: B. Doumani, ed., *Academic Freedom after September 11* (New York 2006) 29, 53, 222-23, 258-59; A. Humm, "Academic Freedom, Intimidation, and Mayoral Politics: The Case of Rashid Khalidi", *Gotham Gazette*, April 2005; Middle East Studies Association, *Letter to Michael R. Bloomberg, Mayor of New York* (7 April 2005).]

On 11 July 2005, a judge accepted that presidential privilege still applied to two of the President's Daily Briefs (PDBs) given to President Lyndon Johnson during the war in Vietnam because they qualified as protected intelligence "methods" that the director of the Central Intelligence Agency had authority to keep secret. In January 2006, Larry Berman appealed the decision. He was supported by several history and political science associations. In the Nixon tapes cases, the Supreme Court had ruled that presidential privilege eroded over time and Congress had found in the 1978 Presidential Records Act that the privilege no longer applied twelve years after the president had left office. (See

NCH #38.)

[Source: National Security Archive, *Professor Sues CIA for President's Daily Briefs* (17 December 2004, 6 May & 15 July 2005, 19 & 27 January 2006).]

On 28 July 2005, Ralph Begleiter's case was dismissed after the Pentagon agreed to release the uncensored images of war casualty honor guards and to process further Freedom of Information Act requests. (See NCH #38.)

[Sources: National Security Archive, *Update* (4 October 2004; 28 April 2005; 4 August 2005); IOC 3/05: 118.]

Alan Leshner of the American Association for the Advancement of Science criticized managers of United States science centers who submitted to demands of Christian fundamentalist groups not to show films "promoting" evolutionary theory.

[Source: IOC 3/05: 118.]

In August 2005, Bolivian historian Waskar Ari was prevented from taking up a post as assistant professor of History and Ethnic Studies at the University of Nebraska-Lincoln because he had been placed on a list of individuals under "conspicuous revision" and thus subjected to extensive background checks due to alleged security concerns (an approval process without time limit). As a member of the Aymara indigenous people of Bolivia and an authority on religious beliefs and political activism among indigenous Bolivians, Ari served as a consultant with the World Bank and the Inter-American Development Bank, and obtained a doctoral degree in history at Georgetown University in 2004 (the first Aymara scholar to do so). He was a visiting assistant professor at Western Michigan University and a postdoctoral fellow at the University of Texas. Within the Aymara community of Bolivia, he was widely recognized as a voice of moderation unrelated to extremist groups. According to the State Department, cancellation of his old student visa was done under a terrorism-related section of United States legislation on the granting of visas. It was believed that Ari's ethnicity formed the basis for denying him a new visa. (See NCH #43.)

[Sources: AAAS, *Case bo0603-ari* (20 March 2006); American Historical Association, "Letter to Secretary of State Condoleezza Rice" (13 February 2006); American Historical Association, "Press Release: American Historical Association expresses concern about denial of visa to Georgetown University PhD from Bolivia" (13 February 2006).]

On 27 December 2005, a federal judge found four leaders of the Hawaiian group Hui Malama I Na Kupuna O Hawaii Nei in contempt for refusing to disclose where they had buried 83 native Hawaiian funerary artifacts borrowed from the Bishop museum in 2000. Hui Malama director Edward

Halealoha Ayau was taken into custody. Hui Malama said that the artifacts had been looted from a cave by an American archeologist in 1905 and illegally sold to the museum and that they had put the items back. Thirteen other groups, however, also claimed ownership of the objects. Two of them, Na Lei Alii Kawanakoa and the Royal Hawaiian Academy of Traditional Arts, and the museum had sued Hui Malama for the objects' return.

[Sources: "Hawaiians Refuse To Hand over Artifacts", *Taipei Times*, 29 December 2005: 7; *Washington Post*, 3 January 2005.]

Beshara Doumani (1957-), associate professor of history, University of California at Berkeley, and editor of the book *Academic Freedom after September 11* (New York 2006), was reportedly harassed and his lectures were watched. He was accused of anti-Americanism and anti-Semitism because of his criticism of American Middle East policy and the Patriot Act (passed in October 2001). His work focused on the social and cultural history of the Middle East during the late Ottoman period.

[Source: *NRC Handelsblad*, 4 April 2006: 8.]

See also Armenia, Germany, Greece, Japan, Korea (South), Sudan, Turkey.

## URUGUAY

Last Annual Report entry: see NCH #38 (2005).

The new government of President Tabaré Vázquez Rosas initiated investigations to establish the fate and burial places of victims of disappearances from the period of the military government (1973-85). The investigation sites included military barracks where a number of human remains were discovered. Although no attempts were made to abolish the 1986 Expiry Law, the government interpreted its scope as limited to human rights violations committed after the June 1973 military coup. This interpretation opened up the possibility of legal action against some 600 active and former members of the armed forces in connection with crimes committed before the coup. The government also excluded from the Expiry Law cases that took place in Argentina; they were subsequently brought before the courts. In June 2005, former President Juan Maria Bordaberry and former Minister of Foreign Affairs Juan Carlos Blanco were charged with involvement in the murders of legislators Zelmar Michelini and Héctor Gutiérrez Ruiz and activists Rosario Barredo and William Whitelaw. All four had been killed in Argentina in 1976.

[Source: AI, *Report 2006* (2006), 276.]

## **UZBEKISTAN**

Last Annual Report entry: see NCH #38 (2005).

On May 13, 2005, government forces killed hundreds of unarmed protesters as they fled a demonstration in Andijan (Andizhan) in eastern Uzbekistan. Since the massacre, government authorities have refused demands for an international inquiry and engaged in a concerted campaign to rewrite the history of the events. They denied responsibility for the deaths, blaming them instead on Islamic extremists who were intent on overthrowing the government and creating an Islamic state in the Fergana valley. The government detained hundreds -- perhaps thousands -- of people in Andijan and coerced them into giving evidence about the events. On 20 September 2005, a trial began of fifteen defendants charged with more than thirty crimes relating to the May events. All fifteen were convicted and sentenced to prison terms ranging from fourteen to twenty years.

[Sources: AI, *Report 2006* (2006), 276-77; HRW, *World Report 2006* (2006), 423-24.]

## **VATICAN**

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

See also Bulgaria.

## **VENEZUELA**

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

There were concerns over the safety of members of the human rights organization COFAVIC (Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989; Committee of Relatives of Victims of the Events of February-March 1989), after their police protection was withdrawn in March 2005. The organization had made a public statement which criticized the authorities for not bringing to justice the perpetrators of human rights violations committed during civil disturbances in 1989 known as the Caracazo. In November 2002, the Inter-American Court of Human Rights had ordered Venezuela to protect COFAVIC members after they had suffered threats and acts of intimidation.

[Source: AI, *Report 2006* (2006), 280.]

See also Cuba.

## **VIETNAM**

Last Annual Report entry: see NCH #38 (2005).

In 2005, the United Nations Working Group on Arbitrary Detention declared Thich Quang Do (1928-), an author of, inter alia, several studies of Buddhist history and the secretary-general of the unofficial Unified Buddhist Church of Vietnam (UBCV), a victim of arbitrary detention. (See NCH #10, #14, #17, #37, #38.)

[Sources: HRW, *World Report 2006* (2006), 323; United Nations Working Group on Arbitrary Detention, *Opinion 18/2005 on Arbitrary Detention of Thich Huyen Quang and Thich Quang Do* (26 May 2005).]

## **YEMEN**

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

## **ZIMBABWE**

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

A report of a fact-finding mission to Zimbabwe in 2002 by the African Commission on Human and Peoples' Rights, which was officially made public in February 2005, concluded that human rights violations had occurred in Zimbabwe.

[Source: AI, *Report 2006* (2006), 27.]

See also Ethiopia, South Africa.